

**MINUTES OF HAVERHILL SELECTBOARD REGULAR MEETING**  
**Monday, November 4, 2013**  
**Draft Subject to Review, Correction and Approval at Following Meeting**

**Board Members Present:** Wayne Fortier, Tom Friel, Lynn Wheeler, Roderick Ladd and Robert Roudebush

**Town Manager:** Glenn English

**Administrative Assistant/Finance Officer:** Jo Lacaillade

**Selectboard Clerk:** Karen Hyde

**Members of the Public Present:** Rich Clifford, Shawn Bigelow, Steve Robbins, Brad Kennedy, Homer May, Richard Morris, Dick Guy, Don Hammond, Susan Brown and Ed Ballam -- JO

**Call Meeting to Order:**

Chairman Wayne Fortier called the meeting to order at 6:00 pm

**Pledge of Allegiance**

**Approval of Agenda:** Robert Roudebush made a motion to accept the Agenda; seconded by Lynn Wheeler and carried unanimously.

**Approval of Consent Agenda:** Rick Ladd made a motion to accept the consent agenda; seconded by Robert Roudebush and carried unanimously.

**Scheduled Public Appearance(s):** None

**Public Hearing:** None

**Town Manager's Report:** TM English reported that the Business Park sign was up and presented a picture of the finished product to the Board. Everyone agreed that it was a really nice-looking sign. He then reported on the completed road work for this year. Brushwood Road was picked up at where it was left off last year and got down to almost Daniels Road. It was a 3200 linear foot leveling and overlay job so it is a permanent fix. French Pond Road was only a leveling course to save the road until a permanent fix can be done. They did approximately 8000 feet. A part of Briar Hill Road from the Woodsville line to almost Kinder Forest was also done. The Highway Department is still grading and will continue to grade until the roads harden up to get everything rideable for winter.

**Pending (Old) Business:**

- **Groundwater Protection:** Steve Robbins reported that AA Lacaillade had given information to Rick Ladd. Steve reported that there are 12 public water systems in Town and those are regulated. The focus needed to be on the private wells. AA Lacaillade stated that she would send the other Board members the information that she had given Rick. Rick Ladd stated that they also needed to look at potential contamination sites. AA Lacaillade stated that there was a form that she downloaded from the DES website about the windshield drive-by. If someone was driving around and saw a site that they considered to be a possible hazard, they would fill out

this drive-by form and it would then go to the DES. Rick Ladd asked if the DES site was current. AA Lacaillade stated that it was as of two weeks ago. Chairman Fortier asked Steve if it was a little premature to form a Committee. Steve's thought was that they need to figure out what exactly they want this Committee to do before they form it. TM English stated that one of the biggest threats to private wells is road salting activities. In the case of state roads, if they contaminate a well that's near a state road by road salt, they are responsible for fixing it. Steve stated that when it gets closer to Town Report time, something should be put in there encouraging people to test their wells and maybe figure out what is a good source for testing. If they do come up with some weird readings, let the Town know and they can start looking from there. TM English stated that private well owners are not protected by rules or regulations. Chairman Fortier stated that the Board could not specify a particular site at this time. The Board would let Steve do some further study and then give his recommendations to the Board. Steve then brought up the subject of lead paint. Someone in town had been caught scraping paint and the Feds were in Town. He stated that people can be fined for scraping lead-based paint. If anyone sees someone scraping paint and the house is probably pre-1978, then more than likely, it is lead-based paint. As health officer, Steve can issue a cease-and-desist.

➤ **Capital Improvement Plan-Roads:**

TM English stated that AA Lacaillade had provided information from two sources on bonding for a capital program. Prior to last meeting, the Board was entertaining the idea of floating a bond for \$2 million to address the priority list of roads. The material that they were given was for \$1 million and \$2 million bonds. TM English stated that this information would give the Board some idea of where the market is right now. AA Lacaillade stated that this information was a budgeting consideration; nobody could give an exact interest until it was time to do it. Lynn Wheeler asked AA Lacaillade if she could do a tax rate impact and she replied that she would e-mail that information to all Board members. The Board would study the information and there would be more discussion at the next meeting on November 18.

- **Housing Issues, Life Safety Code and Building Permit Fees:** Rick Ladd stated that he had a sample of the old Life Safety and Fire Code Inspection Resolution that was adopted in October 2008. On May 26, 2009, and based upon task force findings and recommendations, the Haverhill Selectboard, the Precinct and Fire District Commissioners, and Fire Chiefs entered into a life safety code inspection and enforcement agreement for the Town of Haverhill. In June, 2010 the Haverhill Selectboard, following consultation with Commissioners and Fire Chiefs, directed the Town Manager to stop all inspections and activities conducted by the Town Life Safety and Fire Codes Inspector and to inform the Fire Chiefs of this action. The particular Fire Districts do not have statutory authority to charge fees. They would only have that by way of the resolution, but they took this resolution away in June of 2010 as a result of third-party inspections being curtailed. On page 1, line 26 of the Resolution says, "The citizens of the Town of Haverhill at the annual town meeting in 1984, by ballot adopted the Life Safety Code, NFPA Doc. No. 101, 1976 Edition, as amended, and", so therefore, Life Safety Code has been adopted by the Town of Haverhill and they adopted the Life Safety Code as amended. So as it is amended, so it goes with the Town. "The local fire chiefs are authorized by state law to enforce the State Fire Code and are authorized by town meeting to enforce the Life Safety Code," so by Town Meeting, fire chiefs are authorized to enforce the Life Safety Code but you are already given that by statute for the Fire Code. On page 2 of the Resolution, it states: "The local fire chief or designee must approve all plans prior to initiating construction and inspect and approve all new construction, modernization, and renovation of all commercial, industrial and institutional buildings and multi-

