

BOARD OF SELECTMEN'S MEETING

DECEMBER 18, 2000

7:30 P.M. - MUNICIPAL BUILDING

The meeting of the Board of Selectmen was called to order at 7:30 p.m. by the Chairman, Brian Walsh. Present were: Brian Walsh, Chairman; Katherine S. Connolly, Vice-Chairman; Marilyn W. Black; Jay Pierson; William Baschnagel; Julia Griffin, Town Manager; and members of the public.

Mr. Walsh announced that this meeting was being taped by CATV 6 and that hearing enhancement equipment was available for anyone who wished to use it.

1. PUBLIC COMMENT:

There was no public comment.

2. DISCUSSION OF OPTIONS FOR PROPOSED NOISE ORDINANCE

Ms. Griffin stated that she had distributed to the Selectmen sample noise ordinances from other New Hampshire communities; she was particularly interested in college communities as they seem to generate their own unique sort of noise. Sample noise ordinances were received from Durham, Plymouth, Keene and Lebanon. She explained that the City of Lebanon has not yet adopted their noise ordinance; the City Council discussed it at length and ultimately opted not to adopt it, but her understanding is that it may be coming back before the Council. The Town of Hartford is also talking about creating a draft noise ordinance although she has not yet received a copy.

Ms. Griffin asked for feedback from the Board regarding this issue. She commented that she feels that noise ordinances that focus on decibel levels are very difficult to enforce. There are always arguments over how the measurement was taken, from what point it was taken, and whether the noise meter was accurate. Her feeling is that a noise ordinance is more effective and easier for the police department to adequately enforce if it limits certain kinds of noises for certain hours of the day.

After reviewing the various sample noise ordinances, Ms. Connolly stated that she prefers Durham's which does use both limitations as well as decibel levels. She noted that she does not see how to avoid ultimately using decibel level measurements in an ordinance simply because there needs to be some sort of unit of measurement. Ms. Connolly added that she feels a noise ordinance and the zoning ordinance should be coordinated. She feels that Durham's noise ordinance is very realistic and simple and seems to do the job. The only thing she would change is to have the same levels in both the zoning ordinance and the Town's noise ordinance.

Mr. Baschnagel asked why the Board was contemplating a noise ordinance and what problems were they trying to address. Ms. Connolly referred to a copy of a petition that was submitted to the Board. The main problem is that some people cannot ensure that they will get a night's sleep between the hours of 11 p.m. and 7 a.m., and the petition sets forth a series of reasons why this happens. The intent is to simply enact an ordinance to put an end to this problem.

Mr. Baschnagel disagreed, stating that he feels ordinances do not end anything. He asked what the problem has been with stopping the noises referred to. Ms. Griffin explained that she thinks the issue is that there is typically a perception that the Town is not effective in responding to noise

complaints, and there is no authority to cause the offenders to immediately cease simply because there is no jurisdiction. There are some limits in the zoning ordinance in terms of decibel levels, but that is about it in terms of the nuisance noise that people most frequently complain about.

Mr. Baschnagel asked if there had been a pattern of people ignoring the admonishments of the police department to tone things down. Ms. Griffin explained that the noises typically complained of are loud college parties, trash removal at an early hour or property maintenance at an early hour, primarily plowing. However, she thinks that neighborhood parties are at the top of the list for certain neighborhoods in Town that complain about noise on a regular basis.

Mr. Baschnagel asked if the police admonishments are ignored. Ms. Griffin answered that very often as soon as the police leave the neighborhood the noise starts up again and the residents feel frustrated when they have to call two and three times and still put up with the noise.

Mr. Baschnagel asked if the Board really felt that placing a \$25 or \$50 fine will change this behavior. Ms. Connolly responded that to do nothing would be worse. Mr. Baschnagel commented that he is not suggesting that the Board do nothing; he is asking whether creating an ordinance will accomplish the goals that are desired.

Mr. Pierson asked if it had been determined how effective the enforcement of the ordinances is in different towns. Ms. Griffin answered that enforcement is only as effective as someone can be there to essentially deal with the offender. For example, on a busy Friday night in Hanover where there are two police officers and a sargent on duty, officers can only be in so many places at one time. It is a big challenge for the Town with respect to college, high school or private parties whether they involve adults or students. She pointed out that most people do not respect that their neighbors deserve a legitimate right to quiet after a certain hour.

Mr. Pierson noted that some of the sample noise ordinances provided to the Board are very detailed, and it seems to him that more detail will make the ordinance even more difficult to enforce. He feels that an ordinance should be made in more general terms allowing the option to talk to people. He noted that he would be in favor of trying to keep the ordinance as simple as possible.

