

**TOWN COUNCIL AGENDA
Regular Meeting
Wednesday, October 9, 2013**

- 1. 6:30 PM - CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF MINUTES**
 - a. Public of 9/25/2013
 - b. Non-public (no non-public)
- 5. AGENDA OVERVIEW**
 - a. Swearing in of Police Officers being promoted
- 6. CONSENT AGENDA**
 - a. Acceptance of Gift cards for Employee Picnic
 - b. Acceptance of up to \$4,000 from New Hampshire Works for employee training
- 7. TOWN ADMINISTRATOR'S REPORT**
- 8. PUBLIC INPUT: 15 Minutes**
- 9. NOMINATIONS AND APPOINTMENTS**
 - a. Hooksett Youth Achiever of the Month
 - b. Appointment of Councilor at Large
 - c. Appointment of councilor to police contract negotiating committee
- 10. SCHEDULED APPOINTMENTS**
 - a. Richard Marple: Bonding of Town Employees
 - b. Mary Farwell: Library Event and Salvation Army (after 8:00 pm)
- 11. 15 MINUTE RECESS**
- 12. OLD BUSINESS**
 - a. 13-82 Adoption of Ordinance Relative to Qualifying Historical Buildings
 - b. 13-64 Community-building Discussion
- 13. NEW BUSINESS**
 - a. 13-100 Police Staffing Report
 - b. 13-101 Agents to Expend on capital reserve funds
 - c. 13-102 Police the Mobil Data Terminal contract award
 - d. 13-103 Adoption of amended Town of Hooksett Safety Manual
 - e. 13-104 Alarm System Monitoring
- 14. SUB-COMMITTEE REPORTS**
- 15. PUBLIC INPUT**

16. NON-PUBLIC SESSION

NH RSA 91-A:3 II(a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her,

NH RSA 91-A:3 II(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself. (tax deeds)

17. ADJOURNMENT

Public Input

1. Two 15-minute Public Input sessions will be allowed during each Council Meeting. Time will be divided equally among those wishing to speak, however, no person will be allowed to speak for more than 5 minutes.
2. No person may address the council more than twice on any issue in any meeting. Comments must be addressed to the Chair and must not be personal or derogatory about any other person.
3. Any questions must be directly related to the topic being discussed and must be addressed to the Chair only, who after consultation with Council and Town Administrator, will determine if the question can be answered at that time. Questions cannot be directed to an individual Councilor and must not be personal in nature. Issues raised during Public Input, which cannot be resolved or answered at that time, or which require additional discussion or research, will be noted by the Town Administrator who will be responsible for researching and responding to the comment directly during normal work hours or by bringing to the Council for discussion at a subsequent meeting. The Chair reserves the right to end questioning if the questions depart from clarification to deliberation.
4. Council members may request a comment be added to New Business at a subsequent meeting.
5. No one may speak during Public Input except the person acknowledged by the Chair. Direct questions or comments from the audience are not permitted during Public Input.

TOWN COUNCIL MEETING MINUTES
Wednesday, September 25, 2013

CALL TO ORDER

Chair Sullivan called the meeting to order at 6:35 pm.

ROLL CALL – ATTENDANCE

James Sullivan, Nancy Comai, Donald Winterton, David Ross, James Levesque, Todd Lizotte, Susan Orr, Leslie Boswak, Robert Duhaime (arrived 6:39 pm)

MISSED

Dr. Dean E. Shankle, Jr. (Town Administrator)

PLEDGE OF ALLEGIANCE

A plaque in recognition of service to the Town Council was presented to Councilor Boswak.

APPROVAL OF MINUTES

- a. Public minutes of September 11, 2013

L. Boswak motioned to approve with edits. Seconded by T. Lizotte.

Vote unanimously in favor. S. Orr abstained (due to absence at prior meeting).

AGENDA OVERVIEW

Chair Sullivan provided an overview of tonight's agenda.

CONSENT AGENDA

- a. Donations to Heritage Commission: —\$200 donation from Korean ROTC officer's Chapter of New England, \$1000 from Taewon Jin d/b/a Phoenix Business Computing, two \$100 donations from local individuals and \$50 from a local veteran making a total of \$1,450.
- b. Southern New Hampshire Surety Bond Release and reassignment (See staff report for details)
- c. Donation to Police Department: radio from State of NH & US Dept of Homeland Security: value \$3,537.84
- d. Reduction in road maintenance bond for University Heights (see staff report for details)

T. Lizotte motioned to approve the consent agenda. Seconded by J. Levesque.

Vote unanimously in favor.

TOWN ADMINISTRATOR'S REPORT

None

PUBLIC INPUT

None

NOMINATIONS AND APPOINTMENTS

- a. Hooksett Economic Development Advisory Committee: Leslie Boswak

T. Lizotte motioned to nominate Leslie Boswak to the Economic Development Advisory Committee.

S. Orr motioned to waive the rules and appoint immediately. Seconded by T. Lizotte.

Vote unanimously in favor.

D. Ross: She is not a resident yet; she is still a member of the Town Council so I don't think we can appoint her yet.

J. Sullivan: We can if we appoint her as of the date of her resignation.

D. Winterton: She is a member of the Economic Development Advisory Committee now; if we do it as of 10/1, we need a council replacement for her.

J. Sullivan: We can make a motion to appoint a councilor to serve on that board.

D. Winterton: I would be glad to take that place.

***T. Lizotte motioned to appoint Leslie Boswak to the Hooksett Economic Development Advisory Committee effective 10/1/13. Seconded by S. Orr.
Vote unanimously in favor.***

J. Sullivan: We need to appoint a councilor as of 10/1 on that board. Councilor Winterton has indicated he would like to serve.

D. Ross motioned to nominate Donald Winterton to the Economic Development Advisory Committee. Vote unanimously in favor.

D. Winterton: Is it appropriate for us to find a new vice chair as of 10/1?

J. Sullivan: We can do it now or wait.

D. Winterton motioned to nominate Nancy Comai as vice chair of the Hooksett Town Council, effective 10/1/13. Seconded by R. Duhaime.

J. Levesque motioned to nominate David Ross as vice chair.

Roll Call Vote

S. Orr - Comai

L. Boswak – Ross

N. Comai – Comai

R. Duhaime – Comai

D. Winterton – Comai

D. Ross – Ross

J. Levesque – Ross

T. Lizotte – Comai

J. Sullivan – Comai

Vote 6-3 in favor of Councilor Comai.

b. Hooksett Town Council Representative: Adam Jennings

N. Comai motioned to nominate Adam Jennings to the Hooksett Town Council.

J. Sullivan: At this point, a nominee typically comes up and tells us why you would like to serve.

A. Jennings: I moved to Hooksett 2 years ago after getting out of the army. We wanted to put roots down, and we came to Hooksett and fell in love with the place. My wife serves on the budget committee, and we want to keep this a great place to raise our kids.

N. Comai: When I met you at Old Home Days, I asked you about doing your homework before coming to a meeting, and you said...

A. Jennings: I always do my homework.

D. Winterton: What would your subcommittee choice? Those being conservation, planning, economic development, parks and rec, sewer, zoning, budget.

A. Jennings: All have certain aspects (other than sewer) that appeal to me. I like the idea of making Hooksett a good place for businesses to move – get that tax base, more people involved and new business. I think Economic Development probably.

D. Ross: When did you move here?

A. Jennings: March 2012

J. Sullivan: The Council will appoint within 30 days (October 1 is the deadline), so we will be appointing at our next meeting. Hopefully we will make arrangements to have someone sworn in.

S. Orr: Have we checked to make sure he is not in a district that cannot serve?

A. Jennings: I live in district 3 not 2 or 4.

J. Sullivan: The appointment of a new Councilor will be at our first meeting in October which is October 9.

D. Winterton: If someone else files before 10/1, would your time table be premature?

J. Sullivan: The charter specifies 30 days from resignation; we can do it 10/9 or wait another 2 weeks – whatever the Council wants to do. Are there any other nominations? Seeing none, we will proceed.

SCHEDULED APPOINTMENTS

- a. 13-82 Public Hearing on Ordinance 2013-1 "Relative to Qualifying Historic Buildings"
 - i. No further action on this for at least 7 days, per Charter 3.6.A.

J. Sullivan: *The Hooksett Town Council will be holding a public hearing at their meeting on Wednesday, September 25, 2013 at the Town Hall, Council Chambers, 35 Main Street, Hooksett, NH. The purpose of the public hearing is to receive public input on proposed ordinance 2013-1, "An Ordinance Relative to Qualifying Historic Buildings". The purpose of this ordinance is the preservation of certain qualifying historic buildings to protect the knowledge of Hooksett's history, architecture and culture by assessing such buildings in accordance with, and using the process outlined in, NH RSA 79-G: 4-8. Copies of the proposed ordinance can be found on the web at www.hooksett.org on the Administration page, in the Town Clerk's office or in the Administration Department. Questions should be directed to the Administration Department. On behalf of the Council, I declare the public meeting open. Is there any public input on this?*

Don Riley, Secretary of Robie's Country Store Historic Preservation Corp.

Regarding SB 43, during the 2013 legislative session, SB 43 was enacted by both the NH senate and house and signed by Gov. Hassan. Contributions of many individuals combined for this result – Sen. Boutin, all representatives (Todd Smith, Tom Walsh, David Hess, Frank Kotowski) as well as other senators and representatives; Kathie Northrup, Councilor Boswak, Councilor Sullivan, Dr. Shankle and Jo Ann Duffy; as well as members of state agencies: Jen Goodman, Van Macleod, Elizabeth Muzzy, Steve Hamilton and others unknown to us who have been in support of this.

The general court hereby finds it to be in the public interest to encourage the preservation of certain qualifying historic buildings which are owned and maintained by an entity not organized for profit. These buildings are important in protecting and maintaining knowledge of New Hampshire and American history, architecture, and culture. It is further declared to be in the public interest to prevent the loss of qualifying historic buildings due to property taxation at values incompatible with their usage.

The bill has 2 provisions of note: It has to be qualifying historic bldg. (100 + yrs. old, on the National Registry of Historic places or the NH Registry of Historic Places); core structure must retain 75% of the original external features and be free from major external alterations and additions; must be owned by a non-profit entity - Robie's Country Store Historic Preservation Mission Statement: To preserve the cultural and historical heritage of Robie's Country Store by maintaining the historical structure and controlling its use to create a living historical, educational, and cultural museum. The historical purpose of the building (retail merchandise/sales) must be maintained and actively used for the same purpose and may include public display of historic artifacts; it cannot exceed 3000 square feet. All of those conditions are met.

Second provision is the assessing officials adopting the provisions of this chapter shall appraise the qualifying historic building and land at not more than 10% of market value. SB43 provides definitional clarity which is in concert with the Robie's Country Store Historic Preservation Corp mission as well as an avenue for property tax relief. These two components of SB 43 will help to assure the preservation of cultural and historical heritage of Robie's Country Store in the same historic purpose well into the future. I respectfully request you to enact the provisions of SB 43.

J. Sullivan: Is there any other input? The council has copies of the ordinance that appears on the website. The items Mr. Riley mentions are clearly identified. We will hold off until our 2nd public input for any additional comment. Seeing no other input, we will proceed.

b. Parks & Recreation Committee Chair Thomas Prasol - Update

Tom Prasol, 27 Crawford Lane, Hooksett, Chairman of Parks and Rec Committee:

- Last meeting was last week; Leo Lessard updated on department happenings
- Pinnacle: sign is up; picnic table put in; plaque going up thanking donors – still being looked at
- Petersbrook – slopes hydro seeded; washed out part of that by recent rainstorms; re-hydro seed by spring; 2 growing seasons before use; potential for ground water issue – monitored by Leo
- Donati – eagle scouts erected info kiosk for visitors
- Impact fees – everything allocated until 2015; not in danger of losing anything
- Recreation 5-year plan – ongoing and being looked at; invited members of Conservation Committee to attend our next meeting to be a part of the process; our next meeting is 10/15 at 7 pm at town hall; what are your thoughts on what you would like to see in the next 5 years.
- Newer issue – update of website for parks & rec; advisory board site has a link to recreation – Google map shows where all recreational fields are located. Directions are provided; looking to get GPS routes for trails (Pinnacle) so we can include that when Pinnacle is clicked on. Coordinating effort to further update with pictures and other website links. Our site is a little hard to find; would like to work on a way to get on the home page for someone who is looking to move here, playing recreational sports, etc. We are hoping to revamp the website.

S. Orr: Is your department also responsible for dog parks?

T. Prasol: Yes, it does fall under the advisory board.

S. Orr: I had a friend coming by and we did some research on dog parks in NH. They are showing up on some websites, not all of them. Maybe try contacting sites that list dog parks in NH to get on those sites?

T. Prasol: Even if there is a specific site for dog parks in Hooksett. Great idea.

T. Lizotte: The Petersbrook seeding – Manchester Sand and Gravel has piles of stone, dirt, gravel, etc...when do they expect to have that leveled out?

J. Sullivan: Mr. Lessard can you answer?

L. Lessard: They were planning on having that done by this fall but ran into conflicts, so they are still hoping for fall, late fall.

T. Lizotte: By late fall -- November?

L. Lessard: Yes. They still have quite a bit to move; before they loam it I want to do electrical work.

T. Lizotte: Is there an updated layout?

L. Lessard: No, still the same.

R. Duhaime: On the Pinnacle – is there going to be a motion light for security? There isn't one there now.

T. Prasol: I will check with Conservation Committee. We can look into that and Councilor Comai can update you.

OLD BUSINESS

a. 13-64 Community-building: Youth Initiative, Old Home Day Booth, pledge, other

J. Sullivan: The youth initiative how is that going Mr. Winterton?

D. Winterton: The subcommittee met last week; we will meet monthly before the 2nd Town Council meeting of the month. We went into nonpublic and selected a youth achiever of the month that will be

presented on 10/9; I have communicated with winner's parents and Hooksett Banner will write a story post award. I talked to a number of groups at Old Home Days and got positive response. This is being received in a positive manner; youth will be recognized for achievements.

J. Sullivan: You mentioned Old Home Days; we did have a booth. Can you update us, Todd?

T. Lizotte: We were all there at some point during the event - I know Chairman Sullivan was busy with the Lions. A lot of people were interested in development (SNHU) as well as excited about Bass Pro. No negative comments, things are going well. There is always the issue of taxes not increasing but overall my interactions were positive, and they liked the fact we were there at the event.

N. Comai: I would like to recognize Donna and Katie for work they did; assistant planner Carolyn Cronin was also there. They put together and organized a phenomenal amount of materials to pass out. It was seamless and there were no problems.

J. Sullivan: Since you mention Donna and Katie – anything else?

D. Fitzpatrick: Nan, your banner?

N. Comai: Pepsi donated a banner and Donna put Hooksett Old Home Day 2013 with the seal and people came by and signed it. They asked where we are going, community building effort – good first step. Carrie Hyde deserves a big thank you. The whole thing was great.

J. Levesque: A lot of people were happy to see a Town Councilor there, especially pictures of Bass Pro and 1-93 rest areas (knew about it but liked seeing pictures); banner was a good idea. Katie and Donna did an exceptional job – ran like clockwork.

D. Winterton: Ditto.

J. Sullivan: Councilor Boswak started the idea of community building, Mr. Winterton with youth achievement award - momentum is building; pledge is being worked on. It's good to be out there.

b. 13-88 Update on Police Communications System

J. Sullivan: Chief Bartlett is here to update us.

Chief Bartlett: This is Brian Perusda, the primary engineer from Ossipee Mountain Electronics; I don't have the technical savvy to answer some questions you might have. As the lightning strike damage moves forward, we had an onsite visit from LGC adjuster along with their own engineer. LGC is only willing to pay \$100,318 from initial \$261,000 in damage because the current system we have has parts available to repair at that cost. It leaves no guarantee that it will be operational for any given time and will no longer be supported by Motorola. We did some trimming to try to get this system to what we talked about at the last meeting on September 11. We currently have 3 operator positions in the dispatch center and we only need 2 – that eliminates \$25,000 off the top. In doing work up of the figures from Motorola (to replace with brand new equipment) = \$149,950 for 2 dispatch console positions; additionally we will need to do 2 remote radios (bathroom, kitchen) = \$7,500. There is also \$5,000 in labor they have already provided that needs to be paid. In looking to improve the system and make it more modern, we are looking at a brand new infrastructure for \$60,000, microwave link at a cost of \$65,000, 14 cruiser radios at \$68,600 for a grand total of \$255,732. We are not getting portable walkie talkies and the current portable radios are programmable to new equipment. We can eliminate \$65,000 by not replacing those and I'm comfortable with that. With \$225,000 in CIP, the total cost of \$255,000 means we are only shy \$30,000 which was approved at the last meeting. I think we are in line with where we need to be. I'm a little disappointed by not getting as much as we could have from the insurance company, but we are looking at the same figures we were last time. This is the best course of action at this point.

N. Comai: If we get \$100,000 from insurance plus \$225,000 in CIP is \$325,000. If the cost is \$255,732, we have plenty of money and then some. Or is it \$255 plus something else? What is the whole total?

Chief Bartlett: The whole total is \$255,732.

N. Comai: Then we have plenty of money.

Chief Bartlett: You are right; I was adding the \$100,000.

J. Sullivan: In looking at last meeting's minutes, we were at \$509,000. Is the figure you proposed the same?

Chief Bartlett: We are eliminating \$65,000 in radio costs and one dispatch console at \$25,000. Mr. Perusda has been working with Motorola to get discounts.

B. Perusda: That dollar amount (\$500,000+) was the product at manufacturer suggested price; did not include the discounts we have gone after as well as purchasing all like equipment at once from the manufacturer. There are state contracts available that all this equipment falls under; for the meeting 2 weeks ago, that was more of a budget number we were trying to get to you at the last minute – not to exceed that number.

J. Sullivan: The total package is \$255,000?

Chief Bartlett: \$255,732

N. Comai: We have \$355,318 so we have plenty.

J. Sullivan: \$225,000 in CIP plus \$100,000 from insurance so that is \$355,000. If the package is \$255,000 some of the items you don't think we can get, we can actually get.

Chief Bartlett: We had initially done the proposal for 11 more upgraded portable radios.

J. Sullivan: The motions from 9/11 are sufficient to cover what you and the Administrator deem appropriate. No additional motions are needed.

R. Duhaime: Can you come back and update when it's completed and operational?

D. Ross: There was a significant change in insurance adjustment...was any outside adjuster brought in?

Chief Bartlett: LGC sent in a rep from the property liability group and their own radio engineering expert (Cliff). That's the number given to us as what they are willing to give us without any negotiation. \$261,000 is based on figures OME worked up saying these consoles are no longer supported by Motorola. With the \$100,000 from the insurance, it doesn't guarantee the radio will be functional or will work for a certain length of time.

D. Ross: I would like to see a little pushback; that's a huge difference. Is there any other avenue (public adjuster)?

Chief Bartlett: I can confer with Dr. Shankle. I'm not sure how the town's agreement with LGC for property liability works.

D. Ross: Sometimes it's worth pushing back one more time; we need to be good stewards of taxpayers' money. When you come into dealing with "replacement of like," it's not really like anymore when it's repaired. You can challenge the insurance definition.

Chief Bartlett: I had a conversation with LGC and said if we buy parts and install them and it doesn't work, where does that leave us? They had that in mind when they left. I'll confer with Dr. Shankle relative as to how they compiled their figures.

B. Perusda: The equipment you are getting is more advanced than what you have. The insurance company feels they want to replace apples to apples vs. upgrading. I feel that we really built the equipment list to replace everything that could possibly fail. Their number of \$100,000 is more than it cost 10 years ago.

D. Ross: Getting the right equipment is the obvious thing to do, but sometimes an extra push gets a little bit more.

T. Lizotte: I was of the mindset that if it gets hit by lightning, you can control it. Is anything going to be done to alleviate or harden the system; and based on these calculations, would you consider a 3rd console as a backup in case something happens again?

B. Perusda: As far as lighting, approximately 10 years ago, extra work was done to beef up points of electrical entrance (A/C, RF antennas). What is there is more than adequate by today's standards for R56 compliance (Motorola standard). We are looking to increase lightning protection on the A/C side – we will be adding additional equipment to protect further. You never know where any lightning strike will come out – we try our best to keep it to a minimum.

Chief Bartlett: In looking at the 3 positions with only 2 dispatchers max, the other console would not get a lot of use; we are not using it for fire and medical anymore. I would be hard pressed to spend that money. I will ponder that, but I can't see spending money if we don't need it.

N. Comai: If you only take \$255,000 out of \$325,000 on hand, you would still have \$75,000 in the CIP and you could still purchase another one in the future.

Chief Bartlett: I would want to spend the dollars wisely and if I don't need the 3rd one, I don't want to spend it. The vote on the table from last meeting and with the numbers we have I'm confident we can move forward, is that correct?

J. Sullivan: Yes.

NEW BUSINESS

a. 13-89 Update on Re-valuation

LeeAnn Moynihan - Assessing update:

- Here to review where we are at with the revaluation – occurs every 5 years
- Vision Government Solutions doing the revaluations
- Letters went out with preliminary values; received by Thurs; hearings this week – informal hearings if any questions and part of next week (residential and commercial); looking for final numbers by 10/5
- Last revaluation in 2008, 500 hearings were held; so far we have had 100 – hearings are way down since a lot of the values went down
- New letters will go out indicating final values
- Report ready for Council to sign on 10/23; anticipating a tax rate by Nov 1
- Preliminary (pre-hearing) numbers are:
 - Overall assessment went down 4%
 - Commercial up 9%
 - Residential down 10%
 - Vacant land down 4%
 - Condos down 13%
 - Mobile homes down 15%

L. Boswak: The location of the hearings is incorrect in the letters. Can we put something on the website with the correct info?

L. Moynihan: Yes. They sent letters last Tuesday, indicating residents had until 9/23 to make appointments, which was not a lot of time but they will accommodate everyone with later appointments if necessary.

N. Comai: At the BOA meeting tonight we received a revaluation status report. I had asked him to put numbers against these percentages to bring to the next Council meeting to show what the weighted amounts are because you can't tell where we are going to end up.

L. Moynihan: By the time we come back at the next meeting, we will have the final numbers for you.

J. Sullivan: We will see you on 10/23.

L. Moynihan: The final numbers will not ready by your next meeting on 10/9 so it will have to be the 23rd.

T. Lizotte: The timeline – how long will the extension of hearings go?

L. Moynihan: For the next 2 weeks; they can call assessing if they can't get through to Vision.

b. 13-90 Discussion of Engineering services

Joanne Duffy and Leo Lessard

J. Duffy: We have an update on the engineering services for the town. At your last meeting, Councilor Winterton made a motion asking the Town Administrator to work with staff and look at different ideas for engineering services for the town. We currently use Stantec; prior to that was Duframe Henry. We have been using outside consulting for a number of years. Prior to that in house engineer was the director of Public Works. We looked at what other communities are doing; there are a few RFP's for consulting engineers from towns comparable to us. I also have a draft contract from Stantec from several years ago (never approved). Since 2006, we have taken in and deposited into escrow accounts \$1,993,198 (\$332,000/year) paid to Stantec for site plan review, subdivision review and construction monitoring. In 2012 we monitored construction and it dropped to \$63,000; Stantec has been paid \$11,000 year to date for 2013. Comparable towns with an in-house engineer: Londonderry, Windham, Bedford, Derry, Goffstown, Exeter, Hudson, Portsmouth, Jaffrey and Merrimack.

J. Sullivan: In reviewing the cost of an outside agent vs. in town (hiring new position), it states this would be self-funding but the cost to developers would be reduced. Services would be provided by the town. The proposal is to look at hiring a position that is self-funding. Correct?

J. Duffy: Yes.

J. Sullivan: The figures of 2013-2014 (\$10,000) will not be enough to cover cost of a new hire.

L. Lessard: 2013-2014 just started in July.

J. Duffy: That is just plan review not construction monitoring.

J. Sullivan: Based on 2012-2013, the wage of a new hire would be within that \$62,000 range.

J. Duffy: Not including benefits.

L. Lessard: With benefits it would come out to about \$92,000-\$93,000; their average since 2006-2007 of just plan reviews is \$300,000/year; we should have plenty.

J. Levesque: Construction monitoring cost – these are oversights by our DPW and this is what we charge the contractors. How much would the bottom line of \$7700 have been if those jobs had been done by Stantec?

L. Lessard: Our hourly rate is \$65/hr which was approved by the Council last year; Stantec's rate is \$113/hour.

J. Levesque: None of that \$113 goes to town of Hooksett?

L. Lessard: Correct; for us to monitor – we go in for an hour or two, monitor other places and come back. We don't sit there all day. They don't know when we are coming.

J. Levesque: I think it's a good thing to have it in-house; the cost is reasonable and we are not paying for someone to babysit them all day. We need to train more people in your department to take over. Once they bring up discrepancies on a plan, it would be up to your department and Joanne's department to get them corrected.

J. Duffy: We would use outside consulting firms for other projects – specialty items.

L. Lessard: All towns listed still have a 3rd party firm for specialty items, even though they have in-house engineers.

J. Duffy: There is an RSA 676:4-b that gives the planning board authority to hire 3rd party review; I sent an email to the planning board letting them know we are coming here this evening. Chair of board is here tonight with a couple other planning board members.

L. Boswak: I'd like to request that finance prepare a complete schedule of the cost to have an engineer complete with benefits so we can be assured it will be completely funded. How are fees going to work with these specialty services? We aren't going to get an engineer in for \$62,000 that's going to be able to handle a lot of the larger commercial projects that we have.

L. Lessard: The in house engineer does reviews, the developer comes in and we see something that is a specialty item, we tell them we have to have a 3rd party review and they pay a fee for that item, the rest is on us.

D. Winterton: Would there be other functions that an engineer can do?

L. Lessard: Yes, plan reviews/monitoring, play a big part in MS-4 drainage studies. We are adapted to it already since we dump into the Merrimack River – we have to comply with certain regulations. We have 15 sources – the new MS-4 for 2014 will cause a lot of havoc and get really heavy. Some towns are already talking over \$1 million in engineering fees yearly to do these studies. If we have our own on board, doesn't mean it's going to be completely nothing. I took over some things from Stantec but some items still need to be sent out (water testing). I don't have the time or personnel to do that. This person will be able to do that, chase grant money. We can keep them busy.

D. Winterton: If we didn't hire a person and we had to outsource MS-4, what would we be billed for that typically?

L. Lessard: It's hard to say. Bigger cities are talking a lot of money. I really can't say right now.

J. Duffy: \$95-\$120/hour

L. Lessard: Stantec has an in-house lab fee, outsource for testing fee. We will have those fees. With that I would say minimum would be at least \$10,000 maybe more.

R. Duhaime: When was the last time we put this out to bid?

J. Duffy: To my knowledge, I don't think we ever have.

R. Duhaime: Even if we don't hire an employee, the bid process is overdue.

J. Duffy: If that is what you decide, it should be limited to those who do not do business in town so there is not a conflict.

J. Sullivan: Are there any comments from the planning board attendees?

David Rogers (planning board chair): This is a relatively new concept; we haven't had a planning board meeting for a couple of weeks and our next meeting is 10/7 and will have further discussion. Makes sense according to what I have seen; to bring on new employee may or may not work, sending it out to bid might need to be explored. I think conceptually it makes sense to analyze and make some decisions going forward.

F. Kotowski: I think time is long past since we should have thought of this. I'm glad the Council is looking at this. I see benefits to having our own engineer, like control. This person works for the town and assists developers and will be able to respond quickly. There is a lot of engineering work that goes on in town that we don't bill for (Petersbrook, Pinnacle, Head's Pond Trail). I see looking beyond just working

with developers. Planning and economic development group are doing a great job – thanks to Leo and Joanne for bringing innovative processes to your attention. The planning board has not made a decision if this should happen or not but we are eager to talk about it and get your thoughts. Personally, I think we should move forward.

J. Sullivan: The indication is we should proceed. Councilor Boswak asked for cost of salary and benefits, job description and how it fits into the administrative code. We should make a motion to direct the Town Administrator to provide a job description, salary, etc. if we want to proceed.

