

# MINUTES OF HAVERHILL FIRE COMMITTEE FEE SCHEDULE MEETING

Monday, November 25, 2013

## Draft Subject to Review, Correction and Approval at Following Meeting

**Members Present:** Rick Ladd, Don Hammond, Richard Morris, Brad Kennedy, Rich Clifford, Norm Page, Steve Robbins, Dennis Fournier, Jim McKinnon, and Jonathan Hobbs

**Public Present:** Preston Hatch and Shawn Bigelow

**Staff Present:** Glenn English, Town Manager, Jo Lacaillade, Administrative Assistant/Finance Officer and Karen Hyde, Clerk

### Call Meeting to Order:

The meeting was called to order at 6:34 PM

Rick Ladd invited the three fire chiefs to sit at the table with him. This meeting was brought about due to discussion on the Selectboard regarding consistency of the Building Permit process throughout the community and consistency of Life Safety and Fire Codes. Rick Ladd stated he would like to address three primary issues which are the Resolution with modifications, Building Permit Application Fee Schedule and Inspector compensation schedule. Rick stated that the Life Safety Code was adopted by the Town in March 1984 by a vote of 248 yes, 94 no. On Page 1 of the Resolution, there were 4 changes made. The major change made was on Lines 17-25, which states: "The Selectboard adopted the above titled resolution 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 Selectboard further finds:"

The primary change on Page 2 is: "e.) 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 next change was on Page 4, Lines 4-9, which reads: "If the repairs or alterations are not made within 5 days notice as provided in RSA 154:20, unless upon application to the local fire chief or designee and an extension has been granted for reasonable cause, the owner or occupant so notified may be guilty of a violation for each day's neglect, and shall be liable to the owner of any building or property consumed by fire, communicated from such dangerous building, for damages suffered by the owner. (RSA 154:21)."

On Page 5, the following wording will be included on the Building Permit Application: "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." This change puts the onus on the property

owner. The Town does not have to enforce. Also on Page 5, Lines 24-26, the change states: “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.” Inspection means not just the initial inspection, but any follow-up inspections. At previous meetings, it was said that much of the time comes from getting back into the buildings to re-inspect numerous times. Rick Ladd stated that this was the Resolution which they have. In order for the Precinct Fire District to charge a fee, there needs to be a connection between the Precinct and the Town because the Town is the one that has the ability by way of the Building Permit Ordinance. Rick stated that the Resolution was the link and if it’s approved, they can then get into the business of the other issues.

Steve Robbins stated that they shouldn’t be doing the inspections for nothing. Other towns charge for them. If the Resolution is the ticket to do this, then they should be doing it. TM English stated that there was no incentive for property owners to correct the problems they have with their buildings. He also stated that if we were only to pay welfare to a tenant living in a building that has a current certificate of compliance, we could back this up. He would suggest that the requirements that a building have a valid certificate of compliance is a change in the welfare regulations that the Selectboard could make, but the timing is critical as there needed to be a supply of some kind of housing that have the certificate of compliance before they institute a rule like that. Steve Robbins stated that they could focus on the buildings that house welfare tenants. TM English stated that to go back and back and back for these inspections, he feels that they should charge by the hour. Rick Ladd stated that he had talked with Brad Kennedy and they were discussing the process they were going to take. It is up to the Fire Chief, working with the Health Officer, to determine what is going to be the order of inspection. TM English stated that the most problems are with older, existing structures, not necessarily new structures. Rick Ladd stated that if they adopt this Resolution, they could go ahead and talk about the Building Permit Fee Schedule – the process, consistency and inspection compensation. Everyone was in favor of adopting the Resolution. Brad Kennedy asked if AA Lacaillade or TM English could check on the difference between a certificate of occupancy and a certificate of compliance. AA Lacaillade stated that a certificate of occupancy had to be authorized in a building code, which Haverhill does not have.

Rick then went on to the discussion of the Building Permit Fee Schedule. He stated that there were two fee schedules: the Town fee schedule and Woodsville fee schedule. The Town fee schedule had categories for new construction and remodeling of over or under \$2,000, where Woodsville’s fee schedule did not have those criteria. The Town fee schedule had several listings for multi-unit dwellings: (1) over \$2,000, the fee is \$75.00/unit and (2) under \$2,000, the fee is \$25.00/unit. Woodsville’s fee schedule was \$150.00 + \$75.00/DU for multi-unit dwellings. TM English stated that his feeling was that the Town fee schedule was overly complicated and the more complicated the schedule, the more “screwed-up” it was. Brad Kennedy asked Jim McKinnon what he thought as Mr. McKinnon has seen what other towns do as far as pricing. Mr. McKinnon stated that it was tough to compare these two schedules with other towns because other towns have fees for everything. TM English stated that the other towns may have a Building Code, which is the difference as Haverhill does not have one. Rick stated that the Woodsville Fee Schedule was easier to read and easier to follow. TM English asked if there was an hourly rate in the Woodsville schedule for re-inspections and Rick stated that there was.

