

FINAL

BOARD OF SELECTMEN'S MEETING

December 3, 2012

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 Peter Christie. Present were: Peter Christie, Chairman; Athos Rassias, Vice Chairman; Bill Geraghty, Selectman; Nancy Carter, Selectman; Jay Buckey, Jr., Selectman; and Julia Griffin, Town Manager.

1. PUBLIC COMMENT.

Chairman Christie announced that the Town has a wonderful celebration tonight and he asked Sergeant Brad Sargent to step forward.

Chairman Christie read the following Resolution:

WHEREAS, Bradford F. Sargent, a Sergeant of the Hanover Police Department began his employment with the Town of Hanover on May 8, 2000; and

WHEREAS, Bradford F. Sargent on day watch, October 9, 2012, while conducting routine patrol with a new trainee, was flagged down by a bystander advising him that there was a man down on a nearby tennis court with an unknown medical problem; and

WHEREAS, Bradford F. Sargent requested an ambulance and responded to render aid at which time he found the victim lying unconscious; and

WHEREAS, Bradford F. Sargent immediately recognizing the seriousness of the medical condition, had the wherewithal to bring and use the automated external defibrillator (AED) and then performed CPR until Emergency Medical Technicians arrived on scene; and

WHEREAS, the quick and decisive actions of Bradford F. Sargent aided in the resuscitation of the man;

THEREFORE, BE IT RESOLVED that the Selectmen for the Town of Hanover, along with the Hanover Police Department recognize the lifesaving efforts of Sergeant Bradford F. Sargent on October 9, 2012; so read into the record on Monday, December 3, 2012.

Chairman Christie announced that this Resolution has been signed by the Board of Selectmen; it was then presented to Brad Sargent. Chairman Christie invited Richard Wallace to make a statement.

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Mr. Richard Wallace stated that he has no idea what to say to someone who saves your life other than Thank you, Thank you, Thank you. He stated that he was definitely down and out and the count was beginning until Sgt. Sargent arrived on scene. He feels incredibly lucky and very, very fortunate that he responded so quickly. Mr. Wallace stated that because of Sgt. Sargent's actions, he's here tonight and without his quick actions, he would not be. Mr. Wallace thanked Brad Sargent and stated that he is so happy to be around. Mr. Wallace presented Sergeant Sargent with a service pin that will be part of his uniform in recognition of his life saving achievement.

Ms. Ann Gormley stated that she is Richard Wallace's wife and stated that when she first spoke to the Police Chief the day that this event happened they wanted to do something to recognize Sgt. Sargent's actions but wanted to wait until Richard was well enough to attend; she also wanted to thank Brad Sargent. She stated that one of the things that this exemplifies is the importance of having Automated External Defibrillators (AEDs) in public places and police cars; it also exemplifies the need for people to be trained in CPR. Ms. Gormley stated that when Richard was well enough, they decided that they wanted to help provide more AEDs so they are making a donation to the Town for more AEDs for the police force. Mr. Wallace presented Sgt. Sargent with a check to be given to the Town for the AEDs.

Chairman Christie invited Sgt. Sargent to introduce his family. Sgt. Sargent introduced his wife Sherri, his son Matthew, his daughters Jane and Abigail, his mother and his Step-Dad Bill. The audience applauded and congratulated Sgt. Sargent.

Chairman Christie asked for any other Public Comment. There were no additional comments from the public.

2. BOARD WORK SESSION TO REVIEW OPTIONS FOR RENTAL HOUSING INSPECTION AND REGULATION ORDINANCE.

Ms. Griffin stated that Jonathan Edwards, Director of Planning and Zoning; Laura Spector-Morgan, Town Attorney; Judy Brotman, Zoning Administrator; Ryan Borkowski, Building Inspector; Judith Esmay, Planning Board Chair and Kate Connolly from the Planning Board were all present to speak to the Board regarding the proposed Rental Housing Inspection and Regulation Ordinance.

Chairman Christie noted that the Board has had a chance to review the history of the issue and one of his biggest questions is what can the Town legally do about this.

Ms. Spector-Morgan stated that New Hampshire is not a home rule state. In NH, Towns only have the authority specifically given to them by Statute. The Town has the ability to adopt zoning because there is an RSA that tells them that they can do that. The Town has the ability to adopt housing standards under RSA 48-a but those housing standards would apply to all housing.