T. Lizotte: We might want to let planning have their meeting. We can bring this up at our next meeting. I'd like to see what the planning board comes up with. If they have a consensus to move forward, we can pull the trigger to start getting all that information.

J. Sullivan: In the meantime, the Town Administrator can work on job description, pay, and so forth. We will hold off and have it on the agenda at the discretion of the Town Administrator.

D. Rogers: Our next meeting is 10/7 and yours is 10/9 so we might have some direction in time for your meeting on the 9th.

J. Duffy: The next item on the agenda does not need to be discussed. We were trying to work with Ritchie Brothers having them not to renew their bond but the bank would not give them an extension.

15 MINUTE RECESS

J. Sullivan: To clarify the amount on the total package of police equipment, the Chief will explain the numbers on how the total package is \$255,000.

Chief Bartlett: My mistake; I never mentioned total dollar amount \$355,750 - \$100,318 (from insurance) = \$255,732 - \$225,000 (CIP) = \$30,000 needed to find in my budget.

c. 13-92 Quarterly Report

Christine Soucie, Finance

C. Soucie: 6/30/13 was quarter end and fiscal year end. All numbers are general fund operations, not special accounts. We ended with a surplus of \$519,528 (96% spent); rolling over to fund balance. Over the last 3 years, this is the target we have been seeing. Budget dropped slightly due to paying off safety center; 2013 was the last payment on TIFF (exit 10).

Revenue ended over budget 595,000 (113% collected) – anticipated \$4.6M, collected \$5.2M.

Police gave back \$269,000 unspent; second highest is \$125,000 from recycling and transfer (due to automated collection). Family services spent 98% of budget. We assisted \$155,000 for family services – highest since 2009-2010. It was a large year – not sure why but hopefully the trend is it will go back down. Administration at 98% spent (prior year was 98%, year before was 104%). They have to deal with legal services. We didn't have enough money so we did budget transfers to cover. Fire rescue at 98% is consistent with previous years. They had to deal with increased employer rates which was incorporated in the budget and union contract that is why their budget goes up. Public works spent 100% and are hopeful FEMA will come through with the money they said they were going to give us. They struggle with vehicle maintenance; they spent \$107,000 this year, prior year was \$116,000. I would assume the fleet is aging, getting more expensive to maintain. Recycle and transfer – 89% spent; most of savings was not paying for recycling materials going into trash. Recycling doubled over last year – 1500 tons vs. 700 prior year.

Revenue: Motor Vehicles – increase in amount collected \$2.7M (108% of budget). There was no increase in number of vehicles being registered. Assumption is vehicles were newer, more expensive models. Next item is interest and penalties on taxes – we don't want to charge interest and penalties for people not paying taxes on time, but that gets people to pay taxes- people are not motivated to pay off taxes when we aren't deeding.

N. Comai: The \$516,606 – does that include the taxes collected or just penalties and fees?

C. Soucie: Just the interest and penalties. One major developer sold property and had a couple years outstanding and in the process of selling, that cleared up all the fees. Building permits were \$111,000; budget was \$65,000. It's hit or miss on that budget and hard to predict. State revenues have been level for last 3 years; other revenue: we got a reimbursement from LGC for health and dental as well as property liability. That is reflected in 2013 budget year = \$240,000 to the town.

D. Winterton: Is that covered under insurance payments?

C. Soucie: Yes.

T. Lizotte: Where are taxes collected reflected? Is that revenue? Outstanding back taxes that get paid - how is it reflected in the balance sheet?

C. Soucie: We show income in the year the bill went out; when it's not collected it goes into receivable, and when it's paid it reverses that receivable.

R. Duhaime: You mentioned vehicle maintenance for public works is increasing.

C. Soucie: \$107 this year for highway vehicle maintenance, \$116 last year; the number was much lower the years prior to the last 2 years.

J. Sullivan: These figures are from when?

C. Soucie: July 2012 – June 30 2013, the full year.

J. Sullivan: So when you come back, the update will be from July 1 to the time you come in?

C. Soucie: Yes.

d. 13-93 MS-5

***N. Comai motioned to authorize the Town Council to sign the 2013 MS-5 Financial Report of the Town or City Budget. Seconded by T. Lizotte.
Vote unanimously in favor.***

e. 13-94 Fund Balance Policy

C. Soucie: GASB requires an annual review and approval; this is the same policy as last year. Important part in section 5 – unassigned fund balance – minimum balance is 5% of the general fund and the target balance is 8%. As of 6/30/12, we had 6% or \$2.4M; this year we increased to \$3.1M – the percentage is based on appropriations and we don't have all those numbers, but it is in an upward motion so that is good.

J. Sullivan: The reason for a solid fund balance policy is for what?

C. Soucie: It protects the town against unknown costs such as the sewer disk clean up. The only ways to use the fund balance is to ask voters in warrant articles or reduce tax rates.

J. Sullivan: Fiscal impact: a low unassigned fund balance can be viewed as an indicator of financial instability, which can negatively affect bond ratings and interest rate options.

C. Soucie: Our bond rating – we don't have any projects we are thinking about bonding this year, but it has an impact on how healthy the community is. The bonding companies look at the unassigned fund balance – can we meet the future expenses?

R. Duhaime: 8% is the lowest we can go and 17% is the highest? Is that correct?

T. Lizotte: The DRA is recommending 17%; the prior Council agreed we would strive toward 8% realizing in certain times we might consider retracting in order to reduce the tax rate.

S. Orr: It's higher than it's been previously.

C. Soucie: Yes, it's been under 5% for a few years but now we are increasing. The DRA recommends 8-17%, but town policy says to work toward maintaining 8%.

N. Comai: I think the bond rating percentage is different than that so all these numbers are different.

J. Sullivan: This is a policy on how we are doing it – not a vote on hitting 8%?

C. Soucie: Correct. This is just the policy. We are not setting the tax rate or saying how much will go to tax rate.

S. Orr motioned to approve the Fund Balance Policy with no changes as presented. Seconded by R. Duhaime.

Vote unanimously in favor.

f. 13-95 Investment Policy

C. Soucie: This is reviewed and adopted annually. The current policy was adopted last year. This is the town treasurer's policy – guidelines on how she is going to invest. NH has limited resources or limited vehicles we can invest in. The auditor and treasurer had no changes.

S. Orr motioned to approve the Town of Hooksett investment policy as presented. Seconded by T. Lizotte.

S. Orr: Usually there is a graph that talks about investments and how they are doing. That isn't in this report. How are they doing?

C. Soucie: Still low, no interest rate movement. We earned \$17,000 last fiscal year; a few years ago we were at \$.5 million.

S. Orr: We have a person to invest – is this a staff person or somebody (investment agency) we use?

C. Soucie: A part-time appointed treasurer.

S. Orr: Is there someone else who collaborates with her when she makes these decisions?

C. Soucie: She keeps me in the loop, and reports to the Town Administrator quarterly.

J. Sullivan: How do you work with the trustees of the trust fund?

C. Soucie: The trustees of trust fund are long term investments; they have a different set of statutes in which they can invest because there is more protection in that money. There are different rules for both parties. This is very short term – it has to be liquid in the fiscal year.

J. Sullivan: RSA 41:29 refers to town treasurer in this investment and the trustees of trust fund follows another set of statutes?

C. Soucie: Yes.

S. Orr: Have you done a comparison of our funds compared to other towns? I would just like to see where we sit compared to everybody else and how are our investments doing?

C. Soucie: She would like to do that. She puts in a lot of thought and time and effort. She does have a relationship with several banks to see where the best rates are.

J. Sullivan: Can we request the Town Administrator to have her come in and give us a report at a future meeting? We have to meet with her yearly anyway.

R. Duhaime: On that 8% balance are there rules or internal controls? Does one have anything to do with the other?

C. Soucie: The fund balance is made up of a lot of elements, not all cash. If the town liquidated on 6/30 what is the net result? If we sold property, collected uncollected taxes, etc., not cash in the bank. By having a larger fund balance the treasurer has felt that and she has more money in the time right before we issue tax bills. The tax bills are going out later this year but she feels we will have enough cash to continue operations until tax bills are mailed out. That is a reflection of the higher fund balance. That's the connection.

N. Comai: I noticed it is not signed by Dr. Shankle. Can we assume he concurs?

J. Sullivan: Sans his recommendation, let's vote on the motion.

Vote unanimously in favor

g. 13-96 Transfer of School Impact Fees

T. Lizotte motioned to transfer \$250,511.30 from the School Impact Fee Special Revenue fund to the Hooksett School District. Seconded by R. Duhaime.

C. Soucie: This is the annual transfer we do because we collect impact fees for the school. In 2003 when they built Cawley and renovated Memorial, it was determined that impact fees could be used to pay that off. Every year Council transfers those fees to the school to lower the tax burden.

D. Winterton: Whatever impact fees that are collected for school, are all applied to their bonding? Or just apply what is necessary?

C. Soucie: 100% is applied each year as revenue to the school district to lower taxes.

D. Winterton: Does that money go to the bond or the school general fund?

C. Soucie: It's the same thing – it goes to offset the cost that taxpayers pay for school budget. In that budget is the bond payment. Every year it goes to their revenue to reduce tax payments for schools.

D. Winterton: Do you know what their bonding costs are per year? If bonding costs are less than \$250,000 where is the rest of the money going?

C. Soucie: It's in the millions each year.

Roll Call Vote

T. Lizotte – Yes

S. Orr - Yes

L. Boswak – Yes

N. Comai – Yes

R. Duhaime – Yes

D. Winterton – Yes

D. Ross – Yes

J. Levesque – Yes

J. Sullivan – Yes

Vote unanimously in favor.

h. 13-97 Recycling Transfer bid: Skid steer

Diane Boyce: We received 4 bids and Bobcat is the lowest at \$28,599. We have \$30,000 approved from the solid waste disposal fund. We would like to add a warranty to bring the total cost to \$30,701. The remainder of the funds will come out of our regular budget.

R. Duhaime motioned to approve the transfer of remaining funds. Seconded by L. Boswak.

D. Winterton: What is the difference between the S510 and S570?

D. Boyce: The S570 has a vertical lift and we don't need that.

N. Comai: The voters approved \$30,000.

D. Boyce: That's why I am asking for the extra money to come out of our regular budget. We hopefully will not need a new drive train but with the cost of maintenance we figured it would be a safe package to buy.

J. Sullivan: There is no problem to exceed the amount of the warrant article and take the remainder out of the budget correct?

D. Boyce: I believe we did that with the automated trucks too – additional money came out of the budget.

J. Sullivan: Christine says we are allowed to do that if there were any concerns.

Roll Call Vote

J. Levesque – Yes

T. Lizotte – Yes

S. Orr - Yes

L. Boswak – Yes

N. Comai – Yes

R. Duhaime – Yes

D. Winterton – Yes

D. Ross – Yes

J. Sullivan – Yes

Vote unanimously in favor.

i. 13-98 Recycling Transfer bid: Pick-up truck

D. Boyce: ¾ ton pick-up with plow; we received 5 bids and would like to stay with Ford and go with Grappone Auto. We would also like to add a 7 year warranty bringing the total to \$32,768. We had asked for \$38,000 so we would be keeping some money in the fund.

L. Boswak motioned to approve the purchase for a total of \$32,768. Seconded by J. Levesque.

D. Winterton: I can understand the extra warranty with a Bobcat but I would think a pick-up truck would be standard maintenance.

D. Boyce: We are doing more plowing and maintenance this year; this is a comfort as the maintenance cost is skyrocketing. We thought it was smart thing to do.

D. Winterton: Was this discussed with the maintenance department?

D. Boyce: Yes and they concurred.

D. Ross: What is the current balance of the fund?

C. Soucie: \$211,000 minus the 2 expenditures (\$68,000).

Roll Call Vote

D. Ross – Yes

J. Levesque – Yes

T. Lizotte – Yes

S. Orr - Yes

L. Boswak – Yes

N. Comai – Yes

R. Duhaime – Yes

D. Winterton – Yes

J. Sullivan – Yes

Vote unanimously in favor.

j. 13-99 Mandatory Recycling Ordinance

J. Sullivan: We need to have a hearing before we vote on an ordinance.

D. Boyce: I feel anything we can do to save money we should; we have a perfectly good system/facility for drop off. We should move forward on mandatory recycling. A lot of people think we are ok as far as our numbers, but we can do better. Education is important. Focus would be on people who don't want to do it and refuse to participate in the program. We have recycling and trash drop off at the facility. We can't make it any easier; but we need to educate people on how this will help them save money on taxes. The proposed ordinance is in the package – very few changes except for the enforcement section.

J. Sullivan: We asked for public input and one of the issues was enforcement; we didn't want to be trash police.

D. Boyce: There is not enough staff to be trash police.

J. Sullivan: How did you come up with the enforcement aspect?

D. Boyce: I did research on communities that have mandatory recycling and there are not a lot of issues out there. I put down what I thought we should do first. If we see something, we send a letter for a first violation; second violation is a written warning. We do want to educate people – they want to do the right thing. Next violation is discontinuation of service. Enforcement at the facility is the same thing – if they refuse to follow the rules we can terminate the use of the facility for a period of time. We don't want to fine immediately.

J. Sullivan: Third violation - will result in loss of collection. That could be up to your judgment – could we use "may" since there may be some extenuating circumstances?

N. Comai: In the second violation we should mention what the third violation will be so they know.

L. Boswak: In the facility you mention you would talk to them. I would recommend following the same procedure.

J. Levesque: Most people are into recycling. Some of the things people put in the trash – with our transfer committee we hear a lot of stories and Diane takes care of these with letters and phone calls. There are just a few out there that don't want to participate. She needs to have a little authority.

R. Duhaime: The rules in Massachusetts are much tougher. If they can't comply, I think a little enforcement is needed.

D. Ross: There is a recurring theme – people putting non recyclables into recycle barrel. My problem is the wording "*shall be required that all designated recyclable materials will be separated from the solid waste stream and disposed of in the approved recycling containers...*" So if a Pepsi bottle ends up in the black barrel, that is a violation of this ordinance. The other is the barrel has to be out by 7 am on collection day. I don't put it out each week. I think there is a lot of unnecessary law here. We allow these laws to be passed – we're not going to enforce but it's a law and someone in the future is a "trash Nazi." I consider this to be overly infringing on people's rights. If you have egregious situations, we have a littering ordinance that covers that. The town owns the barrels – there is an ordinance for that also. I think before we start to consider this, we need a better version.

J. Sullivan: We are not in the official stage yet. We need to make sure we critique this so we know it would be worth doing. We want to introduce it and when someone believes it's time to propose, we want to make sure we have crossed all the t's.

D. Ross: Let's take things one step at a time - the problem is not that we aren't recycling enough; the problem is at transfer station and with the barrels. If we are moving forward, let's write an ordinance regulating what goes in the recycle barrel, not what goes in the black barrel (beyond the littering ordinance). Let's address the problem. Let's not start down another path when we really only need something 4 or 5 sentences long.

S. Orr: When we brought this forward it went to the voters; we are doing it as a mandate from the voters. We need to put something forward. I'm not reading it that strictly...*It will be the residents' responsibility to assure that automated collection carts are placed in the appropriate location designated by the Town, by 7:00 am on collection day.* Nothing is mandating you to do it every week. It just says that if you are putting it out, it has to be out by 7 am. We need to be careful about how we word it – this ordinance for trash is in place already correct? The only thing added to this is the enforcement. This is something already existing and approved.

D. Boyce: It was approved by the Council since before we started the automated collection.

S. Orr: We can edit and change some of the language if we think we need to make changes. This is nothing new. The only new thing is the enforcement. I think in each letter, you need to make it clear what step by step the regulations are. This is a mild policy. More and more towns are much stricter. You have put some thought into this. We want to encourage recycling and those refusing that if you refuse, there will be consequences for not participating.

J. Sullivan: For clarity, can you highlight new areas that are being introduced next time we discuss? We are not going to rush through this.

D. Boyce: I will make sure we have color copies next time so you can see the changes.

T. Lizotte: I'd like to see – if we are creating this enforcement and it yields a 2% increase in recycling, I don't think we need it. I'd like to see some sample data. I weighed trash – with a 2-barrel system you are limited. My experiment is I'm having a hard time going ½ way through the second barrel. It's also lifestyle – I decided to switch to jugs of water instead of bottles. I've done other things to reduce the amount of things that impact weight. We doubled the amount of recycling – by doubling it are we near capacity or not? I know getting back to transfer station it is town property – I don't mind the idea of looking at the enforcement piece and stating that it's town property. Unless we have data that it will make a significant increase, I don't think it's necessary.

S. Orr: I partially agree – I reduce and I don't buy bottled water. I am cautious about packaging; my other point is if this went to vote and the voters said no, we wouldn't be having this conversation. They voted they wanted mandatory recycling. We can't sit here and say we can't do it. The voters said yes and we need to have that mindset.

J. Sullivan: We are going to approach this when we proceed as something that doesn't make the Council the "trash police." We want to allow exceptions. It's the person who is deliberately adding non-recycling items into recycling barrels. We are not in a rush for this.

D. Winterton: The warrant article directed us to explore, not implement mandatory recycling. I wish everyone recycled every possible thing. We hear about the 1% in this world – I get upset when we make rules for the 99% that aren't doing anything wrong. Rather, find a way to deal with the 1% than mandate something for the 99% that do things right. I support Todd's suggestion we start at the transfer station. How do you enforce that without a trash Nazi there? People can throw in whatever they want. Sometimes you get more with the carrot than the stick. Maybe we can design a carrot for people who haven't jumped in.

L. Boswak: I wanted follow up on what Councilor Winterton said. It was to explore the mandatory recycling effort. There was discussion at the deliberative session where we talked about the 1% - we do need to deal with the problems. We need to be careful moving forward because I think we could send a wrong message even with the best intentions.

R. Duhaime: 30 years ago nobody bought bottled water. Things have changed. 30 years from now these rules will change too. I trust Diane's judgment to use enforcement.

N. Comai: My 2 points are the admirable article in the paper – I want to thank you for doing that because it was very helpful. And maybe we ask Dr. Shankle to mention in an upcoming article that the Council is serious about exploring mandatory recycling so the voters know we are moving forward – educate the

public and keeping them informed. I concur with Councilor Ross – let's fix what the problem is and not have 15 pages of rules and regulations for the 1%.

T. Lizotte: When we develop an ordinance there are questions about people getting away with it (waivers). I also believe we are at the top of what we can tax people; they are struggling as it is. We should think about a little give and take. It can get complicated and I would rather not have people in here wasting their time and our time; I would like to have more hard data to understand the size of the impact that the recycling department will stand behind.

D. Boyce: Hard data is hard to get unless I get into everybody's trash. It's a lifestyle and is a hard thing to get data on. It's hard to be exact.

J. Sullivan: Until one of us offers an ordinance we aren't going to proceed with the official protocol. Diane you have our issues – getting a redlined ordinance would help. Until we are satisfied we are not going to place this ordinance for public hearing. We're not stalling but we want to do due diligence.

S. Orr: I pulled up the ballot, Article 23 read *"to see if the town will vote to establish mandatory recycling for the curbside collection program and materials drop off at the recycling and transfer center for the purpose of increasing recycling rates to keep fees and taxes lower by lowering disposal costs. This article is advisory in nature and is non-binding in order to gauge public opinion."* The vote was that the town will vote to establish and that it is not binding but that's what they wanted us to do. I just wanted to clarify.

D. Ross motioned to continue the meeting for an additional 15 minutes. Seconded by T. Lizotte. Vote unanimously in favor.

J. Levesque: Diane, can you send the Councilors the redline copies of the ordinance electronically?

D. Boyce: Yes.

D. Ross: Clarification on warrant article – how many votes were cast per capita; I don't see it as this big mandate.

S. Orr: You can't use this as a guide.

SUB-COMMITTEE REPORTS

N. Comai: Parks and rec was given by Tom Prasol.

R. Duhaime: I missed the sewer meeting.

S. Orr: Nothing to report.

L. Boswak: Nothing to report.

J. Sullivan: October 6, 2:00 - Veterans Park dedication; town hall ramp railing coming in next week or two.

D. Winterton: No planning board meeting and I already gave the report on the Youth Achiever.

D. Ross: Conservation had a booth at Old Home Day.

J. Levesque: No ZBA last month and nothing scheduled for October; Transfer Committee was discussed earlier.

T. Lizotte: The first budget meeting is 9/26.

PUBLIC INPUT

Senator Boutin

I want to extend my gratitude to Councilor Boswak for her service to the town of Hooksett, and I wish you well in your future endeavors. I try not to get too involved in what you are doing but with regard to the town engineer - I worked as a planner, with a town engineer and had that available to me. I think it makes sense to the town. Having someone on staff to assist in other departments makes a lot of sense. When the economy turns around, having this in place makes us competitive in an economic environment. There is no other issue that I hear more complaints about except the size of the checks developers had to write every month. My other point is that as of 10/1 the filing period begins for state senators to file legislation. If there is any pressing issue involving town government that you would like me to file legislation on? One of the most exciting and gratifying legislation that I've worked on was the Robie's store project. That means more to me than anything else I've done. That is going to be a model for the state and other communities. If there is anything I can do to help the town, this is the time to think about it. I am available at any time if there is an issue going on at the state level. I want to do the best we can do for my hometown. I think this Town Council is doing a great job for the town of Hooksett and I thank you for that.

Marc Miville, 42 Main St.

I do commend Councilor Boswak for her services for the last several years on the Town Council. She has added a lot to this Council, and she will be missed. I thank you for your service and the interaction we have had recently regarding the community building. I want to address mandatory recycling issue – the election was 8% of voters (700 out of total of 8300 voters). I wouldn't call any of those warrant articles mandates. My memory was that it was a close vote; there were several very close votes. I would stress that if you come up with an ordinance; have more positive reinforcement as opposed to negative enforcement.

J. Sullivan: We are going to close the public hearing relative to qualifying historic buildings. According to the charter section 3.6, *final actions on said ordinance shall not be taken by the Town Council until at least 7 days after the said public hearing.* Based on that, I'd like to put that on the agenda for adoption at our next meeting. Again we thank Leslie for her service to the town of Hooksett.

ADJOURNMENT

***L. Boswak motioned to adjourn 9:42 pm. Seconded by S. Orr.
Vote unanimously in favor.***

Respectfully submitted,

Tiffany Verney
Recording Clerk

Staff Report
Reimbursement, Grant New Hampshire Works
October 9 2013

AGENDA NO. Consent
DATE: 10/9/13

Background:

The Department of Public Works has hired an individual that has been in the New Hampshire Works program.

Issue:

This is a program that helps individuals find a job that they are qualified for, and it helps them in training.

Discussion:

The program reimburses an organization for the training of these individuals on the job. While working for the Town for so many hours the town will get a pay back from a grant given by the federal government that helps with the training cost.

Fiscal Impact:

There will be no impact it will be revenue to the town for the training. The money that the town will receive is \$5.00 per hour for a three month period reaching up to \$3700.00 and not exceed \$4000.00


Recommendation:

I recommend that the council excepts these monies from New Hampshire Works for the time spent on this individuals first training on the job.

Prepared by: Leo Lessard, Public Works Director

Town Administrator Recommendation:

Consent


Dr. Dean E. Shankle, Ph. D.
Town Administrator

Thomas J. Keach
29 Pinnacle St.
Hooksett, NH 03106
Telephone: (603) 210-1819

AGENDA NO. November 4th Appointed
DATE: 10/09/13

September 25, 2013

To whom it may concern:

Attached please find my application for consideration for the open council position. I possess a balanced combination of education and professional experience that will complement the Town Council.

Thank you for your time and consideration.

Sincerely,

Thomas J. Keach

**Thomas J. Keach
29 Pinnacle St.
Hooksett, NH 03106**

E-mail: tjkeach@gmail.com
Home: (603)-210-1819
Cell: (603)-303-2220

Experience

Saks 5th Avenue Loss Prevention Specialist

06/2012 - Present

- Initiates, conducts, and closes all internal and external investigations in compliance with company policy and procedures. Conducts asset protection activities and audits in accordance with established policies, procedures, and guidelines.
- Ensures that investigations and apprehension activities comply with state and local statutes. Acts professionally with integrity, honesty, and according to company values and maintains relationships with center security and local law enforcement.
- Identifies associates who violate policies and procedures. Partners with the Store Director and Regional Asset Protection Director. Communicates and implements asset protection programs, initiatives, and strategies and assists in inventory planning and execution.

United States Department of Defense Marine Corps Police Desk Sergeant/Patrol Sergeant

09/2008 – 11/2009

- The lead Police Officer to Field Training and Police Officers, assisting the Watch Commander in carrying out their respective responsibilities. Assumes command of patrol shift to ensure continuity of operations and compliance with policies, procedures, and post orders.
- Provides instruction in the methods, tactics, and supervises the planning and direction of patrol watch activities. Monitors the performance of personnel making necessary correction by providing technical advice and providing guidance to the application, enforcement, exercise of laws, rules, and regulations pertaining to the Federal Military Installation.
- Supervises the investigation of criminal cases involving assaults, narcotics, homicide, forgery, sabotage, espionage, robbery, homicide, domestic disputes, fights, drunkenness, gang activities, government waste, fraud, and environmental and wildlife offenses.

New Hampshire State Police State Trooper

08/2001 - 9/2008

- Interacts and imparts expert advice to Federal, State, and Municipal law enforcement agencies, there officials through the processes of, investigation, and response to violation of law.

- Specialized experience in the dissemination of information through mediums to inform public and private sector about organizational goals, mission, programs, and accomplishments of Division of State Police.
- Collaborated in the review, design, and operation of programs through interaction with a variety of community organizations that communicated programs, policies, and projects of the agency.
- Skilled in identifying, analyzing, and evaluating organizations and activities at all levels in order to provide an objective assessment of the operational, administrative, and logistical effectiveness of the organization. Conducts State and Federal Audit consisting of a review of safety management system.

Hooksett Police

7/1990 - 8/2001

Police Shift Commander/Detective/Officer

- Directed the activities of the department through the monitoring of subordinate personal by way of the assignment, areas of responsibility, workload monitoring, evaluate the methods used by Police Officers and implementing changes as required.
- Ensure continuity of operation and compliance of departmental policies, procedures, and regulations to effectuate proper performance to ensure conduct and compliance met Standard Operating Procedure and Policy.
- Knowledgeable of Departmental, State, Federal rules and regulations, procedures and laws as a means to provide direction to staff in discharge of their duties and responsibilities.
- Experienced and knowledgeable in the principles and practices in the establishment of Municipal, State, and Federal Agency relationships. Can deal with internal and external stakeholders in the governance of an agency in a fair and impartial manner.
- Uses crime trend analysis to develop, implement, and analyze overall effectiveness of reduction in criminal activities within and affecting the area of jurisdiction.

Education

UNH Manchester

07/2007

Masters

Public Administration

- Description: Provide advanced study in political science, public policy, and public administration for students interested in professions in the fields of government, public service, non-profit management, electoral politics, education and research, or as preparation for PhD programs. Management and administration of programs in public safety, security, and welfare. Develops program policies, procedures, and objectives for accomplishment.

Southern New Hampshire University

07/1998

Bachelor of Science

Human Resource Administration

- Fundamentals of policies and administration of procedures in developing, maintaining and utilizing an effective organization. Knowledge of principles, procedures, methods and techniques applicable to a broad range of safety and occupational health exposure in the areas of construction safety, community safety, contractor monitoring, work order monitoring, workers compensation practices, training techniques, and fundamentals of policies and administration.

US Army
Military Police Officer

09/1983- 9/1986

Civic activities
Town of Hooksett Budget Committee

2002-2007

2010-2013

Hooksett Helpers (clothing barn)

2010-Present

AN ORDINANCE RELATIVE TO QUALIFYING HISTORIC BUILDINGS
ORDINANCE 2013-1

~~BUILDINGS~~ 13-82
~~DATE:~~ 10/09/13

The Town of Hooksett ordains the following:

**SECTION 1
AUTHORITY**

This ordinance is adopted pursuant to the authority granted under NH RSA 79-G.

**SECTION 2
PURPOSE**

The purpose of this ordinance is the preservation of certain qualifying historic buildings to protect and maintain the knowledge of Hooksett's history, architecture and culture.

