

**CONWAY VILLAGE FIRE DISTRICT  
COMMISSIONERS MEETING  
WEDNESDAY, DECEMBER 30, 2020 5:00 p.m.  
CONWAY FIRE DEPT. MEETING ROOM with public Via ZOOM**

**The meeting was called to order at 5:00 p.m.**

Commissioners present: Steve Bamsey, Michael Digregorio, Via Zoom Tom Buco

Others present: Chief Solomon, Superintendent Adam LePrevost, Amy Snow, Via Zoom Stacy Bolduc

Public: None

**FIRE CHIEF'S BUSINESS**

Chief Solomon reported that starting next Monday, at the Fire Station, they will start vaccinating with the Moderna vaccine First Responders who have signed up and scheduled their staff. Chief Solomon has received his first shot. There was a brief discussion around the different phases of the vaccine distribution.

**BOOKKEEPERS BUSINESS**

Amy reported that she spoke with Doug Burnell about Annual Meeting. She suggested that the Budget Hearing be held at the Fire Station via Zoom and the Annual Meeting be held in the bay at the Fire Station. The guidelines discussed for holding Annual Meeting were from the NH Municipal Association dated 12/24/2020. Discussion ensued around pulling the trucks out and keeping them running to be available for a call.

Mr. Bamsey asked Chief Solomon to calculate how many people can fit in the bay following social distancing guidelines. The challenge of using Zoom for Annual Meeting would be that people would not be able to vote. This was briefly discussed.

**ADMINISTRATIVE BUSINESS**

- a. Ratify Weekly Payroll Manifest signed out of session for the week ending 12/20/2020
- b. Ratify Manifest and sign checks for Weekly Payroll for the week ending 12/27/2020
- c. Ratify A/P Manifest signed out of session dated 12/23/2020
- d. Ratify A/P Manifest dated 12/30/2020 and sign checks dated 12/31/2020
- e. Approval of Fire Chief's timesheets for weeks ending 12/20 and 12/27/2020
- f. Approval of Meeting Minutes dated 12/17/2020

**Mr. Bamsey made a motion to approve items A-D to include Weekly Payroll and A/P Manifests, motion seconded by Mr. Digregorio.**

Discussion:

Engine 2- the solenoid for the airhorn needed to be replaced

Quick Med Claims- \$1,982.00 was for ambulance billing.

New Hampshire Retirement-\$23,465.00

Underwood Engineer- \$8,069.00 for the Main St. project.

*Check future meeting minutes for any amendments or changes to these minutes.*

Hurteau Heating Services- Bill to fix the boiler at the Admin. Building.  
 Health Trust- \$30,274.00  
 Prescott- \$340.00 for a hydrant repair kit.  
**Motion passed- 3-0-0.**

**Mr. Bamsey made a motion to approve the Fire Chief's timesheet dated 12/20 and 12/27, motion seconded by Mr. Digregorio; Motion passed 3-0-0.**

**Mr. Bamsey made a motion to approve the meeting minutes dated 12/17/2020, motion seconded by Mr. Bucu; Motion passed 3-0-0.**

### SUPERINTENDENT'S BUSINESS

There was a lengthy, engaging discussion around the Water and Sewer Budgets proposed for 2021 and the respective rates. **Please see attached.** Adam presented the water rates first. Some of the details discussed:

- The overtime line was increased to include five hours for weekend coverage to come in to check the buildings, flows, and check for leaks and make sure all the pumps are working correctly. There was an engaging discussion around if there was a need for weekend coverage and Mr. Bamsey asked for examples of problems in the past on the weekend. Call out vs. overtime was discussed, and if the weekend time must be overtime, or could the time be taken during the week. It was also discussed having the guys come in one day on the weekend vs. both days. Adam stated weekend coverage is a standard practice to protect the water system.
- Adam is looking at boiler options for the Administration Building (it is due to be replaced) and getting heat in the foyer. FW Webb and John Hurteau will access the building for energy efficiency.
- Operating expense is up because Well #2 needs to be repaired and Adam would like to camera Well #1 and have enough for unforeseen costs. There was a discussion around how the pump at Well #2 was fixed two years ago for \$50,000. The warranty on the pump was for one year.
- The cost to replace the anodes is \$6,000 and \$7,000 to have Underwater Solutions dive to replace the anodes.
- Corrosion Control was discussed at length. Adam is proposing \$10,000 for a corrosion control study. It was decided that the \$10,000 for the study will be a warrant article.
- \$10,000 for meter replacement. Adam explained that there is also a warrant article asking for another \$20,000. \$10,000 from fund balance and \$10,000 from a grant. The grant can not be applied for until at the earliest, February. There was an engaging discussion around this warrant article's wording and not having the Northern Borders grant parameters until February.

#### **Proposed Fees:**

- Adam is proposing an Annual Private Fire Protection fee of \$75.00. To charge this fee is part of CVFD's policy but the fee was never implemented. The fee is for maintaining CVFD's infrastructure to support fire flow demands which creates a demand on the water system.
- Reconnect Fee for \$250.00 for water. The Board would like Adam to outline what this fee would cover and when the fee would apply. Some things discussed: testing, installing

*Check future meeting minutes for any amendments or changes to these minutes.*

the meter, flushing the lines, and admin fees to activate the customer's account in the system again.

**Please see attached for additional information on warrant articles and the proposed Sewer Budget.**

The sewer budget was reviewed.

Mr. Bucu reopened the question on the overtime line. The overtime budget is split between water and sewer. Adam strongly supports the best management practice of system coverage on both weekend days. There was discussion around coverage for long weekends and holidays and the effectiveness of SCADA.

After the discussion, it was agreed to have Adam adjust the overtime line to reflect one day a weekend.

Mr. Bucu voiced his concern about the overall water budget increase of 23%. Adam explained that 11% of 23% is due to salary increases. Adam is requesting 12% for improvements and repairs. Well #2 is \$10,000 to repair, and the anodes are \$6,000 to replace and do not include the \$7,000 for the diving. Adam suggested making the anodes and the diving a warrant article.

The budgets will be on next week's agenda.

The next commissioner's meeting will be on 1/7/2021 at 5:00 p.m.

There being no other business to come before the board, the meeting adjourned without objection at 7:50 p.m.