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Ms. Spector-Morgan stated that she understands that in Hanover as well as other college towns, the problem is not necessarily with all housing but rental housing and often this includes absentee landlords. She noted that the problem is that as they tried to narrow the focus of the ordinance to address the specific problems, there are legal hurdles in the form of equal protection claims. A landlord could claim that they are not being treated the same as other landlords. The Statute allows the Town to adopt housing standards but it does not specifically allow the Town to adopt a Registration or Inspection program. The argument would be - how can the Town enforce housing standards if they don't know where the rental housing is?

Ms. Spector-Morgan stated that an Inspection Program would be an easier package to sell compared to the Rental Housing Registration. Ms. Griffin confirmed that Ms. Spector-Morgan's concerns surround the fact that this would only apply to a subset of all housing. Ms. Spector-Morgan stated that there is also no clear authority to do this. She also noted that the Landlord/Tenant Statute was recently amended to require that landlords (defined as owning 3 or more properties) must register with the Town; by adopting this, the Legislation made it harder to adopt a Registration Program.

Selectman Buckey noted that he did some research on the Web and the City of Manchester has a Rental Housing Inspection Program. Ms. Spector-Morgan noted that cities have slightly different and broader powers than towns. Selectman Buckey noted that Durham was considering a Rental Housing Ordinance which has not been passed. Ms. Spector-Morgan noted that the first reading of the Durham Ordinance is scheduled for tonight. Ms. Griffin noted that Durham drafted their Ordinance based on Hanover's draft; as a University community they are dealing with similar issues although more severe.

Ms. Spector-Morgan stated that it's her understanding that Durham has a greater number of problem landlords than Hanover. She noted that Durham started with a Disorderly Housing Ordinance which provided that if a house was consistently a party house and the police continued to be called to deal with it, the landlord would need to address the issues. Since that Ordinance has been adopted, it has not been fully implemented because they have addressed the problems with the landlords.

Ms. Spector-Morgan stated that the Town of Belmont has a Rental Housing Ordinance that is an inspection based program which was put in place several years ago. Their concern was the hotel/motel issues in their town.

Selectman Buckey noted that Plymouth and Durham are two other towns in a similar situation to Hanover. Ms. Spector-Morgan suggested that the Town of Durham go to the Legislation to get authority to adopt a Registration and Inspection Program which they chose not to do. This is an option that Hanover can pursue.

Selectman Buckey read from RSA 48-a:14 and in the first paragraph it states "No landlord as defined, renting or leasing a residential dwelling in a municipality which has not adopted ordinances, codes or by-laws pursuant to this chapter shall maintain those

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rented properties in a condition.....” and he noted that it suggests the ability to have ordinances.

Ms. Spector-Morgan noted that there is the ability in RSA 48-a to adopt ordinances but in RSA 48-a:3 it gives the Town the ability to adopt ordinances but it would relate to all housing. She noted that this is a pretty complicated set of standards for the ordinances; there needs to be an agency that enforces it; an appeal procedure and a petition procedure and it can be difficult to work with. Ms. Spector-Morgan noted that one town that adopted this found it so difficult to work with that they put their housing standards in their Zoning Ordinance. This would be another way to address this issue but would relate to all housing as well.

Selectman Buckey asked if there is a community that deals with this issue very well. Ms. Spector-Morgan stated that everyone dealing with it struggles with it. She noted that in the Town of Durham they focus on external issues surrounding the rental housing problem such as dealing with parking issues. These violations reflect the on-going inside problem with the rental housing units and by addressing these; the landlords are encouraged to deal with the underlying issues. Durham has also begun pursuing some of the action in District Court which doesn't provide an order to stop the violation but the fines get to be expensive. She noted that this is another option that the Town can pursue as well.

Chairman Christie clarified that if the Town adopted an ordinance, it would need to apply to all housing in order to be in conformity with RSA 48-a. Ms. Spector-Morgan stated that the standards need to apply to all property. Chairman Christie asked whether having this just apply to rental properties would be legal. Ms. Spector-Morgan stated that it increases the problems legally but decreases the problems practically.

Ms. Griffin stated that when this was brought forward to Town Meeting to enable the Board to adopt a Rental Housing Ordinance, the big concern was passing a Rental Registration and Inspection Program that would apply to everybody who owns and rents rental housing when in fact the problem is limited to a handful of properties. This was when the Town moved to focus on a complaint only driven Rental Housing Ordinance but then they get into the equal protection issues.