**SECTION 3
DEFINITIONS**

"Qualifying historic building" means a building meeting all of the following criteria, as outlined in NH RSA 79-G:3 IV.:

- (a) The building is 100 years or greater in age;
- (b) The building is listed on either or both of the National Register of Historic Places or the New Hampshire state register of historic places maintained by the division of historical resources, department of cultural resources;
- (c) The original core structure of the building must have retained a minimum of 75 percent of its original external features and be free of major external alterations or additions;
- (d) The building and appurtenant land are owned by an entity that is not organized for profit; and
- (e) The historical purpose of the building was the retail sale of merchandise, and the building is maintained and actively used for substantially the same historical purpose, which may include the public display of historic artifacts. Further, the building shall not exceed 3,000 square feet of gross finished building area.

**SECTION 4
APPLICATION**

Any building meeting the above definition will be assessed in accordance with, and using the process outlined in, NH RSA 79-G: 4 – 8.

**SECTION 5
SEVERANCE**

In the event that any word, sentence, or section of this ordinance is found to be invalid as a result of judicial or legislative action, the remainder of this ordinance shall remain in full force and effect.

**SECTION 6
EFFECTIVE DATE**

This ordinance shall take effect upon its passage and publication.

ADOPTED 10/09/2013

Town Council Chair

Town Clerk

AGENDA NO. November 2013
DATE: 10/09/13

Adam Jennings
46 Cross Rd
Hooksett, NH 03106
September 20, 2013

Dean Shankle
Town Administrator
Town of Hooksett
35 Main Street
Hooksett, NH 03106

Dear Dr. Shankle:

With the unexpected reassignment of the current Councilor At-Large, I would like to formally submit this letter of interest.

After leaving the military, I moved to Hooksett to put down roots and be involved the community.

I have years of leadership experience from my 9+ years of being a non-commissioned officer in the U.S. Army and my last 6 years in U.S. army Special Forces. I have multiple years of experience coaching and mentoring adults. While active duty, I completed my B.S. in Computer Information Science and this past May, I completed my M.S. in Biotechnology.

Both my wife, who currently serves on the budget committee, and I are dedicated to Hooksett and keeping it one of the best places in the U.S. to live.

Sincerely,

Adam Jennings

Adam G. Jennings

(603) 722-0548
agjennings@gmail.com

HIGHLIGHTS

- Extensive Supervisory Experience as a Sergeant First Class in the U.S. Army Special Forces
- Bronze Star Medal (Afghanistan, Nov. 2007)

TECHNICAL SKILLS

PROGRAMMING: C/C++, Java, Perl, BioPerl, Bash/Shell scripting, R/Bioconductor, & Python.

DATABASES: Extensive experience with SQLite, MySQL, and Oracle database management systems.

BIOINFORMATICS: Formal training experience with biological sequence analysis using BLAST, TCOFFEE, ClustalW, MUMMER. Experience integrating PERL scripts for GeneBank data analysis.

OTHER SOFTWARE: Expert user in Office, IDEs, Virtualization, Cloud, Version Control Systems.

UNIX CERTIFICATIONS: UNIX Administration (UMUC) & CompTIA Linux+ certified.

EMT CERTIFICATIONS: NREMT-B, Mil. Adv. Tactical Practitioner, CPR, BLS, ACLS, PEPP certified.

LAB EXPERIENCE: Clinical sample staining/ culturing, microbiological assays, centrifuge operation.

EDUCATION

Master of Science – Biotechnology w/ Specialization in Bioinformatics University of Maryland University College–Adelphi, MD	3.5 GPA	2013
Graduate Certificate in Bioinformatics University of Maryland University College–Adelphi, MD	3.5 GPA	2011
Bachelor of Science – Computer Information Science. Minor in Biology University of Maryland University College–Adelphi, MD	3.6 GPA	2009
Small Group Leader, Instructor Training Course U.S. Army John F. Kennedy Special Warfare Center, Fort Bragg, NC		2009
Special Forces Qualification Courses U.S. Army John F. Kennedy Special Warfare Center, Fort Bragg, NC Courses: Small Unit Tactics, French Language Training, Survival-Evasion-Resistance-Escape Course, <u>Special Forces Medical Sergeant Course</u> : Trauma & life support, lab & diagnostic analysis, obstetrics, dentistry, nursing, surgery, dispensing medicine, blood transfusions, X-rays, & administering anesthesia		2004 - 2006

PROFESSIONAL EXPERIENCE

Field Service Engineer Molecular Devices	Nov. 2011 – Present Northeast Region
<ul style="list-style-type: none">• On-site installation, service, repair, and validation of high-end drug discovery and screening research instrumentation and software, to include: automated fluorescent and transmitted light cellular-imaging, mammalian/bacterial colony pickers, and robotic plate handling devices.• Manage call queue using time-management and business Profit & Loss techniques.• Negotiate sales and service contracts.	
Special Forces Medical Sergeant First Class 2 nd Battalion/19 th Special Forces Group	Aug. 2011 – Present Camp Dawson, WV and Morocco
<ul style="list-style-type: none">• Installed & Beta-tested the Android Tactical Assault Kit (ATAK), a map & data tracking platform.• Sole Medical Provider for ODA during Moroccan Joint Combined Exchange Training (JCET).	

Protective Security Specialist / Emergency Medical Technician **Aug. 2011 – Nov 2012**
Triple Canopy, Inc. Iraq

- Provide medic support as required to U.S. diplomats and protection detail members.
- Cross-train detail members in basic first aid and current TCCC guidelines.

Special Forces Medical Sergeant First Class **May 2009 – Aug. 2011**
U.S. Army John F. Kennedy Special Warfare Center & School Fort Bragg, NC

- Designed, Developed, and Deployed a custom Linux, Apache, PHP/Perl, SQLite stack to organize & track 2,000 patient visits per month and analyze trends & diagnoses at military clinic.
- Researched and briefed commanders on the benefits of Medsphere's Electronic Health Record software-OpenVista CIS on Ubuntu GNU/Linux.
- Instructed and supervised weekly soldier in-processing.
- Managed health status of 2,000 personnel while maintaining over 90% health-related readiness.

Special Forces Senior Company Medical Sergeant **Mar. 2006 – Apr. 2009**
1st Battalion/10th Special Forces Group Stuttgart, Germany, Senegal, Afghanistan, & Iraq

- Operated remote medical clinic in Afghanistan. Treated hundreds of patients including children.
- Operating room and anesthesia experience at Balad Airbase Hospital.
- Coordinated with Foreign and other U.S. Units, including French speaking soldiers.
- Served as liaison to the task force commander providing updated situational reports, unit medical readiness, and medical supply logistics for entire task force with a total value over \$500,000.

PROFESSIONAL AFFILIATIONS & ACTIVITIES

- NUTN 2013 Student Recognition Award Recipient
- IEEE Computer Society, Member 2011 – Present
- International Society of Computational Biologists, Student Member 2010 – Present
- BioNLP 2010, Team Participant
- UMUC/DoE Professional Science Master's Mentoring Program, Participant 2010 – Present
- Triangle Linux User Group (TriLUG), Member – Raleigh/Durham, NC 2009 – Apr 2012
- Special Forces Association Member, 2012 – Present
- DoD SECRET Clearance, Last Adjudicated Oct 2003, DoS SECRET, Last Adjudicated Sept. 2011

ACHIEVEMENTS (17)

1. Bronze Star Medal – 2007, Afghanistan
2. Meritorious Service Medals – 2009, Germany/Afghanistan; 2011, Fort Bragg, NC
3. Combat Infantryman's Badge – 2007, Afghanistan
4. Awarded 3 Good Conduct Medals
5. Awarded 6 Army Achievement Medals
6. Iraq Campaign Medal
7. Afghanistan Campaign Medal
8. Southwest Asia Armed Forces Expeditionary Medal – 2001, Kuwait
9. National Defense Service Medal
10. Global War on Terrorism Service Medal
11. NATO Service Medal
12. Primary Leadership Development Course – 2002
13. Basic Non-Commissioned Officer Course – 2005
14. POSE Method of Running Certification – 2010
15. FMS Functional Movement Screen Certification – 2010
16. Special Operations Combat Medical Skills Sustainment Course: 2006, 2008, 2010, 2012
17. French Fluency

Dean Shankle

From: Dick Marple <armlaw@hotmail.com>
Sent: Thursday, June 27, 2013 7:45 PM
To: Dean Shankle
Subject: Letter of demand
Attachments: ATT00001

AGENDA NO. Scheduled Appointments
DATE: 10/09/13

--Forwarded Message Attachment--

From: armlaw@hotmail.com
To: dshankle@hookset.org
Subject: Open Letter
Date: Thu, 27 Jun 2013 23:39:40 +0000

Dean Shankle, Town Administrator

Let me start with the quote below;
JOHN ADAMS (1735-1826)

The people "have a right, an indisputable, unalienable, indefeasible, divine right to that most dreaded and envied kind of knowledge-- I mean of the character and conduct of their rulers."

In connection with the above, I was extremely disappointed with the Wednesday night reception given to my **Document of instructions**, delivered in hand June 6, 2013, pursuant to and authorized by Article 32 of the New Hampshire Bill of Rights. This document apparently laid dormant over two weeks except for a non-responsive letter from Mr. Haywood, who ignored and attempted to divert attention from the statute (**RSA 382-A:3-501**) I cited in the opening line of my June 6, 2013 instructions to my "*substitutes and agents*"; they are clearly identified in Article 8 of the New Hampshire "Bill of Rights". They were **NOT** "accountable" in the "fiduciary duty" required Wednesday night and accordingly denied the "**due process**" I am entitled to under the law. The record will show that the Constitution is the "Supreme Law of the Land" and any thing contrary to it is not withstanding and has no enforcement. (See Article Six paragraph II) Mr. Haywood is **NOT** delegated any discretion in choosing which statutes to which he will conform his acts and ignore all others. He is compelled to respect and conform to **ALL** constitutional mandates and prohibitions as well as **ALL** statutes! He has **NOT** performed the duty to present a lawful "*instrument*" as required by the cited statute and he has **NOT** showed a copy of the **Bond** the statutes require of **ALL** public officials who have taken an OATH to the constitution. I ask for his **BOND** and names of those who competitively bid for the contract he received. If there were **NO** other bidders, he has an unconscionable contract as the statutes **REQUIRE** competitive bidding on all independent contracts.

My **Document of instructions** clearly enumerated and stated it was **NOT** an appeal but rather instructions, citing the violations of statute and Common Law perpetrated by 3rd party Independent Contractor, Todd Haywood. The instructions detailed these unlawful acts of Tort and violations of statute were copied from the statutes and cited Supreme Court cases of stare decisis. The three members present, voted to send this matter to you for consultation with "Town Counsel" as they were not "comfortable" with the law that I had cited. and my demanding that they take the necessary action to abate the crimes that are documented. My impression was they were being "protective" of Mr. Haywood and trying to preserve what they expressed as "*This is the way it has always been done.*" My response was, If that is the case then that is why I am here to put a stop to the "ultra vires" and unlawful acts being perpetrated upon all Hooksett citizens. I placed upon the record the "Tax Lien Act of 1966" which requires all municipal corporations to strictly adhere to the Uniform Commercial Code. That is what is cited in my **Document of instructions**.

Mr. Haywood ignored the UCC and by his "**silence**" he has not only let the doctrine of estoppels toll but pursuant to the following citations he has committed **FRAUD**. **U.S. v. Prudden, 424 F.2d. 1021; U.S. v. Tweel, 550 F. 2d. 297, 299, 300 (1977)**

*"Silence can only be equated with fraud when there is a **legal and moral duty to speak** or when an inquiry left unanswered would be intentionally misleading. We cannot condone this shocking conduct... If that is the case we hope our message is clear. This sort of deception will not be tolerated and if this is routine it should be corrected immediately. " **Action for FRAUD must be taken!***

Marbury v. Madison, 5 US 137

"The Constitution of these United States is the supreme law of the land. Any law that is repugnant to the Constitution is null and void of law."

Murdock v. Penn., 319 US 105

"No state shall convert a liberty into a privilege, license it, and attach a fee to it."

Shuttlesworth v. Birmingham, 373 US 262

"If the state converts a liberty into a privilege, the citizen can engage in the right with impunity."

U.S. v. Bishop, 412 US 346

If you have relied on prior decisions of the supreme Court, you have the perfect defense for willfulness.

Owen v. Independence, 100 S.C.T. 1398, 445 US 622

"Officers of the court have no immunity, when violating a Constitutional right, from liability. For they are deemed to know the law."

Scheuer v. Rhodes, 416 U.S. 232, 1974 Expounds upon Owen

Byers v. U.S., 273 U.S. 28

Unlawful search and seizure. Your rights must be interpreted in favor of the citizen.

Boyd v. U.S., 116 U.S. 616

"The court is to protect against any encroachment of Constitutionally secured liberties."

Miranda v. Arizona, 384 U.S. 436

"Where rights secured by the Constitution are involved, there can be no rule making or legislation, which would abrogate them."

Norton v. Shelby County, 118 U.S. 425

"An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed."

Miller v. U.S., 230 F.2d. 486, 489

"The claim and exercise of a Constitutional right cannot be converted into a crime."

Brady v. U.S., 397 U.S. 742, 748

"Waivers of Constitutional Rights, not only must they be voluntary, they must be knowingly intelligent acts done with sufficient awareness."

"If men, through fear, fraud, or mistake, should in terms renounce or give up any natural right, the eternal law of reason and the grand end of society would absolutely vacate such renunciation. The right to freedom being a gift of ALMIGHTY GOD, it is not in the power of man to alienate this gift and voluntarily become a slave."

—Samuel Adams, 1772

United States v. Sandford, Fed. Case No.16, 221 (C.Ct.D.C. 1806)

"In the early days of our Republic, 'prosecutor' was simply anyone who voluntarily went before the grand Jury with a complaint."

Cooper v. Aaron, 358 U.S. 1, 78 S.Ct. 1401 (1958).

"No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it."

United States v Dougherty, 473 F 2d 1113, 1122.

The court states, "...Judge Miller, joined by Judges Prettyman, Danaher And Bastian, stated that the pro se right is statutory only, and therefore (a) defendant must assert the right in order to be entitled to it and (b) in any event no reversal was required since no prejudice could be discerned" "The Government says the pro se right is statutory and subject to 'extensive qualifications,' discerning in the decisions seven 'factors' on the basis of which the pro se right may be partially or entirely denied."

"A bill of attainder is defined to be 'a legislative Act which inflicts punishment without judicial trial'"

"...where the legislative body exercises the office of judge, and assumes judicial magistracy, and pronounces on the guilt of a party without any of the forms or safeguards of a trial, and fixes the punishment."

In re De Giacomo, (1874) 12 Blatchf. (U.S.) 391, 7 Fed. Cas No. 3,747, citing Cummings v. Missouri, (1866) 4 Wall, (U.S.) 323.

US v Will, 449 US 200,216, 101 S Ct, 471, 66 LEd2nd 392, 406 (1980) Cohens V Virginia, 19 US (6 Wheat) 264, 404, 5LEd 257 (1821)

"When a judge acts where he or she does not have jurisdiction to act, the judge is engaged in an act or acts of treason."

Mattox v. U.S., 156 US 237, 243.

"We are bound to interpret the Constitution in the light of the law as it existed at the time it was adopted."

S. Carolina v. U.S., 199 U.S. 437, 448 (1905).

"The Constitution is a written instrument. As such, its meaning does not alter. That which it meant when it was adopted, it means now."

United States v. Cruikshank, 92 U.S. 542 (1876).

"The people of the United States resident within any State are subject to two governments: one State, and the other National, but there need be no conflict between the two."

Grosjean v. American Press Co., 56 S.Ct. 444, 446, 297 U.S. 233, 80 LEd 660

"Freedom in enjoyment and use of all of one's powers, faculties and property."

ARGERSINGER v. HAMLIN, 407 U.S. 25 (1972)

"The right of an indigent defendant in a criminal trial to the assistance of counsel, which is guaranteed by the Sixth Amendment... is not governed by the classification of the offense or by whether or not a jury trial is required. No accused may be deprived of his liberty as the result of any criminal prosecution, whether felony or misdemeanor, in which he was denied the assistance of counsel."

U.S. v. Prudden, 424 F.2d. 1021; U.S. v. Tweel, 550 F. 2d. 297, 299, 300 (1977)

Silence can only be equated with fraud when there is a legal and moral duty to speak or when an inquiry left unanswered would be intentionally misleading. We cannot condone this shocking conduct... If that is the case we hope our message is clear. This sort of deception will not be tolerated and if this is routine it should be corrected immediately.

Morrison v. Coddington, 662 P. 2d. 155, 135 Ariz. 480(1983).

Fraud and deceit may arise from silence where there is a duty to speak the truth, as well as from speaking an untruth.

In regard to courts of record: "If the court is not in the exercise of its general jurisdiction, but of some special statutory jurisdiction, it is as to such proceeding an inferior court, and not aided by presumption in favor of jurisdiction." 1 Smith's Leading Cases, 816

In regard to courts of inferior jurisdiction, "if the record does not show upon its face the facts necessary to give jurisdiction, they will be presumed not to have existed." Norman v. Zieber, 3 Or at 202-03

It is interesting to note the repeated references to fraud in the above quotes. Therefore the meaning of fraud should be noted:

Fraud. An intentional perversion of truth for the purpose of inducing another in reliance upon it to part with some valuable thing belonging to him or to surrender a legal right. A false representation of a matter of fact... which deceives and is intended to deceive another so that he shall act upon it to his legal injury. ... It consists of some deceitful practice or willful device, resorted to with intent to deprive another of his right, or in some manner to do him injury... (Emphasis added) –Black's Law Dictionary Fifth Edition, page 594.

Then take into account the case of McNally v. U.S., 483 U.S. 350, 371-372, Quoting U.S. v Holzer, 816 F.2d. 304, 307

Fraud in its **elementary common law sense of deceit...** includes the deliberate concealment of material information in a setting of fiduciary obligation. **A public official is a fiduciary toward the public,**... and if he deliberately conceals material information from them he is guilty of fraud.

There is much more to place upon the record and I ask that I be may do so. The chairman cut me off stating I had run overtime for public comment. I recognized it was fruitless to belabor the issue and briefly mentioned to you in the corridor when I left.

I ask that this letter be copied and delivered to each member of the town council that they may determine for themselves whether they will act as a co-conspirator with Mr. Haywood

In his act of presenting a "Bill of Attainder" in the sanction he applied unlawfully to me Or honor their OATH and protect the constitution and the other 100 or so elderly Hooksett citizens who suffered the violation of their rights.

I am entitled to answers and I look forward to prompt attention to the forgoing demands

Sincerely,

**A. Richard Marple
11 Dartmouth Street
Hooksett, New Hampshire Republic**

Date: Thu, 27 Jun 2013 16:18:14 -0400

Dean Shankle

From: Dick Marple <armlaw@hotmail.com>
Sent: Saturday, July 20, 2013 3:54 PM
To: Dean Shankle; David Ross; todd@toddlizotte.com
Subject: Action Required

Follow Up Flag: Follow up
Flag Status: Flagged

Gentlemen...

Whereas the Federal Crime of Mail Fraud does have a penalty that requires the Attorney General to prosecute. See penalty below.....

18 USC § 1341 - Frauds and swindles

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined under this title or imprisoned not more than 20 years, or both. If the violation occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidential declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or affects a financial institution, such person shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

The Attorney General

Section 7:6

7:6 Powers and Duties as State's Attorney. – The attorney general shall act as attorney for the state in all criminal and civil cases in the supreme court in which the state is interested, and in the prosecution of persons accused of crimes punishable with death or imprisonment for life. The attorney general shall have and exercise general supervision of the criminal cases pending before the supreme and superior courts of the state, and with the aid of the county attorneys, the attorney general shall enforce the criminal laws of the state. The attorney general shall have the power to collect uncollected debts owed to the state as set forth in RSA 7:15-a. Source. RS 13:2. CS 13:2. GS 15:2. GL 16:2. 1881, 82:1. PS 17:4. 1911, 190:2, 4. PL 16:5. RL 24:5. 1996, 124:1, eff. July 15, 1996. 2007, 346:2, eff. July 1, 2007.

the Council may want to refer prosecution of the independent contractor, who has violated both Article 19 of the New Hampshire "Bill of Rights" and the "4th Amendment to the Constitution for the united State of America", to the Attorney General for investigation and review of the statutes violated and other documentation I have submitted for action to be taken.

I ask that this be done immediately. Thank you for your acknowledgement of this request.
Without Prejudice, UCC 1-103,UCC 1-308

A. Richard Marple, Sui Juris
11 Dartmouth Street
Hooksett

Dean Shankle

From: Dick Marple <armlaw@hotmail.com>
Sent: Tuesday, September 24, 2013 5:55 PM
To: Dean Shankle
Subject: Request for Information

Mr. Shankle...

The stare decisis that follows, U.S. v. Clearfield Trust, applies to the corporate municipality charter Hooksett.

The inhabitants are sovereign and not the subjects of corporate public servants. The Uniform Commercial Code dictates the manner that the municipal corporate fiction will conduct its business. I again respectfully ask for the Name and address of the Bonding Company that Section 5.10 of the Corporate Charter mandates.

A.R. Marple, Sui Juris

U.C.1-103, UCC 1-308

Clearfield Doctrine

Clearfield Doctrine

"Governments descend to the Level of a mere private corporation, and take on the characteristics of a mere private citizen...where private corporate commercial paper [Federal Reserve Notes] and securities [checks] is concerned. ... For purposes of suit, such corporations and individuals are regarded as entities entirely separate from government." -

"Sec. 5.10. Bonding of Officials.

Any Town officer elected or appointed by authority of this Charter shall be bonded in an amount as required by state law or dictated by prudent fiscal practice for the faithful performance of the duties of his/her office. The Administrator and all officers receiving or disbursing Town funds shall be so bonded, and the premiums thereon shall be paid by the Town. Such bonds shall be filed with the Town Clerk."

Please tell me, preferably in a simple way that the Council and the residents of Hooksett and I can understand, why the Town's contract assessor is not required to be bonded.

Thanks,

Dean

Dean E. Shankle, Jr., Ph.D.
Hooksett Town Administrator

From: Dick Marple [<mailto:armlaw@hotmail.com>]

Sent: Tuesday, September 24, 2013 5:55 PM

To: Dean Shankle

Subject: Request for Information

Mr. Shankle...

The stare decisis that follows, U.S. v. Clearfield Trust, applies to the corporate municipality charter Hooksett.

The inhabitants are sovereign and not the subjects of corporate public servants. The Uniform Commercial Code dictates the manner that the municipal corporate fiction will conduct its business. I again respectfully ask for the Name and address of the Bonding Company that Section 5.10 of the Corporate Charter mandates.

A.R. Marple, Sui Juris

U.C.1-103, UCC 1-308

Clearfield Doctrine

Clearfield Doctrine

"Governments descend to the Level of a mere private corporation, and take on the characteristics of a mere private citizen...where private corporate commercial paper [Federal Reserve Notes] and securities [checks] is concerned. ... For purposes of suit, such corporations and individuals are regarded as entities entirely separate from government." -

Clearfield Trust Co. v. United States 318 U.S. 363-371 (1942)
What the Clearfield Doctrine is saying is that when private commercial paper is used by corporate government, then Government loses its sovereignty status and becomes no different than a mere private corporation.

As such, government then becomes bound by the rules and laws that govern private corporations which means that if they intend to compel an individual to some specific performance based upon its corporate statutes or corporation rules, then the government, like any private corporation, must be the holder-in-due-course of a contract or other commercial agreement between it and the one upon whom demands for specific performance are made.

And further, the government must be willing to enter the contract or commercial agreement into evidence before trying to get to the court to enforce its demands, called statutes.

This case is very important because it is a 1942 case after the Erie RR v. Tompkins 304 U.S. 64, (1938) case in which the Legislatures and Judiciary changed from legislating under "Public Law", which was in consonance with the CONstitution, to legislating under "Public Policy" according to the wishes of the "Creditors of the US Corporation".

Clearfield Trust Co. v. United States 318 U.S. 363-371 (1942)
What the Clearfield Doctrine is saying is that when private commercial paper is used by corporate government, then Government loses its sovereignty status and becomes no different than a mere private corporation.

As such, government then becomes bound by the rules and laws that govern private corporations which means that if they intend to compel an individual to some specific performance based upon its corporate statutes or corporation rules, then the government, like any private corporation, must be the holder-in-due-course of a contract or other commercial agreement between it and the one upon whom demands for specific performance are made.

And further, the government must be willing to enter the contract or commercial agreement into evidence before trying to get to the court to enforce its demands, called statutes.

This case is very important because it is a 1942 case after the Erie RR v. Tomkins 304 U.S. 64, (1938) case in which the Legislatures and Judiciary changed from legislating under "Public Law", which was in consonance with the CONstitution, to legislating under "Public Policy" according to the wishes of the "Creditors of the US Corporation".

Dean Shankle

From: Dick Marple <armlaw@hotmail.com>
Sent: Tuesday, September 24, 2013 7:41 PM
To: Dean Shankle
Subject: RE: Legal Information from Mr. Marple

Thank you for the invitation to be on their agenda.
Please schedule me and advise date, time etc.

A. Richard Marple, Sui Juris

From: DShankle@hooksett.org
To: armlaw@hotmail.com
Subject: RE: Legal Information from Mr. Marple
Date: Fri, 20 Sep 2013 18:16:30 +0000

Mr. Marple,

As far as I am aware, they are waiting for the attorney to advise them.

If you would like to be put on the agenda to speak with them at their first meeting in October, please let me know next week and I will do so.

Have a great weekend,

Dean

Dean E. Shankle, Jr., Ph.D.
Hooksett Town Administrator

From: Dick Marple [mailto:armlaw@hotmail.com]
Sent: Thursday, September 19, 2013 7:23 PM
To: Dean Shankle
Subject: RE: Legal Information from Mr. Marple

Thank you for this courtesy Mr. Shankle.

Is the Town Council going to address this matter or are they waiting for the attorney to advise them?

A. Richard Marple, Sui Juris

From: DShankle@hooksett.org
To: armlaw@hotmail.com
Subject: RE: Legal Information from Mr. Marple
Date: Thu, 19 Sep 2013 16:10:06 +0000
Mr. Marple,

It has been printed out for the Council and forwarded to the attorney.

Dean

Dean E. Shankle, Jr., Ph.D.
Hooksett Town Administrator

From: Dick Marple [<mailto:armlaw@hotmail.com>]
Sent: Wednesday, September 18, 2013 7:21 PM
To: Dean Shankle
Subject: RE: Legal Information from Mr. Marple

Thank you for the courtesy Mr. Shankle,

I would ask that you include a copy of RSA 311:6 for the Town Attorney to be "NOTICED". He is NOT a court and can not provide the constitutional "**Due Process**" that the fifth amendment mandates nor can he avoid the prohibition enumerated in Amendment four relative to the **Right** of the people to be secure in "**their persons, house, papers, and effects against unreasonable searches and seizures**". Mr. Haywood, who you tell me is not Bonded in accordance with the Town Charter, did **NOT** produce any warrant for his unlawful action. This is why I included the stare decisis, which the Town Attorney cannot ignore. Mr. Haywood abused 380 U.S. 528 and did impose an unlawful \$4000.00 penalty as documented.

Harman v. Forssenicus, 380 U.S. 528 (1965)

" It has long been established that a state many NOT impose a penalty upon those who exercise a Right guaranteed by the constitution"

See also 271 U.S., 583; "**Constitutional rights would be of little value if they could indirectly denied**" and 321 U.S. 649 where the above is quoted and added ", ***"or manipulated out of existence"***

Thank you for printing out this email for distribution to the members of the Town Counsel and advising them of their "**Fiduciary Duty**" which is the core of the trust owed to another and any breach of the trust has been judicially defined as "**scheme to defraud**" See. United States v. Lemire, 720 F.2d 1327, 1335, D.C. (Cir. 1983) and United States v. Allen, 554 F. 2d 398, 410 (10th Cir) etal

Sincerely,

A. Richard Marple, Sui Juris

11 Dartmouth Street
Hooksett

From: DShankle@hooksett.org
To: armlaw@hotmail.com
Subject: RE: Legal Information from Mr. Marple
Date: Wed, 18 Sep 2013 19:54:54 +0000
Mr. Marple,

I am not sure why you think I was not going to send it as requested; I have already printed it out and will do the same for this. I will likewise send this to the Town Attorney for his advice on the issues you have raised.