Respectfully Submitted,  
Stacy Bolduc  
Receptionist

*Check future meeting minutes for any amendments or changes to these minutes.*

**Sewer Fund**  
**2020 Expenditures and 2021 Budget**  
**EXPENDITURES**

Administrative	Projected		
	2020 Budgeted	2020 Expended	2021 Requested
Salaries - Full Time	\$ 139,018	\$ 130,035	\$ 148,000
Overtime	\$ 3,000	\$ 2,206	\$ 7,000
Insurance Benefits	\$ 51,000	\$ 51,100	\$ 67,200
FICA	\$ 8,890	\$ 8,200	\$ 9,750
Medicare	\$ 2,100	\$ 1,917	\$ 2,300
NH Retirement	\$ 16,025	\$ 14,357	\$ 19,700
Worker's Compensation	\$ 2,185	\$ 2,185	\$ 2,185
Audit/Accounting	\$ 5,200	\$ 4,675	\$ 5,300
Legal/ Professional Services	\$ 7,500	\$ -	\$ 7,500
Telephone	\$ 3,500	\$ 4,013	\$ 3,700
Uniforms (aka cthng allnc)	\$ 1,200	\$ 769	\$ 1,200
Electricity	\$ 59,000	\$ 38,753	\$ 50,000
Heat	\$ 2,500	\$ 1,526	\$ 2,500
Property Liability Insurance	\$ 6,317	\$ 6,317	\$ 6,548
Office Expenses	\$ 7,500	\$ 5,889	\$ 7,000
Unemployment Insurance	\$ 118	\$ 118	\$ 118
Fuel	\$ 3,000	\$ 2,141	\$ 3,500
Operating Expenses	\$ 14,000	\$ 8,509	\$ 15,000
Training/Licenses	\$ 1,600	\$ 392	\$ 2,000
Sewer Testing	\$ 2,500	\$ 2,302	\$ 2,500
NCWP bill	\$ 397,000	\$ 403,000	\$ 405,000
Chemicals	\$ 3,000	\$ 2,993	\$ 4,000
Equip. Maint. and Repair	\$ 5,500	\$ 2,634	\$ 5,500
Generator fuel/maint.	\$ 2,500	\$ 3,271	\$ 3,300
Equip./Tools purchaces	\$ 2,500	\$ 2,516	\$ 2,500
Vehicle Maintenance	\$ 2,500	\$ 2,253	\$ 3,000
Road Repair	\$ 500	\$ 610	\$ 1,000
Dump Truck Services	\$ 1,000	\$ -	\$ 1,000
Misc. Expenses	\$ 1	\$ -	\$ 1
Building Maintenance	\$ 5,000	\$ 3,418	\$ 5,500
Grounds Maint.	\$ 250	\$ 27	\$ 250
<b>TTL Operating Expenses</b>	<b>\$ 755,904</b>	<b>\$ 706,126</b>	<b>\$ 794,052</b>

## Sewer Fund REVENUES

	2020 Anticipated	2020 Actual	2021 Anticipated
User Fees	\$ 628,611	\$ 627,241	\$ 671,848
Betterment Fees	\$ 337,461	\$ 337,712	\$ 337,387
Connection Fees	\$ -	\$ 9,200	-
Penalty Fees	\$ 4,000	\$ 3,195	\$ 4,000
NCWP	\$ 90,000	\$ 109,600	\$ 100,000
Interest	\$ 8	\$ 8	\$ 8
Administrative fees	\$ 450	\$ 480	\$ 450
Miscellaneous	\$ 2,750	\$ 4,382	\$ 2,500
Sale of inventory	\$ -		\$ -
Sale of District Property	\$ -	\$ -	\$ -
State Aide Grant (SAG)	\$ 285,578	\$ 285,578	\$ 285,188
<b>Total Sewer Revenues</b>	<b>\$ 1,348,858</b>	<b>\$ 1,377,396</b>	<b>\$ 1,401,380</b>

### STATUS QUO - CURRENT IMA

Projected Operating Expenses (Art. )	\$ 794,052		
2010 Sewer Debt (Art. )	\$ 250,280		
Force Main Debt 2016 (Art. )	\$ 382,670	\$632,950	
New Truck	\$ 25,000		
*STAR Trust Fund (Art. )	\$ 21,667		
Sewer Maintenance Trust Fund (Art. )	\$ 18,200		
<b>Sub Total</b>	<b>\$ 1,491,869</b>		
SAG	\$ 285,188		
Fund Balance	\$ 33,200		
From Trust Funds	\$ 27,000		
Projected Revenues	\$ 1,116,192		
	\$ 50,000	on taxes	\$0.21
<b>Net gain</b>	<b>\$ 19,711</b>		

To see if the District will vote to raise and appropriate the sum of seven hundred ninety-four thousand fifty-two dollars (\$794,052) for the operation of the Sewer Department. Fifty thousand dollars (\$50,000) to be funded by taxation and seven hundred forty-four thousand, fifty-two dollars (\$744,052) to be funded by sewer revenues.

**[Recommended by the Board of Commissioners 0-0-0] (Majority vote required)**

To see if the District will vote to raise and appropriate the sum of six hundred thirty-two thousand nine hundred fifty dollars (\$632,950) to pay the Sewer Department Debt Service for the year; this amount to be offset by two hundred eighty-five thousand one hundred eighty-eight dollars (\$285,188) from the State of New Hampshire SAG, and seventeen thousand dollars (\$17,000) from the Sewer Debt Expendable Trust Fund. Three hundred thirty thousand seven hundred sixty-two dollars (\$330,762) to be funded by sewer betterment fees with no amount from taxation.

**[Recommended by the Board of Commissioners 0-0-0] (Majority vote required)**

To see if the District will vote to raise and appropriate the sum of fifty thousand dollars (\$50,000) to purchase a new Water/Sewer truck, fully equipped. fifteen thousand dollars (\$15,000) to be funded by water revenues previously collected and fifteen thousand dollars (\$15,000) to be funded by sewer revenues previously collected with twenty thousand dollars (\$20,000) to be funded by the Water/Sewer Equipment Trust Fund with no amount from taxation. Balance as of December 31, 2020, seventy-eight thousand six hundred fifty-nine dollars and five cents (\$78,659.05).

**[Recommended by the Board of Commissioners 0-0-0] (Majority vote required).**

To see if the District will vote to raise and appropriate the sum of twenty-one thousand six hundred sixty-seven dollars (\$21,667) to be added to the STAR (Short Term Asset Replacement) Expendable Trust Fund previously established for short lived asset replacement related to the Force Main project as per the Letter of Conditions with Rural Development; this amount to be funded by sewer revenues with no amount from taxation. Balance as of December 31, 203, one hundred sixty-eight thousand eight hundred forty dollars and forty-nine cents (\$168,840.49).

**[Recommended by the Board of Commissioners 0-0-0] (Majority vote required)**

To see if the District will vote to raise and appropriate the sum of eighteen thousand two hundred dollars (\$18,200) to be added to the Sewer Improvement Expendable Trust Fund previously established. Nine thousand two hundred dollars (\$9,200) to be funded by connection fees collected in 2020 and nine thousand (\$9,000) from sewer revenues previously collected. Balance as of December 31, 2020, twelve thousand seven hundred sixty-eight dollars and sixty-one cents (\$12,768.61).

