

# FINAL

## BOARD OF SELECTMEN'S MEETING

December 3, 2007

7:30 P.M. – MUNICIPAL OFFICE BUILDING – HANOVER NH

The meeting of the Board of Selectmen was called to order at 7:30 p.m. by Chairman Brian Walsh. Present were: Brian Walsh, Chairman; Katherine Connolly, Vice Chairman; Peter Christie, Selectman; Bill Baschnagel, Selectman; Athos Rassias, Selectman and Julia Griffin, Town Manager.

### 1. PUBLIC COMMENT.

Chairman Walsh asked for Public Comment. There were no comments from the public.

### 2. RECOMMENDATION TO SET A PUBLIC HEARING ON DECEMBER 17, 2007 TO CONSIDER A REQUEST FOR PRIVATE CONSTRUCTION ON A CLASS VI HIGHWAY TO CLEAR TREE DEBRIS ON OLD SPENCER ROAD.

Chairman Walsh asked Ms. Griffin to brief the Board on this item. Ms. Griffin advised that this request requires a public hearing based on Ordinance #4. There are two abutters and an interested party who expressed their objections to the clearing of the road.

Selectman Baschnagel asked for copies of the notice that was sent. Ms. Griffin advised that she would provide the Board with all of the information including the objections by the abutters.

**Vice Chairman Connolly MOVED to set a public hearing on December 17, 2007 to consider a request for private construction on a Class VI highway to clear tree debris on Old Spencer Road. Selectman Baschnagel SECONDED the motion.**

There was general discussion between the Board members regarding the classification of Class VI and Class V roads and the current condition of Old Spencer Road. Ms. Griffin also noted that the Ordinance requires written notification to those who have raised a concern in addition to the notice that will appear in the newspaper and bulletin boards. Chairman Walsh would like to have clear guidance from legal counsel prior to the public hearing.

**THE BOARD VOTED UNANIMOUSLY TO SET A PUBLIC HEARING ON DECEMBER 17, 2007 TO CONSIDER A REQUEST FOR PRIVATE CONSTRUCTION ON A CLASS VI HIGHWAY TO CLEAR TREE DEBRIS ON OLD SPENCER ROAD.**

**3. PRELIMINARY DISCUSSION OF DRAFT ORDINANCE  
REGARDING MINIMUM STANDARDS OF HEALTH AND  
SAFETY OF RENTAL HOUSING.**

Chairman Walsh advised that the Board received a copy of the draft in their Friday packets and noted that the Board brought a draft ordinance to a public hearing a couple of years ago. One of the issues that came up was whether the ordinance would allow for the Town to act upon a complaint.

Ms. Griffin pointed out that this draft is really complaint driven. The feeling at the time was that the Ordinance might be overkill for some small scale problems. The draft ordinance does require a written complaint be presented to the Board and it prescribes that the task be handled by a rental housing enforcement officer but she wanted to make it clear that she is not proposing adding additional staff for this. Ms. Griffin wanted to confirm the direction that the Board wanted to proceed with for this ordinance before getting legal review.

Selectman Christie questioned why this ordinance would be complaint driven. Ms. Griffin noted that this came from previous discussions and the Fire Chief has authority to enter any premises if there are any suspected fire safety code violations but the thought was to make this ordinance complaint driven initially and create a safe environment to receive complaints.

Selectman Christie would want the right to act under the ordinance if something is brought to the Board's attention and would not want to limit the ordinance to complaints received. Selectman Baschnagel agreed and felt that there might be a situation where there might be reason to believe that there is an issue and therefore grounds to investigate.

Vice Chairman Connolly appreciated an ordinance where things are handled in this manner and there are a few repeat offenders in Town which are difficult but this will not punish all property owners for a few violators. She didn't feel that the complaints necessarily had to be in writing.

Ms. Griffin stated that the Town still has the ability to act but this creates a standard procedure to follow. Selectman Baschnagel noted that the section relating to Housing Standards seems to prescribe that a Board be created and the complaints to be handled a certain way. Ms. Griffin advised that she spoke with Walter Mitchell about this and they would need to look into whether they need to create a Rental Housing Standards Board.

Selectman Christie noted that the procedure in case of an emergency has a long list of requirements including a month's notice before anyone enters the building. Ms. Griffin referred to page 6 of the draft which provides the Town with the ability to act in an expeditious manner.

Chairman Walsh would like to see a simpler and more flexible ordinance. Selectman Baschnagel felt that there was some restrictive wording in the area of acting upon a written complaint from a Hanover resident or property owner which could exclude a tenant. He would like to see some clarification and would like anyone who has observed an issue of concern to be able to complain to the Town and have it investigated.

Selectman Baschnagel would like to add wording to the ordinance listing the ability to post a building as uninhabitable.

Chairman Walsh asked for clarification on the penalties and whether they vary. Ms. Griffin noted that State law has different fine amounts applicable depending on the nature of the violation. The wording allows for fines to be set 'by the appropriate authority according to law' on page 8. Ms. Griffin noted that she could certainly post the fine amounts for the corresponding violations.