There was then some discussion on the businesses that require a “place of assembly” permit and how often they are inspected. Steve Robbins stated that these businesses should be inspected twice a year; they get a piece of paper once a year, but they are supposed to be inspected twice a year. There was disagreement on what should be charged for these inspections. Don Hammond stated that if he told Blackmount Country Club they had to pay \$100 a year for their permit, they would stop selling “booze”. Don also stated that the Town should hire their own building inspector, but he was reminded that that had been tried and had not succeeded. Rick Ladd stated that on Page 4 of the resolution, at the bottom of the page, it states “There shall be no fee for initial life safety and fire code inspection by the local fire chief or designee”. There would only be a fee if it was a revisit. AA Lacaillade asked if all three (3) fire chiefs charged for the same thing, i.e., daycare. Don Hammond stated that his precinct commissioners told him not to charge for inspections. Steve Robbins stated that the daycares get their health inspections

for free. He does the health inspections for nothing, but the fire inspections are charged for. Rick Ladd stated that they need the new resolution so that they can work on having consistent fees throughout the Town. AA Lacaillade stated that the fire chiefs do not work for the Town; they work for their precinct commissioners. TM English stated that the Town has a system where there is no clear line of authority so it gets murky. Rick Ladd asked if a third-party inspector was an employee of the Town and was told that they were. Don Hammond and Brad Kennedy agreed that a full-time, third-party inspector should be hired. Rick Ladd stated that to make this work right, the chiefs would have to designate an individual who would be the inspector who would have some tie to the Town. Don Hammond stated that the precinct commissioners would have to back it 100%. Steve Robbins stated that it would cost about \$70,000 a year to hire an inspector to do the job right but the fees generated would not offset the cost. TM English stated that the fees should be based on an hourly rate rather than a set fee. Steve Robbins stated that if it were him, he would want to know what the fee is going to be ahead of time, rather than not knowing due to the amount of time the inspection takes. Steve Robbins stated that a lot of the problems are caused by the tenants. Brad Kennedy stated that by renting by the week, this is the type of tenant you would be getting. Jon Hobbs made the suggestion that there needed to be centralized billing for these inspections so that the chiefs know who has paid and who hasn't paid. He stated that this is a broken system. TM English stated that if there is a legitimate landlord and they run a decent operation, they are not paying excessive costs for fees and re-inspections because they are good businessmen and running a quality operation. Steve Robbins stated that there are nice apartment buildings; the problem is that there are clusters of places that are driving these people broke. They will rent to anybody. Rick Ladd then asked if the fire chiefs were happy with the fee schedule. There was more discussion about the \$50 re-inspection fee. AA Lacaillade asked how many apartment and commercial buildings currently have a certificate of compliance and Brad Kennedy stated there were none. The only ones he has issued were to the hospital, Wal-Mart and the Robert E. Clifford Building. Don Hammond suggested doing the initial inspections to let the apartment and commercial building owners know what needs to be done to their buildings. After a year's time, go back and reinspect to make sure everything has been done. Rick again asked about the Woodsville Fee Schedule. TM English asked Brad Kennedy if since they instituted the Fee Schedule, if he felt that there was compliance. Brad stated that the boiler inspections were good.

Rick Ladd then asked about the \$5,000, the \$1,000, and the \$1,000 that the chiefs receive to do the inspections and if they were seeing this as a stipend or as something they divide by the hour. TM English stated that he was under the impression they were paid by the hour. AA Lacaillade stated that she was hearing that the chiefs just receive that amount. Don Hammond stated that he worked per hour for any inspections when he did them. Rick stated that there was mileage and paperwork time that should be counted in their hours. He stated that there should be consistency from one end of Town to the other. TM English stated that that was what happened with the firefighter pay. Rick stated that he was hearing to leave the Fee Schedule the way it is. Rick stated that they would bring the Resolution as modified to the Selectboard and if it passes, then decide on the Fee Schedule.

**Adjourn Meeting:** The meeting was adjourned at 8:24 PM

Minutes transcribed by Karen Hyde