Dean

Dean E. Shankle, Jr., Ph.D.
Hooksett Town Administrator

From: Dick Marple [<mailto:armlaw@hotmail.com>]
Sent: Wednesday, September 18, 2013 3:44 PM
To: Dean Shankle
Subject: RE: Legal Information from Mr. Marple

Thank you for your prompt reply Mr. Shankle.

Do I understand that you are refusing to print out my demands for each member of the Town Council to read and understand.? You have been delivered "instructions", pursuant to Article 32, N.H. Bill of Rights and you must be "accountable" as mandated by article 8 of the same.

If you are not aware, you may wish to seek advise on deprivation of "Due Process" . The advise of a mere attorney, whose fidelity is to the court and not to the one being denied "due process", is a violation of **RSA 311:6**, of which you have a copy. Are you ignoring the duty to comply with **18 USC 4** ? If so kindly advise.

Should you rely upon such advise, you are avoiding the fiduciary duty vested in you and each Councilor by your Oath of office. I again ask for the means to place my claim with the bonding company that covers the Charter Section on Bonding.

You were given the citations that a "statute" does **not** trump the constitution and "due process" is a **constitutional Right**. Accordingly, I expect your compliance with all citations I have placed on the record. Failure to do so will expose all to conspiracy to extort under "color of office" and "color of law". See **18 USC 241** and **18 USC 242** which will be filed with an Article III "district court of the united States of America" for all damages I have received.

I ask that you print this email out and deliver to each member of the Town

Counsel along with my previous instructions to you.

Sincerely,

A. Richard Marple, Sui Juris

From: DShankle@hooksett.org
To: armlaw@hotmail.com
Subject: Legal Information from Mr. Marple
Date: Wed, 18 Sep 2013 13:20:05 +0000
Mr. Marple,

On July 25, 2013, I sent you the following:

"Mr. Marple,

After consulting with the Town Attorney, he advised that no further action needs to be taken by the Town on the legal issues that you have raised to date. He did suggest that I remind you that, as required by NH Department of Revenue rules and regulations the Town is required to verify that all persons who are presently receiving real estate tax exemptions are currently entitled to the exemption they receive. You enjoy an elderly tax exemption for your property at 11 Dartmouth Street, Hooksett. You have been asked to update and verify the information previously provided to the Town to support your elderly tax exemption. When the Assessor's Office mailed you a communication asking you to update certain information that supports your receipt of the elderly exemption this was an action taken in furtherance of the public duty imposed on the Town and its assessing office to ensure that every taxpayer pays their fair share of real estate taxes. The Town's Attorney has reviewed all of the legal citations you have provided and he reports that the actions of the Town Assessing Department are in full conformance with the NH Constitution, NH statutes and the Hooksett Town Charter. If you are aggrieved by the actions of the Assessing Department, you may appeal to the Hooksett Board of Assessors."

You subsequently sent me a response that read, in part,

"I respectfully ask that you identify him/her so that I may confirm, with him/her that what you have claimed is the adversarial position that is being taken by this municipal corporation and thus establish a co-conspirator relationship."

I answered this request by providing you with the following on July 26:

"Mr. Marple,

The Town's attorneys are from the firm Hage Hodes, PA, 1855 Elm Street, Manchester, NH. Their phone number is 603-666-2222. The specific attorney that provided the advice was Stephen Buckley. His email address is sbuckley@hadeshodes.com. "

I do not believe that I have had any further communications with you since that time.

I will pass this information on to both the Council and the Town's attorney.

Dean

Dean E. Shankle, Jr., Ph.D.
Hooksett Town Administrator

Dean

Dean E. Shankle, Jr., Ph.D.
Hooksett Town Administrator

From: Dick Marple [mailto:armlaw@hotmail.com]
Sent: Tuesday, September 17, 2013 5:32 PM
To: Dean Shankle
Subject: Relative to status Report

Dear Mr. Shankle,

My last post from you was that you had discussed my claim with the towns attorney? I must again demand the access to the to the fiduciary Bonds of you and the Town Counselors.

You may wish to have the attorney review the following "stare decisis" \ which have not been overturned and is supreme and requires compelled performance in adhering to the standing decisions.

#1-United States v. Classic, 313 U.S. 299 (1994)

"Misuse of power possessed by virtue of State laws and made possible only because the wrongdoer is clothed with the authority of state law, is action taken "under color of state law". See 18 USC 241 and 18 USC 242.

#2-Craig v. Missouri, 29 U.S. 410 (1830)

" It will not be questioned, that an act forbidden by the constitution of the United States, which is the supreme law, is against this law"

#3-Harman v. Forssenicus, 380 U.S. 528 (1965)

" It has long been established that a state may NOT impose a penalty upon those who exercise a Right guaranteed by the constitution"

See also 271 U.S., 583; ***"Constitutional rights would be of little value if they could indirectly denied"*** and 321 U.S. 649 where the above is quoted and added ", ***"or manipulated out of existence"***

#4- ***"A statute does Not trump the Constitution"***

People v. Ortiz (1995) 32 Cal.App. 4th at pg 292, Footnote #2

#5- Conway v. Pasadena Humane Society (1996)

45 Cal. App. 4th 163

#6-United States of America v. Jerry Arbert Pool, C.A.

No. 09-10303 - Opinion filed September 14, 2010

#7- U.S. v. Bishop, 412 U.S. 346 (1973)

"Relying upon prior decisions of the supreme court is a defense against willful criminal intent."

As you know the independent contractor, Todd Haywod violated Amendment 4 of the U.S. constitution and Article 19 of the New Hampshire Bill of Rights, in demanding, with out warrant, that the 140, plus elderly citizens in Hooksett, who were deceived by his "Simulated Notice" required them to unlawfully submit their "***papers and effects***" to him in order to receive the "Elderly Exemption". This action by Mr. Haywood violates several statutes as well as the tort of Trespass.

Kindly provide all members of the Town Counsel with copies of this email, which you will print out for them, and determine if they will vote to to take the necessary action that their oath of office requires them to do.

TITLE XXX OCCUPATIONS AND PROFESSIONS

CHAPTER 311 ATTORNEYS AND COUNSELORS

Section 311:6

311:6 Oath. – Every attorney admitted to practice shall take and subscribe, in open court, the oaths to support the constitution of this state and of the United States, and the oath of office in the following form: You solemnly swear or affirm that you will do no falsehood, nor consent that any be done in the court, and if you know of any, that you will give knowledge thereof to the justices of the court, or some of them, that it may be reformed; that you will not wittingly or willingly promote, sue or procure to be sued any false or unlawful suit, nor consent to the same; that you will delay no person for lucre or malice, and will act in the office of an attorney within the court according to the best of your learning and discretion, and with all good fidelity as well to the court as to your client. ***So help you God or under the pains and penalty of perjury.***
Source. RS 177:5. CS 187:5. GS 199:5. GL 218:5. PS 213:5. PL 325:6. RL 381:6. RSA 311:6. 1995, 277:3, eff. Aug. 19, 1995.

Thank you for this courtesy,

A. Richard Marple, Sui Juris
11 Dartmouth Street
Hooksett

Dean Shankle

From: Dick Marple <armlaw@hotmail.com>
Sent: Wednesday, September 25, 2013 7:17 PM
To: Dean Shankle
Subject: This is the issue !

Mr. Shankle...

This is the issue, along with **Article 19** of the New Hampshire Bill of Rights.
Kindly Print this out for the folder that each councilor receives from you.

Violating these prohibitions is ipso facto violation of Oath of Office
and inviting action under **18 USC 241** and **18 USC 242**, etal. of which
all have been previously **NOTICED** ! One does **NOT** need an attorney
to understand the prohibitions and the action that is required.!

Thank you,

A. Richard Marple, Sui Juris
11 Dartmouth Street
Hooksett

Date: Wed, 25 Sep 2013 23:03:12 +0000



Art.] 19. [Searches and Seizures Regulated.] Every subject hath a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. Therefore, all warrants to search suspected places, or arrest a person for examination or trial in prosecutions for criminal matters, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation; and if the order, in a warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure; and no warrant ought to be issued; but in cases and with the formalities, prescribed by law.

Dean Shankle

From: Dick Marple <armlaw@hotmail.com>
Sent: Monday, September 30, 2013 6:07 PM
To: Dean Shankle
Subject: RE: Request for Information

Mr. Shankle...

You have been aware, from the beginning when I sat down with you after my last meeting with the counsel when the lady member motioned to refer the matter to you. The issues is that **Article 19 of the New Hampshire Bill of Rights and Amendment #4 of The United States Constitution were both violated by Mr Haywood** when he designed a letter that was sent of over 140 elderly inhabitants, demanding the submission of papers he was not lawfully entitled to see without a warrant.

He further deliberately misinformed the readers, saying the that the State "required this information" when in fact the statute uses the language "**MAY**", which is **NOT** compelling as is the word "**shall**". What he did was **NOT** mandatory but being an independent contractor it appears he saw this as an opportunity to "churn" the system, unlawfully enrich his take-home pay and let the inhabitants pay the postage and cost of creating his "Simulated Official Notice," which is a clear violation of **RSA 638:14** and if I read his contract correct he is being compensated **\$1.00 a Minute** for his purported labor. This is labor that the counsel is already being paid to do in their compensation as an elected official. if my reading of the Charter is correct, I find no delegated authority for the diminishing the powers delegated to the Counsel, thus relieving them of their duty as public servants, and giving this power to an independent contractor? If there is such delegation of power, I ask that it be a matter of record.

Mr Haywood has violated several revised statutes. As for ignoring the term "**MAY**", that is a violation of RSA 641:7, I & II and perhaps III. It appears that RSA 640:4, I, has been violated as "Due Process" has been ignored and RSA 643:1 Official Oppression has been perpetrated by Mr. Haywood upon all elderly inhabitants as well in his unlawful creation of a \$4000 "**evidence of indebtedness**" and assigning it to me.

The creation of the \$4000 "debt instrument" by Mr. Haywood is a clear violation of Federal Law, **Title 18, section 513(a)** which is enhanced by 18 USC 2311, which includes specific language, "**evidence of indebtedness**" 2314 and 2320 are also applicable. I am compelled to make you, and the Counsel aware of Mr. Haywoods unlawful action as Title 18 Section four requires me to do so. You and the Counsel are so NOTICED.

From: DShankle@hooksett.org
To: armlaw@hotmail.com
Subject: RE: Request for Information
Date: Mon, 30 Sep 2013 16:36:21 +0000

Mr. Marple,

I presume this is the information that you want given to the Council for your discussion with them?

Dean

Dean E. Shankle, Jr., Ph.D.

Hooksett Town Administrator

From: Dick Marple [<mailto:armlaw@hotmail.com>]

Sent: Tuesday, September 24, 2013 5:55 PM

To: Dean Shankle

Subject: Request for Information

Mr. Shankle...

The stare decisis that follows, U.S. v. Clearfield Trust, applies to the corporate municipality charter Hooksett.

The inhabitants are sovereign and not the subjects of corporate public servants. The Uniform Commercial Code dictates the manner that the municipal corporate fiction will conduct its business. I again respectfully ask for the Name and address of the Bonding Company that Section 5.10 of the Corporate Charter mandates.

A.R. Marple, Sui Juris

U.C.1-103, UCC 1-308

Clearfield Doctrine

Clearfield Doctrine

"Governments descend to the Level of a mere private corporation, and take on the characteristics of a mere private citizen...where private corporate commercial paper [Federal Reserve Notes] and securities [checks] is concerned. ... For purposes of suit, such corporations and individuals are regarded as entities entirely separate from government." -

Clearfield Trust Co. v. United States 318 U.S. 363-371 (1942)
What the Clearfield Doctrine is saying is that when private commercial paper is used by corporate government, then Government loses its sovereignty status and becomes no different than a mere private corporation.

As such, government then becomes bound by the rules and laws that govern private corporations which means that if they intend to compel an individual to some specific performance based upon its corporate statutes or corporation rules, then the government, like any private corporation, must be the holder-in-due-course of a contract or other commercial agreement between it and the one upon whom demands for specific performance are made.

And further, the government must be willing to enter the contract or commercial agreement into evidence before trying to get to the court to enforce its demands, called statutes.

This case is very important because it is a 1942 case after the Erie RR v. Tompkins 304 U.S. 64, (1938) case in which the Legislatures and Judiciary changed from legislating under "Public Law", which was in consonance with the CONstitution, to legislating under "Public Policy" according to the wishes of the "Creditors of the US Corporation".

Dean Shankle

From: Dick Marple <armlaw@hotmail.com>
Sent: Monday, September 30, 2013 6:21 PM
To: Dean Shankle
Subject: Re: Request for Information

Follow Up Flag: Follow up
Flag Status: Flagged

• **RE: Request for Information- Added information.**

Mr. Shankle...

You have been aware, from the beginning when I sat down with you after my last meeting with the counsel when the lady member motioned to refer the matter to you. The issues is that **Article 19 of the New Hampshire Bill of Rights and Amendment #4 of The United States Constitution were both violated by Mr Haywood** when he designed a letter that was sent of over 140 elderly inhabitants, demanding the submission of papers he was not lawfully entitled to see without a warrant.

He further deliberately misinformed the readers, saying the that the State "required this information" when in fact the statute uses the language "**MAY**", which is **NOT** compelling as is the word "**shall**". What he did was **NOT** mandatory but being an independent contractor it appears he saw this as an opportunity to "churn" the system, unlawfully enrich his take-home pay and let the inhabitants pay the postage and cost of creating his "Simulated Official Notice," which is a clear violation of **RSA 638:14** and if I read his contract correct he is being compensated **\$1.00 a Minute** for his purported labor. This is labor that the counsel is already being paid to do in their compensation as an elected official. if my reading of the Charter is correct, I find no delegated authority for the diminishing the powers delegated to the Counsel, thus relieving them of their duty as public servants, and giving this power to an independent contractor? If there is such delegation of power, I ask that it be a matter of record.

Mr Haywood has violated several revised statutes. As for ignoring the term "**MAY**", that is a violation of RSA 641:7, I & II and perhaps III. It appears that RSA 640:4, I, has been violated as "Due Process" has been ignored and RSA 643:1 Official Oppression has been perpetrated by Mr. Haywood upon all elderly inhabitants as well in his unlawful creation of a \$4000 "**evidence of indebtedness**" and assigning it to me.

The creation of the \$4000 "debt instrument" by Mr. Haywood is a clear violation of Federal Law, **Title 18, section 513(a)** which is enhanced by 18 USC 2311, which includes specific language, "**evidence of indebtedness**" 2314 and 2320 are also applicable. I am compelled to make you, and the Counsel aware of Mr. Haywoods unlawful action as Title 18 Section four requires me to do so. You and the Counsel are so NOTICED.

I have copied some Mr Haywood's violation's shown as follows,

US Attorneys > USAM > Title 9 > Criminal Resource Manual 943

943 No Loss or Gullible Victims

"It is the scheme to defraud and not actual fraud that is required." *United States v. Reid*, 533 F.2d 1255, 1264 (D.C. Cir. 1976). "No particular type of victim is required . . . nor need the scheme have succeeded." *United States v. Coachman*, 727 F.2d 1293, 1302-03 n. 43 (D.C. Cir. 1984). **No actual loss to the victims is required.** See *United States v. Pollack*, 534 F.2d 964, 971 (D.C. Cir.) ("**The fraud statutes speak alternatively of devising or intending to devise a scheme to defraud and do not require that the deception bear fruit for the wrongdoer or cause injury to the intended victim as a prerequisite to successful prosecution.** [S]uccess of the scheme and loss by a defrauded person are not essential elements of the crime under 18 U.S.C. §§ 1341, 1343 . . ."), *cert. denied*, 429 U.S. 924 (1976); see also *United States v. Jordan*, 626 F.2d 928, 931 (D.C. Cir. 1980) ("**The amount of money realized as a result of the scheme is not an essential element of mail fraud. It was not even necessary to prove that the scheme succeeded.**").

For a discussion of fraud loss computation in sentencing see Guidelines Sentencing (Federal Judicial Center, 1997), Section II.D.2. Offense Involving Fraud and Deceit.

"[I]t makes **no difference whether the persons the scheme is intended to defraud are gullible or skeptical, dull or bright . . .**" *United States v. Maxwell*, 920 F.2d 1028, 1036 (D.C. Cir. 1990) (quoting *United States v. Brien*, 617 F.2d 299, 311 (1st Cir.), *cert. denied*, 446 U.S. 919 (1980)). "[T]he monumental credulity of the victim is no shield for the accused . . ." *Id.* (quoting *Deaver v. United States*, 155 F.2d 740, 744-45 (D.C. Cir.), *cert. denied*, 329 U.S. 766 (1946)); cf. *Pollack*, 534 F.2d at 971 (To hold that actual loss to victim is required "would lead to the illogical result that the legality of a defendant's conduct would depend on his fortuitous choice of a gullible victim.") (quoted in *Maxwell*, 920 F.2d at 1036). [cited in [USAM 9-43.100](#)]

Please copy and place in each Counselors folder. Thank you.

A. Richard Marple, Sui Juris
11 Dartmouth Street
Hooksett

From: DShankle@hooksett.org
To: armlaw@hotmail.com
Subject: RE: Request for Information
Date: Mon, 30 Sep 2013 16:36:21 +0000

Dean Shankle

From: Dick Marple <armlaw@hotmail.com>
Sent: Wednesday, October 02, 2013 7:07 PM
To: Dean Shankle
Cc: Kim Blichmann; Christine Soucie; David Ross (personal); todd@toddlizotte.com
Subject: RE: Bond- 3rd request !

Mr. Shankle...

I have documented the RSA that follows before and it was **NOT** acted upon by you or the Counsel I will highlight the controlling language and I expect that you and the Counsel can apply that language to Charter Article 5.10 relative to BONDS. There appears to be an unconscionable contract that requires action.

Section 640:2

640:2 Bribery in Official and Political Matters. –

I. A person is guilty of a class B felony if:

(a) He promises, offers, or gives any pecuniary benefit to another with the purpose of influencing the other's action, decision, opinion, recommendation, vote, nomination, **or other exercise of discretion as a public servant**, party official, or voter; or

(b) **Being a public servant**, party official, candidate for electoral office, or voter, he solicits, accepts or agrees to accept any pecuniary benefit from another knowing or believing the other's purpose to be as described in subparagraph I(a), or fails to report to a law enforcement officer that he has been offered or promised a pecuniary benefit in violation of subparagraph I(a).

II. **As used in this section and other sections of this chapter, the following definitions apply:**

(a) **"Public servant"** means any officer or employee of the state or any political subdivision thereof, including judges, legislators, **consultants, jurors, and persons otherwise performing a governmental function**. A person is considered a public servant upon his election, appointment or other designation as such, although he may not yet officially occupy that position. A person is a candidate for electoral office upon his public announcement of his candidacy.

(b) "Party official" means any person holding any post in a political party whether by election, appointment or otherwise.

(c) **"Pecuniary benefit"** means any advantage in the form of money, property, commercial interest or anything else, the primary significance of which is **economic gain**; it does not include economic advantage applicable to the public generally, such as tax reduction or increased prosperity generally. **Source.** 1971, 518:1, eff. Nov. 1, 1973.

Kindly copy and place in each Counselors folder. Thank you.

A. Richard Marple Sui Juris

From: DShankle@hooksett.org
To: armlaw@hotmail.com
CC: KBlichmann@hooksett.org; CSoucie@hooksett.org; dpross@usa.net; todd@toddlizotte.com
Subject: RE: Bond- 3rd request !
Date: Tue, 1 Oct 2013 12:26:42 +0000

Mr. Marple,

No, that is not what you should have gotten from my email. What I deny is your suggestion that I believe it "is meaningless and being ignored."

Dean

Dean E. Shankle, Jr., Ph.D.
Hooksett Town Administrator

From: Dick Marple [mailto:armlaw@hotmail.com]
Sent: Monday, September 30, 2013 6:41 PM
To: Dean Shankle
Cc: Kim Blichmann; Christine Soucie; David Ross (personal); todd@toddlizotte.com
Subject: RE: Bond- 3rd request !

Mr. Shankle...

Do I understand you correctly, in that you **DENY** that the Charter Section 5.10 relative to Bonds, is the supreme authority and that the RSA's do not require all public servants to be bonded ?

A. Richard Marple, Sui Juris
11 Dartmouth Street
Hooksett

From: DShankle@hooksett.org
To: armlaw@hotmail.com
CC: KBlichmann@hooksett.org; CSoucie@hooksett.org; dpross@usa.net; todd@toddlizotte.com
Subject: RE: Bond- 3rd request !
Date: Fri, 27 Sep 2013 02:28:51 +0000
Mr. Marple,

I do not understand how what I said below led you to that conclusion. Deny.

Dean Shankle

From: Dick Marple [armlaw@hotmail.com]
Sent: Thursday, September 26, 2013 6:58 PM
To: Dean Shankle
Cc: Kim Blichmann; Christine Soucie; David Ross (personal); todd@toddlizotte.com
Subject: RE: Bond- 3rd request !

It would appear from your post below, that the Charter, Section 5.10 is meaningless and being ignored?

Kindly confirm or deny. The Charter is supreme !

A. Richard Marple, Sui Juris
11 Dartmouth Street
Hooksett

From: DShankle@hooksett.org
To: armlaw@hotmail.com
CC: KBlichmann@hooksett.org; CSoucie@hooksett.org; dpross@usa.net; todd@toddlizotte.com
Subject: RE: Bond
Date: Mon, 22 Jul 2013 12:39:15 +0000
Mr. Marple,

It is my understanding that the Town has provided you with the information that we have available. I will again ask the Clerk and Finance offices to see if there is any more information that we have to turn over to you, but I have no reason to believe that there is.

I believe that one of your issues is the bonding of the Town's contract assessor. According to the Town's attorney, the assessing position is not required, neither by the State's laws and regulations nor the Town's Charter, to be bonded.

Please feel free to let me know if there is any other information that you need.

Dean

Dean E. Shankle, Jr., Ph.D.
Hooksett Town Administrator

From: Dick Marple [<mailto:armlaw@hotmail.com>]
Sent: Saturday, July 20, 2013 4:36 PM
To: David Ross; todd@toddlizotte.com; Dean Shankle
Subject: FW: Bond

This Bond does NOT cover the fiduciary obligations of those not named therein nor elected and appointed officers of town government.

Please provide the BOND that covers them.

**Thank you !
Without Prejudice UCC 1-103,UCC 1-308**

A. Richard Marple, Sui Juris

**11 Dartmouth Street
Hooksett**

From: KBlichmann@hooksett.org

To: armlaw@hotmail.com

Subject: Bond

Date: Fri, 19 Jul 2013 20:03:14 +0000

Good Afternoon,

Attached is the bond paperwork.

Sincerely,

Kimberly A Blichmann CTC

Tax Collector

Town of Hooksett

35 Main St

Hooksett NH 03106

603-485-9534

603-485-4423 Fax

From: Dick Marple <armlaw@hotmail.com>
Sent: Wednesday, October 02, 2013 6:49 PM
To: Dean Shankle
Subject: Add to Counselors folders

TITLE LXII CRIMINAL CODE

CHAPTER 637 THEFT

Section 637:5

637:5 Theft by Extortion. –

I. A person is guilty of theft as he obtains or exercises control over the property of another by extortion and with a purpose to deprive him thereof.

II. As used in this section, **extortion occurs when a person threatens to:**

- (a) Cause physical harm in the future to the person threatened or to any other person or to property at any time; or
- (b) Subject the person threatened or any other person to physical confinement or restraint; or
- (c) Engage in other conduct constituting a crime; or
- (d) Accuse any person of a crime or expose him to hatred, contempt or ridicule; or
- (e) Reveal any information sought to be concealed by the person threatened; or
- (f) Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or
- (g) **Take action as an official against anyone or anything, or withhold official action, or cause such action or withholding; or**
- (h) Bring about or continue a strike, boycott or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or
- (i) **Do any other act which would not in itself substantially benefit him but which would harm substantially any other person with respect to that person's health, safety, business, calling, career, financial condition, reputation, or personal relationships. Source. 1971, 518:1, eff. Nov. 1, 1973.**

**AN ORDINANCE RELATIVE TO QUALIFYING HISTORIC BUILDINGS
ORDINANCE 2013-1**

AGENDA NO. 13-82
DATE: 10/09/13

The Town of Hooksett ordains the following:

**SECTION 1
AUTHORITY**

This ordinance is adopted pursuant to the authority granted under NH RSA 79-G.

**SECTION 2
PURPOSE**

The purpose of this ordinance is the preservation of certain qualifying historic buildings to protect and maintain the knowledge of Hooksett's history, architecture and culture.

**SECTION 3
DEFINITIONS**

"Qualifying historic building" means a building meeting all of the following criteria, as outlined in NH RSA 79-G:3 IV.:

- (a) The building is 100 years or greater in age;
- (b) The building is listed on either or both of the National Register of Historic Places or the New Hampshire state register of historic places maintained by the division of historical resources, department of cultural resources;
- (c) The original core structure of the building must have retained a minimum of 75 percent of its original external features and be free of major external alterations or additions;
- (d) The building and appurtenant land are owned by an entity that is not organized for profit; and
- (e) The historical purpose of the building was the retail sale of merchandise, and the building is maintained and actively used for substantially the same historical purpose, which may include the public display of historic artifacts. Further, the building shall not exceed 3,000 square feet of gross finished building area.

**SECTION 4
APPLICATION**

Any building meeting the above definition will be assessed in accordance with, and using the process outlined in, NH RSA 79-G: 4 – 8.

**SECTION 5
SEVERANCE**

In the event that any word, sentence, or section of this ordinance is found to be invalid as a result of judicial or legislative action, the remainder of this ordinance shall remain in full force and effect.

**SECTION 6
EFFECTIVE DATE**

This ordinance shall take effect upon its passage and publication.

ADOPTED 10/09/2013

Town Council Chair

Town Clerk

**Staff Report
Police Personnel Plan
October 09 2013**

AGENDA NO. 13-100
DATE: 10/09/13

Background: During the PSSG audit presented on November 15, 2011 the recommendation of the auditors was to eliminate certain command level staff positions and replace the administrative Lieutenant position with that of a “qualified civilian”. This lieutenant’s position was ineffective as a command staff member and underutilized in function. After a review of this proposed change, I must disagree with this as it leaves the agency in a lopsided position of command and control. Currently, the PSSG reorganization plan called for having only one lieutenant and making that upper management position in charge of Patrol and fails to mention a lower ranking sergeant on an equal level of command running investigations. This imbalance of rank within a police organization is impractical, inefficient and allows for control issues by nature of the “Para military” structure between investigations and patrol. The past practice of having command level positions that were job function ineffective is no longer in place and a streamline of command and supervision need to be created and followed.

The following are described as “critical to an improved future for the Hooksett Police Department” by PSSG.

- Re-engineering of the organizational culture (done and strengthening)
- Creation of a strategic plan (done by transforming as we move forward)
- Review and updating of Policies and Procedures (ongoing)
- Development of proper discipline and performance management process (done, current system is adequate with some minor changes needed)
- Creation of a career development process that includes appropriate training (ongoing)
- Streamlining of the organizational chart (Done)

The “Hooksett Police Organization Chart 2013” shows the proper command structure I believe is necessary for this department. The number of essential positions and their job function are included on the chart. Having the department divided into three sections “Administration, Investigation and Operations” provides for the command structure balance for upper management accountability. Each commander is responsible for their own section while communicating with each other daily through an administrative Captain and with the Chief for smooth operations. The structure also shows the necessity for additional personnel so all three sections can function effectively.