**[Recommended by the Board of Commissioners 0-0-0] (Majority vote required)**



## Water Fund

### 2020 Expenditures and 2021 Budget

#### EXPENDITURES

	2020 Budgeted	2020 Expended to date	2021 Requested
Salaries - Full Time	\$ 139,018	\$ 125,401	\$ 148,000
Overtime	\$ 3,000	\$ 1,890	\$ 7,000
Insurance Benefits	\$ 51,000	\$ 51,100	\$ 67,200
FICA	\$ 8,900	\$ 7,887	\$ 9,750
Medicare	\$ 2,100	\$ 1,845	\$ 2,300
NH Retirement	\$ 16,025	\$ 12,544	\$ 19,700
Worker's Compensation	\$ 2,185	\$ 2,185	\$ 2,185
Audit/Accounting	\$ 5,500	\$ 4,675	\$ 5,300
Legal/ Professional Services	\$ 2,000	\$ -	\$ 2,500
Telephone	\$ 2,500	\$ 2,445	\$ 2,800
Clothing Allowance	\$ 1,200	\$ 769	\$ 1,200
Electricity	\$ 39,000	\$ 31,531	\$ 39,000
Heat	\$ 3,000	\$ 1,236	\$ 2,500
Property Liability Insurance	\$ 6,184	\$ 6,184	\$ 6,548
Office Expenses	\$ 7,500	\$ 5,790	\$ 7,500
Unemployment Insurance	\$ 118	\$ 118	\$ 118
Fuel	\$ 3,000	\$ 1,992	\$ 3,500
Operating Expenses	\$ 7,800	\$ 11,438	\$ 43,000
Parts/Inventory	\$ 8,000	\$ 6,742	\$ 9,000
Calibration Expense	\$ 1,200	\$ 1,122	\$ 1,300
Meter Replacement	\$ 5,000	\$ 4,568	\$ 10,000
Training/Licenses	\$ 1,600	\$ 2,281	\$ 2,000
Water Testing	\$ 4,000	\$ 4,560	\$ 4,500
NCWP bill	\$ 1,500	\$ 1,192	\$ 2,000
Chemicals	\$ 15,000	\$ 17,134	\$ 17,000
Equip. Maint. and Repair	\$ 5,000	\$ 2,325	\$ 5,000
Generator fuel/maint.	\$ 1,500	\$ 2,024	\$ 2,000
Equip./Tools purchases	\$ 2,000	\$ 620	\$ 2,000
Vehicle Maintenance	\$ 2,500	\$ 1,355	\$ 3,000
Road Repair	\$ 2,000	\$ 681	\$ 2,000
Dump Truck Services	\$ 1,000	\$ -	\$ 1,000
Misc. Expenses	\$ 1	\$ 1	\$ 1
Building Maintenance	\$ 5,000	\$ 4,243	\$ 5,500
Grounds Maintenance	\$ 250	\$ 27	\$ 250
<b>Total Water Expenditures</b>	<b>\$ 355,581</b>	<b>\$ 317,905</b>	<b>\$ 436,652</b>
		\$37,675.81	\$ 81,071

181



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**Water Fund  
REVENUES**

	2020 Anticipated	2020 Actual	2021 Anticipated
User Fees	\$ 634,224	\$ 653,141	\$ 724,768
Service Calls	\$ 500	\$ 550	\$ 500
Connection Fees	\$ -	\$ 8,000	\$ -
Sale of Inventory	\$ 1,500	\$ 1,719	\$ 1,500
Penalty Fees	\$ 3,500	\$ 2,227	\$ 3,500
Interest	\$ 9	\$ 9	\$ 9
Administrative Fees	\$ 450	\$ 990	\$ 500
Miscellaneous	\$ 2,900	\$ 3,007	\$ 2,500
Backflow Prevention	\$ 7,110	\$ 3,195	\$ 6,570
Sale of Property	\$ -	\$ -	\$ -
System Interconnection and Groundwater Investigation (SIGI Grant)	\$ 51,186	\$ 51,186	\$ 51,186
<b>Total Water Revenues</b>	<b>\$ 701,379</b>	<b>\$ 724,024</b>	<b>\$ 791,033</b>
		\$ 22,645	

Projected Operating expenses (Art. )	\$ 436,652	
Phase I Debt (2010 ) (Art. )	\$ 204,774	
Phase III Debt (2016) (Art. )	\$ 140,922	\$ 345,696
New Truck (Art. )	\$ 25,000	
Meter Replacement (Art. )	\$ 10,000	
Water Improvement TF (Art. )	\$ 8,000	
<b>Sub Total</b>	<b>\$ 825,348</b>	
SIGI Grant	\$ 51,186	
Fund Balance	\$ 33,000	
From Trust Funds	\$ 10,000	
Projected Revenue	\$ 739,847	
<b>Net gain</b>	<b>\$ 8,685</b>	

To see if the District will vote to raise and appropriate the sum of three hundred fifty-five thousand five hundred eighty-one dollars (\$355,581) for the operation of the Water Department; this amount to be funded by water rents and revenues with no amount from taxation.  
**[Recommended by the Board of Commissioners 0-0-0] (Majority vote required)**

To see if the District will vote to raise and appropriate the sum of three hundred forty-five thousand six hundred ninety-six dollars (\$345,696) to pay the Water Department Debt Service for the year; this amount to be offset by fifty-one thousand one hundred eighty-six dollars (\$51,186) from State of New Hampshire SIGI grants with two hundred ninety-four thousand five hundred ten dollars (\$294,510) to be funded by water rents and revenues with no amount from taxation.  
**[Recommended by the Board of Commissioners 0-0-0] (Majority vote required)**

To see if the District will vote to raise and appropriate the sum of fifty thousand dollars (\$50,000) to purchase a new Water/Sewer truck, fully equipped. fifteen thousand dollars (\$15,000) to be funded by water revenues previously collected and fifteen thousand dollars (\$15,000) to be funded by sewer revenues previously collected with twenty thousand dollars (\$20,000) to be funded by the Water/Sewer Equipment Trust Fund with no amount from taxation. Balance as of December 31, 2020, seventy-eight thousand six hundred fifty-nine dollars and five cents (\$78,659.05).  
**[Recommended by the Board of Commissioners 0-0-0] (Majority vote required).**

To see if the District will vote to raise and appropriate the sum of eight thousand dollars (\$8,000) to be added to the Water System Improvement Capital Reserve Trust Fund previously established; eight thousand dollars (\$8,00) to be funded by connection fees collected in 2020 with no amount from taxation. Balance as of December 31, 2020, one hundred four thousand three hundred sixty-two dollars and fifteen cents (\$104,362.15).  
**[Recommended by the Board of Commissioners 0-0-0] (Majority vote required)**

To see if the District will vote to raise and appropriate the sum of twenty thousand dollars (\$20,000) for a meter replacement project. Ten thousand dollars (\$10,000) to be funded by water revenues previously collected and ten thousand dollars (\$10,000) to be funded by a grant from Northern Border Regional Commission and/or the Department of Environmental Services. Funding of this article is contingent upon approval of the grant applications and if a grant is not received this article is null and void.  
**[Recommended by the Board of Commissioners 0-0-0] (2/3 Majority vote required)**

To see if the District will vote to change the purpose of the Water System Improvement Capital Reserve Trust Fund established by vote in 1998 for the purpose of construction and related costs of the water system, to the Water System Projects and Maintenance Expendable Trust Fund for the purpose of maintaining and improving the water system.  
**[Recommended by the Board of Commissioners 0-0-0] (2/3 Majority vote required)**