Chairman Christie asked whether the Town Meeting vote of 2003 gives the Town the authority to adopt a Registration and Inspection Ordinance. Ms. Spector-Morgan stated that the Town vote gives the Board Town Meeting approval to do it but this doesn't mean that they have State Statute authority. Chairman Christie understood this issue but from the Town's perspective, the Town has the authority through Town Meeting to come forth with an Ordinance for Rental Registration and Inspection. Ms. Spector-Morgan confirmed that this was true.

Selectman Buckey asked whether the landlords would benefit from lower insurance costs if the Town has a Registration and Inspection Program. Ms. Spector-Morgan stated that she didn't know. Ms. Griffin stated that this was brought up previously with the thought

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that a better maintained rental housing property would be less expensive to insure if it were “certified” by the Town and the landlord could provide evidence of that but they would need to speak to the insurance underwriters to get a better sense.

Jonathan Edwards, Director of Planning & Zoning, stated that the source that he used was ISO which is based on a national consortium of insurance agencies. He noted that he worked with them many years ago about adequacy of building inspections and this particular question came up and it was felt that the underwriting criteria would support a savings in premium but it was unclear how much.

Chairman Christie took from this conversation that it is not clear that State Law gives them the authority to do this. Ms. Griffin noted that they could consider amending the zoning ordinance to include property maintenance standards; the Town deals with a range of complaints from a lawn that isn’t mowed by tenants and neighbors complain to having more than 3 unrelated people crammed into a rental unit. In cases where there are egregious situations, the Town will get the Fire Chief involved for safety issues. Ms. Griffin wasn’t sure if the Registration and Inspection Program could be outlined or maybe a series of criteria that property owners are to abide by.

Ms. Spector-Morgan stated that it would include the criteria that the property owners are expected to abide by. She noted that for the egregious situations, RSA 48-a:14 can be used without adopting any sort of ordinance. This does deal with the basic life safety requirements. Chairman Christie asked how this can be done.

Ms. Spector-Morgan stated that typically a situation can occur when a parent comes up to visit and find that the living conditions are terrible for their student and they request an inspection. There was one situation where this happened and the sewage was backed up and this was a clear violation. Chairman Christie noted that this would be a complaint driven example.

Vice Chairman Rassias asked how the inspectors would gain access. Ms. Spector-Morgan stated that the tenants can let them in or the owner could let them in. RSA 48-a:14 is processed through Superior Court and there are procedures to speed that up in terms of preliminary injunctions when there are clear and immediate violations. The lawsuit takes a couple of years to get through the courts but there can be some quick and immediate relief in severe situations.

Mr. Edwards stated that the more severe situations can be dealt with a little easier than the annoyance complaints. Mr. Edwards stated that they don’t usually have a lot of problems getting the landlord’s attention and justifying vacating the premises if needed but in some cases the tenants don’t want to be vacated because they have nowhere to go. The number of the people in the residences is a more common problem. Mr. Edwards stated that part of the reason that they wanted to have a Registration and Inspection Ordinance was to deal with the overcrowding.

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Ms. Spector-Morgan stated that an option might be to create a voluntary Registration and Incentive Program whereby if a landlord doesn't register and allow inspections, they are bound by the 3 unrelated rule but if they do comply, they could get a density bonus; if you have 4 bedrooms, you can have 4 tenants; or if there is a certain amount of square footage, they could have more tenants. She stated that providing an incentive would make it less objectionable and because it would be voluntary, it would be less legally objectionable and it might actually get the Town better compliance.

Mr. Edwards isn't sure that this is a sufficient incentive to gain a lot of traction but it might be worth trying. The issue in all of this is that they have used a less formal complaint driven approach and they are unable to find violations in health codes from an exterior point of view. Mr. Edwards stated that short of a tenant allowing inspectors inside, which they are generally reluctant to do, the majority of complaints come from the parents who have moved their child into a living arrangement that is disturbing. The Town can't always find enough evidence to get a warrant to enter if they are not let into the property. Mr. Edwards stated that creating a Registration and Inspection Program would create a system that would allow for an inspector representing the Town to get into the property on a regular and predictable basis.

Mr. Edwards stated that the evidentiary requirements and the haphazard nature of the situation brought them to the point in 2002 where they wanted to figure out a system that would pay for itself which is probably how the registration idea came up to generate the revenue to pay the inspector to do the work.

Selectman Buckey stated that it might be interesting to look at the insurance and liability impacts of a voluntary inspection/certification program. Ms. Spector-Morgan stated that if you could educate parents and students about the voluntary registration and have the list on the Town website; it might create a further incentive for people to register.