Currently this agency, I am told, is funded for 25 sworn officers. This compliment does not allow for three car patrol coverage twenty four hours a day seven days a week or for an investigative component that can devote enough time and energy to thoroughly

investigate cases, or provide for a realistic solution for evidence management. Adding four officer positions will allow me to create this structure, provide adequate coverage for the entire town, including the west side of the river, and increase investigation services by having 15 uniformed patrol officers and 4 detectives.

The PSSG audit, though extensive, fails to mention anything about or give a recommendation about job function structure. Necessary police functions such as evidence or investigations are not even mentioned in the report. These are especially labor intensive police functions. All cases that flow through the agency need to have an investigation and evidence structure that is practical and efficient in order to ensure successful prosecution. The addition of a part time receptionist/ clerk would allow me to job share the evidence technician function between detectives and an administrative assistant. Each would have part time duties in evidence and would ensure the checks and balances needed for proper property maintenance. The property maintenance/evidence room is in need of serious revamping and an audit. This process is ongoing and slow but will become efficient and streamlined with IMC and regular assigned duties through this job share initiative.

The dispatch center should be staffed by two dispatchers per shift. This will ensure proper attention is given to officers responding to calls and to incoming emergency calls from E-911 and the general public. Currently, the dispatch supervisor acts in the capacity of a dispatcher, which, ties her to the call center room and renders her ineffective for other necessary duties during the day such as radio maintenance, inventory of communication equipment, scheduling, SPOTS and NICIC protocol, auditing processes, quality control monitoring of radio and dispatch calls, internal phone and recording equipment. With a sixth dispatcher I could assign two dispatchers per shift allowing for proper coverage for officer safety with a higher level of service quality and focus, with a potential to eliminate the need for overtime when one dispatcher takes leave of calls out sick.

Issue: To allow the Chief of Police to increase its current compliment of 25 sworn officers to 29 add one dispatcher, a part time receptionist clerk and to abide by and follow the organization structure set forth in the organization chart that was amended in September 2013.

Discussion: The Hooksett Police Department has been in transition mode for almost two years. Under the previous commission several steps were instituted to ensure that the agency moved forward. The PSSG “audit” report promotes an imbalance of power with the organization that must be corrected so the proper number or personnel can be hired and retained to ensure coverage for the town. Additionally, infrastructure of the agency must be changed to ensure that employees have a proper understanding of command and control, chain of command and ongoing communication in both directions through the agency. It is believed that current funding may be adequate for these additional positions but the previous administration, although granted through town vote the approval to have 29 sworn officers, never fulfilled the department compliment.

Fiscal Impact: The fiscal impact for four new officers may already be included in the current personnel budget numbers. I am currently working with the Finance Director to ensure all current funding will be adequate and future funding requests will be precise.

The cost for the proposed personnel increases are as follows:

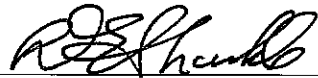
<u>Position</u>	<u>Number Requested</u>	<u>Salary & Benefits</u>
Police Officer	4	\$
Dispatcher	1	\$
Receptionist / Clerk	.5	\$

For an increase of 5.5 total police employees

Recommendation: Motion to allow Chief Bartlett and the Town Administrator to work on implementation of the personnel plan that would increase the number of sworn officers to 29, dispatch positions to 6, receptionist/ clerk positions by one part time position and to see that the organization structure is balanced based on the revised chart for the operation of the agency.

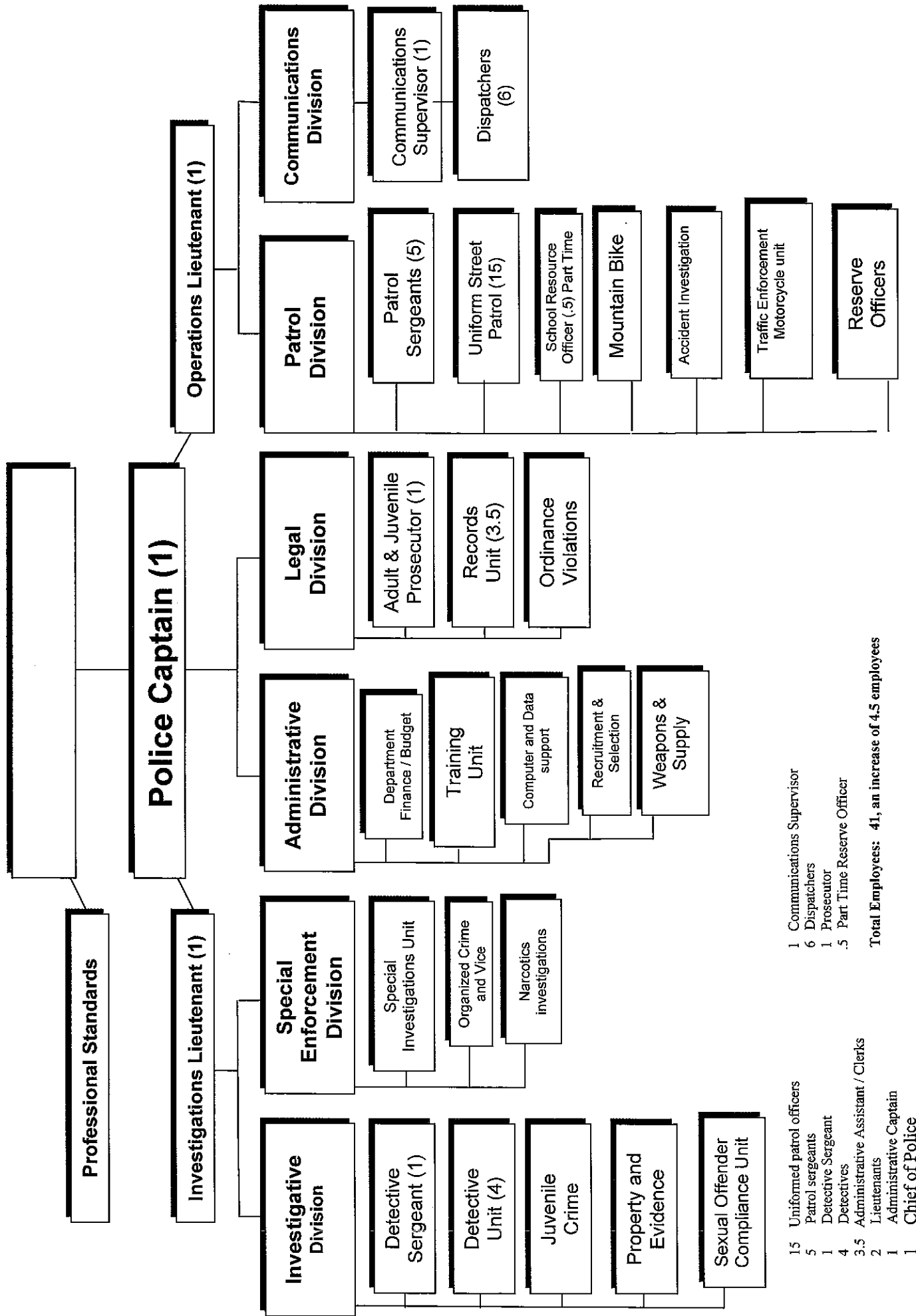
Prepared by: Chief Peter Bartlett

Town Administrator Recommendation: *Concurs, subject to Council's agreement to fund next year at current levels.*



Dean E. Shankle, Jr., Ph.D.
Town Administrator

Hooksett Police Department Organizational Chart



- 15 Uniformed patrol officers
 - 5 Patrol sergeants
 - 1 Detective Sergeant
 - 4 Detectives
 - 3.5 Administrative Assistant / Clerks
 - 2 Lieutenants
 - 1 Administrative Captain
 - 1 Chief of Police
- 1 Communications Supervisor
 - 6 Dispatchers
 - 1 Prosecutor
 - .5 Part Time Reserve Officer
- Total Employees: 41, an increase of 4.5 employees**

**Staff Report
Agents to Expend
October 9, 2013**

~~AGENDA NO.~~ 13-101
~~DATE:~~ 10/09/13

Background: For each of the Capital Reserve Funds created under RSA 35, the Town of Hooksett has named an Agent to Expend. Naming an agent allows for the spending of the Capital Reserve during the year, without further vote of Town Meeting.

Currently there are two Capital Reserve Funds with the Police Commission as agents.

1) Police Computer System Development with a purpose of replacing and/or purchasing equipment/components for the police computer system established in 2003. Balance as of 8/31/13 is \$27,448.28

2) Emergency Radio Communications System Development for the purpose of upgrading the emergency radio communication system which includes but not limited to the purchase of radio and computer equipment and components established in 2002. Balance as of 8/31/13 is \$227,105.21

Discussion: The Town's Attorney advised "Pursuant to RSA 35 and specifically sections 3 and 15 the town meeting can name agents (for expenditure purposes) to carry out the terms of a Capital Reserve Fund. Under the towns Charter the Town Council has the powers that are granted to the town meeting. Therefore the town council may appoint itself as the Agents of the town for the purposes of authorizing expenditures from the Capital Reserve Fund. Since the Police Commission was originally appointed as the Agents for the town (and since the commission no longer exists) it would be advisable for the town council to pass a motion/resolution, authorizing the town council to act as agents of the town for the particular Capital Reserve Fund."

Fiscal Impact:

Recommendation: Name the Town Council as agents to expend for the Police Computer System Development and the Emergency Radio Communication System Development Capital Reserve Funds.

Prepared by: Christine Soucie, Finance Director

Town Administrator Recommendation:

Dean E. Shankle Jr.
Town Administrator

Town of Hooksett
Police Computer System Development
Trustees of Trust Fund 0050
Agent is the Police Commission

Vendors	Deposits	Payments	Interest	Balance
Beginning balance as of 7/1/2003				-
2003/04 Article # 32	40,580.00			40,580.00
FY Interest			117.57	40,697.57
Balance as of 6/30/04	40,580.00	-	117.57	40,697.57
Beginning balance as of 07/01/04				40,697.57
2004/05 Article # 16	15,000.00			55,697.57
FY Interest			949.70	56,647.27
Balance as of 6/30/05	15,000.00	-	949.70	56,647.27
Beginning balance as of 07/01/05				56,647.27
2005/06 Article # 11	15,000.00			71,647.27
FY Interest			2,746.69	74,393.96
Balance as of 6/30/06	15,000.00	-	2,746.69	74,393.96
Beginning balance as of 07/01/06				74,393.96
2006/07 Article # 21	12,000.00			86,393.96
Withdrawal		(12,285.00)		74,108.96
Dell Marketing Inv V13716237		(388.00)		73,720.96
Dell Marketing Inv V18431532		(9,653.60)		64,067.36
Dell Marketing Inv V18849529		(82.80)		63,984.56
Dell Marketing Inv V18894478		(414.00)		63,570.56
Dell Marketing Inv V17895128		(1,930.72)		61,639.84
Dell Marketing Inv V13536930		(206.10)		61,433.74
Dell Marketing Inv V23491327		(9,270.56)		52,163.18
Dell Marketing Inv V17657405		(104.00)		52,059.18
Microsystems Inv 4999		(8,799.00)		43,260.18
Staples CR Plan STEM 05/07		(979.79)		42,280.39
Microsystems Inv 5004		(995.00)		41,285.39
Mire Telecom Inv 1641		(2,016.90)		39,268.49
Microsystems Inv 5002		(4,600.00)		34,668.49
Staples CR Plan STEM 06/07		(399.99)		34,268.50
Microsystems Inv 5003		(11,995.00)		22,273.50
Microsystems Inv 5006		(1,538.00)		20,735.50
FY Interest			3,819.62	24,555.12
Balance as of 6/30/07	12,000.00	(65,658.46)	3,819.62	24,555.12
Beginning balance as of 07/01/07				24,555.12
FY Interest			1,104.71	25,659.83
Balance as of 6/30/08	-	-	1,104.71	25,659.83
Beginning balance as of 07/01/08				25,659.83
FY Interest			804.22	26,464.05
Balance as of 6/30/09	-	-	804.22	26,464.05
Beginning balance as of 07/01/09				26,464.05
FY Interest			247.33	26,711.38
Balance as of 6/30/10	-	-	247.33	26,711.38

Vendors	Deposits	Payments	Interest	Balance
Beginning balance as of 07/01/10				26,711.38
FY Interest			232.50	26,943.88
Balance as of 6/30/11	-	-	232.50	26,943.88
Beginning balance as of 07/01/11				26,943.88
FY Interest			244.78	27,188.66
Balance as of 6/30/12	-	-	244.78	27,188.66
Beginning balance as of 07/01/12				
FY Interest			247.00	27,435.66
Balance as of 6/30/13	-	-	247.00	27,435.66
Beginning balance as of 07/01/13				
FY Interest			12.62	27,448.28
Balance as of 8/31/13	-	-	12.62	27,448.28
Grand Totals	82,580.00	(65,658.46)	10,526.74	27,448.28

Town of Hooksett
Emergency Radio Communication System Development
Trustees of Trust Fund 0046
Agent is the Police Commission

Vendors	Deposits	Payments	Interest	Balance
Beginning balance as of 7/1/2002				-
2002/03 Article # 13	52,000.00			52,000.00
FY Interest			306.15	52,306.15
Balance as of 6/30/03	52,000.00	-	306.15	52,306.15
Beginning balance as of 07/01/03				52,306.15
2003/04 Article # 25	25,160.00			77,466.15
FY Interest			432.98	77,899.13
Balance as of 6/30/04	25,160.00	-	432.98	77,899.13
Beginning balance as of 07/01/04				77,899.13
2004/05 Article # 9	25,000.00			102,899.13
FY Interest			1,760.27	104,659.40
Balance as of 6/30/05	25,000.00	-	1,760.27	104,659.40
Beginning balance as of 07/01/05				104,659.40
FY Interest			4,125.00	108,784.40
Balance as of 6/30/06	-	-	4,125.00	108,784.40
Beginning balance as of 07/01/06				108,784.40
2006/07 Article # 15	15,000.00			123,784.40
FY Interest			6,121.15	129,905.55
Balance as of 6/30/07	15,000.00	-	6,121.15	129,905.55
Beginning balance as of 07/01/07				129,905.55
FY Interest			5,312.11	135,217.66
Balance as of 6/30/08	-	-	5,312.11	135,217.66
Beginning balance as of 07/01/08				135,217.66
2008/09 Article # 19	30,000.00			165,217.66
FY Interest			5,079.00	170,296.66
Balance as of 6/30/09	30,000.00	-	5,079.00	170,296.66
Beginning balance as of 07/01/09				170,296.66
FY Interest			1,589.17	171,885.83
Balance as of 6/30/10	-	-	1,589.17	171,885.83
Beginning balance as of 07/01/10				171,885.83
FY Interest			1,496.13	173,381.96
Balance as of 6/30/11	-	-	1,496.13	173,381.96
Beginning balance as of 07/01/11				173,381.96
FY Interest			1,575.20	174,957.16
Balance as of 6/30/12	-	-	1,575.20	174,957.16
Beginning balance as of 07/01/12				174,957.16
2012/13 Article # 13	50,000.00			224,957.16
FY Interest			2,043.68	227,000.84

Vendors	Deposits	Payments	Interest	Balance
Balance as of 6/30/13	50,000.00	-	2,043.68	227,000.84
Beginning balance as of 07/01/13				
FY Interest			104.37	227,105.21
Balance as of 8/31/13	-	-	104.37	227,105.21
Grand Totals	197,160.00	-	29,945.21	227,105.21

AGENDA NO. B-102
DATE: 10/09/13

Staff Report
Purchase of Mobile Data Terminals for New TriTech IMC
CAD/RMS System
October 9, 2013

Background: The Hooksett Police Department contracted the services of Police Safety Strategies Group to conduct a full department audit. On November 14, 2012 the final report was completed. Part of the audit found that “the department had an inadequate system of recordkeeping”. The recommended future remedy for this issue was the “updating of other items such as in-car cameras, mobile data terminals; CAD/RMS and dispatch equipment will ensure the progress continues”.

Issue: The Police department is looking for the Council to approve the use of funds available in the salary line. Currently the police department’s paper work and records management (RMS) system is inefficient, confusing and has been problematic for successful court prosecution and evidence accountability. This issue MUST be fixed so the Town and the department are able to maintain a high standard of service to the community.

The paperwork flow chart enclosed illustrates the convoluted and inefficient system in place when a resident or citizen wished to file a report for some type of police service. When looking at the flow chart, no matter what the call for service is. From a simple broken down vehicle to a homicide no less than eight steps are required to get the report typed, approved by a supervisor and entered into the system so the department has the ability to retrieve appropriate information and track such things as case progress and evidence.

On July 03, 2013, with the approval of Dr. Dean Shankle, I prepared a request for bid for eight new mobile data terminals to be installed in all of the patrol fleet vehicles. The Bid included:

The Hooksett Police Department is looking to purchase a complete computer mobile hardware solutions package that will include installation in the department’s patrol fleet vehicles. The hardware MUST have the ability to interface with the State of NH SPOTS information system and have a barcode scanning component for input of data from licenses with the ability to be expanded for biometric identification as determined by the Department of Justice as well as the ability to have mobile printing capabilities if needed for future use. The vendor will provide on-site installation of all hardware components insuring that the installation not interfere with vehicle operation and or maintenance.

Issue: The Police department is looking for the Council to approve the use of funds available in the Capital reserve Fund “Police Computer System Development” account of approximately \$27, 435.66 and the remaining funds to be taken from the departments

“Drug forfeiture” account. Currently the police department’s paper work and records management (RMS) system is inefficient, confusing and has been problematic for successful court prosecution and evidence accountability. This issue MUST be fixed so the Town and the department are able to maintain a high standard of service to the community.

The convoluted and inefficient system in place when a resident or citizen wished to file a report for some type of police service needs to be addressed. Officers need to input their own reports and must have the capability to communicate on the street with the records management system and the state SPOTS system. From a simple broken down vehicle to a homicide no less than eight steps are required to get the report typed, approved by a supervisor and entered into the system. This method is redundant and must change so the department has the ability to retrieve appropriate information and track such things as case progress and evidence.

Discussion: The police department’s purchase and integration of the Patrol PC Mobile Data Terminals solution would go a long way in solving a large percentage of the inadequacies involving records management and time management. This system would bring the department up to date on the technology piece of the PSSG audit recommendations.

Fiscal Impact: The \$37,688.00 would be taken from the “Computer Development CIP” totaling \$27,435.66 and the remaining \$10,244.39 would come from the department’s “Drug Forfeiture” account

Recommendation: Motion to allow the purchase of Patrol PC’s mobile data terminal in the amount of \$37, 688.00.

Prepared by: Chief Peter Bartlett

Town Administrator Recommendation:

Dean E. Shankle, Jr., Ph.D.
Town Administrator

Appendix 1

After consultation with Dr. Shankle after the bids were reviewed I have chosen Patrol PC as the contractor. In reviewing the bids as they relate to the RFP it seems that Patrol PC was the only company that provided the level of equipment asked for in the request. Patrol PC has included the barcode scanner for integration with TriTech's IMC for accuracy and efficiency in "backfilling" the date from drivers licenses and registrations. Neither Brite Computers or Data 911 included this technology in their proposed bids. Additionally, Patrol PC provides an ergo dynamic solution for report writing in the field and the aluminum "ruggedized" tablet seems to be a practical solution to the stress these machines will see on a regular basis. The laptop, as we have found, has proven to be incompatible with field report writing since there is no way to reposition its keyboard and although Data911 offers similar equipment the cost of their proposal was much more expensive than Patrol PC.

Thank You,

Peter Bartlett
Chief of Police

Christine Soucie

To: Donna Fitzpatrick
Cc: Dean Shankle; Peter Bartlett (pbartlett@hooksettpolice.org)
Subject: Bid #13-05

Hi Donna,

Please post to the website the bid opening results for #13-05.

FYI - Dean and Chief, I did speak to Data911 and Brite Computers and they both said you can multiply the cost by the number of cars.

Thanks

Christine Soucie

Finance Director
Town of Hooksett, NH
35 Main Street
Hooksett, NH 03106
W 603-485-2712
F 603-485-4118

Bid #13-05
Mobile Computer Systems Installed in Patrol Fleet Vehicles
August 8, 2013 10:00 am

Attendees: Dean E Shankle Jr., Town Administrator; Christine Soucie, Finance Director

<u>Hubb Systems, LLC dba Data911</u>	<u>\$ 7,003.75 per car</u>
<u>Advanced Electronic Design dba Patrol PC</u>	<u>\$ 37,688.00 (priced includes 8 cars)</u>
<u>Upstate Wholesale Supply, Inc. dba Brite Computers</u>	<u>\$ 3,460.33 per car</u>

Bid opening closed: 10:08 AM

Staff Report
October 9, 2013

AGENDA NO. 13-103
DATE: 10/09/13

MUNICIPAL SAFETY PLAN

Background: The Town of Hooksett, Joint Loss Management Committee, along with Town of Hooksett Department Heads have reviewed and updated the Municipal Safety Plan to comply with the Department of Labor Inspection that was held on August 20th, 2013.

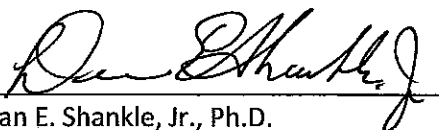
Discussion: This is an expanded version designed to accomplish one primary purpose; **TO PREVENT INCIDENTS**. Preventing incidents results in eliminating injuries, increasing efficiency of operations, and directly and indirectly saving money for both the Town and the Employees. The Municipal Safety Program not only provides for the safety of all employees, but also for the safety of the public in regard to the operations of the various departments.

There is nothing new about the policies and procedures outlined in this manual. In general, the policies and practices outlined in this manual have been in effect for quite some time.

Recommendation: I would recommend that the Town Council sign and support the Town of Hooksett Municipal Safety Plan.

Prepared by: Diane Boyce, Acting Chairperson, Town of Hooksett Joint Loss Management Committee

Town Administrator Recommendation: *Concur*


Dean E. Shankle, Jr., Ph.D.



TOWN OF HOOKSETT, NH

SAFETY MANUAL

Date: Adopted by Town of Hooksett Joint Loss Management Committee October 1, 2013

FORWARD

Each year incidents to the Town of Hooksett employees cause untold suffering, loss of productivity, low morale, and inefficient use of thousands of dollars. Investigations have revealed that many of these incidents could have been prevented if the injured employee, fellow workers, or supervisor had used greater caution and expended a little extra effort in safely completing the task at hand. Many incidents have resulted simply because an employee or a supervisor failed to meet their responsibility for ensuring that safe work practices were continuously followed.

Every employee of the Town of Hooksett has the right to a workplace free from safety and health hazards (Lab 1403.01). A "Joint Loss Management" program is designed to prevent incidents and illnesses, and is established jointly between the employees and the management of the Town of Hooksett. This program provides the framework and structure for safety concerns to be managed like any other function of government through planning, organization, leadership, control and communication. It is an established fact that a well-trained, well-disciplined and well-supervised employee operating in a safe and healthful environment is less likely to have an incident.

This manual has been prepared in order to provide all Town of Hooksett personnel with a comprehensive set of written safety policies and procedures. Additional safety materials specific to individual departmental operations may be provided from time to time.

These policies and procedures have been developed, and are expected to be followed in an effort to minimize incidents in all departments and agencies. The material in this manual will be of no benefit unless it is periodically reviewed and used as intended. Every employee, supervisor and manager shall be expected to be thoroughly familiar with the contents of this manual and shall be held responsible for compliance with the directives contained herein.

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SECTION 13 APPENDIX: FORMS

Appendix A Safety Orientation Form
Appendix B Employee Incident/Near Miss Report Form
Appendix C Supervisor Incident/Near Miss Investigation Form

Leave Blank for any additions to the Table of Contents

SECTION 1
THE TOWN OF HOOKSETT SAFETY PROGRAM

100. Introduction

- a) The Town of Hooksett Safety Program is designed to accomplish one primary purpose; **TO PREVENT INCIDENTS**. Preventing incidents results in saving lives, eliminating injuries, increasing efficiency of operations, and directly and indirectly saving thousands of dollars for both the municipality and its employees. The municipal Safety Program provides not only for the safety of all employees, but also for the safety of the public in regard to the operations of the various departments.
- b) To be successful, the Safety Program must have the continuous, active support of all employees and particularly of those in supervisory and management positions. The "push" for an effective Safety Program must come from the "top" person in each department, section, or crew. If a Department Head or Supervisor appears to be unconcerned about the Safety Program, their employees will adopt this attitude.
- c) It should be pointed out that there is nothing new about the policies and procedures outlined in this manual. In general, the policies and practices outlined in this manual have been in effect for quite some time. This manual has been published and will be updated to provide a readily available reference of written policies and procedures for the guidance of all personnel.

101. Elements of the Safety Program

To ensure that the Town of Hooksett Safety Program remains effective, certain elements and objectives of the Program have been outlined. These are:

- a) To assign safety-related responsibilities to personnel.
- b) To ensure that personnel are assigned to jobs, which they are physically, qualified to safely perform.
- c) To make equipment, work areas, and work methods safe.
- d) To search out safety hazards and eliminate them immediately.
- e) To encourage Employee interest in safety and to maintain that interest.
- f) To control the work habits of personnel by adequate and effective supervision.
- g) To provide proper protective equipment and to make its use mandatory.
- h) To educate and train Employees as to the specific hazards of their jobs.
- i) To investigate incidents in order to determine cause and then to take the action necessary to prevent their recurrence.
- j) To prepare and maintain proper and complete incident records which will allow for evaluation of the Safety Program.
- k) To adopt and enforce safety rules, policies and procedures.

102. Responsibilities of Individuals

Joint Loss Management Committee: (LAB 600, RSA 281-A:64)

The Joint Loss Management Committee (JLMC) will consist of equal numbers of representatives from Labor and Management. At a minimum the committee will include a representative from Town Office employees, Police Department, Fire Rescue Department, Public Works Department, Sewer Department and Recycling and Transfer Department. A representative from each Collective Bargaining Unit shall be represented on the JLMC.

The JLMC will meet at least quarterly to develop and carry out workplace safety programs and programs for continuing education for employees on the subject of workplace safety.

In addition to the JLMC, each department is encouraged to organize a Department Safety Committee. This committee should assist the department head with compliance with this policy, help identify training needs and review incidents within the Department with the goal of incident prevention.

Town Administrator

The responsibilities of the Town Administrator shall include, as a minimum, the following functions:

- a) To provide overall support, direction and commitment;
- b) To ensure that personnel responsible for implementing the provisions of this program understand it, have a copy of it, and are held accountable for their action/inactions in accordance with established personnel policies and procedures;
- c) To provide required resources including funding for safety equipment, personal protective equipment and training materials;
- d) When needed, provide all town personnel with access to outside experts, loss prevention consultants and to insure the exchange of information between departments;
- e) To provide time as part of the normal operations of a department for inspections and the completion of reports when warranted by investigation, and to permit and encourage employees to participate in training programs;
- f) To provide other necessary support and programs as needed.

Town Administration Department and Joint Loss Management Committee (JLMC)

The Town Administrator and the JLMC shall have the responsibility for administering the Safety Program in an advisory capacity, and shall report to the Town Council. The duties of the Town Administrator as they relate to the implementation of the Safety Program are:

- a) The Town Administration Department shall work closely with the JLMC in formulating safety rules, policies and procedures.
- b) The Administration Department and the JLMC shall assist departments in planning and conducting safety training and safety education.
- c) The Administration Department shall maintain the incident record system for the Town, receiving reports for injuries, vehicle incident reports, and investigation reports from the departments, and making required reports to the insurance companies.
- d) The Administration Department in coordination with the JLMC shall prepare and distribute periodical reports to the heads of departments indicating the effectiveness of the Safety Program.
- e) The JLMC shall make periodic inspections of work areas for the purpose of discovering unsafe conditions or unsafe practices.
- f) The Administrative Department shall ensure that all incidents, which result in lost-time injuries, are investigated.
- g) The Administration Department shall take follow-up action, as necessary, to ascertain that corrective action has been taken by heads of departments or Supervisors to prevent recurrence of incidents.
- f) To provide required resources including funding for safety equipment, personal protective equipment and training materials;

Department Head

Each Department Head shall have complete responsibility for the Safety Program within their department and building. In addition:

- a) The Department Head shall assure that Employees are properly instructed regarding safe working methods and that Supervisors fulfill their assigned responsibilities in regard to safety instruction and supervision.
- b) The Department Head shall assure that required reports pertaining to injuries, vehicle incidents and investigations are promptly prepared and forwarded for further processing.
- c) The Department Head or there designee shall make frequent inspections of work areas for the purpose of discovering and correcting unsafe conditions or unsafe working practices.
- d) The Department Head shall encourage Employees to report immediately any unsafe conditions, equipment, etc., and shall take necessary action to correct same.
- e) The Department Head shall require all personnel to obey safety rules, procedures and policies, and shall take or recommend appropriate disciplinary action whenever deemed necessary.
- f) The Department Head shall require Supervisors to determine causes of incidents involving personnel or equipment under their supervision and to recommend measures to prevent similar incidents.