Chairman Walsh felt that a fine would not be as effective as having the ability to shut a building down. Selectman Baschnagel noted that the proposal is to notify of a violation, ask for a plan to resolve, the Town reviews the plan, if the plan is not acceptable, the Town can ask for another plan to resolve and it isn't clear where that ends, but, in the meantime it would be good to be able to place a property under investigation. If the Town does not receive an answer to a request he can foresee months passing by before a response is received or a problem is resolved.

Ms. Griffin noted that for serious violations, Fire Chief Bradley has not been shy about using his ability to shut a property down within 24 hours if the requirements are not met.

Chairman Walsh would like to know the potential penalties in the public health section prior to the public hearing.

**4. APPROVAL OF MINUTES:**  
- November 19, 2007

**Selectman Baschnagel MOVED to approve the Minutes of November 19, 2007 with minor changes. Vice Chairman Connolly SECONDED the motion.**

**THE BOARD VOTED UNANIMOUSLY TO APPROVE THE MINUTES OF NOVEMBER 19, 2007 WITH MINOR CHANGES.**

**5. ADMINISTRATIVE REPORTS.**

Ms. Griffin advised that she has been working on budget review with each department. She doesn't see the ability to add staff at all within this budget. She continues to be concerned with the economic outlook and will be interested to see the CPI numbers for November.

Ms. Griffin advised that there is anticipation of some hardening with the municipal bond market and feels that there will be more impacts from the sub prime fallout.

Ms. Griffin noted that she spoke with Dennis Logue who gave an update on the NH Retirement System Working Group which he participates in. He told Ms. Griffin that they may have the draft report for review this week so the Town should have the report fairly soon. He felt that the Legislature will take up some of the issues in January.

Chairman Walsh asked about bond issues and the sewage treatment plant and would like to ask the Municipal Association about other communities in the same situation. Ms. Griffin noted that this information is being collected and part of it is used for anticipating revolving loan funds. Chairman Walsh doesn't want to miss out on funding opportunities if other Towns need the same work done and Hanover handles the issue first.

## **6. SELECTMEN'S REPORTS.**

### **Peter Christie**

Selectman Christie advised that he, Tom Blinkhorn and Betsy McClain have been working on ways to finance the improvements and renovations at the Wastewater Treatment Plant. They are working on better ways to assess use and capacity fees.

### **Kate Connolly**

Vice Chairman Connolly reported that there was one Planning Board meeting where they discussed rural zoning and a handful of zoning amendments. They also heard a report from the Rural Committee which she attends occasionally. The Committee is working on a Rural Overlay Zone which will probably be completed in the next couple of weeks.

Vice Chairman Connolly advised the Curtiss Road development will be presented to the Planning Board tomorrow night. The project was altered from having the housing face Lyme Road to having it face Curtiss Road which will be an interesting change. Selectman Baschnagel noted that this change was encouraged by the neighbors.

Vice Chairman Connolly suggested setting the polling hours now versus waiting the next meeting. The Board discussed their availability and set times in which each member would be attending the polling hours.

### **Bill Baschnagel**

Selectman Baschnagel had nothing to report.

Board of Selectmen  
December 3, 2007

**Athos Rassias**

Selectman Rassias had nothing to report.

**Brian Walsh**

Chairman Walsh reported that a Sheriff served him papers for two lawsuits against the Town of Hanover by the Occom Pond Neighbor Association which he forwarded to Ms. Griffin.

**7. OTHER BUSINESS.**

There as no other business.

**8. ADJOURNMENT.**

**Selectman Baschnagel MOVED to adjourn the meeting. Vice Chairman Connolly SECONDED the motion.**

**THE BOARD VOTED UNANIMOUSLY TO ADJOURN THE MEETING AT 8:15 P.M.**

Respectfully Submitted,

Athos Rassias, Secretary

Minutes prepared by Elizabeth S. Rathburn.

**SUMMARY**

1. **Vice Chairman Connolly MOVED to set a public hearing on December 17, 2007 to consider a request for private construction on a Class VI highway to clear tree debris on Old Spencer Road. Selectman Baschnagel SECONDED the motion.**

**THE BOARD VOTED UNANIMOUSLY TO SET A PUBLIC HEARING ON DECEMBER 17, 2007 TO CONSIDER A REQUEST FOR PRIVATE CONSTRUCTION ON A CLASS VI HIGHWAY TO CLEAR TREE DEBRIS ON OLD SPENCER ROAD.**

2. **Selectman Baschnagel MOVED to approve the Minutes of November 19, 2007 with minor changes. Vice Chairman Connolly SECONDED the motion.**

**THE BOARD VOTED UNANIMOUSLY TO APPROVE THE MINUTES OF NOVEMBER 19, 2007 WITH MINOR CHANGES.**

3. **Selectman Baschnagel MOVED to adjourn the meeting. Vice Chairman Connolly SECONDED the motion.**

**THE BOARD VOTED UNANIMOUSLY TO ADJOURN THE MEETING AT 8:15 P.M.**