Mr. Edwards stated that they pursued this a little bit with Dartmouth and at one point asked the College to put health and safety standards for rental housing in the handbook. They have also talked to the Real Estate Office at Dartmouth about instituting a program like this where they could limit their rental listing to only those who have been certified but they never got far enough to get a commitment on this.

Ms. Griffin stated that the Dartmouth Rental Housing office is the main conduit with regard to rental housing information for students. Dartmouth would have the ability to flag properties that are not registered or inspected or not as clean as they should be. Mr. Edwards stated that sometimes there are disputes between the Landlord and the Tenant about the division of responsibilities.

Mr. Edwards stated that there are external effects that are obvious to the neighbors. Most of the time the neighbors don't complain on what is happening inside the property because they don't know what the situation is but the more people who live in a unit, the more likely there will be additional cars parked outside. Unless an internal activity has a negative external effect, it doesn't usually come to their attention.

Mr. Edwards stated that some of the issues may be a matter of taste. He noted that when people have come to complain about clutter, etc. – how do you define this in a way that is enforceable? Mr. Edwards noted that he encouraged some of the neighbors who have complained to help define standards and they have also been unable to define the standards.

Vice Chairman Rassias asked about approaching the State Legislature and how onerous of a process that would be. Ms. Spector-Morgan stated that there has been a shift in the Legislature so this may work in the Town's favor and she suggested working through the Local Government Center or the local representatives to have that conversation. Ms. Griffin stated that if they pursue this in conjunction with Durham and Plymouth, they may get further. Ms. Griffin stated that the question would be what type of enforcement the Town would be looking for. The Towns would need to articulate what the problems are and typically they are the problems that impact neighbors; the safety of the property; systems that don't work, etc.

Ms. Spector-Morgan stated that the Town should also be prepared to speak to why RSA 48-a:14 is not sufficient.

Mr. Edwards stated that one approach to consider asking about would be ticketing enforcement. Some states have a well defined ticketing program that can be used for this sort of thing and the Town of Hanover does not have this.

Chairman Christie was trying to get a handle as to how serious/widespread the problem is and noted that there are about 900 rental units in Hanover and 174 that are absentee or multi-family that are of concern.

Judith Brotman, Zoning Administrator, and Ryan Borkowski, Building Inspector & Mr. Edwards were present to speak to the Board regarding the current problems. Ms. Griffin stated that of the total number of rental units, they probably have issues with a fairly small percentage of the rental housing units.

Ms. Brotman stated that the problems that they do have are either really large problems or small niggling problems. She stated that most of the units are safe and cared for and the landlords obey regulations but there are some that are very unsafe and unhealthy; they don't usually come to the Town's attention until the tenants are moving out. Ms. Brotman noted some examples of overcrowding that they have had to deal with.

Chairman Christie asked how many of the issues that they have dealt with are safety issues. Mr. Borkowski noted that 3 years ago they took over the Health Officer duties when Dr. Boyle retired and in 2010 there were 12 cases formally handled; 9 were health related. He noted that in 2011 they investigated 24 health related cases.

Chairman Christie asked how many of the 24 cases were found to be out of compliance with RSA 48-a. Mr. Borkowski stated that he didn't have this information but he did

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note that these complaints did not include overcrowding or zoning violations but did include a meth lab, a messy yard, mold, overgrown lawn, 2 portable toilets, run-down house, scattered rubbish, sewage back-up, accessory structures, spill clean-ups, contamination, basement flooding, and a coliform bacteria violation. In 2012 there were 17 health related incidents.

Selectman Geraghty referred to the complaints in 2011 and asked how many were related to Dartmouth students. Mr. Borkowski stated that half of the calls that come in are zoning violation related and go to Ms. Brotman. He estimated 2/3rds of the complaints are related to College students. Selectman Geraghty stated that the Town is concerned about this but the College must be concerned as well. Selectman Geraghty was trying to narrow down the health issues, who the offenders are, and who can help to solve the problem. Ms. Griffin stated that there is a lot of money to be made by the landlords and the Town's enforcement tools are somewhat limited, marginally effective and often don't carry enough of a financial punch to change the behavior. The rental property population are innocent people that don't know what their rights are as renters.

Mr. Edwards stated that there are probably about 6 landlords that are the biggest offenders. Selectman Geraghty asked why the College wouldn't want to create a list of landlords to avoid. Ms. Spector-Morgan stated that if the Town were to create a list like this, she would be concerned about a defamation lawsuit. Selectman Geraghty asked if concerns could somehow be communicated to parents. Mr. Edwards stated that there are parents that call looking for this type of information and they are unable to be candid about the situations surrounding properties in town. They can provide information regarding the enforcement history which is a public record. Ms. Spector-Morgan stated that the Town can state; 'our enforcement records are public records and you should feel free to come down and review them.'

