

# Minutes of the Westmoreland Selectmen's Meeting

Tuesday, April 15, 2025

**BOARD MEMBERS PRESENT:** John Snowdon, Bill McGahie and Mark Terry

1. The meeting was called to order at 1 pm by John Snowdon.
2. Approval of Minutes: April 1, 2025 Motion was made by Mark Terry, seconded by Bill McGahie to accept the minutes as printed. Motion passed 3-0.
3. Guest - Beth Galperin - NH Public Investment Pool - Rescheduled May 20th 1pm
4. Old Business
  - A. Hurricane Road - Safety/Code Violations - Scott Talbot, Heath Officer, received an email from Mark Florenz of Archway Farms with an update of progress addressing code and safety violations in rental apartments on Hurricane Road. Egress issues have been resolved and the majority of electrical issues have been addressed. Remaining work to be completed once the tenant of the larger apartment has vacated. Tenant has until May 15th. Health Officer and Building Inspector to schedule inspection.
  - B. River Road Bridge - Bridge closed in February due to load limit study reducing capacity to 3 tons eliminating winter maintenance. Engineers recommend keeping closed as there is no way to monitor traffic crossing. Motion made by Mark Terry, seconded by John Snowdon for River Road Bridge to remain closed until replaced with a safe bridge. Motion passed 3-0
5. Accounts Payable: Motion was made by John Snowdon seconded by Mark Terry to approve Manifests for: General Fund \$78,097.80. Motion passed 3-0.
6. New Business

Signature Approval was given for the following

Payroll 4/15/2025	Eversource \$363.57	Cemetery Deeds (3)
Payroll Taxes 4/15/2025	Daston \$528.00	Delegation of Deposit Authority

  - A. Animal Control Officer - Scott Talbot interested in being animal control officer for the Town. After some discussion about what that may involve it was decided that more research would be needed and if compensation were to be required it would need to be budgeted. Topic tabled until 2026 budget planning occurs.
  - B. NHMA letter addressing SB297 legislation about pooled risk management programs such as HealthTrust. Legislation could significantly increase costs for municipalities. . Motion made by John Snowdon, seconded by Mark Terry to send letter as recommended by NHMA opposing SB297. Motion passed 3-0 (see attached letters)
  - C. Recycling Center - 2 residents are interested in assisting at the recycling center. They are both willing to become certified by the state and would be available as needed as there is not an open position. Motion made to accept applicants and have them trained and certified to be available as needed at the recycling center. Motion passed 3-0.

6. Open Bids for Town Work

- A. Highway Garage Well - 2 bids - Cushing & Sons \$17,110 and Green Mountain Well \$22,229.92. Motion made by Mark Terry, seconded by Bill McGahie to accept Cushing & Sons bid of \$17,110 to drill and install a well with complete water system at the highway garage. Motion passed 3-0
- B. Highway Garage Bathroom Install - 2 bids - Troy Rancourt Carpentry \$21,600 and Monadnock Commercial Building Co. \$46,224. Motion made by John Snowdon, seconded by Bill McGahie to accept Troy Rancourt Carpentry bid for \$21,600 to install new bathroom at the highway garage. Motion passed 3-0
- C. Town Hall Exterior Painting (front, steeple and north side of building) - 3 bids - Stebbins Spectacular Painting \$34,950, DMK Finishing Touches LLC \$23,145 plus additional lift rental \$5000-\$9000 and Vermont Exterior Painting Company \$17,800. Selectmen tabled the decision to the May 21st special meeting to compare bids and follow up on references.
- D. Edson Cemetery Fence - 2 bids Monadnock Fence (decorative aluminum) \$15,491 and Keene Monument (granite post & chain) \$15,474. Cemetery Trustees recommend granite posts for easier maintenance. Motion made by John Snowdon, seconded by Mark Terry to accept Keene Monument bid of \$15,474 to install cemetery fence at Edson Cemetery. Motion passed 3-0.
- E. PAYT - 1 bid to provide bags for pay as you throw program. Waste Zero \$8,500. Motion made by Mark Terry, seconded by Bill McGahie to accept Waste Zero bid \$8,500 to initiate program and be supplier for PAYT. Motion passed 3-0.

7. Correspondence: FEMA - Flood Risk Maps for review. Forward to Emergency Management SWRPC - Culvert Study Review - May 21st special meeting 10am with SWRPC, Henry Underwood and Road Agent, Dave Poklemba

8. 2:50pm Motion by John Snowdon, seconded by Mark Terry to adjourn meeting. Motion Passed 3-0. Meeting adjourned.