Operating expense needed to run

\$ 436,652 2021 budget  
 \$ 294,510 debt  
 \$ 731,162  
 \$ 15,079 revenues  
 \$ 716,083

\$358,042 divided by 2

target \$358,042

**WATER DEMAND FEE**

10/10/2019	# of meters	meter size	min chg ratio per AWWA	qtrly rate	yearly rate	result	\$1,815 net gain
	837	5/8	1.00	\$73.50	\$294.00	\$359,856.00	\$1,815 net gain
	29	3/4	1.50	\$110.25	\$441.00	\$246,078.00	\$7.80
	21	1	2.50	\$183.75	\$735.00	\$12,789.00	\$111.70
	15	1.5	5.00	\$367.50	\$1,470.00	\$15,435.00	\$19.50
	17	2	8.00	\$588.00	\$2,352.00	\$39,984.00	\$39.00
	1	8	80.00	\$5,880.00	\$23,520.00	\$39,984.00	\$62.40
	920					\$23,520.00	\$624.00

**WATER USAGE FEE**

\$357,742 target	61,954,430 gallons past 4 quarters	Gallons
\$364,912	61954.43 /1000	18,549,130 Q3/20
\$7,170 net gain	5.77 per thousand	16,293,280 Q2/20
	5.89 2% for bad debt	13,088,380 Q1/20
		14,023,640 Q4/19
		<b>61,954,430</b>

@ 5.89/1000 and increase in demand fee  
 \$8,685 net gain

5.23 \$324,022 -\$33,720  
 \$5.77 \$357,742 \$0  
 \$5.80 \$359,336 \$1,594  
 \$5.85 \$362,433 \$4,691  
 \$5.89 \$364,912 \$7,170



**CONWAY VILLAGE FIRE DISTRICT**  
**2020 WATER AND SEWER RATES**  
 128 WEST MAIN STREET CONWAY, NH 03818  
 (603)-447-5470, www.cvillagefd.com



**WATER RATES**

Category	2020 RATES	2021 RATES
<b>USAGE CHARGES</b>		
Usage charge water - per 1,000 gallons	\$5.23	<b>\$5.89</b>
Bulk water / retail (pools, watering, etc)	\$0.01 per gallon	<b>\$0.02 per gallon</b>
<i>*residents will get an abatement for sewer usage as well as a credit for water that flowed through main meter</i>		
<b>Annual Fire Protection Charge (sprinkler charge )</b>	<b>N/A</b>	<b>\$75.00/year</b>
<i>*charged at \$18.75 per quarter</i>		
<b>INFRASTRUCTURE MAINTENANCE FEES</b>		
5/8 meter demand charge water	\$65.70	<b>\$73.50</b>
3/4 meter demand charge water	\$98.55	<b>\$110.25</b>
1" meter demand charge water	\$164.25	<b>\$183.75</b>
1 1/2" meter demand charge water	\$328.50	<b>\$367.50</b>
2" meter demand charge water	\$525.60	<b>\$588.00</b>
8" meter demand charge water	\$5,256.00	<b>\$5,880.00</b>
*Commercial backflow test	45.00 per test	<b>\$45.00 per test</b>
<i>*charged at \$11.25 per quarter, per unit, per test (2 tests a year=\$22.50 per quarter/unit)</i>		
<b>ADMINISTRATIVE FEES</b>		
Transfer of ownership/final reads - 1 charge for both water and sewer		<b>\$30.00</b>
Connection Fees Water - per unit	\$1,000.00	<b>\$1,000.00</b>
<b>Reconnect Fee - per unit</b>	<b>N/A</b>	<b>\$250.00</b>
<b>PER OCCURANCE</b>		
Turn on/off -business hours		<b>No Charge</b>
<i>Any other service will be charged as below; 1 hour minimum</i>		
<i>this includes removal/re-installation of meter and after hours turn on/off</i>		
<b>SERVICE CALLS: PER HOUR, PER MAN</b>		
Business hours	\$50.00	<b>\$50.00</b>
After hours (Over time)	\$80.00	<b>\$80.00</b>
Confined space	\$100.00	<b>\$100.00</b>
After hours confined space (overtime)	\$200.00	<b>\$200.00</b>
Damaged or missing meter repair replacement	cost of meter/parts plus service call	
<b>EQUIPMENT USE</b>		
Backhoe and operator - business hours	<b>\$140.00/hour</b>	<b>\$140.00/hour</b>
Backhoe and operator - after hours (overtime)	<b>\$170.00/hour</b>	<b>\$170.00/hour</b>
<b>FINES AND PENALTIES</b>		
Late payment fee - <i>applied 31 days after bill date</i>	3% of balance due - accrued	
Placement of lien - <i>1 charge for both water and sewer</i>	\$100.00	<b>\$100.00</b>
Tampering with CVFD property/equipment	<b>\$250.00/occurrence</b>	<b>\$250.00/occurrence</b>

**SEWER RATES ON REVERSE**



**CONWAY VILLAGE FIRE DISTRICT**  
**2021 WATER AND SEWER RATES**  
 128 WEST MAIN STREET CONWAY, NH 03818  
 (603)-447-5470, [www.cvillagefd.com](http://www.cvillagefd.com)



**SEWER RATES**

Category	2020 Rates	2021 RATES
<b>USAGE CHARGES</b>		
Usage charge water - per 1,000 gallons	\$14.66	<b>\$15.75</b>
<b>DEBT SERVICE</b>		
Betterment fee per unit per property	\$49.25	<b>\$48.84</b>
<b>ADMINISTRATIVE FEES</b>		
Transfer of ownership/final reads - 1 charge for both sewer and water		<b>\$30.00</b>
Connection Fees Sewer - per unit	\$2,300.00	<b>\$2,300.00</b>
<b>Reconnection Fee Sewer - per unit</b>	<b>N/A</b>	<b>\$50.00</b>
<b>SERVICE CALLS: PER HOUR, PER MAN</b>		
Business hours	\$50.00	<b>\$50.00</b>
After hours (Over time)	\$80.00	<b>\$80.00</b>
Confined space	\$100.00	<b>\$100.00</b>
After hours confined space (overtime)		<b>\$200.00</b>
<b>EQUIPMENT USE</b>		
Backhoe and operator - business hours	\$140.00/hr	<b>\$140.00/hour</b>
Backhoe and operator - after hours (overtime)	\$170.00/hr	<b>\$170.00/hour</b>
<b>FINES AND PENALTIES</b>		
Late payment fee - <i>applied 31 days after bill date</i>	3% of balance due - accrued	
Placement of lien - <i>1 charge for both water and sewer</i>	\$100.00	<b>\$100.00</b>
Tampering with CVFD property/equipment	\$250/occurrence	<b>\$250.00/occurrence</b>
Surface water connection to sewer violation (sump pump)	\$100/day	<b>\$100/day</b>

**WATER RATES ON REVERSE**

apparatus which will confine such fluctuation of demand or reduction of pressure within reasonable limits as determined by the District

If the customer, after receiving written notice from the District, fails to present an acceptable remedial plan with a limit set by the District, service will be discontinued.