Mr. Baschnagel indicated that he is not against addressing the issue, he is against going through a bureaucratic process if, in fact, the problem will not be resolved. He thinks it might well be appropriate to put forth an ordinance that controls how commercial enterprises deal with noise, but this is different than conflicts with a neighbor. He added that, in fact, he is concerned that by passing an ordinance communication will be reduced between neighbors when this communication actually needs to be enhanced. Although he is sensitive to the fact that people do not want to hear someone hammering next door to them until 8:30 or 9:00 a.m., it is a fact that a lot of people who make their living have their work day start at 6:30 a.m. He questions whether it is appropriate for the Town to tell that person that they can no longer start work at 6:30 a.m. in order to get home in time to pick up their children.

Ms. Black noted that she has lived in a college town for all but eight years of her life, and has yet to see a noise ordinance in any college town that was effective and that could be enforced. She feels that one of the things that happens in a college town is that occasionally there is noise, and that the residents should just accept that as part of living in a college town. She agreed that something can be done with the commercial noise problem. Ms. Black added that she does not think there is a Town in the world that has had success enforcing decibel levels. She believes that residents should be cognizant of the fact that they are living in Hanover because it is a college town, and that colleges make noise on occasion. If there is going to be a noise ordinance, she feels that there has to be exceptions.

Ms. Connolly pointed out that the fact is that the Town has ordinances in place covering many

different things, and in fact they are enforced. She feels that the request for a noise ordinance has nothing to do with being in a college town in the sense that anyone can keep their neighbors up at night with a party. Another problem is the local trash haulers who bang dumpsters at 5:00 a.m.

Ms. Black asked if anyone had talked to the trash haulers about this problem. Ms. Connolly answered that the problem has been discussed with them many times. She added that the Town does everything else so well that she cannot think of any reason why something should not be put in the form of an ordinance that would simply allow people to sleep between the hours of 11 p.m. and 7 a.m.

Mr. Baschnagel noted that his problem with this issue is that his ability to sleep between 11 p.m. and 7 a.m. is different than someone else's ability, and the problem is trying to adjudicate that in a rational and reasonable manner. He feels that it would be very hard to come up with a consistent set of rules that could be applied. Mr. Baschnagel stated that he would tend to favor decibel levels.

Mr. Baschnagle also stated that another problem is that what one person might accept downtown as noise, other people will not accept elsewhere in Town as noise. Ms. Connolly responded that there are a group of things that are unacceptable everywhere, and that is what the people who submitted the petition are seeking. She stated that loud late-night parties and trash haulers are primarily the two biggest difficulties. These problems cannot be dealt with without some sort of an ordinance, and she thinks the people who live close to downtown deserve that much consideration.

Mr. Baschnagel commented that he does not believe it is a matter of consideration. He is trying to look for standards that can be accepted and equitable on a community-wide basis.

Mr. Pierson asked if the petition was from people who lived all over the community. Ms. Connolly answered that it is from many neighborhoods.

Mr. Pierson noted that commercial activity might be something that is more controllable, such as informing trash haulers that they can only make noise during certain times of the morning. Regarding loud parties and music, etc., he agreed that residents living in Town should understand that this will happen.

Mr. Baschnagel indicated that he would be interested in hearing from the police department relative to what makes sense for them to address the perceived problem.

Ms. Griffin informed the Board that both Chief Giaccone and Chris O'Connor will be on the team of staff who will draft the noise ordinance, so their issues and concerns will be reflected in that draft. They will also be present on the night the Board discusses the preliminary draft to walk the Board through their rationale. Communities such as Durham will be contacted to determine from an enforcement perspective what issues they have encountered with their noise ordinances.

Mr. Pierson commented that almost every one of the sample noise ordinances provided to the Board includes certain items such as exemptions or permits. He is in favor of the issuance of permits because people will at least become aware that there is a special event taking place. Ms. Connolly noted that people have gone to the police and asked that they be allowed to have a party, and then have informed their neighbors.

Tom Hall stated that he supports Ms. Connolly's comments. He thinks that it is very vital to consider protecting the hours of 11 p.m. to 7 a.m. Secondly, he feels that there has not been enough emphasis on things that hum or interrupt sleep such as the beeping of construction vehicles backing up or restaurant fans, etc. He also pointed out that the College's buildings keep

getting bigger and noisier ventilation and heating systems. He hoped that the Board would consider humming or intermitting electronic kinds of noises as well as human noises during the period of 11 p.m. to 7 a.m., or whatever time period is reasonable, and that this would be very much appreciated.