unit dwellings with more than two units for compliance with New Hampshire Fire and Life Safety Codes prior to occupancy.” The resolution never authorized anything about single family residences. A fee can only be charged for more than single or two family dwellings. Also on page 2, was a new paragraph about change of use. It reads: “Change of Use – Is defined in accordance with the National Fire Protection Association and Life Safety and Fire Codes, Edition 2009, Chapter 6 of both codes. Use categories include: 1.) Assembly, 2.) Education, 3.) Day-Care Facility, 4.) Ambulatory Health Care Facility, 5.) Detention/ Correctional Facilities, 6.) Hotel, 7.) Apartment Building, 8.) Lodging or Rooming Houses, 9.) Residential Board and Care Facilities, 10.) Business, 11.) Industrial, 12.) Mercantile, 13.) Storage, 14.) Health Care Facility, 15.) One and Two Family Dwelling, 16.) Residential, 17.) Multiple Occupancies, 18.) Mixed Occupancies.” The above is a proposal to define what the triggers are and its change of use according to NFPA. On page 3, the Resolution states “The local fire chief or designee upon determining compliance with the Life Safety Code shall issue a certificate of compliance. The certificate of compliance also pertains to all persons constructing, repairing or modifying electrical wiring systems, heating devices, oil burning equipment, or other systems, equipment, or requirements as identified in RSA 153:5, NFPA 101. This section of the Resolution, Section 2, applies to commercial, industrial and institutional buildings and multi-unit dwellings with more than two units.” That’s what was adopted before. Also on page 3, it states: “as noted on the building permit application form for compliance with State of New Hampshire Fire Codes.” “Certificate of compliance will expire at five (5) years” and has to be renewed or upon change of use. Brad Kennedy thought that “transfer of property” was also in there. TM English stated he did not remember, but it wouldn’t be a bad idea to include it. On page 4, line 13, the Resolution states, “The Selectboard is authorized, by the Building Permit Ordinance, to update the building permit inspection fee schedule as necessary”; so the authority to increase the fees is on the Selectboard and that is how they had it within the Resolution when it was adopted. On lines 16-18, “The Life Safety Code and the State Fire Code should be comprehensively and systematically enforced through local fire safety inspections of all commercial, industrial, and institutional buildings and multi-unit dwellings with more than two dwelling units.” On page 5, line 2, “The local fire chief shall set, amend, etc., an inspection schedule for old buildings that are commercial, industrial, institutional, or multi-unit dwellings with more than two units.” Who sets the schedule, who determines what is going to be inspected, when it’s going to be inspected, the certificate of compliance; the chief determines what the priority for inspection is in his fire district. The underlined area on page 5, lines 9-19, is new, proposed language, which Rick read: “State building code (RSA 155-A:2) provides that a contractor of a building, building component or structure, is responsible for meeting the minimum requirements of the State Building Code and Fire Codes, and the municipality is not liable for any failure on the part of a contractor/ builder to comply with the provisions of the State Building Code. This includes the construction, design, structure, maintenance, and use of all buildings or structures to be erected and the alteration, renovation, rehabilitation, repair, maintenance, removal or demolition of all buildings and structures previously erected and governed by these provisions. The signed Building Application submitted by an applicant shall include the statement that the contractor/builder certifies that he/she is aware of and will comply with the State Building Code and Fire Codes as related to the property and proposed use.” It is not putting the onus on the Town; it is putting the onus on the contractor that they are going to follow State statutes. Farther down on page 5, lines 22-24, is also new, proposed language: “The Town of Haverhill shall compensate the fire chief or designee for inspections as established by the Town and recommended by the Town Fire