**I. Joint Use of a Trench**

Water service pipes will not be placed in the same trench with gas pipes, electric wires or conduits, sewers or similar structures that would, in the opinion of the District, be harmful or unsafe except under special conditions and only with prior approval of the District.

**J. District Property**

All gates, valves, shut-offs, mains and standpipes and service lines and curb stops which are the property of the District are not to be tampered with, nor opened or closed by any person other than an authorized employee of the District.

**K. Private Fire Protection**

Customers desiring to install private fire protection systems shall first consult with the Fire Chief of the District as to availability of water mains and pressures etc. Approval of a private fire protection system shall be granted after submission of application and based upon submittal of a sprinkler designed by a licensed sprinkler designer/installer. Installations of the fire service shall be coordinated through the Superintendent of the District. Under his direction, the tap into the main, the gate valve and any related equipment shall be installed under the direction of the District and all costs shall be borne by the customer. However, once installed and in place, the tapping sleeve and/or gate shall become the property of the Fire District, and become the property and be maintained solely by the Conway Village Fire District.

No private fire connection service is to be used for any purpose other than fire protection. No connection other than a fire connection will be allowed to be connected to the pipes of the fire protection system. All sprinklers, pipes, and other fire connections shall be so placed as to be readily inspected.

Charges for private fire protection services shall be an annual rate set by the Commissioners.

Private fire protection systems shall be designed by a certified/licensed designer.

**Article XV. Water Use**

**A. Unauthorized Use of Water**

Use of water is confined to the premises named in the application.

No customer shall supply water to another not entitled to the use of water, nor shall he use it for any purpose not mentioned in his application. No person shall obtain water service from any hydrant, fountain or other fixture of the District without previous consent of the District.

**B. Water Use Restriction**

The Conway Village Fire District reserves the right, in periods of drought or emergency or when deemed essential to the protection of the public health, safety and welfare to restrict, curtail or prohibit the use of water for secondary purposes, such as sprinkling, car washing, air conditioning or filling swimming pools, and shall have the right to fix the hours and periods when water may be used for such purposes.



## NHMA Guidance on 2021 Annual Meeting\*

December 24, 2020

**\*This guidance is updated from the December 4 version. This guidance is subject to further update, clarification, and supplemental material. Please visit NHMA's COVID-19 webpage to ensure that you are reading the most recent version of our guidance and any supplemental information that may be available. Please also refer to the attached Addendum for answers to FAQ.**

### **HB 1129: "Drive-Thru Voting"**

In order to afford local governments the option of holding a virtual annual meeting in 2021, the Legislature adopted HB 1129 (2020 N.H. Laws Chapter 8). The Temporary Optional Town Meeting Procedures of HB 1129, Section 8:3, are set forth at length below, and may be used for either SB2 or "traditional" annual meetings.

The governing body of a town, school district, or village district may elect to convene the annual meeting to approve the posted warrant through a two-step process. Where that decision is going to be made after the warrant has been posted, and thus the town meeting has been scheduled, the moderator should make a determination under 40:4 that an "emergency" (Covid-19) has "render[ed] use of the meeting location unsafe," and the select board would then exercise the option to conduct a virtual meeting as permitted by HB 1129. All procedures that would normally precede posting of the annual meeting warrant would still be followed as prescribed in RSA chapter 39, RSA chapter 40, RSA chapter 52, and/or RSA chapter 194. When the governing body undertakes to employ HB 1129 to conduct the annual meeting virtually, the regular municipal legal counsel should be consulted.

**Step 1:** First, the governing body must hold two live virtual meetings: one meeting to inform the voters about the proposed optional meeting procedures, and a second to discuss the warrant articles and finalize the warrant content.

Before the first virtual information session is held, the governing body must mail notice to all registered voters at least seven days prior to this virtual information session, providing the date and time of the virtual session and the virtual session's access information. This means that each voter must receive an individually addressed piece of mail, regardless of the number of voters at each address location. The notice must also describe the procedures that will be followed for conducting the annual meeting using the provisions of HB 1129. The notice will also inform voters that a second virtual meeting will be held by the governing body within seven days after the virtual information session. The virtual information session would be a review of the warrant, article by article. During the virtual information session, the proposed optional town or school district meeting procedures must also be outlined. The virtual information session will be hosted by the governing body, but with the moderator presiding. It would be optional whether the virtual information session would be interactive with attendees, specifically, whether to offer the ability for attendees to comment using the virtual meeting platform's chat function or to allow attendees to speak.

After the first virtual meeting is adjourned, questions and comments from the public shall be solicited and received via electronic mail, voice mail, text message, or by other electronic means. Comments are not restricted to registered voters, but of course the governing body can decide how much weight to give to comments from non-voters.

Within seven days after the first information session, the governing body will hold a second live virtual meeting to consider and address comments received from the public after the first session. At that meeting the governing body will discuss, debate, and be permitted to amend the posted warrant. This delegates to the governing body the sole authority to put the warrant in final form. As with the first virtual information session, the moderator would preside at this second virtual meeting. It would also be optional whether the second information session would be interactive with attendees participating via the virtual meeting platform's communication options.

**Step 2:** Second, after the last information session the governing body would make the final warrant available electronically for printing by voters to be brought to the voting session. The final warrant that is provided electronically would be in the nature of a sample ballot. Voters cannot print, mark, and use this sample ballot to vote during the voting session. The actual ballot to be used for voting purposes would only be provided to each voter at the drive-up voting session. Although HB 1129 permits the governing body to schedule the date and time of the voting session, ideally the date of the voting session should comply with the date prescribed as the Official Ballot Voting Day as defined in RSA 652:16-g. Therefore, it is recommended that the drive-up voting session for a traditional town or school district meeting would be March 9, 2021 or May 11, 2021.

For an SB 2 town or district the drive-up voting session would be on March 9, 2021, April 13, 2021, or May 11, 2021. However, in a town where town elections and school district elections are coordinated, it will be necessary for the town and school district to cooperate, and this may require the drive-up voting session to be held on a different day, especially if the school district is using HB 1129 and the town is not, or vice versa.

Voting on final warrant articles will be by secret ballot cast by voters through drive-up procedures to ensure appropriate social distancing. For SB 2 municipalities and districts, voting by official ballot for the election of officers and for voting on all warrant articles will proceed as provided in RSA 40:13.

In a traditional meeting town or district, an official ballot will be printed for the election of officers and other items that are required to be placed on the official ballot. All other warrant articles will be printed on a separate ballot ("the alternative ballot").