Mr. Borkowski stated that in his experience of fielding parents' phone calls, they call the Town first because they feel that the Town should have the ability to deal with these issues. The parents are usually surprised that the Town can't do anything.

Ms. Brotman reported that they did talk to the College but they (the College) didn't want to have a statement that said specifically not to rent from certain people and the students are looking for places where they can put more people into a rental. She noted that one of the worst cases involved a single family home with a studio apartment in the basement that had all sorts of issues and it was undetected until there was a sewage backup issue and the student couldn't stand it anymore.

Mr. Edwards noted that one group not constrained by legal issues is *The Dartmouth* (student newspaper). They have run two articles in the past 10 years about the conditions of off campus housing for students and the way that the landlords handled issues which were widely circulated among the students but it did not appear to affect rentals. Part of the reason is probably because the market is so tight and students are sometimes reluctant to come forward for fear of eliminating housing close to campus.

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Selectman Carter asked about the number of College students in relation to the number of beds available in the dormitories. She asked if availability is the issue or if there are students that would simply prefer to live on their own off campus.

Mr. Edwards stated that Dartmouth does not have enough housing for 10-15% of their undergrad population so there is an undersupply of college housing and a constraint on the market. When the College built the 3 dorms on Maynard Street, it did increase the number of campus beds and there was a definite drop in complaints. Dartmouth is reducing the capacity of the older dorms and the shortage in campus housing is creating an increase in complaints. Ms. Griffin stated that students want more space in their dorm rooms and Dartmouth is trying to accommodate that. Ms. Brotman stated that the rental is around \$850/month per person in the rentals.

Selectman Carter asked if this is a Town/Gown conversation for the long term. She noted that the housing at Sachem Village next to Champion Rink is amazing and with the large vacant lot at Rivercrest she wondered whether it was appropriate for Town/Gown relationships to look at large tracts of land and make some recommendations in terms of student housing.

Ms. Griffin stated that there have been long standing conversations with the College about the issues. It is preferable to the Town to have the students in College owned/maintained buildings. The College can deal with students who are not properly maintaining their property housing. The College is less inclined to police their students who do not live on campus.

Mr. Edwards noted that the Master Plan goal is to have the College house all of their undergraduate students. This would free up the rental market in terms of both numbers and price for people who work in town and who otherwise could not afford to live here.

Selectman Christie asked for clarification that if the Town had an ordinance which requires everyone to register and gives the Town the right to inspect; what prohibits the Town from using the ordinance selectively. Ms. Spector-Morgan stated that it brings them back to the equal protection issues so if the Town were to use this only to enforce against certain landlords and not others and they were able to go to court and claim discrimination, the Town opens itself up to equal protection claims. Mr. Edwards stated that this was an issue that they tried to address in the draft whereby if a housing inspector discovers that a location has a consistently good record then the annual inspection requirement would be waived until or unless there was a complaint. This was one way to provide an incentive.

Chairman Christie stated that he is trying to determine how to keep the scope under control. Previous suggestions included the need to hire a full time person, all landlords paying a certain amount per year and what they're really trying to deal with is half a dozen landlords and 24 cases; he is concerned with how the Town can balance this.

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Ms. Spector-Morgan stated that in Durham they tried to address this by having the problem landlords register instead of having everyone register. These rental properties would be inspected on a regular basis and this would stand up better in court because there was a reason to single them out and make them subject to inspection.

Mr. Edwards stated that a general approach would be to handle the complaint driven issues and then if they go on the problem list they would need to register and be subject to inspection. This may also provide incentive to not get on that list.

Ms. Griffin stated that the Town will ask the Fire Department to do an inspection when there is a life safety code violation. The Fire Chief has broader powers in general in getting access to properties when there is a problem. The Chief could then take pictures of other violations while inside a property. She noted that when Dartmouth bought the former Hanover Investment Corporation rental housing properties on Currier and South Street, the Town was able to get a look at the units and the conditions were unbelievable.

Chairman Christie stated that at some point the individual responsibility of the renter should kick in. Ms. Griffin stated that in speaking with the College, the discussions have come up about how they could educate the students to be better consumers of rental housing. Over the years they have updated the Rental Housing Guide twice but it's unclear how effective it's been.