Douglas Harp indicated that he disagrees with focusing on the decibel issue; he would stress common sense and common courtesy. He stated that he takes offense to the statement that residents in town have chosen to live in a college town and should expect noisy activities. Mr. Harp pointed out that there are protections for many things in Hanover. He stated that in his case there is a house two doors down from his that happens to be rented to Dartmouth College students. It has been outrageous how noisy some of the parties have been on weeknights, lasting until 1 or 2 in the morning. The police arrive at the house and try to stop the noise, but minutes after they leave the noise starts back up again. He wondered if calling the landlord of the property would have an impact on the activities of the tenants.

Regarding the dumpster noise problem, Mr. Harp explained that the noise is quite remarkable to hear someone standing in the dumpster with a sledgehammer at 5:00 in the morning every morning slamming the side of the dumpster. He does not understand why something cannot be done about that. He feels that Ms. Griffin's earlier comment is correct; that is, that the offenders simply do not care and do not appreciate that they are in a neighborhood full of people who sleep and work. Mr. Harp stated that neighbors have gone to the house near his in the middle of parties and spoken with the students, as well as going over the next day to speak with them, but it does not seem to work. Calling the police works, but it often takes two or three times. He is not sure that a noise ordinance will work, but he feels that it might help.

Mr. Baschnagel commented that he hears Mr. Harp's concerns, but the problem is that he is concerned that the students will not listen under any circumstances and, in fact, he is concerned that they will find violating the ordinance to be a sort of a challenge.

Ms. Black suggested that the Board take it one more step and talk with Dartmouth College representatives. There has been previous discussion about creating a handbook for students about the responsibility of living in the community. If the offenders do not respond to a police call, then she suggested that the problem be reported to the disciplinary people at the College. Ms. Connolly pointed out that the students are out from under the jurisdiction of Dartmouth College once they leave the dormitories; they then become the Town's problem. Ms. Black responded that they are still Dartmouth students and she feels that the Board can talk with Dartmouth about the problem and ask for help. Ms. Griffin stated that she had met with representatives of the College ten days ago to formalize committee members to draft a guide to living off campus.

Mr. Harp asked if the landlords in these situations have any responsibility at all. Ms. Griffin answered that it would certainly be possible to link the violation to both the individuals residing at the property and the property owner.

Mr. Baschnagel commented that a landlord's abilities to control tenants is practically nonexistent other than removing a tenant from an apartment, charging them for damage to the apartment, or for willfull failure to pay rent. Ms. Griffin added that there is discussion about enforcing the zoning ordinance to allow no more than 3 unrelated individuals living at the same property.

Ms. Griffin stated that she would hope to have the draft of the noise ordinance for the Board in late January or early February, and added that it will require the Town attorney's review.

3. UPDATE REGARDING PARKING STRUCTURE

Ms. Griffin reported that the parking structure signage was being installed. She has also signed an agreement with Chuck Gibson to do some additional signage layouts to give as much emphasis to the garage as possible. One of the things she noted when walking through the

parking garage is that the mid-range parking deck had only four vehicles parked there, yet the entire deck is leased. It would appear that there is a possibility for over-leasing to some extent greater than what is currently done to get utilization of the garage and to boost revenues. She has asked Sgt. O'Neill to keep track of the usage levels on that particular deck. Ms. Griffin indicated that the \$125 deck is almost filled, the \$85 deck is filled, yet the mid-price deck is virtually empty. Some of this she believes might be due to the fact that some people paying for a cheaper space are actually parking in the more expensive spaces because they are more convenient. She is in the process of sending out courtesy notices in this regard.

Ms. Black asked if people were assigned specific spaces. Ms. Griffin answered that they are not, although many people seem to have adopted their own space and use that space consistently.

Mr. Baschnagel stated that overbooking was discussed at the last PTB meeting and the thought was that they were still feeling their way in terms of people using the facility, particularly short-term parkers. The thought was to get stabilized and to set up a mechanism where it might be possible to sell monthly permits for parking on the third level.

Ms. Griffin noted that the PTB had been trying to come up with a weekly reporting format that the Board as well as the committee would find useful. Board members presented input and suggestions regarding ways to make the report easier to read.

Ms. Black asked how much staff time it takes to keep track of all of the parking facility statistics. Ms. Griffin answered that it requires just a download mostly of the accounting system. Sgt. O'Neill has learned how to generate the report and it takes just a couple of minutes.

Mr. Pierson asked why the Board needed to see this particular fund's report so frequently when the same is not true of the rest of the Town's funds. Mr. Walsh answered that the specific reason for this was to get a view monetarily of how this major new addition to the Town was doing so that instead of getting a view annually as is done in the budget process, the Board would have a view in enough time to do something about any problems that arise. Looking ahead to next year, he is not sure that the Board needs to micromanage the facility on a weekly basis.

4. ADMINISTRATIVE REPORTS.

Ms. Griffin commented that Richard Hauger's funeral really was a very moving service. She described the procession leading down Thetford Hill to the cemetery, and added that Ms. Black was able to deliver a very nice message about Richard. Many Town employees attended as well as many Hanover residents.