Committee.” Rick stated that this was the Resolution as he put it together and said, “If we’re going to go in that direction, we should try to tweak it to make it as effective as they can, given the ordinances that they are dealing with – the Life Safety Code and the Fire Code.” He stated that on the front of the packet, there was the Building Permit Ordinance, which gives the authority to the Selectboard to update periodically. In the packet, there is also the Building Permit Application Fee Schedule, which was adopted December 21, 2009 and also Woodsville’s Fee Schedule. Brad Kennedy asked if the certificate of compliance was legal. TM English stated that they found a statute that addressed certificate of occupancy with a variation of certificate of compliance. Rick stated that if the Town were to adopt a Resolution where they can technically start charging fees because that is something that needs to come from the Town and it was pulled back. He also stated that they needed to be consistent in the fees charged from one end of Town to the other. Steve Robbins stated that he spent a good amount of time in the Pike area. How would they charge a fee to the school there: daycare facility or commercial building? TM English stated that the guidelines for the amount of fees would be: can you justify the charge for the cost? Chairman Fortier stated that they had talked about Building Codes, Fire Codes and Life Safety Codes and he asked if they were three separate entities and Brad Kennedy responded that they were. Brad also stated that Building Codes were very complicated. Chairman Fortier also wanted to know what the certificate of compliance encompassed. Steve Robbins stated that the State provided a licensing form for those buildings. Chairman Fortier asked who administered Building Codes and Rick and TM English stated that there wasn’t one. Chairman Fortier asked what the difference was between Building Codes and Fire and Life Safety Codes. Brad Kennedy stated that the Building Codes were in the State Fire Code Book. Rick Ladd suggested that the Board start looking at this again. He feels that in order to go in this direction, they need the support of the Chiefs and the Commissioners. They are not talking about a third-party inspector; it’s more authorizing the fee schedule to be consistent both north and south, but also for the chiefs to apply it. Brad Kennedy stated that something needed to be done with the Building Permit process and Chairman Fortier asked what he would suggest. Brad feels that there are many out there who do not have building permits. He feels that the Town should be more prepared when issuing the permits. Chairman Fortier asked the Fire Chiefs and the Commissioners if they were agreeable that the Town needed a consistent fee schedule and they responded yes. Steve Robbins thought that the fee schedule was okay, but the mode of collecting needed work. TM English agreed with him, but if someone wasn’t complying, they needed to pay. Rick Ladd stated that there also needed to be consistency between the Fire Chiefs in terms of what they are inspecting for and how they are doing it. There may be more than three people doing it in the Town. The Chiefs have the authority to designate others, but they would have to be trained. Chairman Fortier asked TM English if there needed to be a new Building Permit Ordinance. TM English stated that there was nothing in the Building Permit Ordinance about Life Safety Code. Rick Ladd stated that it does say to protect public health, safety and welfare. The real issue is enforcement. TM English stated that the housing issues would not be resolved until the Building/Fire/Life Safety Codes were addressed. Rick Ladd stated that they needed to get a group together, consisting of the three Fire Chiefs, the Precinct Commissioners, and Steve Robbins and iron out a Fee Schedule and Ordinance to bring to the Selectboard. The date of the first meeting will be November 25, 2013 at 6:30 PM.

**New Business:**

- **Credit Card Purchase Policy:** AA Lacaillade presented at the last meeting the Credit Card Purchase Policy for a first reading. Chairman Fortier asked if anyone had any questions regarding this policy and there were no questions. Robert Roudebush made the motion to adopt the proposed Credit Card Purchase Policy with an effective date of 11/4/2013; seconded by Rick Ladd. Lynn Wheeler asked what is, technically, the Finance Department. AA Lacaillade stated that it was herself and Karen Hyde. The motion was then carried unanimously.
- **Resignation from Ammonoosuc Local River Advisory Committee:** TM English stated that Mike King had notified him via e-mail that he wanted to resign as one of the Town's reps on the Ammonoosuc Local River Advisory Committee. The other rep is Bill Harris from Woodsville Water & Light. Robert Roudebush made the motion to accept the resignation with regret; seconded by Rick Ladd and carried unanimously. TM English would draft a thank-you letter from the Board.

**Commission/Committee Reports:** None

**Correspondence:** Chairman Fortier reported that there was some correspondence from the Municipal Association, University of New Hampshire and a workshop.

**Comments of the Public:** Homer May had wanted to address the Board about the List Serve, but he left the meeting. Susan Brown also wanted to address the Board about a banner for Ray Burton, but she also left. Robert Roudebush stated that Susan had sent him an e-mail about the Town possibly sponsoring a banner to be hung near the Bridge to thank Ray Burton for his many years of service. TM English stated that the Bridge was State property and she would have to have State approval. The Board also discussed other ways to honor Mr. Burton. It was decided that there would be a special recognition to Mr. Burton in the Town's Annual Report. Chairman Fortier would work up a draft and show the draft to the Board and get this done right away.

**Comments of the Town Manager/Administrative Assistant-Finance Officer:** AA Lacaillade stated that the bids for the two retired fire trucks were opened November 4. Robert Roudebush made the motion to accept the highest bid for each truck; seconded by Lynn Wheeler and carried unanimously. AA Lacaillade also presented the projected refund of health insurance premiums for next year. The amount of return projected for next year is \$9,073.78 and the retirees are \$416.03. As was done for 2010 and 2011, they waited until they actually received the credit on the bill and then calculated what the percentage was due the employees. Robert Roudebush made the motion to handle this as was done last time; seconded by Lynn Wheeler and carried unanimously.

**Comments of Selectboard Members:** Robert Roudebush stated that TM English had, in fact, noticed the Ag Lease in the October 24, 2013 issue of The Bridge Weekly. The bid deadline is November 8, 2013.

**Adjourn Meeting:** Lynn Wheeler made a motion to adjourn; seconded by Robert Roudebush and all approved. Chairman Fortier adjourned at 8:00 pm.

Minutes transcribed by Karen Hyde