The first article on the SB 2 official ballot (or the alternative ballot for a traditional meeting town/district) will ask whether voters approve the optional meeting procedures. If the optional procedures are not approved by a simple majority, all other warrant articles on the SB 2 official ballot (or the "alternative ballot" for a traditional meeting town/district) shall be deemed disapproved. However, the election of officers and action on other items on the official ballot will be effective.<sup>1</sup> If the optional voting procedures are approved, then all other votes on warrant articles shall be deemed the final action of the meeting, provided that if the operating budget warrant article is not approved, the governing body may vote to:

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<sup>1</sup> After consulting with other election law attorneys, we believe that the election of officers would be effective in an SB 2 town or district even if the first article (approving the alternative voting process) does not pass.

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- (a) Convene a meeting before September 1 to adopt an operating budget; or
- (b) Elect to deem that the meeting has adopted the previous year's operating budget article, not including separate warrant articles.

Municipalities or school districts that will be voting on bond articles under the provisions of RSA 33:8 and RSA 33:8-a should plan to consult their bond counsel or the Municipal Bond Bank for any additional procedures that should be followed.

### **In-Person Annual Meetings & Masks**

For those towns that do hold in-person deliberative or business sessions, NHMA interprets Emergency Order #74 to apply to those meetings, and persons attending those meetings who cannot consistently maintain a physical distance of at least six feet from persons outside their household must wear a mask or cloth face covering over their noses and mouths. Local officials should review [NHMA's guidance on EO#74](#). (As of this writing, EO #74 is in effect only through January 15, 2021. Local officials should continue to monitor the governor's [emergency orders web page](#) for updates.)

### **Other Voting-Related Issues**

NHMA is pursuing clarification on several other town meeting and election issues. We will keep you updated, and we will also update this guidance if additional clarification or orders/guidance from the state becomes available.

***HB 1129- 8:3 Temporary Optional Town Meeting Procedures; State of Emergency.*** Towns, village districts, and school districts that are unable to hold in-person annual meetings in 2020 or 2021 due to novel coronavirus disease (Covid-19) may conduct virtual meetings in accordance with this section. At the option of the governing body, the town or school district meeting may be convened and proceed to approve the posted 2020 or 2021 warrant in the following fashion:

I. The governing body shall host a live virtual meeting and information session, during which the proposed optional town or school district meeting procedures shall be outlined and warrant articles discussed. At least 7 days prior to this informational session, notice shall be mailed to all registered voters describing the procedures to be followed for conducting an annual meeting pursuant to this section. After the live, virtual meeting is adjourned, questions and comments from the public shall be solicited and received via electronic mail, voice mail, text message, or by other electronic means.

II. Within 7 days of the information session, the governing body shall hold another live virtual meeting to consider and address comments received from the public. The governing body shall then discuss, debate, and be permitted to amend the posted warrant. The final warrant, as amended, shall then be made available electronically for printing by voters to be brought to the voting session, which shall be scheduled for a date and time to be determined by the governing body.

III. Voting on final warrant articles shall be by secret ballot cast by voters through drive-up procedures to ensure appropriate social distancing. In a town or district that uses the official ballot for the election of officers and has not yet held its town or district election, an official ballot will be printed for the election of officers and other items that are required to be placed on the official ballot. All other warrant articles will be printed on a separate ballot ("the alternative ballot").

IV. The first article on the alternative ballot shall ask whether voters approve these optional meeting procedures. If the optional procedures are not approved by a simple majority, all other warrant articles shall be deemed disapproved. However, the election of officers and action on other items on the initial ballot will be effective. If the optional voting procedures are approved, then all other

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*votes on warrant articles shall be deemed the final action of the meeting, provided that if the operating budget warrant article is not approved, the governing body may vote to:*

*(a) Convene a meeting before September 1 to adopt an operating budget; or*

*(b) Elect to deem that the meeting has adopted the previous year's operating budget article, not including separate warrant articles.*

*V. In a town or district using the official ballot referendum (SB 2) form of annual meeting that has held its deliberative session but has not yet held its official ballot voting sessions, the governing body may choose to use the drive up procedures in paragraph III for the official ballot voting session, and paragraphs I and II shall not apply.*

## ADDENDUM

### NHMA Guidance on 2021 Annual Meeting: Frequently Asked Questions

The following are questions we have received from town officials, primarily about HB 1129, but also about postponing town meetings instead of using HB 1129. Our answers follow the questions in boldface. ***We strongly encourage local officials to consult with their town attorney before either postponing their meetings or choosing to use the HB 1129 option.***

1. Can an SB2 town or district use the two-virtual-meeting process of HB 1129 while retaining its in-person election format instead of a drive-through? **If you use the HB 1129 process, you must have drive-up voting, but the attorney general's office has stated that you may also have a walk-in polling place.**
2. We have a traditional town meeting with our business session scheduled for mid-March. Assuming large indoor gatherings are still problematic in March, can the meeting be postponed (even at this early date) to a date in May when we could hold it outdoors? **Yes. Under RSA 40:4 a, if an "emergency" occurs which the moderator "reasonably believes may render use of the meeting location unsafe," the moderator can postpone the business or deliberative session "at any time prior to the scheduled deliberative or business session." The attorney general's office issued a memorandum in March 2020 indicating that the COVID-19 pandemic constitutes such an emergency.**
3. RSA 39:3 says that petitioned warrant articles are due "not later than the fifth Tuesday before the day prescribed for an annual meeting." If the governing body selects the method allowed by HB 1129, does that mean the fifth Tuesday before the first virtual public meeting? **We believe so, but we encourage you to confirm this with your town's attorney.**
4. Section 8:3, II, of HB 1129 says that the governing body, "shall be permitted to amend the posted warrant." Does that permission extend to zoning ordinance amendments on the official ballot? **No. RSA 675:3 prescribes the manner for placing a proposed zoning amendment on the official ballot, and it does not allow for changes once the proposed zoning amendment is filed with the town**

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**clerk. In addition, municipal officials should note that other articles whose language is prescribed by law cannot be amended by either the governing body or the town meeting.**

5. We often have a handful of petitioned articles on the warrant, some of which can be controversial. Ordinarily, the governing body must put a petitioned article on the warrant as submitted. If a town is going to use HB 1129, can the governing body amend petitioned articles? The language suggests that it can. **Since HB 1129 gives the governing body the authority to amend warrant articles at the second virtual meeting, a power that ordinarily would be exercised by the town meeting, it does seem that the governing body could amend petitioned warrant articles at the second virtual meeting. However, this is likely to be politically very unpopular, and we recommend against doing so.**
6. If the town uses the HB 1129 process, can the governing body remove a petitioned article from the warrant? **No. Properly petitioned articles must be placed on the warrant, and once the warrant is posted, an article—petitioned or otherwise—cannot be removed. It can be amended, but not removed. HB 1129 does not change this.**
7. HB 1129 says that notice describing the procedures must be mailed to all registered voters. If one person owns numerous properties, does the town need to mail notice to each property? **No. Notice is mailed to each voter, not to each property owned by a voter.**
8. Our town has a traditional town meeting. If we use HB 1129 and the voters do not approve the operating budget, what happens? **HB 1129 says the governing body can either (a) convene a meeting before September 1 to adopt an operating budget; or (b) elect to deem that the meeting has adopted the previous year's operating budget article, not including separate warrant articles.**
9. Does HB 1129 permit drive-up voting for both the “business” articles on the warrant and the items on the official ballot, such as zoning amendments, the election of town officials, etc.? **Yes—it not only permits but requires drive-up voting for all items on the warrant.**
10. Does HB 1129 permit the town to set different or more restrictive hours for drive-up voting than would normally apply to the hours of voting at the town election? **RSA 669:25 states that “polling hours for a town meeting or election shall be set by the selectmen or by a vote of the town,” but it also states that a town election shall be conducted in the same manner as a general election under RSA 658 and 659. Under RSA 659:4, the polls for state elections must be open at least from 11 a.m. to 7 p.m. The attorney general's office has interpreted this to mean that although the selectmen may set the hours, the minimum period of 11 a.m. to 7 p.m. applies.**
11. Are there any special requirements for bond votes? **If there are bond articles on the warrant, voting must be held open for at least one hour pursuant to RSA 33:8-a (but this requirement will automatically be satisfied if the polls are open from 11 a.m. to 7 p.m.—see question 10 above). In a traditional meeting town or school district, bond articles should be printed on a ballot(s) separate from the official ballot and from the alternative ballot, and a separate ballot box or boxes must be used for each bond ballot.**