Ms. Griffin also reported that she was awaiting the tentative first draft of the General Fund bottom line from Michael Gilbar. Mr. Gilbar is giving the Town some consulting time for the next couple of months at an hourly rate which matches his salary when he left. Her hope is to have the second draft of the General Fund budget by the end of the first week in January. She plans to start writing text the middle of January and to spend the better part of the middle of January through the middle of February finalizing the text and refining the numbers. She will provide the Board with an update when it is available. Her goal is to have the budget ready to be distributed to the Board several days in advance of the Board meeting on February 26th.

Ms. Griffin explained that the Town is facing three challenges this year. One challenge is looking at the health insurance issue, and another is that they are projecting a 24% increase in electric rates. She noted that an 18.6% increase was approved by the PUC to Granite State Electric for six months to be re-reviewed. It is linked to oil price increases, and the likelihood is that the increase will be renewed at the end of the six months. In addition, Granite State Electric is going in to ask for a six percent plus increase simply based on inflationary pressures that have nothing

to do with fuel, and the chances are that it will be approved. Ms. Griffin noted that she is erring on the side of caution and budgeting for a 24% increase in electricity costs, and likewise is projecting about a 20% increase in fuel costs over what was budgeted this year. She explained that price impact for fuel was underbudgeted and under-anticipated for this current fiscal year, so the fuel line items are being over-expended in every department. The departments are having to take savings in other line items to make up for this over-expenditure. She stated that she is budgeting \$1.25 per gallon effective 7/1/01 as opposed to \$1.00 a gallon which is what was budgeted for this current year.

Mr. Pierson asked what the fuel costs were per gallon. Ms. Griffin answered that currently the Town is paying \$1.08, but the challenge is that oil companies will not give any projection whatsoever; they are not linking themselves to any projected price.

Ms. Griffin continued to say that she had also included in the Board's packets a letter from the City of Lebanon regarding an increase in the tipping fee at the landfill of a couple of dollars. She will figure in those cost increases for Town budgets that have trash removal, but she does not anticipate that it will be much of a substantial impact.

5. SELECTMEN'S REPORTS.

Ms. Black

Ms. Black reported that there was a very successful party at the Senior Center recently; however, the room was so crowded that half of the people had to stand in the kitchen and the hallway.

Ms. Black also reported that she was at the Fire Department recently, and they have received the old steam whistle that used to be the fire alarm system for the Town. It was also used to announce victory in WWII, Vietnam, etc. A nice display will be built in the training room for the whistle, and the Fire Department will write up a history of it and include a photograph for the Town Report.

Ms. Black indicated that the Water Company had a luncheon recently which was very nice and very well attended; however, there were only two directors present. She feels that the other directors missed a good opportunity to meet the staff on an informal basis and to show interest about the Water Company.

Ms. Connolly

Ms. Connolly reported that the Planning Board had recently held two meetings. The first meeting was devoted solely to the Simpson Development which is still ongoing and being reviewed. The second meeting was primarily devoted to the College's master plan.

Ms. Connolly also reported that she had attended a recent meeting of the Upper Valley Lake Sunapee Regional Planning Commission at the Plainfield Town Hall. They covered communication towers among other additions to their master plan and went over general Commission business.

Mr. Baschnagel

Mr. Baschnagel reported that he had attended a Planning Board meeting dealing with a small issue relative to a dumpster on 72 South Main Street and nearby parking spaces. This discussion highlighted the need for the Board to get updated lists of who has what spaces, etc.

Mr. Baschnagel also reported that the PTB met the previous week.

Mr. Pierson

Mr. Pierson reported that there was no quorum at a recent Recreation Dept. meeting. An upcoming Chamber of Commerce meeting will be discussing goals and their budget. He added that the Water Company's December meeting was postponed until January in order for them to work up some budgets and obtain other financial information.

Mr. Walsh

Mr. Walsh reported that he had been unable to attend the recent Howe Library Trustee's meeting and a Finance Committee meeting, and will also be unable to attend the upcoming Finance Committee meeting on December 19th. Ms. Black suggested that Mr. Pierson attend the Finance Committee meeting in Mr. Walsh's absence, and Mr. Pierson agreed to do so.

6. OTHER BUSINESS.

There was no other business to come before the Board.

7. ADJOURNMENT.

Ms. Black MADE THE MOTION to adjourn the meeting. Ms. Connolly SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO ADJOURN THE MEETING.

SUMMARY

- 1. Ms. Black MADE THE MOTION to adjourn the meeting. Ms. Connolly SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO ADJOURN THE MEETING.**

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Jay Pierson, Secretary

These minutes were transcribed by Nancy Richards.