Supervisors within Departments

The Supervisor is responsible to the Department Head for the Safety Program as pertains to personnel and equipment under their supervision. The Supervisor is the "key person" involved in the Safety Program because they are in the best position to observe the work of Employees. Additional responsibilities include:

- a) Giving job instructions to subordinates with special emphasis on the hazards of the work to be performed.
- b) Constantly watching for and immediately correcting unsafe conditions and unsafe working practices as well as reporting to the Department Head those incidents which are beyond the scope of their authority to correct.
- c) Promptly informing the Department Head of all incidents involving personnel or equipment under their supervision, and taking immediate steps to investigate each incident to determine its cause.
- d) Assuring that proper action is taken any time an Employee is injured. This includes:
 - i) Making sure that the injured Employee receives appropriate medical attention, depending upon the severity of the injury.
 - ii) Completing any necessary forms, reports or other documentation related to the injury and treatment of an Employee under their supervision. This includes, but is not limited to, Workers' Compensation Forms and Incident Investigation Forms.
- e) Enforcing safety rules, policies and procedures and making sure that protective equipment is worn as the hazards of the job dictate such use.
- f) Actively promoting safety to all personnel. This shall be accomplished both through word and actions, and will at all times be stressed as being of the utmost importance.
- g) Informing all Employees of their responsibilities as outlined below.

Employees

Each Employee is always responsible for his/her own safety, the safety of fellow workers, and the safety of the general public with regard to the work being performed). In addition:

- a) An Employee shall be required to obey safety rules, policies and procedures as a condition of employment. (Lab 1403.01 (b))
- b) An Employee shall wear personal protective equipment such as goggles, hard-hats, etc. as deemed necessary by the Supervisor and/or Department Head, or as conditions dictate.
- c) An Employee, if injured on the job, shall be required to take the necessary action of:

- i) **Promptly** giving verbal notice to the Supervisor of any injury received while on the job **REGARDLESS** of the severity of the injury or whether or not medical treatment is required.
- ii) Filing with the Supervisor, within 24 hours following any incident or injury, a written report of the incident.
- e) An Employee shall promptly inform Supervisor of any unsafe equipment, unsafe tools or other hazardous conditions.
- f) An Employee shall obtain specific instructions from a Supervisor in all cases where conditions and/or previous instructions are not completely understood.

103. Physical Examinations and Physical Standards

Physical Examinations:

- a) New Employees may be required to undergo a physical examination. An appointed physician will perform this at the time of employment and in accordance with any State and Federal regulations. The purpose of this is to ensure that the Employee has a baseline set of vital signs, can perform the duties of the job without endangering his or her own health and safety, or the health and safety of fellow employees.
- b) There are certain jobs, which allow for the employment of persons with physical limitations. Therefore, the physical requirements of the particular job will be taken into consideration and reasonable accommodations for physical limitations will be made in accordance with any State and Federal regulations.
- c) Limitations noted upon a physician's examination will be brought to the attention of the Town Administrator and will then be discussed with the Department Head. After consideration of the job description and the Employees' limitations, a determination will be made as to the suitability of the applicant for the job and any appropriate accommodations.

Maintaining Physical Standards:

- a) After employment, an Employee shall be expected to continue to meet any physical standards prescribed for the job at time of employment.

In the event that an Employee develops a physical or mental condition, which may in any way endanger them or the health and lives of fellow employees, the Department Head in consultation with the Town Administrator will initiate action to accommodate the Employee to ensure that work can safely be performed.
- b) The Town Administrator in consultation with the Department Head is authorized to require any Employee to undergo, at the Town of Hooksett's expense, a physical examination if it is deemed that such an examination is needed to ascertain the physical condition of the Employee. The Employee will be sent to an examining physician chosen by the Town of Hooksett. (refer to Town of Hooksett Personnel Plan)

Return to Work from Injury or Illness:

- a) Before an Employee is allowed to return to work from an absence due to injury, illness or surgical operation, the Administration Department and/or the Department Head may require the Employee to present a written doctor's release indicating that the Employee is physically able to resume his/her full duty with no restrictions to meet physical requirements of the job description or light duty with the list of restrictions. Once the written doctor's note is reviewed it will be forwarded to the Administration Department to be placed in the employee's medical file.
- b) At the discretion of the Department Head after consultation with the Town Administrator, and as may be required by Federal or State laws, an Employee may be allowed to return to work on a "light duty". Both the Department Head and the Employee's Supervisor must know exactly what limitations will apply to the Employee's work.

SECTION 2
JOINT LOSS MANAGEMENT COMMITTEE

200. Purpose of Joint Loss Management Committee:

The purpose of a Joint Loss Management Committee (JLMC) is to bring workers and management together in a non-adversarial, cooperative effort to promote safety and health in each workplace. A joint loss management committee assists the employer and makes recommendations for change.

201. Establishment of Joint Loss Management Committee:

Pursuant to RSA 281- A: 64 the Town of Hooksett is required to establish a Joint Loss Management Committee. Under RSA 281-A: 64 Part Lab 603.02 the Town of Hooksett will comply with the following:

- a) All employers of 5 or more employees shall establish a working joint loss management committee composed of equal numbers of employer and employee representatives unless exempted by the NH Department of Labor.
- b) An employer's auxiliary, mobile or satellite locations may be combined into a single, centralized joint loss management committee. This committee shall represent the safety and health concerns of all locations.
- c) Joint loss management committees shall be established at each of the employer's primary places of employment, as follows:
 - (1) The size of the committee shall be determined as follows:
 - (i) Employers with 15 or fewer employees shall have a minimum of 2 members;
 - (ii) Employers with more than 15 employees shall have a minimum of 4 members;
 - (2) Employee representatives shall be selected by employees;
 - (3) Where the employees are represented by a single, exclusive bargaining representative, the bargaining representative shall designate the members;
 - (4) Where the employees are represented by more than one labor organization or where some but not all of the employees are represented by an labor organization, each bargaining unit of represented employees and any residual group or unrepresented employees shall have a proportionate number of committee members based on the number of employees in each bargaining unit or group;
 - (5) Committee members shall be representative of the major work activities of the employer;
 - (6) Any employee who participates in committee activities in his/her role as a committee member, including, but not limited to, attending meetings, training activities, and inspections, shall be paid at his/her regular rate or pay for all time spent on such activities;
 - (7) The employer shall respond in writing to recommendations made by the Committee but verbal response that has been recorded in the committee's official minutes shall be deemed a written response;
 - (8) Committee members shall be trained in workplace hazard identification and incident/ incident investigation adequate to carry out the committee's responsibilities; and

- (9) Each employer that has an existing health and safety program determined by the labor commissioner to be effective in the promotion of health and safety in the workplace shall not be required to comply with this part. To obtain a waiver from the commissioner, the employer shall write to the Department of Labor citing:
 - (i) Their current safety program;
 - (ii) Names of committee members and whom they represent;
 - (iii) How their existing committee differs from these rules;
 - (1) The commissioner shall respond in writing to their request.

- d) The Joint Loss Management Committee will consist of equal numbers of representatives from Labor and Management. At a minimum the committee will include a representative from the Town Office employees, Police Department, Fire Rescue Department, Public Works Department, Sewer Department and Recycling and Transfer Department.

- e) The JLMC will meet at least quarterly to develop and carry out workplace safety programs and programs that are in compliance with New Hampshire Department of Labor (DOL), American National Standards Institute (ANSI), and National Fire Protection Association (NFPA) Rules and Regulations, Standards, and NH Statutory Laws (State Fire Code, etc.). Provide continuing education for employees on the subject of workplace safety.

- f) In addition to the JLMC, each department is encouraged to organize a Department Safety Committee. This committee should assist the department head with compliance with this policy, help identify training needs and review incidents within the Department with the goal of incident prevention.

- g) Receiving Suggestions or Recommendations.

- h) Procedures shall be established to provide for a system of handling suggestions and recommendations that are submitted to the Committee. It is advisable to establish these when the Committee is organized. Following is a step-by-step procedure for handling recommendations:
 - i) Recommendations submitted to Committee by Employees or Committee members.
 - j) Discussion and acceptance, modification or rejection by the Committee.
 - k) Accepted recommendations submitted to head of department. Rejected recommendations returned to originator with reasons therefore.
 - l) Head of department submits written reply to Committee regarding actions taken on recommendations.

- m) Reviewing all incidents, both vehicle and personal injury.

- n) Investigating all complaints pertaining to Employee safety.

- o) Recommending training programs for Employee groups.

202. Duties and Responsibilities of Joint Loss Management Committee (Lab 603.03)

The committee shall:

- a) Meet at least quarterly to carry out their duties and responsibilities.
- b) Minutes of meetings shall be kept and made available for review of all employees;
- c) Elect a chairperson, alternating between employee and employer representative;
- d) Develop and disseminate to all employees a committee policy statement;
- e) Maintain current and disseminate to all employees the clearly established goals and objectives of the committee;
- f) Review workplace incident and injury data to help establish the committee's goals and objectives;
- g) Establish specific safety programs, which shall include, but not be limited to, the following:
 - (i) Designation, by name and title, of a person who shall be knowledgeable of site-specific safety requirements and be accountable for their implementation and adherence;
 - (ii) Provisions for health and safety inspections at least annually for hazard Identification purposes;
 - (iii) Performance of audits at least annually regarding the Inspection findings; and
 - (iv) Communication of identified hazards, with recommended control measures, to the person(s) most able to implement controls;
- h) Assist with the identification of necessary safety and health training for employees; and
- i) Assist with the identification and definition of temporary, alternate tasks.

SECTION 3
DEPARTMENTAL SAFETY PROGRAM ACTIVITIES

300. Supervision and Coordination of Safety Program Activities:

a) **Town Administrator:**

- 1) The Town Administrator shall supervise and coordinate the Town's Safety Program and advise the Town Council of problem areas and changes in safety procedures as they may be identified.

b) **The Departmental Safety Representative:**

The Departmental Safety Representative shall be a person appointed by the Department Head. They shall be responsible to the Department Head for the operation of the Safety Program as it pertains to that department.

301. Scheduling of Safety Meetings:

- a) The JLMC will meet at least quarterly to carry out their duties and responsibilities. Minutes of the meeting shall be kept and made available for review by all employees.

302. Purpose of Safety Meetings:

Safety meetings are an integral part of the Safety Program. Their function is:

- a) To create and maintain interest in incident prevention.
- b) To develop attitudes sympathetic to the Safety Program.
- c) To educate Employees in every factor entering into the safe performance of their job duties.

303. Subjects Which Should Be Covered:

- a) Safety meetings should pertain to safety matters wherever possible with the exception being for brief announcements or discussions of interest to all Employees, which are necessary from time to time.
- b) Emphasis should be on safety education and training. Some of the most important subjects, which should be covered, are listed below. They need not be taken up in the order given, but those, which are pertinent to the most serious problems of the particular group, should receive primary attention.
- c) **Incidents:**
 - i) Thorough coverage of incidents that have occurred within the departments with emphasis being on cause and procedures for preventing recurrence
 - ii) What to do in case of an incident
 - iii) Procedures for reporting incident and/or injuries, etc.

- d) Unsafe Acts or Unsafe Conditions: Discussion as to any unsafe acts or unsafe conditions that have been noted.
- e) Other Safety Related Topics: Discussions or talks on falls, safe lifting, motor vehicle safety, artificial respiration, tool safety, materials handling, good housekeeping, fire prevention, use of personal protective equipment, home safety, etc.
- f) Miscellaneous: The JLMC may determine any other items as needed.

304. Safety Meetings:

- a) The chairperson of the Safety Committee shall normally follow an established order of business in conducting meetings. Following is a recommended outline:
 - 1) Roll call.
 - 2) Reading of minutes from previous meeting.
 - 3) Old business - with emphasis on follow-up of reported unsafe conditions listed in minutes of previous meeting.
 - 4) Program (film, talk, demonstrations, etc.)
 - 5) Review of all incidents that have happened since the last meeting.
 - 6) Report of unsafe conditions or unsafe acts from Employees present.

305. Safety Material:

- a) Bulletin Boards:

Each operating department shall procure and maintain bulletin boards devoted entirely to the display of safety posters and other material relating to safety. One or more persons should be designated as responsible for posting material received and for keeping it current. Posters will be distributed to the departments.

- b) Pamphlets and Booklets:

Occasionally departments shall be furnished with a supply of safety pamphlets or booklets for distribution to all Employees within the department. In many cases the material contained in these pamphlets are suitable for presentation at safety meetings.

- c) Safety Signs:

Signs pertaining to safety precautions or restrictions should be procured by the department and posted in applicable areas.

306. Training Programs

In order to assure success, a regular training program for departments should be well planned. A training program that is not properly planned will result in poor reception by Employees and the end result could be worse than if there had been no training at all.

- a) One or more persons should be designated as being responsible for planning the safety-training program in each department.
- b) A variety of unique teaching/training methods are needed to maintain Employee interest. The program may include the following:
 - i) Safety lecture or film.
 - ii) Talk on an appropriate incident prevention subject. The speaker may be a member of the department, the Town Administrator, or an outside expert.
 - iii) Demonstration of artificial respiration, first aid, etc., with hands-on experience by Employees.

SECTION 4 REPORTING OF JOB INJURIES

400. Reporting of Job Injuries by Employees:

a) Verbal Report to Supervisor.

Employees shall be required to report injuries to their Supervisor as soon as possible after the injury occurs. It should be emphasized that this applies to **ALL** job injuries regardless of the severity of the injury or whether or not medical treatment was required.

b) Written Report to Departmental Office.

In addition to a verbal report to the Supervisor, the injured Employee is required to prepare a written report and submit it to the Supervisor **within 24 hours** of any injury or incident. The following paragraph gives further explanation of such reports. Supervisors shall take follow-up action to see that injured Employees have reports prepared.

401. Reporting of Job Injuries by Departments:

a) Initial Reports of Injury.

1) Workers' Compensation Report (form 8aWCA) to be prepared by Employee.

- i) When **any injury** occurs, the injured Employee will prepare a Workers' Compensation Report (form 8aWCA) in the departmental office as soon as possible and **no later than 24 hours** after the time the injury occurred.
- ii) This report shall be prepared for **all job injuries** even though medical treatment was not required. Information contained in this report is important because it provides the basis for any future claims that the injured Employee might have in connection with the injury. It also serves as a first aid log in compliance with NH DOL Rules.

2) First Report of Injury (form 8WC).

- i) In the event of a lost time or medical treatment injury, the injured Employee's Supervisor will immediately have the departmental office file a First Report of Injury (form 8WC) with the NH Department of Labor and the Workers' Compensation carrier.
- ii) If the injured Employee is too disabled to come to the departmental office to fill out any required reports, the Supervisor, departmental clerk, or other person designated as the head of department will obtain the required information and have the report prepared.
- iii) **The Report will not be delayed pending the return to work of the disabled Employee.**

- iv) The departmental office will then promptly forward the Report to the Administration Office
- v) From the information contained in the Incident Investigation Report and the First Report of Injury, the Responsible Party will prepare and distribute necessary reports to the Town Administrator and the Joint Loss Management Committee.
Note: All personal identifiers (name, address, social security number, etc) shall be redacted from any report provided to the Joint Loss Management Committee.

402. Verification of Statements:

- a) Whenever an Employee claims to have been injured in the course of their employment, the Town of Hooksett is obligated to provide, if necessary, an initial medical examination to determine whether or not the injury was, in fact, received as a result of employment.
- b) When the Supervisor is not an actual eye witness to an incident resulting in an injury, he/she shall make every effort to verify the statements of the injured Employee as part of the incident investigation procedure to assure that:
 - i) The injury occurred on the job, and
 - ii) Circumstances described by the injured Employee are correct.
- c) If there is reason to doubt statements made by the injured Employee, or evidence indicates that all or part of the statements are false, the Employee will be informed of these findings.
- d) If the Employee persists in claiming that the injury was job connected, a Workers' Compensation Report must still be submitted. The Supervisor or Department Head will also attach a memorandum to the Report detailing the reasons why he/she believes that the Employee's statements are not correct.
- e) Employees who make false statements concerning job injuries (which statements can be documented as being false), are subject to dismissal from their jobs as well as being held liable for the repayment of any compensation or medical payments received by them in connection with the injury.

SECTION 5
FUNDAMENTALS OF INCIDENT PREVENTION

500. Fundamental Activities for Incident Prevention:

- a) Successful incident prevention requires a minimum of four fundamental activities:
 - i) A study of all working areas in order to detect, eliminate, or control physical hazards, which contribute to incidents.
 - ii) A study of all operating methods and practices.
 - iii) Education, instruction, training, and discipline to minimize human factors, which contribute to incidents.
 - iv) Thorough investigation of incidents in order to determine other circumstances, which may contribute to incidents.

501. Incidents are Preventable:

- a) Many persons, either through ignorance or misunderstanding, believe that incidents are the inevitable results of unchangeable circumstances, fate, or a matter of luck.
- b) It must be emphasized that incidents do not happen without cause, and the identification, isolation and control of these "causes" are the underlying principles of all incident prevention techniques.
- c) No person in a Supervisory position can be effective in the job of incident prevention without being convinced that incidents can be prevented and without a constant striving to prevent incidents in their immediate supervisory area.

502. Causes of Incidents:

Causes of incidents are divided into three major categories:

- a) Acts of Nature (floods, hurricanes, etc.). Statistics indicate that 2% of all incidents are caused by Acts of Nature.
- b) Unsafe Physical or Mechanical Conditions. Statistics indicate that 10% of all incidents are caused by unsafe conditions.
- c) Unsafe Acts of People. Statistics indicate that 88% of all incidents are caused by unsafe acts of people.

Obviously the greatest percentages of incidents are caused by unsafe acts; therefore, emphasis of an incident prevention program should be on the elimination of these unsafe acts.

503. Unsafe Acts:

- a) The majority of unsafe acts of persons may be assigned to one or more of the following classifications:
Failure to follow instructions or proper job procedures.
 - 1) Failure to take necessary safety precautions when performing maintenance on equipment, i.e. cleaning, oiling, adjusting, or repairing equipment that is moving, electrically energized, or pressurized.
 - 2) Failure to use available protective equipment such as gloves, goggles, hard-hats, etc.
 - 3) Failure to wear safe personal attire.
 - 4) Failure to secure a work area or warn others of the safety hazards in the work area.
 - 5) Failure to use equipment properly.
 - 6) Failure to maintain the proper function of safety devices.
 - 7) Failure to exercise common sense when performing job duties.
 - 8) Improper use of hands or body parts.
 - i) Taking an unsafe position or posture.
 - ii) Operating or working at unsafe speeds.
 - iii) Unsafe placing, mixing, combining of hazardous substances.
 - iv) Using tools or equipment known to be unsafe.
 - v) Driving errors.
 - vi) Horseplay.

- b) Unsafe acts are usually brought about by one of the following:
 - 1) Lack of knowledge, skill, coordination or planning.
 - 2) Improper attitudes.
 - 3) Physical or mental limitations.
 - 4) Temporary lack of safety mindedness at time of incidents.

504. Unsafe Conditions:

- a) Most unsafe or hazardous conditions can be grouped into one of the following classifications:
- 1) Defectiveness, inferiority, or unsuitability of tools, machinery, equipment, or materials.
 - 2) Hazards of surroundings. (Poor housekeeping)
 - 3) Hazards of methods or procedures being implemented.
 - 4) Hazards of improper employee placement. (Person not mentally or physically compatible with job requirements.)
 - 5) Inadequate safeguarding of machinery, equipment, work areas, etc.

505. Control of Incident Causes:

There are three main methods utilized in the control of incident causes. These are sometimes referred to as “**The Three E’s of Safety**” and are outlined in the section below.

To be completely effective, incident prevention controls cannot be applied “hit or miss”. All controls will be directed toward the solution of specific problems, which are based on a collection of facts relating to unsafe acts or unsafe conditions.

a) **Engineering:**

- 1) Environmental causes of incidents or unsafe conditions can be eliminated through the application of engineering principles.
 - i) When an operation is mechanically and physically safe, it helps reduce the risk of unsafe acts by Employees. Machines are less apt to fail than humans.
 - ii) It may be necessary to make mechanical revisions or modifications to eliminate existing unsafe conditions and, in some cases, to prevent unsafe acts.
 - iii) Design of machine guards, automobile brakes, traffic signals, pressure relief valves, and handrails are varied examples of safety engineering at work.

b) **Education and Training:**

- 1) Just as safety engineering is the most effective way of preventing environmental incident causes (unsafe conditions), safety education is the most effective tool in the prevention of human causes (unsafe acts).
 - i) Personnel will gain useful knowledge and develop safe attitudes through adequate instruction in safety principles.

- ii) Safety consciousness developed in personnel through education will be supplemented and broadened by specific, additional instruction in safe working habits, practices and skills.
 - iii) Training gives each employee a personal safety tool by developing in them habits of safe practice and operation. This is very important.
- c) **Enforcement and Supervision:**
- 1) Usually incidents can be prevented through adequate safety engineering and education. However, there are some people who are a hazard to themselves and others because of their failure to comply with accepted safety standards.
 - i) Strict enforcement of safety practices is imperative, as incidents are frequently the direct result of violations of safety principles. This is particularly true of vehicle incidents, many of which are caused by unsafe acts constituting violations of traffic laws.
 - ii) Department Heads and Supervisors are responsible for enforcing safety standards and regulations. Failure to do so, in some cases, would be condoning conduct which may lead to an incident which otherwise would have been preventable.
 - iii) Violations of safety practices should be backed by prompt corrective action.

506. Elimination of Unsafe Conditions:

One of the most effective means of preventing incidents is to eliminate unsafe conditions. To talk safety while unsafe conditions exist and remain unaddressed will obviously create a barrier to Employee understanding of, acceptance of, and cooperation in the program.

- a) **Supervisor Involvement:**
- 1) The Supervisor must take the initiative in safety-related matters. This should be done without additional instruction from higher authority.
 - 2) The principle goal of the Supervisor should be to search out hazardous conditions and eliminate them **before** they cause work interruption or injury. Too often an unsafe condition is allowed to exist simply because it has not caused an incident--yet. The job **must be** made safe as possible.
 - 3) If the elimination of an unsafe working condition is beyond the Supervisor's authority, it is his/her responsibility to bring it to the attention of their immediate Supervisor or Department Head.

b) Procedures for Elimination of Unsafe Conditions.

- 1) Remove all obstacles and impediments to the safe movement of personnel, vehicles or machines.
- 2) Repair damaged floors, broken steps, broken glass, cracked walls and ceilings.
- 3) Replace worn or damaged tools.
- 4) Install guards for moving parts of machinery, fans, etc.
- 5) Provide protective equipment such as goggles and hard-hats.
- 6) Insist on good housekeeping practices - remove debris, waste material and obsolete or useless equipment.
- 7) Replace worn electrical wiring and fixtures.
- 8) Post signs warning of hazards in certain areas.

507. Control of Work Habits:

Regardless of the degree of safety built into a job, unsafe actions on the part of human beings will always be a cause of injuries. Teaching Employees good work habits means showing them how to do their tasks with less risk to themselves, less spoilage of materials, and less damage to equipment.

a) Showing the "Why" as Well as the "How".

An Employee, from time to time, may need to be reminded **why** a safety procedure is in place. It may be necessary to insist that an Employee repeat a certain step or work practice to stress the seriousness with which safe practices are regarded by the department.

Demonstrations of "Right" and "Wrong" ways of performing tasks should be conducted as a basis for showing **how** one work habit is preferred over another.

b) Providing Adequate and Constant Supervision.

- 1) It is important to provide watchful supervision on subsequent performances.

c) Implementing Disciplinary Action for Failure to Comply.

- 1) When the right way has been presented and agreed to by the individual workers, it is essential that failure to comply be noted. No matter how skillful an Employee may be in performing his duties, if they are not performed safely, the Employee will not be performing acceptably.
- 2) Flagrant or repeated disregard of safety rules should be met with appropriate disciplinary action, including discharge if necessary.

508. Safety Orientation of New Employees:

a) Attitudes Which Promote Safety Consciousness.

- 1) It is imperative that the Department Head, Supervisor, and fellow Employees exhibit proper attitudes about incident prevention and safety to all new Employees.
- 2) The new Employee must also be told that unsafe workers will not be tolerated. In addition, Employees should be told that they are always required to obey safety rules and instructions, wear protective equipment whenever required, and attend safety meetings. These are necessary conditions to be met in order to continue employment with the Town.

b) Previous Experience is Never an Adequate Substitute for Proper Instruction.

- 1) It will never be taken for granted that the previous experience and apparent qualifications of the new Employee mean that "somewhere along the way" they have learned to do the job in a safe manner.

For example, a driver's license plus many years of driving experience does not automatically exempt a newly hired vehicle operator from being thoroughly instructed in safe driving practices. The Employees must be made aware of what is expected of them in their capacity of operating a Town vehicle, and they must be checked to assure that this role is understood.

c) The Supervisor Will Do Review and Follow Up with the New Employee.

- 1) The Supervisor will meet with the new Employee, being sure to point out the possible hazards involved in doing the job.
- 2) If possible, the new Employee should be assigned to work with a safety-minded Employee during the first few weeks.
- 3) The Supervisor will check on the new Employee at frequent intervals.
 - i) The new Employee will be asked about any problems that may have arisen.
 - ii) The new Employee will be reminded of safe work practices.
 - iii) The Supervisor with regard to any tendency of overlooking safety procedures will promptly and vigorously warn the new Employee.
 - iv) New employee will be issued a copy of the Safety Program
 - v) Complete Safety Orientation Form (appendix A)
 - vi) Complete Employee Safety Responsibilities Signature Form (appendix B)

SECTION 6 DISCIPLINE POLICY

600. DISCIPLINE POLICY RATIONALE:

Employers are required to promulgate safety policies and disciplinary procedures to deal with those employees who fail to comply with a safety program. Implicit in these requirements is the expectation that the safety program and disciplinary procedures will be enforced. We fully expect to have problems when disciplining employees for safety violations. Some issues we anticipate are:

1. Employee accusations of unfair/unequal enforcement.
2. Employee accusations of no enforcement.
3. Using your disciplinary actions to cast a poor light on your personnel practices.
4. Employees trying to get revenge on supervisors or co-workers.
5. Calling into question the character and integrity of the employer by casting a poor light on the employer's supervisory practices and/or personalities.
2. Use of information about your personnel practices at Department of Labor hearings to try to portray the employer as only giving lip service to safety issues.

The key to an effective disciplinary process insures that the rights and obligations of the employer and employee are guarded.

In 1982, the N.H. Supreme Court defined these processes in the Appeal of Byron Miller (122 NH 933). The case involved an appeal of the denial of unemployment compensation benefits because of employee misconduct and in large part was the result of violations of safety rules. The court wrote:

Miller began working for Preview Products in 1979 and on at least three occasions received reprimands and suspensions for various reasons relating to safety-procedure infractions. The fourth incident leading to his discharge occurred when he allegedly jumped off a loading dock despite orders not to do so.

An unemployment compensation system is predicated upon benefits being paid to those who become unemployed through no fault of their own. No compensation is to be paid to one who is terminated because of "misconduct connected with this work". Isolated and inadvertent instances of unsatisfactory conduct are not sufficient for a finding of "misconduct", but recurring careless or negligent acts are enough to constitute "misconduct".