12. How do the requirements and deadlines for bond hearings and budget hearings apply if a town uses the HB 1129 procedure? **Under HB 1129, the dates for holding budget hearings under RSA 32:5 should be counted from the date of the first virtual session held by the governing body. The date for holding a bond hearing under RSA 33:8-a should be counted from the date the bond is to be voted on—i.e., from the date of the drive-up voting session. Since bond and budget hearings are held as part of a meeting of the governing body or the budget committee, they may be conducted virtually. You should review any proposed schedule for budget and bond hearings with your bond counsel.**

13. If a town chooses to have an in-person socially distanced deliberative/business session, can the moderator require everyone to wear masks? If not, can the moderator require all non-masked voters to sit in a separate room with video and audio connection to the main meeting room and two-way opportunity to participate? **The governor's Emergency Order #74 requires all persons over the age of five to wear a face covering when they are in a public space and do not consistently maintain a physical distance of at least six feet from persons outside their own households, subject to some exceptions. Anyone who does not observe this requirement is violating the law. (As noted above, EO #74 is currently scheduled to expire on January 15, 2021, but it may be extended.) There is no clear law as to whether the moderator could require all attendees to wear masks if they are able to maintain six feet of physical distance. We recommend that moderators ask all attendees to wear masks and set aside a separate area for non-masked attendees. The separate area could be a separate room with video and audio connection that allows those in the separate room to both hear and participate in the proceedings.**

14. Who runs the virtual meetings under HB 1129? **Although HB 1129 itself does not specify, the attorney general's office has advised that because the virtual sessions are part of the town meeting, the moderator must preside as provided in RSA 40:4.**

15. Can we hold a normal SB 2 deliberative session, or the business session of a traditional town meeting, via Zoom? **No. There does not appear to be any way to confirm that everyone participating and voting during a Zoom session is a registered voter. Further, it would be impossible to conduct a secret written ballot vote using Zoom.**

16. Is HB 1129 optional, or the only alternative meeting format that is permissible? For instance, could we hold the video meetings but then vote by ballot in person and not use the drive-up option? **HB 1129 is the only alternative meeting option that has been authorized. As indicated above (see question 1), if you choose the HB 1129 option and use the video meetings you must then have drive-up voting. However, the attorney general's office has stated that you could have a walk-in polling place in addition to drive-up voting.**

17. Given the scheduling requirements for a budget hearing and the time that will be required under HB 1129 to print extra ballots and program the Accu-Vote machine, it may be difficult to meet the deadlines. Is it possible to solve that problem by combining the budget hearing with the first virtual meeting under HB 1129? **No. A budget hearing under RSA 32:5 is a separate event and cannot be combined with virtual information sessions under HB 1129.**

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18. We have a traditional March town meeting, with official ballot voting on the second Tuesday of March and the business session later that week. If the governor does not extend the state of emergency through March so that we are no longer operating under emergency orders, does the town have the authority to move the business session to a later date? Is there a statutory amount of time between the first session of town meeting (election) and the business session? **The governing body can change the date of the business session if that change is made before the warrant is posted, and the new date is stated in the posted warrant. The applicable statute, RSA 39:2-a, does not limit the time between the first and second sessions, so the second session could be scheduled for any later date, limited only by practical considerations of the town's need to adopt a budget and act on other matters.**

19. It is my understanding that if the governor does extend the state of emergency into the time frame that covers the March town meeting, the town moderator would have the authority to move the town meeting date to a later time—possibly April or May. If that is correct, must both sessions of town meeting be moved to a later date, or could we have the first session (the election) on the traditional March date, and move the second (business) session to a later date? **Under RSA 40:4, II, the moderator may postpone the business session without postponing the official ballot session (election). Thus, a town could hold the official ballot voting session on the traditional March date and then postpone the business session to sometime in April or May (or even later).**

20. Our select board is hoping to find a facility where we can accommodate 125 people with social distancing. With that in mind, we are wondering whether the town can hold its meeting in another town. **Yes, RSA 39:1-b states, "A town may hold its town meeting outside the geographical boundaries of the town, if the town does not have a facility with a large enough seating capacity to accommodate the meeting." A few conditions apply: (1) The selectmen must arrange transportation for voters who need it from the usual meeting place to the out-of-town facility and back; (2) The meeting must be held in an adjacent town "or nearest appropriate facility"; and (3) Warrants and other items required to be posted must be posted at the place of the meeting.**

21. We have an SB 2 town meeting with a deliberative session currently scheduled for January 30. If we do not want to use HB 1129 but are concerned about holding the deliberative session, can we postpone it? **Yes, the deliberative session in an SB 2 town can be postponed the same as the business session in a traditional meeting town. See the answer to question 2. Unfortunately, the statute does not allow the deliberative session to be postponed more than 72 hours. However, it can be postponed repeatedly in 72-hour increments; this is extremely awkward, but it can be done. If you are going to postpone your deliberative session, work closely with your town attorney to make sure it is done correctly. Of course, if you end up postponing your deliberative session into March or later, you will need to postpone your official ballot voting day as well.**



**STATE OF NEW HAMPSHIRE  
OFFICE OF THE GOVERNOR**

**CHRISTOPHER T. SUNUNU**  
Governor

**STATE OF NEW HAMPSHIRE  
BY HIS EXCELLENCY  
CHRISTOPHER T. SUNUNU, GOVERNOR**

**Emergency Order #74 Pursuant to Executive Order 2020-04 as extended by Executive Orders 2020-05, 2020-08, 2020-09, 2020-10, 2020-14, 2020-15, 2020-16, 2020-17, 2020-18, 2020-20 and 2020-21**

**An order requiring persons to wear masks or cloth face coverings when in public spaces without physical distancing**

**WHEREAS**, on Friday, March 13, 2020, the President of the United States declared a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak. This declaration remains in effect as of the date of this Executive Order; and