Respectfully submitted,  
Jodi Scanlan  
Town Administrator

NEXT REGULAR MEETING TUESDAY MAY 6, 2025 6:00PM  
MINUTES ARE INITIALLY POSTED AS UNAPPROVED  
SELECTMEN SIGNATURES DENOTE APPROVAL

BOARD OF SELECTMEN

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John Snowdon, Chairman

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Mark Terry

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William McGahie





April 10, 2025

RE: *SB 297, relative to pooled risk management programs.*

Dear NHMA Member,

The New Hampshire Municipal Association continues to receive questions and hear concerns from our members about SB 297, state legislation relative to pooled risk management programs, also called insurance risk pools. NHMA takes no position on whether cities and towns should obtain their coverage from risk pools; however, as a statewide organization representing all 234 cities and towns, we stand for local control, which includes the right of municipalities to form, join, and govern risk pools if they choose to do so. Therefore, we share the concerns being raised by our members that are or may wish to become members of risk pools, especially for municipalities that are members of HealthTrust. As such, for the reasons outlined herein, NHMA is opposed to SB 297. We are sending you this letter to provide additional context about what SB 297 would specifically mandate on New Hampshire's municipalities, how it will impact and hurt municipalities that are members of health insurance pools in particular, and what you can do to ensure your voice is heard as this legislation is considered by the NH House of Representatives.

## Summary

NHMA has two primary concerns with SB 297: The effect it would have on the operations of health pools and the effect it would have on municipalities that choose to be members of health pools. SB 297 would establish a regulatory regime that would create new obligations for municipalities that are members of risk pools, some of which apply only to health pools (e.g., HealthTrust, School Care, and NH Interlocal Trust). In particular, the operational changes that SB 297 would require are so substantial that the HealthTrust Board of Directors, comprised of local officials, has determined that if the bill passes as written, HealthTrust will discontinue services for its members in 2026, after current member plans end.<sup>1</sup> If this were to happen, many municipalities could experience significant increases in insurance costs when finding new insurance elsewhere, while others may struggle to find health insurance at all, as HealthTrust is the only entity in New Hampshire that never declines to quote a group looking for coverage, regardless of the group's loss ratio.

Additionally, there are many other services that member groups rely on, including FSA and HRA management, as well as retiree benefits (including management of retiree premium deductions through NHRS) and reporting. It is each municipality's right to decide whether to find coverage on the private market or to join a risk pool—and, if so, which pool to join—but if this legislation passes as written and HealthTrust ceases to offer coverage, much of that choice will be taken away.

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<sup>1</sup> HealthTrust, "Important Statement from the HealthTrust Board of Directors Regarding Financials and SB 297," March 21, 2025.

Of top concern, the new obligations in SB 297 include a mandate that groups (i.e., the local government members of the health pools), agree to be responsible for losses of the health pool. As a result, local governments would be required to “establish a risk management program health care stabilization fund of at least 4 percent of their annual contributions” to participate in health risk pools, essentially attempting to prepare themselves for assessments or contingency reserve replenishments (i.e., additional bills from the health pool) that could be levied at any time and in any amount during the year. SB 297’s mandate doesn’t consider that any reserve accounts must be established and funded with legislative body approval or what happens if the legislative body votes against the funding, nor does it address what happens if the set aside reserves are insufficient to pay any assessment or replenishment that is levied on the municipality. **In other words, under SB 297, a municipality’s financial exposure is unlimited.**

## **If SB 297 Becomes Law, How Would Municipalities be Impacted?**

### **Mandated Stabilization Funds**

SB 297 would require local governments that wish to be members of a health pool to agree to the following new requirement:

*The pooled risk management program may collect from participating members assessments or replenishments whenever required in the event the program’s assets are insufficient to discharge its claim and administrative losses and liabilities and other legal obligations of the plan, in the event of insolvency, or in the event contingency reserves fall below the required minimum under this chapter.*

In order to address this new requirement that municipalities pay assessments or replenishments if the pool’s reserves fall below a certain level or assets or otherwise insufficient, SB 297 mandates that risk pool members

*establish a risk management program health care stabilization fund of at least 4 percent of their annual contributions, to be held and managed by the member in a designated, distinct capital reserve fund under RSA 34 et seq. and RSA 35 et seq. as applicable to each political subdivision.*

Risk pool members would be required to have their legislative bodies (the voters in most towns) establish a “distinct capital reserve fund” designated for meeting the proposed requirements in SB 297. The bill would also require risk pool members to, “build [their] [stabilization] fund at a rate of at least 1 percent of the member’s annual contributions per year up to 4 percent, beginning no later than its next setting of fiscal year budgets.” Not only would this require cities and towns to appropriate *more* money to be members of a health pool, SB 297 also does not account for what happens if the legislative body votes against creating the stabilization fund or funding it. Our assumption is that municipalities would be forced to leave the risk pool unless they abided by the new mandates in SB 297; however, the bill does not state what would happen or who would enforce the requirement against the municipality.

