

Regarding the Historical Society Lease:

Regarding the historical society question, yes the Town can own property and enter into a lease with a tenant. Both the town and historical society are tax exempt, so don't think taxes would be the issue. The potential issue would be getting town voter approval. RSA 41:11-a, II states the Town has power to rent or lease Town property however, if the term is for more than 1 year the agreement needs to be approved by the annual meeting voters. There would also be some property liability questions and the Town would want to make sure Primex is aware of the Town leasing the property so the Town is covered for any potential risks/liabilities.

Regarding the Water Commission:

Regarding the water supply questions, does the Town operate a separate Water District or Water Commission under RSA 31? To Answer your direct there is not a statutory provision that specifically permits a water system from denying access to qualifying property owners. RSA 38:26 gives broad authority to the Town (through the governing board or water commissioners, if any) to adopt ordinances and bylaws "relating to the system or structures as required for proper maintenance and operation." RSA 32:28 also gives a town authority to establish rates upon an "equitable basis." I've reviewed the Town's current bylaws and ordinance and don't see any language that explicitly authorizes the Town to deny access. However, if there was a national emergency or state order of some for regarding the water availability we may be in a different position. The Town could change its current bylaws/ordinances to allow for denial, but I would be reluctant to do that without very clear provisions on when a denial was appropriate or not. We would want information from a water systems expert as to why a "denial" was appropriate in certain circumstances and why inappropriate in others. I think the first step would be discussing this question with an expert who could give an opinion on why certain access would jeopardize the entire system and how to set standards for that. Also, another aspect to consider would be to significantly increase the rates for certain access. The statute allows for rates to be set in an "equitable basis." It may be safer to significantly increase the rates (and thus fund the system) rather than outright deny access.