**WHEREAS**, on Friday, March 13, 2020, the Governor issued Executive Order 2020-04, an order declaring a state of emergency due to the Novel Coronavirus (COVID-19); and

**WHEREAS**, on June 15, 2020, the Governor issued Emergency Order 52, that transitioned from a Stay at Home Order to a Safer at Home Advisory, and that modified many of the restrictions on businesses, places of worship, and other places of commerce or gathering to allow them to continue to transition to full re-opening while limiting the risk of multiplying the spread of COVID-19 in New Hampshire; and

**WHEREAS**, on May 29, 2020, the U.S. Supreme Court observed that “[t]he precise question of when restrictions on particular social activities should be lifted during the [COVID-19] pandemic is a dynamic and fact-intensive matter subject to reasonable disagreement,” and stated that “[o]ur Constitution principally entrusts the safety and health of the people to the politically accountable officials of the States to guard and protect,” *South Bay United Pentecostal Church, et al., Applicants v. Gavin Newsom, Governor of California, et al.*, No. 19A1044, 590 U.S. \_\_\_ (2020), at 3 (Roberts, C.J., concurring); and

**WHEREAS**, New Hampshire’s courts have recognized that the COVID-19 pandemic justifies the Governor’s declaration of a State of Emergency and the restrictions placed on New Hampshire’s citizens, businesses, and other organizations through the Emergency Orders. *See Binford, et. al. v. Sununu*, Merrimack Cty. Super. Ct., 217-2020-CV-00152 (March 25, 2020) (Kissinger, J.), at 7-9; *Devine v. Sununu*, Rockingham Cty. Super. Ct., 218-2020-CV-00602 (June 18, 2020) (Schulman, J.); *Cooper v. Sununu*, Hillsborough Cty. Super. Ct., Southern Dist., 2020-CV-00266 (July 13, 2020) (Colburn, J.), at 15; *Athens v. Sununu*, Cheshire Cty. Super. Ct., 213-2020-CV-00104 (July 14, 2020) (Ruoff, J.), at 6-7; and

**WHEREAS**, New Hampshire courts have recognized that the outbreak and death toll in New Hampshire would likely be higher without the Governor’s initial order declaring a State of Emergency, and that, given the alarming number of cases in neighboring states and the national and international coordination

required to sufficiently control the spread of the disease, COVID-19 is a “disaster of major proportions” that lies “beyond local control.” *BAMP Track Operations, LLC v. Sununu*, Merrimack Cty. Super. Ct., 214-2020-CV-00046, at 13; and

**WHEREAS**, the CDC anticipates that while a high percentage of individuals affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly individuals who are elderly or have underlying chronic health conditions; and

**WHEREAS**, the CDC reports that COVID-19 is most commonly spread from an infected person to others through respiratory droplets, including:

- Between people who are in close contact with one another (within about 6 feet);
- Through respiratory droplets produced when an infected person coughs, sneezes, or talks;
- When the droplets land in the mouths or noses of people who are nearby or are possibly inhaled into the lungs; or
- By people who are not showing symptoms but who are infected with COVID-19.

**WHEREAS**, the CDC reports that COVID-19 is spread mainly from person to person, that COVID-19 is currently spreading very easily and sustainably, that COVID-19 is spreading more efficiently than influenza, and that the best way to prevent illness is to avoid being exposed to COVID-19 by taking the following steps:

- Maintain good physical distance (about 6 feet);
- Wash your hands often with soap and water, and if soap and water are not available, use a hand sanitizer that contains at least 60% alcohol;
- Routinely clean and disinfect frequently touched surfaces; and
- Cover your mouth and nose with a cloth face covering when around others.

**WHEREAS**, in recent weeks, New Hampshire has experienced a significant increase in COVID-19 infections, many caused by community transmission, and a significant increase in individuals hospitalized due to COVID-19; and

**WHEREAS**, with the approaching holiday season, it is expected that many Granite Staters will travel within and outside of New Hampshire and attend indoor gatherings, all of which is likely to continue the recent increase in COVID-19 infections and hospitalizations; and

**WHEREAS**, the New Hampshire Division of Public Health has advised that wearing a cloth face covering is an effective tool for slowing the spread of COVID-19.

**NOW, THEREFORE**, pursuant to Section 18 of Executive Order 2020-04 as extended by Executive Orders 2020-05, 2020-08, 2020-09, 2020-10, 2020-14, 2020-15, 2020-16, 2020-17, 2020-18, 2020-20, and 2020-21 it is hereby ordered, effective immediately, that:

1. Beginning on November 20, 2020, all persons over the age of 5 within the State of New Hampshire shall wear a mask or cloth face covering over their noses and mouths any time they are in public spaces, indoors or outdoors, where they are unable to or do not consistently maintain a physical distance of at least six feet from persons outside their own households.
2. For purposes of this Order, the term “public spaces” includes any part of private or public property that is generally open or accessible to members of the general public. Public spaces include, but are



not limited to, lobbies, waiting areas, outside plazas or patios, restaurants, retail businesses, streets, sidewalks, parks, beaches, elevators, restrooms, stairways, parking garages, etc.

3. This Order is not intended to override any provisions related to the wearing of masks and cloth face coverings that are contained within industry specific guidance that is part of Exhibit B to Emergency Order 52. In any situation where the provisions of such industry specific guidance conflicts with this Order, the provisions of such industry specific guidance shall control.
4. Nothing in this Order shall be construed to prevent municipalities within the State of New Hampshire from enacting their own ordinances related to the wearing of masks or cloth face coverings that contain stricter provisions than those contained within this Order.
5. This Order shall not apply to the following:
  - a) Educators, students, and staff within K-12 schools;
  - b) Any person with a medical condition or disability that prevents wearing a mask or other face covering;
  - c) Any person consuming food or drink or sitting at a restaurant or table to eat or drink;
  - d) Any person engaged in physical strenuous physical activity;
  - e) Any person giving a religious, political, media, educational, cultural, musical, or theatrical presentation or performance for an audience;
  - f) Any person who is deaf or hard of hearing, and any person while communicating with an individual who is deaf or hard of hearing or who has a disability, medical condition, or mental health condition that makes communication with that individual while wearing a mask or face covering difficult;
  - g) Any person obtaining or providing a service that requires the temporary removal of a mask or face covering;
  - h) Any person asked to remove a mask or face covering to verify an identity for lawful purposes; or
  - i) Any public safety worker actively engaged in a public safety role and when a mask or face covering would seriously interfere in the performance of their public safety responsibilities.
6. A person who declines to wear a mask or cloth face covering because of a medical or developmental issue, or difficulty breathing, shall not be required to produce documentation, or other evidence, verifying the condition.
7. The provisions of this Order shall remain in effect through January 15, 2021.

Given under my hand and seal at the Executive Chambers in Concord, this 19th day of November, in the year of Our Lord, two thousand and twenty, and the independence of the United States of America, two hundred and forty-four.

  
GOVERNOR OF NEW HAMPSHIRE