In the case of most municipalities, if sufficient money has not been appropriated to the stabilization fund to pay an assessment or replenishment, a special town meeting to appropriate funds could be necessary. If participation in risk pools requires members to fund their stabilization funds, an “emergency” must be



established and an order rendered by the superior court, per RSA 31:5, to appropriate the necessary funds at a special town meeting. Both the special town meeting and the superior court action would add more costs for the municipality. Still, the voters must approve the appropriation at a special town meeting, and they could vote against it. If voters do approve the appropriation of additional funds, it may also require municipalities to issue supplemental tax bills.

While a municipality could avoid this state mandate by leaving the risk pool, their costs and likelihood of procuring insurance at a similar cost for the same coverage, if at all, are extremely uncertain.

Municipalities would be faced with a difficult choice: Hope the voters approve the stabilization reserves *and* that the required four percent would be enough to pay for assessments or replenishments, or look to the private market for similar plans with a similar or better benefits than the health pools, which would be particularly important for any municipalities with collective bargaining agreements.

Forcing municipalities to establish stabilization funds is also forcing risk pool members to take on financial risk. In the case of HealthTrust, the largest health pool in the state, the risk pool takes on nearly all financial risk and does not levy additional assessments or replenishments onto municipalities based on changes in their contingency reserves or net position. Instead, when needed, reserve rebuilds are accomplished through the rating process. The new requirement for municipalities to hold the risk is especially concerning with health pool models, as claims are volatile; and, as noted above, the financial exposure would be unlimited for members.

### **New Costs Shifted on Risk Pools**

The requirement that the risk pool reimburse the Secretary of State for costs incurred for oversight would be a new administrative cost for the pool that could be passed along to the members. Also, new contingency reserve requirements may impact the rates members pay. Staying within the maximum and minimum contingency reserve percentages may increase rates or create volatility for annual contribution rates, which may be exacerbated by the requirement that the reserves be rebuilt the next year, rather than, for example, requiring the pool to produce a plan to address the reserve deficit over a period of time. We do not have the expertise to comment on whether the reserve thresholds proposed are appropriate; however, HealthTrust has informed group members they could not operate under these mandated thresholds, and no clear explanation has been provided for how the 12 to 16% reserve window for health pools was determined, or why it is so dramatically different than the 30 to 40% window for workers' compensation/property liability pools.

### **Subjective Test for Expenses Placed on Risk Management Programs**

The definition of "administration" in SB 297 requires that expenses be "reasonable," which is a vague, undefined term. This definition will likely lead to costly litigation over differing opinions of the application of the term "reasonable." Furthermore, this definition greatly curtails the authority of the governing boards—which are comprised of pool members—from performing their duty to oversee the pool, which includes approving budgets and expenditures. While the regulator, the Secretary of State, has a legitimate interest in ensuring the financial strength of risk management programs, this level of

oversight supplants *local* decision-making on local issues with *state* decision-making on local issues, down to a line-item level of detail.

It is also unclear whether the definition of “administration” in the bill could be read to narrow the services that risk pools may offer to members, which would be of great detriment to local governments. This is because the definition of “administration” in SB 297 does not reference other types of services that are provided to members of a risk pool, such as wellness programs and risk management. If the services risk pools can offer are limited, local governments may spend additional money in the private market to receive those services; in the alternative, local governments may see an increase in claims because they are not receiving these services, which will be passed onto the members through rates.

## **Conclusion on SB 297**

**SB 297 is not in the best interest of local governments, public sector employees, or property taxpayers.**

As a result, NHMA will oppose SB 297 as written and support an amendment that would move regulation of risk pools to the Department of Insurance to ensure clear and objective regulation, as opposed to regulation that threatens the pools’ existence. State legislators, as recently as 2015, have raised concerns about the need for objective regulation of the risk pools and made proposals to make the Department of Insurance the regulator of risk management programs.

Furthermore, it is our opinion that risk management programs primarily facilitate insurance coverage for its members and behave more like an insurance company than a traditional security. Being regulated as a security detracts from their main goal: Helping members access affordable insurance programs.

## **What Should You do to Advocate Against SB 297?**

First, as a governing body, consider having a public discussion about SB 297 with your municipality's manager or administrator. If you are a member of HealthTrust, consider their recent communications and this letter during your conversation. If you wish to advocate against this bill, we would encourage you to start your advocacy by sending a letter to your state representatives and senator opposing SB 297 as it is currently drafted and ask them to support amending the bill so that the Department of Insurance becomes the regulator of risk management programs. For your convenience, attached to this letter is a draft resolution your governing body can use or modify and use; if you adopt such a resolution, include it in all your communications.