Kate Connolly, Planning Board member, stated that the recently passed RSA 540 allows for 3 or 4 units in a rental area to be registered. She stated that it's been her experience that if a State Law is passed, it's a minimum requirement and the towns and cities have the right to amplify on those. Ms. Spector-Morgan stated that many of the Statutes state that the Town can adopt something more stringent but this is not in the Registration Statute.

Judith Esmay, Chair of the Planning Board, stated that the degree to which the specter of student housing impacts the neighborhoods, even the suggestion that there might be a discussion about density in the neighborhood creates a response of terror and fear among the neighboring residents. She stated that if the Town can assure neighbors that the rental properties would be monitored and it would be required to be safe, this would enable the Planning Board to more readily do its job regarding where density is appropriately placed in the Town.

Selectman Carter stated that she was surprised that the Fire Chief could take pictures of things other than health and safety violations. She asked Chief Bradley how often he or his employees take pictures of other problems such as sewer backups, etc.

Chief Bradley stated that on a very, very rare occasion it has been done but they do not do this as a standard practice. Chief Bradley goes to a residence to focus on a specific concern but if there is something egregious, he will bring this to another person's attention.

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Chairman Christie stated that he is concerned about who pays if the Town has the ordinance. If it's a safety and health issue, he would have trouble asking everyone else to foot the bill to deal with the issue. This may need to be self funding.

Selectman Buckey stated that it sounds like there are several options:

- to do nothing;
- to create and Registration/Inspection ordinance which has legal problems;
- voluntary program;
- incorporating the housing requirements in the zoning ordinance; or amending State law;
- complaint driven Registration and Inspection program
- a ticketing approach;
- incorporate housing standards in the zoning ordinance;
- District Court action; or
- amending State Law.

Selectman Geraghty would encourage the staff to continue discussions and encourage the College to participate in conversations to come up with a mutual resolution. Selectman Geraghty noted that he heard some good ideas in tonight's discussion that could bring them closer to the right direction.

Ms. Connolly cautioned the Board suggesting that they not bring this to the zoning ordinance due to the length of time that it takes to enforce the ordinance. By the time the problem is dealt with, either the problem has gone away or the people have moved.

Selectman Geraghty would like to see the issues with each option such as whether the solution is not practical for whatever reason. Ms. Spector-Morgan stated that the District Court option is a much quicker option. Selectman Geraghty suggested creating a grid with the pros and cons for each option and the odds of constructive outcome.

Chairman Christie stated that he is concerned about solving the problem; the fairness in who pays and the scope of the project. He is intrigued about having an Ordinance that includes people that have proven violations which would narrow the scope.

Selectman Buckey also wanted to explore the insurance and liability issues for the landlord and whether this is another area that they should be looking at. Chairman Christie stated that he wanted to look at this as part of the funding piece. Ms. Griffin clarified that what they wanted to find out is if a unit is inspected and registered with the Town, whether there is a benefit for the Landlord. Selectman Carter stated that insurance companies offer discounts for teenage drivers that get good grades so maybe there is an incentive for landlords.

Ms. Griffin stated that she and Mr. Edwards could check with a couple of local insurance providers. She also noted that Jonathan Edwards is retiring at the end of the month so

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they would try to put this information together for the Board for the next Board of Selectmen's meeting.

3. REVIEW OF DRAFT BOARD MEETING CALENDAR FOR 2013.

The Board reviewed the 2013 Calendar to determine the dates for future Board of Selectmen Meetings.

4. BANNER REQUEST:

- a. Upper Valley Haven – 2013 Mud Ball
- b. Dartmouth College – Martin Luther kind Jr. Celebration
- c. Special Olympics/Upper Valley – Winter Games

Vice Chairman Rassias MOVED to Approve the Banner Requests for the Upper Valley Haven, Dartmouth College and Special Olympics/Upper Valley. Selectman Buckey SECONDED the Motion.

Vice Chairman Rassias stated that the Town has a policy regarding Banner Requests and has allowed the Special Olympics banner although it's an event that doesn't take place in Hanover. Ms. Griffin noted that the Special Olympics request does fit the criteria set by the Board but there are some private entities that submit banner requests that do not fit the criteria.

Chairman Christie asked Ms. Griffin to send the Banner Request criteria out to the Board members again.

THE BOARD VOTED UNANIMOUSLY TO APPROVE THE BANNER REQUEST FOR THE UPPER VALLEY HAVEN, DARTMOUTH COLLEGE AND SPECIAL OLYMPICS/UPPER VALLEY.

5. APPROVAL OF MINUTES:

- a. November 19, 2012

Selectman Geraghty and Chairman Christie provided the Recording Secretary with some recommended changes to the Minutes of November 19th.