Safety in the workplace is not only a legal requirement but also a sound social policy for employer and employee alike.

Mr. Millers' employers had a progressive disciplinary process in place. He had been warned and suspended before being terminated for jumping off the loading dock. The employee was told that his conduct violated company policies and was told of the consequences of continued violations (i.e. further disciplinary action which, in this case, included a suspension and ultimately, discharge). The court has repeatedly found that a safe workplace is a reasonable rule.

The employer, in all cases of alleged misconduct, must conduct a thorough and fair investigation before administering discipline. In addition, the employer must use discipline a fair and consistent fashion. Simply stated, the discipline must reasonably be related to the seriousness of the proven offense and the employee's record. It is essential that the employer administered and not let the employee talk the employer out of administering the penalty.

A fair process requires that the employer inform the employee of the precise nature of the offense and any verbal or written warning tells the employee the consequences of further violations. A fair process also allows the employee to present his/her version of events and any evidence or mitigating circumstances.

601. DISCIPLINE POLICY

- a) It is the Town of Hooksett's Policy to place as few restraints on personal conduct as possible. We are justifiably proud of our employees and the manner in which they conduct themselves. We rely on individual good judgment and a sense of responsibility. Each employee is expected to act in an appropriate manner. However, for the protection of our property, business interests and other employees, we have established certain rules of conduct. Violations of any rule cannot be ignored.
- b) Employees who have recurring injuries will be counseled. Employees who are incident-prone present a danger to themselves and to others. Appropriate action will be taken after consideration, which could include further training, counseling, job change (if possible and qualified), or disciplinary action if required.
- c) These rules are published for the employee's information and to minimize the likelihood of any employee, through misunderstanding or otherwise, becoming subject to any disciplinary action. It is only fair that the employee should be familiar with those rules the organization considers to be important. It is also fair that the employee be apprised of the procedures to be used should any disciplinary action be required. We believe in using a process that is fair to all, yet maintains employee responsibility.
- d) For these reasons we use a progressive discipline model for handling disciplinary/performance issues. This model is designed to bring deficiencies to the attention of the employee in as non-confrontational a manner as possible.
 - 1) Based on the severity of the offense, Town management reserves the right to discipline employees up to and including termination at any time.
 - 2) Any discipline will be consistent with the appropriate bargaining agreement and or personnel policies.
 - 3) The following disciplinary steps are a guideline to be followed by department heads and supervisory staff:
 - i) First Offense: Verbal warning (documented in file)
 - ii) Second Offense: Written warning (documented in file)
 - iii) Third Offense: Suspension without pay (documented in file)
 - iv) Fourth Offense: Termination

In the event that any conflict with local, state or federal law exists, the law will take precedence.

- e) Department Heads and/or supervisors are responsible for counseling employees as problems occur involving adherence to the policies, procedures and rules of the organization and work unit.

- f) All Town jobs require the full attention of employees. Using excessive alcohol when off duty could impair performance and is discouraged. Working under the influence of alcohol or drugs could cause injury to others and therefore, will not be tolerated. The Town strongly encourages any employee with any drug or alcohol dependency to seek appropriate counseling or medical attention. Employees must always be in good physical and mental condition to operate equipment and machinery. Employees noted in poor condition on the job may be sent home.

Section 7
HANDLING OF INJURIES, INCIDENT REPORTING, and INVESTIGATION
OF INCIDENTS

700. Purpose:

As stated in Lab 1403.04 Accident Reporting Requirements: Within 8 hours after its occurrence, an employment accident which is fatal to one or more employees or which results in the hospitalization of 3 or more employees shall be reported to the commissioner of labor. Notification may be given by telephone by calling (603)271-6296, 271-6850, 271-3699, or 271-3170

A workers' compensation injury is defined as an incidental injury or death arising out of and in the course of employment and all occupational diseases arising out of and in the course of employment. There are definitive State requirements for reporting these injuries, which are summarized in this section and to which conformance by all employees is mandatory.

Naturally, the first thing to do when an incident occurs is to ensure that proper medical treatment is provided.

Incident investigation is important and necessary if future incidents are to be prevented. Investigations are primarily concerned with finding the "cause" of the incident and are not necessarily concerned with fixing "blame".

Investigations must be kept objective, factual, and free from the "punishment" motive, otherwise they will do more harm than good. This is not to say that responsibility may not be fixed where personal failure has caused the incident, or that such person should be excused from the consequences. Investigations also provide information through which recommendations for corrective action can be developed. Corrective action may involve additional training, mechanical revision, and direct supervision or enforcement measures.

However, the investigation itself is concerned only with the facts and the investigating individual or group is best kept free from involvement with the consequences.

a) The Principle Purposes Of Incident Investigation.

- 1) To determine the cause of an incident so that similar incidents may be prevented through mechanical improvement, better supervision, and/or Employee instruction.
- 2) To publicize the particular hazard among Employees and their Supervisors and to direct attention to incident prevention in general.
- 3) To determine facts bearing on legal liability.

701. Handling Emergencies:

Judgment is a key factor in handling any emergency. Employees are expected to exercise their best judgment based upon circumstances. The following is a list of guidelines to follow. However, if there is any question whatsoever about the seriousness of an injury, call for help and take every due precaution to preserve life.

- a) The employee/supervisor/management personnel shall call the appropriate emergency service (medical, fire, police, or rescue). **Call 911.**
- b) The employee shall notify his/her supervisor.
- c) The employee will follow reporting and investigation requirements.

702. Cases to be investigated:

The immediate supervisor, or other designated individual, will **investigate all incidents** and near misses that occur within their jurisdiction of authority. The purpose of the investigation shall be to determine what happened, why it happened, and what steps should be taken to prevent a reoccurrence of the incidents. An incident investigation report shall be filed in writing with the Administration Department within 72 hrs.

- a) Every incident, which results in death, disabling injury or Town property damage, shall be investigated.
- b) Near-misses or incident resulting in non-disabling injuries will also be investigated because they are equally important from the safety standpoint. An incident that results in only slight injury to a person may easily result in death to the next person.

703. Persons Making Investigations:

a) Department Heads:

- 1) Department Heads are responsible for immediately notifying the Town Manager whenever a "lost-time" injury occurs.
- 2) Every incident will be formally investigated. The Department Head, their designee, the Supervisor or a member of the Departmental Safety Committee shall make investigation of all incidents and injuries.

b) Supervisors:

- 1) A Supervisor shall be required to investigate and document every incident and near miss, which involves personnel or equipment under his or her supervision. This should be for the purpose of taking or recommending corrective action, or preventing recurrence of similar incidents.

704. Procedures for Making Investigations:

Each investigation should be started as soon as possible after the incident. A delay of only a few hours may permit important evidence to be destroyed, or removed, intentionally or unintentionally.

The following guides are to be used by persons conducting investigations:

1. Arrive at Incident Scene Promptly.

In order to obtain facts while they are still fresh, investigators should arrive at the scene as soon as possible after an incident has been reported.

2. Conduct Interviews With Involved Parties.

The injured person, the Supervisor and all witnesses will be interviewed to obtain results, and allow each person to relate what happened in his own way. The investigator, if necessary, should make only brief notes, at this time. Complete, formal statements, if required, can be made later.

3. Note Conditions and Evidence.

Record information as to conditions present at the time of the incident. These could relate to weather, mechanical defects, or other unsafe working conditions. Also note any physical evidence that is available. If possible, photographs should be taken of the scene.

4. Note Any Reference to Unsafe Acts.

Note any reported unsafe acts that may have contributed to the incident.

705. Reports of Investigation:

Written reports of investigation will be as complete as possible, preferably in narrative form. The report should include information that would answer the following questions:

WHO was injured or WHAT was damaged?

- HOW did the incident happen?
- WHERE and WHEN did it happen?
- WHO saw it happen?
- WHAT persons, equipment, materials and conditions were involved?
- WHY did the incident happen?

The investigator must be particularly thorough in determining the WHY of each incident. For example, in the case of an Employee receiving an eye injury, the investigator might list the cause as "failure to wear goggles". The WHY of this incident is: "Why didn't the Employee wear goggles? Were goggles available? If so, was the Employee instructed to wear them? If so, why didn't the Employee wear them?"

- WHAT could and should have been done to prevent it and similar incidents?

SECTION 8 MOTOR VEHICLES

The following is a guideline pertaining to the use of motor vehicles owned by the Town of Hooksett.

800. Use of Vehicles:

Any Officer or Employee may use or travel in any Town vehicle as is necessary or convenient to perform official Town business, including the observation of Town facilities or the operation of Town government with proper approvals from the appropriate Supervisor

- a) Reckless driving will NOT be tolerated, even on emergency calls.

- b) **Seat belts: In all Town owned vehicles with factory equipped seatbelts it is mandatory that they are used; also if you are using your personal vehicle (POV) on town time wearing your seat belt is mandatory.**

- c) Use of Town Vehicles will ALWAYS Require the Permission of a Supervisor.

- d) Permissibility of Passengers in Town vehicles.
 - 1) Town personnel shall not allow any non-Town employee to ride with them in any Town vehicle without first securing the permission from the Department Head, except as follows:
 - i) Persons taken into custody or persons necessary to aid an investigation which is being made by a Police Officer, or Fire Officer or.

 - ii) Emergency situations in which it is reasonably impracticable to obtain prior permission.

801. When an Incident Occurs:

When Town vehicles are involved in any incident, **STOP IMMEDIATELY**, the immediate Supervisor must be called at once regardless of the extent of damage to the vehicles or whether or not personal injury has occurred.

- 1. The Town of Hooksett Police Department and the New Hampshire State Police will be notified. The New Hampshire State Police will investigate all incidents involving Town vehicles.

- 2. The Supervisor will see that all the necessary reports are made and proper action is taken in accordance with rules and regulations.

- 3. The following procedures will be followed in case of an incident:
 - Set out and or turn on warning devices.

 - Assist injured persons, but DO NOT move if likely to cause further injury.

- The radio dispatcher should be notified immediately of conditions surrounding the incident request a police officer and supervisor.
- Give your name, address, employer name and address, vehicle registration number, and operator's drivers license number to police
- DO NOT admit fault. Discuss details **only** with your supervisor, and the investigating police officer.
- If you have no radio equipment and or phone, stop a passerby and ask him or her to call for help.
- Secure names and addresses of witnesses or first persons at the scene.
- If you strike an unattended vehicle and owner cannot be located you MUST place your name and the Town's address securely on the vehicle.
- Protect the vehicle from any further damage
- Complete driver's report at incident scene.
- Drivers subject to post incident testing shall remain readily available for such testing.
- Post incident drug and alcohol testing is required of each driver who was driving a vehicle of 26,001 lbs. or over and there was severe personal injury or loss of life resulting from the incident, or, the driver has been issued a citation for a moving traffic violation resulting in the incident.
- A Property Liability Trust "Incident Report Kit" will be completed any time a Town-owned vehicle is involved, regardless of amount of damage or location of incident. Return the completed Property Liability Trust packet to your supervisor upon return.
- Personnel may be subject to disciplinary action when damage to Town vehicles results from their carelessness or poor judgment.

802. General Maintenance of Town Vehicles:

- Personnel who have vehicles assigned to them shall be held personally responsible for their condition.
- When a vehicle breaks down, the operator shall immediately notify the immediate Supervisor as well as the radio dispatcher. The Supervisor will instruct the operator in accordance with the rules and regulations.
- Personnel are responsible for the cleanliness of the vehicle. They shall keep windshields and windows clean so that vision will not be impaired.
- Proper tire pressure must be maintained.
- Kicking or slamming of doors or forcing the windows of Town vehicles is forbidden. If doors or windows do not operate properly, they are to be reported to the mechanic at DPW.

- No personal equipment shall be installed on Town vehicles without prior approval from the Department Head.
- Personnel must not push or tow any vehicle or object with a Town vehicle unless said vehicle is properly equipped for such purpose.
- No Town vehicle will be allowed to jump a battery with any privately owned vehicle.

803. Physical Safety of Town Vehicles:

- a) Except in extreme emergencies, personnel are forbidden to leave vehicles unlocked when they contain Town property or other valuables.
- b) Under no circumstances are ignition keys to be left in the vehicles.
- c) Engines are to be turned off when vehicle is not in use and unit is left unattended. (with some exceptions)
- d) Persons who are permanently or temporarily subject to recall and who have vehicles assigned to them will keep the vehicles either at their homes or at the designated area for the vehicle, whichever is determined necessary for administrative efficiency by the Department Head. In making such determination, the Department Head shall regulate the use of assigned vehicles according to the following classifications:
- e) Persons to whom Town vehicles are assigned vehicles shall monitor the two-way radio when using the vehicle.
- f) **This section shall not apply to fire fighting apparatus**

SECTION 9

WORKER'S RIGHT TO KNOW

900. HAZARD COMMUNICATION PROGRAM

Employees who might be exposed to toxic substances during the course of their work shall be informed of the nature and hazards of these substances in accordance with N.H. RSA 277-A "Worker's Right to Know Law."

- a) Engineering and administrative controls shall be implemented, whenever feasible, to maintain concentration levels below the levels established by the American Conference of Governmental Industrial Hygienists (ACGIH), 1995-96 and published in "Threshold Limit Values for Chemical Substances and Physical Agents in the Work Environment".
- b) When engineering and administrative controls are not feasible to achieve acceptable levels, protective equipment shall be used to keep the exposure of employees below the established limits.

901. PURPOSE:

- a) This Administrative Regulation sets forth policy and procedures relating to Hazard Communication compliance by compiling hazardous chemical lists, by using Material Safety Data Sheets (MSDS's), by ensuring that containers are labeled, and by providing employees with training.

902. POLICY:

- a) All Department Heads and Supervisors or their designee will coordinate the Hazard Communication Program within their respective departments by ensuring that containers are labeled properly, compiling a hazardous chemicals list, and providing employees with training.
- b) The Joint Loss Management Committee will review and update the program, as necessary. Copies of the written program will be located within each Town building.
- c) Under this program, employees will be informed of:
- d) The contents of the hazard communication standard;
- e) The hazardous properties of in-house chemicals with which they work;
- f) Safe handling procedures;
- g) Measures to take to protect oneself from these chemicals

903. List of In-House Hazardous Chemicals

The Department Heads or their designee will ensure that a list of all hazardous chemicals used in any Town building is compiled, and will update the list as necessary.

The list of chemicals identifies all of the chemicals used in each facility. Each list also identifies the corresponding MSDS for all chemicals. A master list of these chemicals will be located within each department

904. Material Safety Data Sheets:

- a) MSDS's provide employees with specific information on chemicals they may be exposed to. The Department Heads will maintain a binder in each facility with an MSDS on every substance on the list of hazardous chemicals MSDS Index.
- b) Each Department Head or their designee shall be responsible for acquiring and updating MSDS's. The Department Heads shall contact the chemical manufacturer or vendor if additional research is necessary or if an MSDS has not been supplied with an initial shipment received by the Town of Hooksett

905. Labels

- a) The Department Heads or their designee shall ensure and verify that all containers received for use are properly labeled (**NFPA 704 label**) as to the contents, note the appropriate hazard warning and list the name and address of the manufacturer, importer, or responsible party.
- b) If you transfer chemicals from a labeled container to a portable **container** that is intended only for your **immediate use, labels are not required on the portable container.**

906. Training

- a) Department personnel who work with or are potentially exposed to in-house hazardous chemicals will receive initial training on the Hazard Communication Program and the safe use of those hazardous chemicals by the Department Heads or his or her designee.
- b) Employees will be required to sign a form to verify that they have received training, received written material, and understand the policies on hazard communication.

907. Contractor Employees

- a) Each contractor bringing chemicals on-site must provide the Town with the appropriate hazard information on these substances, including the labels used and the precautionary measures to be taken in working with these chemicals.

908. Handling Chemicals

All Employees should be aware that all chemical products may be potentially harmful or dangerous if improperly mixed or applied or when used without protective equipment or in a manner not consistent with the manufacturers guidelines. Many commonly used products not commonly regarded as "hazardous" are, in fact, chemicals and can cause injury if not properly used. Extreme care should be used at all times by personnel who are working with acids, caustics, solvents, pesticides, toxic, petroleum based or other chemical products (specific rules for certain activities and/or use of specific chemicals are provided in departmental safety policies and procedures).

Basic safety information relating to the usage of chemicals is outlined as follows:

Material Safety Data Sheets (MSDS) will be obtained from the manufacturer or supplier for all hazardous chemical products used by the Town.

The MSDS will be kept in the appropriate departments and made available to Employees on request.

Always consult the MSDS before working with a new product. The MSDS provides information on the product such as: the physical and health hazards, proper handling methods, spill cleanup data, fire fighting information and required protective equipment.

Never mix chemical products unless it's safe to do so. Many common products are incompatible or become unstable when mixed. Consult the MSDS or ask a knowledgeable superior.

First aid information is provided on the MSDS. Take the MSDS and/or product label with you to the doctor or hospital if you suffer an injury or illness due to contact with or exposure to a chemical.

All containers of chemicals must be labeled.

When using small quantities of a chemical, use the entire chemical or return it to the original container.

Never leave any quantity of hazardous material in an unlabeled or improper container.

No food or drink shall be allowed in areas where potentially toxic or harmful chemicals are stored, mixed or otherwise handled.

Caution should be used to avoid spills or splashes when handling chemicals. Spilled chemicals should be cleaned up and properly disposed of immediately.

Wash hands frequently.

Wear protective clothing, respiratory protection, rubber gloves, protective goggles and face shield when required. The safe way to handle chemicals is as if they are all dangerous.

Ensure adequate ventilation. Do not use chemicals, which release toxic, noxious or harmful vapors or fumes in a confined space or an area, which is not adequately ventilated.

Keep fire and flames away from flammable materials. Smoke only in authorized areas.

SECTION 10

GENERAL SAFETY PRACTICES

Under Statutory Authority: Administrative Rules for Safety and Health Lab 1400 pursuant to: RSA 281-A & RSA 277, the National Fire Protection Association (NFPA), the New Hampshire State Fire Code (NFPA 1), the International Building Code (IBC), and American National Standard Institute (ANSI) The Town of Hooksett will comply to the following scope of rules:

Lab 1403.01 Safety and Health Requirements.

- a) Each employer shall furnish to each of its employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to its employees.
- b) Each employee shall comply with all safety rules and regulations which are applicable to their own actions and conduct.
- c) The employer shall instruct each employee in the recognition and avoidance of unsafe conditions and in the rules applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury.
- d) The use of any machinery, tool, material, or equipment which is not in compliance with any applicable requirement of these rules shall be prohibited.

Lab 1403.02 Abrasive Blasting:

- a) Blast cleaning nozzles shall be equipped with an operating valve which shall be held open manually. A support shall be provided on which the nozzle may be mounted when not in use.
- b) Blast cleaning enclosures shall be exhaust ventilated in such a way that a continuous inward flow of air shall be maintained at all openings in the enclosure during the blasting operation.

Lab 1403.03 Abrasive Grinding:

- a) Abrasive wheels shall be used only on machines provided with safety guards.
- b) The following shall be exempt from the safety guard requirements:
 - i) Wheels used while within the material being ground; and
 - ii) Mounted wheels, used in portable operations, 2 inches and smaller in diameter.
- c) Abrasive wheel safety guards for bench and floor stands and for cylindrical grinders shall not expose the grinding wheel periphery for more than 65 degrees above the horizontal plane of the wheel spindle. The protecting member shall be adjustable for variations in wheel size so that the distance between the wheel periphery and adjustable tongue or end of the peripheral member at the top shall never exceed 1/4 inch.
- d) Abrasive wheel safety guards shall cover the spindle end, nut, and flange projections.

- e) An adjustable work rest of rigid construction shall be used to support the work on offhand grinding machines. Work rests shall be kept adjusted closely to the wheel with a maximum clearance of 1/8 inch.
- f) Machines designed for a fixed location shall be securely anchored to prevent movement, or designed in such a manner that in normal operation they shall not move.
- g) All abrasive wheels shall be closely inspected and ring-tested before mounting to insure that they are free from defects.

Lab 1403.04 Accident Reporting Requirements:

- a) Within 8 hours after its occurrence, an employment incident which is fatal to one or more employees or which results in the hospitalization of 3 or more employees shall be reported to the Commissioner of Labor. Notification may be given by telephone by calling (603) 271-6297, 271-3699 or 271-3170.

Lab 1403.05 Aerial Lifts.

- a) All vehicle mounted aerial-lift equipment shall be in accordance with American National Standards Institute (ANSI) A92.2-1979, "Vehicle-Mounted Elevating and Rotating Aerial Platforms".
- b) Prior to the use of an aerial-lift device, a visual inspection and operational check shall be made in accordance with the manufacturer and owner's instructions, by a competent person.
- c) Operators of aerial-lift equipment shall be provided with some means of anchorage to which a safety belt or lanyard can be secured to the buckets, platforms, or booms.
- d) The combined load, including workers, material, and tools, shall not exceed the rated lift capacity as stated by the manufacturer. Such rated lift capacity shall be conspicuously and permanently posted on the lift.
- e) When operating an aerial-lift device, the operator shall look in the direction of travel of the bucket and be aware of the booms in relation to all other objects and hazards.
- f) All hoses affecting the nonconductive characteristics of equipment shall be made of nonconductive material. Hydraulic fluids for insulated equipment shall be of the insulating type.
- g) An aerial-lift truck shall not be moved when the boom is elevated **in a working** position with workers in the basket, except for equipment that is specifically designed for **this type** of operation. The booms of a fully articulated aerial device shall not be considered elevated in a working position when the basket is directly in front of or behind the truck with the booms held as low as feasible and low enough so that the operator's **head is** below the highest point of the vehicle.
- h) During aerial-lift operations, workers not engaged in line clearance shall maintain a minimum clearance of 10 feet (3 m) from energized conductors rated 50 kV phase-to-phase or less. For lines rated over 50 kV phase-to-phase the minimum clearance shall be 10 feet plus .4 inches (3 m plus 10 mm) for each kilovolt over 50 kV phase-to-phase.
- i) **This section shall not apply to fire fighting apparatus.**

Lab 1403.06 Air Tools:

- a) Pneumatic power tools shall be secured to the hose or whip with a mechanical conductor to prevent incidental disconnection.
- b) Safety clips or retainers shall be securely installed and maintained on pneumatic impact tools to prevent attachments from being incidentally expelled.
- c) The manufacturer's safe operating pressure for all fittings shall not be exceeded.
- d) All hoses exceeding 1/2 inch inside diameter shall have a safety device at the source of supply or branch line to reduce pressure in case of hose failure.

Lab 1403.07 Belt Sanding Machines:

- a) Belt sanding machines shall be provided with guards at each nip point where the sanding belt runs onto a pulley.

Lab 1403.08 Bloodborne Pathogens:

Universal precautions, an approach to infection control in which all human blood and certain human body fluids are treated as if known to be infectious, shall be observed in all situations where there is a potential for contact with blood or other potentially infectious material and the following requirements shall be met:

- a) All human blood and body fluids shall be treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens.
- b) Employees responding to an emergencies or other situations where blood or body fluids are present shall wear single use disposable gloves, such as surgical or examination gloves, wash hands after removal of gloves, and wear eye protection when blood or other potentially infectious materials might be splashed.
- c) Work procedures shall include safe handling and disposal of needles and sharps, used bandages and gauze, linens, and all other emergency items that come in contact with blood or other potentially infectious materials.

Lab 1403.09 Chains, Cables, Ropes, and Hooks:

- a) Chains, cables, ropes and hooks shall be visually inspected daily by a competent person, for deformation, cracks, excessive wear, twists and stretch, and defective gear shall be replaced or repaired.
- b) Hoist ropes on crawler, locomotive, and truck cranes shall be free from kinks or twists and shall not be wrapped around the load.
- b) All U-bolt wire rope clips on hoist ropes shall be installed so that the U-bolt is in contact with the short or non-load carrying end of the rope. Clips shall be installed in accordance with the clip manufacturer's recommendation. All nuts on newly installed clips shall be retightened after the first hour of use.

Lab 1403.10 Chipguards:

- a) Protective shields or barriers shall be provided in operations involving cleaning with compressed air, to protect personnel against flying chips or other such hazards.

Lab 1403.11 Compressed Air Use:

- a) Compressed air used for cleaning purposes shall not exceed 30 psi. However, this limitation shall not apply to concrete form or mill scale, or to areas where compressed air is used in a fixed process, such as attached to a machine.

Lab 1403.12 Compressed Gas Cylinders:

- a) Valve protection caps shall be in place when compressed gas cylinders are transported, moved, or stored.
- b) Cylinder valves shall be closed when work is finished and when cylinders are empty or are moved.
- c) Compressed gas cylinders shall be secured in an upright position at all times, except if necessary for short periods of time when cylinders are actually being hoisted or carried.
- d) Cylinders shall be kept far enough away from the actual welding or cutting operation or protected by a fire resistant barrier so that sparks, hot slag, or flame will not reach them. When this is impractical, fire resistant shields shall be provided, as required by NFPA 5 IB.
- e) Oxygen cylinders in storage shall be separated from fuel-gas cylinders or combustible materials a minimum distance of 20 feet or by a noncombustible barrier at least 5 feet high having a fire-resistance rating of at least 1/2 hour.
- f) Compressed gas shall not be used for cleaning purposes.

Lab 1403.13 Concrete, Concrete Forms, and Shoring

- a) Employees shall not work above vertically protruding reinforcing steel, unless it has been protected to eliminate the hazard of impalement.
- b) Powered and rotating-type concrete troweling machines that are manually guided shall be equipped with a deadman-type operating control.

Confined Space Entry:

Lab 1402.02 Confined Space means a space that:

- a) Is large enough and so configured that an employee can bodily enter and perform assigned work;
- b) Has limited or restricted means for entry or exit;
- c) Is not designed for continuous employee occupancy;
- d) Contains or has a potential to contain a hazardous atmosphere;
- e) Contains a material that has the potential for engulfing an entrant;
- f) Has an internal configuration such that an entrant could be trapped or asphyxiated by inwardly converging walls or by a floor which slopes downward and tapers to a smaller cross section; or
- g) Contains any other recognized serious safety or health hazard.

Lab 1403.14 Confined Space Entry

- a) The employer shall evaluate the workplace to determine if any areas are confined spaces. If any are identified, the employer shall inform exposed employees by posting danger signs or by any other equally effective means of the existence and location of and the danger posed by the confined spaces.
- b) A minimum of 2 employees shall be assigned to work activity involving entry into a confined space. One employee shall act as an attendant/observer and remain outside of the space for the duration of the entry operation. In event of emergency, 911 **must** be called
- c) Conditions in the confined space shall be tested before entry operations and monitored while employees are in the confined space.
- d) Testing required by (c) above shall include testing of the internal atmosphere with a calibrated direct reading instrument, for the following conditions in the order listed:
 - (1) Oxygen content;
 - (2) Flammable gases and vapors; and
 - (3) Potential toxic air contaminants.
- e) The employer shall establish and implement the means, procedures and practices required to eliminate or control hazards and make the confined space safe for conducting entry operations. For example, purging, making inert, flushing or ventilating the confined space, using appropriate personal protective and retrieval equipment.
- f) Confined space entrants shall use appropriate personal protective and retrieval equipment. The retrieval equipment shall allow for attendant/observer non-entry rescue.
 - 1. The employer shall provide training so that all employees whose job duties involve confined space entry procedures acquire the understanding, knowledge, and skills necessary for the safe performance of the duties assigned to them.

2. Above training shall include the nature of the hazards involved, the necessary precautions to be taken, and in the use of personal protective and any other equipment necessary for safe entry.

- g) A procedure shall be implemented which shall require documentation that the above steps were taken prior to entering a confined space.

Lab 1403.15 Cranes and Derricks.