Additional things you can do to help protect your municipality’s access to risk pools are testifying when the bill has a hearing in April (date and time TBD; watch for a hearing announcement in our Legislative Bulletin or view the bill on our bill tracker) and calling and emailing the Governor and Secretary of State. Please tell the Governor to oppose SB 297 as it is currently drafted and consider supporting a bill that makes the Department of Insurance the regulator of risk management programs. Explain to the Secretary of State why you are opposed to SB 297.

Thank you for your attention to this vital matter. Please feel free to contact us should you have any questions or additional concerns.

Sincerely,

*Margaret M.L. Byrnes*

Margaret Byrnes  
Executive Director



**SAMPLE Resolution Opposing NH Senate Bill 297:**  
**An Act Relative to Pooled Risk Management Programs**

**WHEREAS:** The [Town/City] is a participating member of [Risk pool name, if applicable], a municipal risk pool, which serves as a mechanism for managing risk, ensuring financial stability, and providing affordable coverage options for municipalities and public entities across New Hampshire; and

**WHEREAS:** New Hampshire Senate Bill 297 would impose significant and unrealistic financial and administrative burdens on risk pools and their members, including municipalities like the [Town/City]; and

**WHEREAS:** Senate Bill 297 imposes vague and subjective standards that could trigger unexpected mid-year assessments, disrupt municipal budgeting, and threaten long-term financial planning; and

**WHEREAS:** Senate Bill 297 introduces new oversight and administrative costs, further straining local budgets; and

**WHEREAS:** the bill mandates new contingency reserve requirements that could cause sudden and significant rate increases, creating volatility and undermining the predictability that towns and cities require for responsible fiscal planning; and

**WHEREAS:** these provisions, taken together, pose a serious threat to the financial sustainability, predictability, and effectiveness of municipal risk pools, potentially resulting in higher costs, legal uncertainty, and reduced service capacity for municipalities and other public entities across the state, and

**WHEREAS:** HealthTrust has indicated that it would cease to operate if this legislation is approved, putting municipal employees' health care in jeopardy and potentially costing taxpayers significantly in the future.

**NOW, THEREFORE, BE IT RESOLVED BY THE [TOWN/CITY OF \_\_\_\_\_] THAT:** the [Board of Selectmen, Town Council, City Council, etc.] hereby expresses its strong opposition to New Hampshire Senate Bill 297, as it is currently drafted; and

**BE IT FURTHER RESOLVED:** that the [Board of Selectmen, Town Council, City Council, Board of Aldermen] urges the New Hampshire General Court to amend Senate Bill 297, so the Department of Insurance becomes the regulator of risk management programs, and please work collaboratively with municipalities and risk pool administrators to support financially sound and administratively feasible approaches to oversight and risk management.





## TOWN OF WESTMORELAND

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780 Route 63, PO Box 55, Westmoreland, NH 03467

April 15, 2025

### **Resolution Opposing NH Senate Bill 297:** **An Act Relative to Pooled Risk Management Programs**

**WHEREAS:** The Town of Westmoreland is a participating member of Health Trust a municipal risk pool, which serves as a mechanism for managing risk, ensuring financial stability, and providing affordable coverage options for municipalities and public entities across New Hampshire; and

**WHEREAS:** New Hampshire Senate Bill 297 would impose significant and unrealistic financial and administrative burdens on risk pools and their members, including municipalities like the Town of Westmoreland; and

**WHEREAS:** Senate Bill 297 imposes vague and subjective standards that could trigger unexpected mid- year assessments, disrupt municipal budgeting, and threaten long-term financial planning; and

**WHEREAS:** Senate Bill 297 introduces new oversight and administrative costs, further straining local budgets; and

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**WHEREAS:** these provisions, taken together, pose a serious threat to the financial sustainability, predictability, and effectiveness of municipal risk pools, potentially resulting in higher costs, legal uncertainty, and reduced service capacity for municipalities and other public entities across the state, and

**WHEREAS:** HealthTrust has indicated that it would cease to operate if this legislation is approved, putting municipal employees' health care in jeopardy and potentially costing taxpayers significantly in the future.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF WESTMORELAND**  
The Board of Selectmen hereby expresses its strong opposition to New Hampshire Senate Bill 297, as it is currently drafted; and



**BE IT FURTHER RESOLVED;** that the Board of Selectmen urges the New Hampshire General Court to amend Senate Bill 297, so the Department of Insurance becomes the regulator of risk management programs, and please work collaboratively with municipalities and risk pool administrators to support financially sound and administratively feasible approaches to oversight and risk management.

Westmoreland Board of Selectmen

  
\_\_\_\_\_  
John Snowdon, Chairman

\_\_\_\_\_  
William McGahie

  
\_\_\_\_\_  
Mark Terry