Vice Chairman Rassias MOVED to Approve the Minutes of November 19, 2012, As Amended. Selectman Buckey SECONDED the Motion.

THE BOARD VOTED UNANIMOUSLY TO APPROVE THE MINUTES OF NOVEMBER 19, 2012, AS AMENDED.

6. ADMINISTRATIVE REPORTS.

Ms. Griffin reported that David Stewart began working for the Town today as the new Human Resources Director. She noted that it has been a busy 3 months without an HR

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Director in place and one of Mr. Stewart's first assignments will be to work on recruiting a new Planning and Zoning Director.

Ms. Griffin reported that the Police Department has hired 3 new patrol officers. She noted that Rolf Schemmel retired and Steve Read will be retiring shortly. Christopher Swain graduated from the Academy recently and two new officers are going to the Academy after the holidays.

Ms. Griffin noted that there is a new female Firefighter that has been hired to replace a long time Hanover Firefighter who recently retired.

Ms. Griffin announced that this Friday is "Celebrate the Seasons" in downtown Hanover. All of the retailers will be open and the Town provided additional street decorations. There were concerns from retailers about the fact that the Dartmouth students are off campus for a longer period of time so the Chamber of Commerce has ramped up the marketing of downtown for the holidays. Ms. Griffin noted that there are lights and wreaths on South Street and Lebanon Street in addition to South Main Street. The Downtown Merchants Association and the Chamber of Commerce started a window decorating contest. Ms. Griffin reported that she has been tasked with judging the window decorations which is going to be difficult.

Ms. Griffin stated that the tree lighting happens on The Green at 5:30 on Friday night. There should be an insert in the Valley News that will have all of the details.

Selectman Carter asked if the business owners are speaking to their employees about not parking in the free parking spaces meant for customers. Ms. Griffin stated that the Hanover business owners have already started to get the message out. The Parking Staff doesn't enforce on those Saturdays but they do keep track of employees that park in those areas for further conversation with the retailers.

7. SELECTMEN'S REPORTS.

Jay Buckey

Selectman Buckey had nothing new to report.

Nancy Carter

Selectman Carter had nothing new to report.

Peter Christie

Chairman Christie stated that he appreciates the extra decorations/lights. He noted that the Town Holiday Breakfast is scheduled for Friday, December 21st at 8:30 a.m. Ms. Griffin stated that the Department Heads will be preparing the breakfast this year and this is held for Town employees, Selectmen and Retirees.

Athos Rassias

Vice Chairman Rassias had nothing new to report.

Bill Geraghty

Selectman Geraghty had nothing new to report.

8. OTHER BUSINESS.

Chairman Christie invited Betsy McClain, Finance Director, to approach the Board. He wanted to reaffirm that with regard to the tax rate target, the Board wanted to look primarily at the tax levy instead of the tax rate and create the Town of Hanover Cost Index which was a combination of the known salaries, wages and benefit increases based upon the contract which is 72% of the Town's total expenditures and a rolling average of the historic Municipal Cost Index which they hope reflects the inflation factor on the non-salary expenditures which makes up the other 28% of the budget.

Chairman Christie stated that when they blend the two rates it comes to 2.93% and then they talked about adding 1% as an additional amount for growth to bring the tax rate target increase at 3.93%. Based upon how large the Grand List grows, this could have an increase on the tax rate of 2.9%. Chairman Christie wanted to make sure that this was what the Board agreed to and have a reaffirming vote to set the tax levy increase to 3.93%.

Vice Chairman Rassias stated that he reviewed the materials and it is everything that they talked about and he agrees with everything in principle.

Selectman Geraghty wanted to clarify that the 3.93% amount does not include the New Hampshire Revenue sharing. Chairman Christie stated that part of the Board's decision was to not try to incorporate downshifting from the State into the budget but instead pass that through which has been the practice of the Board for the past few years.

Selectman Geraghty stated that the target would be presented to the Department Heads and then the debate would happen to the details of the budget. Chairman Christie stated that Ms. Griffin and Ms. McClain would then come to the Board with a listing of the items that didn't make the cut. Ms. Griffin stated that they create a list of things that couldn't be placed in the budget in order to make the target which has been referred to as a "Wish List" and they give the Board some options about further cuts.

Chairman Christie stated that he is looking to re-affirm an increase to the tax levy of 3.93% which based upon an increase in the Grand List will have a tax rate impact of approximately 2.9% plus whatever downshifting comes from the State of New Hampshire. The Board thanked Ms. McClain for her assistance.

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Selectman Geraghty MOVED to Re-Affirm an Increase to the Tax Levy of 3.93% Which Based Upon an Increase in the Grand List Will Have a Tax Rate Impact of Approximately 2.9% Plus Whatever Downshifting Comes from the State of New Hampshire. Selectman Carter SECONDED the Motion.

THE BOARD VOTED UNANIMOUSLY TO RE-AFFIRM AN INCREASE TO THE TAX LEVY OF 3.93% WHICH BASED UPON AN INCREASE IN THE GRAND LIST WILL HAVE A TAX RATE IMPACT OF APPROXIMATELY 2.9% PLUS WHATEVER DOWNSHIFTING COMES FROM THE STATE OF NEW HAMPSHIRE.

Chairman Christie MOVED to Follow the Request for a Non-Public Session to Discuss Items Pursuant to RSA 91-a: 3, II (c) and (e).

SELECTMAN BUCKEY VOTED YES; SELECTMAN CARTER VOTED YES; CHAIRMAN CHRISTIE VOTED YES; VICE CHAIRMAN RASSIAS VOTED YES; AND SELECTMAN GERAGHTY VOTED YES. THE BOARD WENT INTO NON-PUBLIC SESSION AT 9:34 P.M.

Vice Chairman Rassias MOVED to Exit the Non-Public Session. Selectman Carter SECONDED the Motion.

THE BOARD VOTED UNANIMOUSLY TO EXIT THE NON-PUBLIC SESSION AT 10:10 P.M.

9. ADJOURNMENT.

Vice Chairman Rassias MOVED to Adjourn the Meeting. Selectman Buckey SECONDED the Motion.

THE BOARD VOTED UNANIMOUSLY TO ADJOURN THE MEETING AT 10:10 P.M.

Respectfully Submitted,

Nancy A. Carter, Secretary

Minutes prepared by Elizabeth S. Rathburn.

SUMMARY

1. **Vice Chairman Rassias MOVED to Approve the Banner Requests for the Upper Valley Haven, Dartmouth College and Special Olympics/Upper Valley. Selectman Buckey SECONDED the Motion.**

THE BOARD VOTED UNANIMOUSLY TO APPROVE THE BANNER REQUEST FOR THE UPPER VALLEY HAVEN, DARTMOUTH COLLEGE AND SPECIAL OLYMPICS/UPPER VALLEY.

2. **Vice Chairman Rassias MOVED to Approve the Minutes of November 19, 2012, As Amended. Selectman Buckey SECONDED the Motion.**

THE BOARD VOTED UNANIMOUSLY TO APPROVE THE MINUTES OF NOVEMBER 19, 2012, AS AMENDED.

3. **Selectman Geraghty MOVED to Re-Affirm an Increase to the Tax Levy of 3.93% Which Based Upon an Increase in the Grand List Will Have a Tax Rate Impact of Approximately 2.9% Plus Whatever Downshifting Comes from the State of New Hampshire. Selectman Carter SECONDED the Motion.**

THE BOARD VOTED UNANIMOUSLY TO RE-AFFIRM AN INCREASE TO THE TAX LEVY OF 3.93% WHICH BASED UPON AN INCREASE IN THE GRAND LIST WILL HAVE A TAX RATE IMPACT OF APPROXIMATELY 2.9% PLUS WHATEVER DOWNSHIFTING COMES FROM THE STATE OF NEW HAMPSHIRE.

4. **Chairman Christie MOVED to Follow the Request for a Non-Public Session to Discuss Items Pursuant to RSA 91-a: 3, II (c) and (e).**

SELECTMAN BUCKEY VOTED YES; SELECTMAN CARTER VOTED YES; CHAIRMAN CHRISTIE VOTED YES; VICE CHAIRMAN RASSIAS VOTED YES; AND SELECTMAN GERAGHTY VOTED YES. THE BOARD WENT INTO NON-PUBLIC SESSION AT 9:34 P.M.

5. **Vice Chairman Rassias MOVED to Exit the Non-Public Session. Selectman Carter SECONDED the Motion.**

THE BOARD VOTED UNANIMOUSLY TO EXIT THE NON-PUBLIC SESSION AT 10:10 P.M.

6. **Vice Chairman Rassias MOVED to Adjourn the Meeting. Selectman Buckey SECONDED the Motion.**

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**THE BOARD VOTED UNANIMOUSLY TO ADJOURN THE MEETING
AT 10:10 P.M.**