- a) The employer shall comply with the manufacturer's specifications and limitations as supplied by the manufacturer.
- b) Rated load capacities, recommended operating speeds, and special hazard warnings or instructions shall be conspicuously posted on all equipment and complied with. Instructions or warnings shall be visible from the operator's station.
- c) Equipment shall be inspected by a competent person before each use and during use, and all deficiencies corrected before further use.
- d) Accessible areas within the swing radius of the rear of the rotating superstructure shall be barricaded to prevent employees from being struck or crushed by the crane.
- e) No part of a crane or its load shall be operated:
 - (1) Within 10 feet **of a line** rated 50 kV or below;
 - (2) Within 10 feet + 0.4 inches for each 1 kV over 50 kV for lines rated over 50 kV, or;
 - (3) Within twice the length of the line insulator, **but** never less than 10 feet.
- f) The requirements of the above do not apply where electrical distribution and transmission lines have been de-energized and visibly grounded at point of work, or where insulating barriers have been erected to prevent physical contact with the lines.
- g) All crawler, truck, or locomotive cranes in use shall meet the requirements as prescribed in the ANSI B30.5-1982, Safety Code for Crawler, Locomotive and Truck Cranes, as amended by B30.5a-1984, and B30.5b-1985.

Lab 1403.18 Ergonomics:

- a) It shall be the responsibility of each employer to evaluate all incidences of ergonomically related injuries, such as repetitive motion trauma, carpal tunnel syndrome and back injuries, and to make necessary workplace modifications to prevent recurrences.
- b) The employer shall develop training procedures for employees who might be subject to ergonomic exposures such as those listed above.

Lab 1403.19 Excavating and Trenching:

- a) Before excavation underground utilities shall be identified and marked, and utility companies contacted to determine if there are underground utility installations in the area.
- b) A competent person as defined in Lab 1402.01 shall inspect and evaluate the condition of all trenches and excavations prior to permitting an employee to enter.
- c) An inspection shall be performed at the beginning of each day and at least 3 to 4 times during the workday thereafter and
 - 1) Attention shall be given when adverse weather conditions might affect the condition of the excavation or trench.
 - 2) If evidence of possible cave-ins or slides is apparent, all work in the excavation shall cease until the requirement of (d) below have been met to safeguard the employees.
- d) The walls and faces of trenches 5 feet or more deep, and all excavations, in which employees are exposed to danger from moving ground or cave-in shall be guarded by a trench protective system, or sloping of the ground.
- e) In excavations which employees might be required to enter, excavated or other material shall be stored and retained at least 2 feet or more from the edge of the excavation.
- f) Trenches 4 feet deep or more shall have an adequate means of exit such as ladders or steps in the protected area of the trench. The exit shall be located so as to require no more than 25 feet of lateral travel.
- g) Excavations near retaining walls, utility poles and other objects that are supported by compacted soil shall be supported at all times to prevent their collapse or undermining.
- h) Fuel operated equipment must not be left running to insure the area is properly ventilated.
- i) All appropriate personal protection must be utilized.

Lab 1403.20 Fall Protections:

- a) Each employee on a walking/working surface with an unprotected side or edge which is 4 feet or more above a lower level shall be protected from falling by the use of guardrail systems, safety net systems or personal fall arrest systems.
- b) The requirement in (a) above shall apply to:
 - (1) Hoist areas;
 - (2) Holes;
 - (3) Formwork and reinforcing steel;
 - (4) Ramps;
 - (5) Runways and walkways;
 - (6) Excavations;
 - (7) Bricklaying;
 - (8) Working above dangerous equipment;
 - (9) Roofing work;
 - (10) Precast concrete erection;
 - (11) Wall openings; and
 - (12) Other walking/working surfaces.

- c) This section shall not apply to stairways, ladders and scaffolds, cranes and derricks or steel erection.

Lab 1403.21 Flag person:

- (a) At work sites on or adjacent to a highway or street, where signs, signals, and barricades do not provide protection from traffic, a flag-person shall be provided.
- (b) A flag-person shall be provided with and shall wear a highly visible warning garment while flagging. Warning garments worn during low-light conditions or at night shall be equipped with retro-reflectorized material that is visible through the full range of the flag person's body motions.
- (c) A flag-person shall be provided with and shall use a combination Stop/Slow Paddle while flagging. The paddle shall be:
 - (1) Highly visible; and,
 - (2) At least 18 inches in height and width; and,
 - (3) The lettering at least 6 inches in height.

Lab 1403.22 Floor Openings and Open Sides:

- a) Every stairway and ladderway floor opening shall be guarded by a standard railing on all exposed sides except at the entrance. The entrance to ladderway openings shall be guarded to prevent a person from walking directly into the opening.
- b) Every hatchway and chute floor opening shall be guarded by a hinged floor opening cover equipped with standard railings to leave only one exposed side or a removable railing with toeboard on not more than 2 sides and fixed standard railing with toeboards on all other exposed sides.
- c) Every floor hole into which persons can incidentally walk shall be guarded by either a standard railing with standard toeboard on all exposed sides, or a floor hole cover capable of supporting at least twice the weight of employees, equipment, and materials that might be imposed on the cover at any one time. All covers shall be secured to prevent incidental displacement and shall be marked with the word "hole" or "cover" to provide warning of the hazard.

Lab 1403.23 Forklift Trucks and Powered Industrial Trucks:

- a) If at any time a powered industrial truck is in need of repair, defective, or in any way unsafe, the truck shall be taken out of service until it has been restored to safe operating condition.
- b) Forklift trucks with extended lifts shall be equipped with an overhead guard unless operating conditions do not permit.
- c) Fork trucks shall be equipped with a vertical load backrest extension when the type of load presents a hazard to the operator.
- d) The brakes of highway trucks shall be set and wheel chocks placed under the rear wheels to prevent the truck from rolling while forktrucks are entering or leaving.
- e) Employers shall verify that the above equipment shall be operated by competent individuals as defined in Lab 1402.01.

Lab 1403.24 Guards:

Guards for mechanical power transmission equipment shall be made of metal or other rigid material. Wood guards may be used in the woodworking and chemical industries, in industries where atmospheric conditions would rapidly deteriorate metal guards, or where temperature extremes make metal guards undesirable.

Hand Tools:

Lab 1403.25 Hand Tools:

- a) Each employer shall be responsible for the safe condition of tools and equipment used by employees, including tools and equipment furnished by employees.
- b) All hand tools shall be kept in safe condition. Handles of tools shall be kept tight in the tool, and wooden handles shall be free of splinters or cracks. Wedges, chisels, and similar tools, shall be free of mushroomed heads. Wrenches shall not be used when sprung to the point that slippage occurs.
- c) Electric power operated tools shall either be double insulated, grounded, or used with ground fault circuit interrupters.

Supervisory Requirements

1. Supervisors Should Assure That Tools and Equipment are in Good Condition.
 - a) Tools, which develop defects while in use, shall be removed from service, tagged and not used until they have been reconditioned or replaced.
 - b) Impact tools such as chisels, drills, hammers, and wedges with mushroom heads shall not be used until they have been reconditioned or replaced.
 - c) Hammers, axes, shovels and similar tools shall not be used if the handles are loose, cracked or splintered, or which otherwise present a hazard.
 - b) Shovels, picks and similar tools shall not be handled in such a manner as to endanger other workers nor shall they be left lying in such a manner as to cause persons to trip.
 - e) Where proper and safe tools are not available for the work on hand, the Employee should report the fact to the Supervisor.
2. Supervisors Should Assure That Tools are not Misused by Employees.
 - a) Sharp edged or pointed tools shall have the edge or point guarded at all times when not in use. Shovels and rakes left on the ground shall have sharp or pointed edges placed toward the ground.
 - b) All electric power hand tools shall be properly grounded. If the power cord attached to the tool does not have a three-prong plug, the tool shall be grounded by attaching one end of a wire to the metal frame of the tool and the other end to a grounded structure. Never remove the ground plug from an electrical plug.

- c) Extension cords shall not run across walkways, or through oil or water. Cords will be inspected frequently for kinks, worn insulation, and exposed strands of wire. Cords found to be defective shall be replaced. Ground Fault Circuit Interrupters (GFCI's) must be used in damp and wet areas.
- d) Tools, equipment and materials shall not be thrown or dropped from one Employee to another or from one level to another, but shall be transferred from hand to hand by use of a hand line or some similar safe method.
- e) Tools are to be carried in a toolbox, bag, or tool belt and not in pocket or pants belt. This is especially applicable to pointed or edged tools.
- f) Tools lying around benches, near machines, and on floors or ladders cause incidents (and get lost). Tools are to be returned to kit or storage when no longer needed.
- g) Employees are to be cautioned to use the right size and type tools for the job.

Use of Hand Tools:

1. Wrenches:

- a) Be sure wrenches are adjusted to fit tightly, or are the correct size open-end or box wrenches.
- b) Pull; don't push, when using a wrench.
- c) Don't tighten a nut or bolt too much. You may strip the threads or snap the bolt.
- d) When stooping and using a wrench or when using large wrenches on heavy work, brace yourself to avoid slipping or being thrown off balance. When using a wrench lying on your back, don't let it slip and hit your face.
- e) Never hit a wrench with a hammer unless the wrench is made for striking.
- f) Open end and adjustable wrenches which have defects such as worn threads, spread jaws, etc., shall not be used as they are likely to slip.
- g) Don't use a pipe or other wrench extension on a wrench handle to increase leverage. This often causes stripped threads, broken bolts, sudden loosening of nuts or bolts, slipping of the pipe from the wrench, and broken wrenches and fingers.
- h) When pulling on a wrench above you, stand out of its line.
- i) Place wrenches so that the pull will be on the stationary jaw.

2. Screwdrivers:

- a) Don't use screwdrivers with broken or rounded points or bent shafts.
- b) When using a screwdriver, place work on a solid object; never hold it in the palm of your hand.
- c) Keep the screwdriver shank lined directly over the screw head.

- d) Never use pliers or wrenches on the shanks of screwdrivers unless they are designed for that use.
3. Hand Saws:
- a) Use each type of saw only for the purposes for which it is intended. Keep saws sharp, teeth properly set.
 - b) Start the cut carefully so that the saw will not jump and strike you.
 - c) Be sure that the materials to be cut are firmly supported or secured. When sawing horizontally, cut on the side opposite the direction in which you want the cut off parts to fall.
4. Chisels:
- a) Hold the chisel in your fingers with a steady but relaxed grip. Keep your eyes on the cutting edge and not the chisel head.
 - b) Clamp small pieces in a vise before chiseling them. Chip toward the stationary jaw of the vise. Chip away from yourself. Do not hold stock in your hand.
 - c) Wear goggles when working with a chisel.
5. Punches.
- a) Keep the points of center punches ground and the faces of starting and pin punches square.
 - b) Don't use center punches on materials hard enough to dull or shatter the points.
 - c) Be sure punches are held firmly in position before striking, especially on round surfaces. Strike lightly at first, then increase the force.
6. Files and Rasps:
- a) Files and other tools with pointed tongs shall be equipped with suitable handles.
 - b) Cut only in the forward direction. Ease pressure on the backward stroke. When teeth become clogged, clean them with a file card (a brush with short, stiff bristles).
 - c) When storing files or rasps in toolboxes wrap each tool with cloth or paper.
 - d) Don't use files and rasps on material that are too hard or soft. Hard objects wear the teeth smooth. Soft objects clog the teeth. Smooth cutting faces may cause the tool to slip suddenly and injure you.
 - e) Never hammer on files or rasps or use them as pry bars, chisels or punches.
 - f) When filing small objects, use a vise.
7. Hack Saws:
- a) Pace the blade in the frame so the teeth point toward the end of the frame and away from the handle. Tighten the blade rigidly.

- b) Cut away from yourself, and saw with straight, long strokes, using almost the whole blade. Relieve pressure on the backward stroke.
 - c) Judge cutting speed by the hardness of the metal. Forty to fifty strokes per minute is right for metals of average hardness. A faster rate may ruin the blade.
 - d) Don't saw objects that are too hard. Test objects for hardness with the front or rear end of the blade.
8. Pliers
- a) Use pliers only when no other tool will do the job.
 - b) Don't use pliers as wrenches.
 - c) Use cutting pliers only for cutting soft metals, never on hardened metals or as nail pullers.
 - d) When cutting wire that is under tension, protect yourself so the wire can't fly and strike you. When cutting wire in rolls and on bales, load cars, trucks and boxes use longhand wire cutting pliers. **Always wear eye protection.**
9. Axes and Hatchets.
- a) Check the ax head to see that it is sharp and has no defects. A dull ax will often glance off the wood being cut and strike the user.
 - b) Check the ax to make sure the handle is not cracked and that the ax head is securely attached.
 - c) Be sure that others are a safe distance away from you and clear the area of obstructions (vines, limbs, brush, etc.) that may catch the ax as it is swung.
 - d) A narrow ax with a thin blade should be used for hard wood, and a wide ax with a thick blade for soft wood.
 - e) Ax blades should be protected with a sheath or other guard. When the blade cannot be guarded, it is safe to carry the ax at one's side in a manner that it will not strike the leg or foot when walking. The blade of a single-edged ax should be pointed down when being carried.
 - f) To start the cut with a hatchet, it is good practice to strike the wood lightly, then force the blade through by striking the wood against a solid block of wood.
 - g) Using a hatchet or ax to drive nails is a poor practice.
 - h) A sledgehammer is unsafe to use if it has a split handle or a loose or heavily chipped head.
 - i) Sledgehammer heads should be "dressed" whenever they begin to check or mushroom.
 - j) A sledgehammer so light that it bounces off the work is hazardous; likewise, one too heavy is hard to control and may cause body strain. Select one of the proper weight for the work to be done.

- k) Claw hammers are designed for driving and drawing nails. Their shape, depth of face, and balance make them unsuitable for striking objects such as cold chisels.

Use of Power Tools:

A. General:

- 1) Know your power tool.
 - i) **Read owner's or operating manual carefully.**
 - ii) Learn the tool's applications and limitations, as well as the specific potential hazards peculiar to it.
 - iii) Use the proper tool for the job you are doing. Don't force a small tool or attachment to do the job of a heavy-duty tool. It will do the job better and safer at the rate for which it was designed.
- 2) **Always wear the proper Personnel Protective Gear (PPE) for the proper tool being utilized**
- 3) All visitors should be kept a safe distance away from work areas.
- 4) When not in use, tools should be stored in dry, high, locked-up locations.

B) Use Common Sense:

- 1) Ground all electrical tools - unless double insulated.
 - ii) If a tool is equipped with a three-prong plug, it should be plugged into a three-hole (grounded) electrical receptacle.
 - iii) If an adapter is used to accommodate a two-prong receptacle, the adapter wire must be attached to a known ground. Do not rely on the screw securing the receptacle cover plate to be an acceptable ground. Check before using.
 - iii) Never remove the ground prong of a three-prong plug.
 - iv) If working in a damp or wet area a ground fault interrupter (GFCI) **must** be used.
- 2) Maintain a safe working environment:
 - i) Keep work area clean. Cluttered areas and benches invite incidents.
 - ii) Avoid use of electric power tools in damp or wet locations.

iii) Maintain proper footing and balance at all times. Don't allow debris to accumulate under foot.

3) Dress appropriately for the job:

- i) Loose clothing or jewelry which may get caught in moving parts should not be worn.
- ii) Rubber gloves and footwear should be used when working outdoors under wet weather conditions or wet soil conditions with an electrical tool. (Ground fault circuit interrupters are required.)
- iii) Use safety glasses. Use a face or dust mask if the cutting operation is dusty.

4) Treat the tool properly:

- i) Never carry a tool by the cord, or yank it to disconnect it from a receptacle.
- ii) Keep the cord away from heat, oil, and sharp edges.
- iii) Keep guards in place and in working order.
- iv) Keep tools sharp and clean at all times for the best and safest performance.
- v) Disconnect tool when not in use or if you leave the work area.

C) Always Implement Principles of Basic Safety:

- 1) Use clamps or a vise to hold work. It's safer than using your hand, and it frees both hands to operate the tool.
- 2) Don't carry a plugged-in tool with your finger on the switch.
- 3) Use only approved, grounded, properly insulated, and inspected extension cords.
- 4) Always examine both the cord and connections of an electrical power tool before using. When using pneumatic hand tools, make sure hose is properly connected and keep air valve closed until the gun is actually ready to use.
- 5) Remove adjusting keys and wrenches; see that keys and adjusting wrenches are removed from the tool before connecting tool to the source of power.

6) Wear proper personal protective equipment

D) Follow Guidelines for Using Specific Tools:

- 1) When using compressed air: (Lab 1403.12)
 - i) Use only sound, strong hose with secure couplings and connections.
 - ii) Be sure there are no sharp points on metal hose parts.
 - iii) Close control valve in portable pneumatic tools before turning on air.

- iv) Before changing one pneumatic tool for another, turn off air control valve. Never kink hose to stop airflow.
- v) Wear suitable goggles, mask, protective clothing, and safety devices.
- vi) Never use air to blow dust or chips from the hair, clothing or safety devices, or from the skin.
- vii) When using compressed air, see that no nearby workers are in line of airflow. Compressed air can be dangerous. Never point the hose at anyone.
- ix) All compressed air supplies used for blowing with air must be equipped with regulators to reduce the air supply to 30 p.s.i
- x) Wear proper personal protective equipment**

2) When using bench or hand grinders: (Lab 1403.54)

- i) Wear goggles or face shield even though the wheel has a safety shield.
- ii) Make sure the protective hood is on the wheel.
- iii) Set the tool rest no more than 1/8 inch from the wheel. Stop the machine before adjusting rest.
- iv) Stand out of line when starting up.
- v) Feed the work gradually - give a cold wheel a chance to warm up.
- vi) Use only the face of the wheel unless it is designed for edge printing.
- vii) Do not strike the wheel suddenly or use too much pressure.
- viii) Report at once any grinder that appears to be unsafe.
- ix) Check the grindstone to ensure that it is properly designed for the work being done and the speeds being used.
- x) Do not use grinder if tool rest or shield is missing.
- xi) Wear proper personal protective equipment**

3) When Using Chain Saw: (Lab 1403.79, also refer to OSHA 1910.266)

Before operational use complete a Chainsaw Safety Check:

- Chain Brake
- Throttle Interlock
- Chain Catcher
- Chain tension
- Muffler
- Chain saw kickback
- Chain sharpness
- Cutter shape

- Depth usage setting
 - Lubrication
 - No chain movement when engine is at idle
- i) Never work alone, but make certain that other Employees in the area should keep a safe distance from a running saw. Have a cleared work area.
 - ii) **Wear proper personal protective equipment including eye protection, hearing protection, approved chainsaw chaps, safety shoes, gloves and hard-hat.**
 - iii) Always carry the saw with the chain brake engaged, guide bar and saw chain to rear, and the muffler away from the body.
 - iv) Make sure the chain brake is in good condition. Never remove the chain brake.
 - v) Never operate saw with an excessively loose chain. Keep teeth sharp.
 - vi) Make sure chain is not touching anything before starting.
 - vii) Stand at engine end of running saw, keeping body parts away from saw chain.
 - viii) Always hold the saw below waist high.
 - ix) Avoid "running" chain contact. (Chain should not run on bar while idling.) Adjust the clutch and carburetor to prevent this.
 - x) Never cut with the tip of the blade.
 - xi) Exercise extreme caution when felling a tree.
 - a) **Wear all required personal protective equipment.**
 - b) Inspect the tree for dead wood, which may fall during the cut.
 - c) Plan ahead.
 - (1) Plan an escape route, making sure that it is clear of debris.
 - (2) Warn others in tree fall area. Do not fell trees within 150 feet of other operations unless precautions to warn personnel are taken.
 - d) Make the cut carefully and deliberately.
 - e) Exercise extra safety precautions as the tree begins to fall.
 - f) Shut off engine.
 - g) Move 10 to 20 feet away from the base along your cleared route.

- xiv) When limbing a felled tree, keep a firm grip on the handle of the saw with the thumb locked under the handle. Limbs can snap back as they are cut and throw the saw against you.
 - xv) Shut off engine when refueling, adjusting, cleaning, etc. Use spout can to refuel. Keep fuel in approved safety cans.
 - xvi) Place saw out-of-way when not in use.
- 4) Electric Hand Tools
- a) Keep tools in good condition, i.e., cleaned, oiled and repaired.
 - b) Always use grounded or double insulated tools.
 - c) Wear eye protection while using electric hand tools.
 - d) Do not use electric tools in the presence of flammable vapors or gases.
 - e) Use of electric hand tools in wet or damp locations should be avoided. When use is necessary, a power supply protected with a ground fault circuit interrupter (GFCI) is required.
 - f) Take care of cords.
 - g) Use only approved and inspected 3-wire extension cords. Always examine both the cord and connections carefully before using.
 - h) Never use electric tools having worn or damaged cords, damaged plugs, defective switches, or other defective parts, which might give an electric shock.
 - i) Never hang an extension cord over nails or other sharp edges, allow it to become kinked, or leave it where a vehicle may run over it. Wire or insulation will be damaged.
 - j) It is bad practice to patch any serious injury to cord insulation with tape. Replace the cord.
 - k) Store the extension cord in a clean, dry place where it can lie loosely coiled.

Lab 1403.26 Hoists.

- (a) The employer shall comply with the hoist manufacturer's specifications and limitations as to the proper use and installation of the equipment, whether at a portable or fixed location.
- (b) Rated load capacities, recommended operating speeds, and special hazard warnings or instructions shall be visibly marked on cars and platforms.
- (c) Hoistway entrances of material hoists shall be protected by full width gates or bars.
- (d) Hoistway doors or cages of personnel hoists shall be not less than 6 feet 6 inches high and shall be protected with mechanical locks which cannot be operated from the landing side and shall be accessible only to persons on the car.

(e) Overhead protective coverings shall be provided on the top of the hoist cage or platform.

Lab 1403.27 Housekeeping.

(a) Form and scrap lumber with protruding nails and all other debris shall be kept clear from all work areas.

(b) Combustible scrap and debris shall be removed from work areas at least daily.

(c) Trash shall be disposed of at frequent intervals.

(d) All places of employment, passageways, storerooms, and service rooms shall be kept clean and in a sanitary condition.

(e) All floors shall be kept clean, dry, safely maintained and free from trip hazards.

Additional Information:

Office Safety

- (a) Good housekeeping in the office is a must
- (b) Keep your desk and cabinets clean and orderly.
- (c) Clean up spilled or splashed liquids on the floor. This might prevent someone from falling.
- (d) Slips of paper, a pencil, or even a paper clip on the floor can cause a slip or fall. If you see something on the floor, take the time to stop and pick it up.
- (e) An open drawer of a desk or cabinet is a hazard, which can cause you or others to trip or collide. Keep drawers and cabinet doors closed.
- (f) The standard four-drawer filing cabinet can cause injury if it upsets as a result of opening a heavily loaded top drawer. Open only one drawer at a time.
- (g) Use handles when closing desk drawers, files, safes, and doors.
- (h) All chairs should be used sensibly:
 - i) Don't tilt them or slump back. The added strain on the chair can cause it to break or slip, resulting in injury to the occupant.
 - ii) Remove defective chairs from use.
- (e) If you must reach high or climb, use a safe ladder. Do not use a chair for climbing. Do not stand on drawers, cabinets or boxes, etc.

Electric and Electronic Equipment Should be Monitored for Safety:

- (a) Make sure that typewriters and adding machines are properly fixed in place. Work at a comfortable height
- (b) Don't attempt any electrical repairs.
- (c) Cords on electrically operated machines and telephones create a tripping hazard when left on the floor or in walkways. Arrange the work area to avoid this hazard.
- (d) When using extension cords, place them so that they do not lie in a traffic area (tripping hazard) or through doors, which may cut the cord (fire or shock hazard). Minimize the use of extension cords. Do not overload electrical circuits.
- (e) Do not remove the ground prong of a three-prong plug. Electrical equipment with a three-prong plug requires a three-hole (grounded) receptacle. If an adapter must be used to accommodate a two-prong receptacle, have maintenance personnel assure that the adapter is properly grounded.

Always Practice Basic Principles of Safety:

- (a) Walk, don't run.
- (b) When walking in hallways keep to the right, especially at corners.
- (c) When using stairways, take your time and use the handrails.
- (d) Don't stand in front of a closed door that may be opened suddenly.
- (e) Smoke in authorized areas only. Remember the fire hazard - use ash trays, not wastebaskets.
- (f) Sharpened pencils should be placed point down in pencil holders. Other sharp objects, i.e., scissors, letter openers, etc., should be covered or placed down to prevent puncture wounds.
- (g) Carry pencils, fountain pens, scissors, etc., in such a way that the sharp end cannot cause puncture wounds to you or others.
- (h) Report all defective equipment to your Supervisor for repair.

Building Maintenance:

- (a) Always practice good housekeeping in the workplace.
 - (i) Poor housekeeping breeds fire. All storage areas should be kept neat with cardboard boxes, paper and other combustible materials being removed to safe storage bins immediately.
 - (ii) **Never** use a stairway or exit way for a storage area, even on a temporary basis.

(b) When replacing bulbs or fluorescent tubes, observe the following precautions:

- (i) Ask persons to move from under fixture.
- (ii) Select ladder of proper height.
- (iii) Remove globe (cover) and place on desk or floor beneath ladder.
- (iv) Remove bulb with protective device if bulb is hot, or allow it to cool.
- (v) Be sure fluorescent tubes are properly locked in place.
- (vi) Replace globe and fittings, using both hands, making sure that they are secure.
- (vii) Never carry light bulbs in pockets.
- (viii) Light bulbs should never be wiped with a damp cloth while still in socket. Do not use an oily cloth to wipe light bulbs.
- (ix) Report any fixtures or appliance from which electrical shock is received or which sparks, is unusually hot or otherwise appears defective.
- (x) Be aware that defective fluorescent tubes may contain powder that can be harmful or fatal.

(c) **Disconnect all power sources while working and place a warning sign on the power box control warning that work is in progress.**

- (d) Inspect all portable electrical equipment periodically.
- (e) Replace broken windows or door panes promptly. Always handle broken glass carefully.
 - (i) Do not handle broken glass with your bare hands.
 - (ii) Always place broken glass in suitable container and dispose of promptly.
 - (iii) Do not place broken glass in trashcans or wastebaskets that are accessible to other Employees or to the public.
- (f) Remove from use any metal receptacles which are broken or which have jagged edges, i.e., ashtrays, trashcans or waste bins.
- (g) Always place adequate warning signs when cleaning floors, stairways, etc. Wet or slick floors, stairways or handrails can cause incidents. **Never** allow a stairway or handrail to become slippery.
- (h) Never use fingers or bare hands to comb down mops.

Garage and Shop Safety:

Shop Employees are constantly surrounded with serious hazards on the job. In order to prevent incidents, it is essential that physical and human failure be overcome by maintaining safe garage conditions and by following safe practices. The following are general rules for improved garage safety. (Specific rules for certain activities are provided in departmental safety policies and procedures.)

- a) General Principles of Safety:
- b) Ensure that there is proper ventilation. Guard against carbon monoxide gas from the exhaust of running engines.
- c) Keep a pair of safety goggles handy and wear them when doing work in which eye protection is needed.
- d) Always keep a suitable fire extinguisher near at hand and ready to use.
- e) Keep aisles and open spaces on the floor free of tools and parts.
- f) Be sure your feet are clear of passing automobiles or moving machinery when you get under a car, truck or piece of equipment.
- g) Use a safe grip (thumb not around handle) when it is necessary to crank start an engine.
- h) Never allow grease and oil to remain on a floor where you or others might slip on it and fall.

Lab 1403.30 Ladders.

(a) Fixed ladders shall comply with the following requirements:

- (1) Rungs shall have a minimum diameter of 3/4 inch, if metal, or 1-1/8 inches, if wood.
- (2) Rungs shall be a minimum of 16 inches in length and be spaced uniformly no more than 12 inches apart.
- (3) Cages, wells, or safety devices, such as fall prevention systems for ladders shall be provided on all ladders more than 20 feet in length.
- (4) Landing platforms shall be provided each 30 feet of travel, where cages are provided. Where no cage is provided, landing platforms shall be provided for every 20 feet of travel.
- (5) Tops of cages on fixed ladders shall extend at least 42 inches above top of landing. The bottom of the cage shall be not less than 7 feet or more than 8 feet above the base of the ladder.
- (6) Side rails shall extend 3-1/2 feet above the landing.

(b) Portable ladders shall comply with the following requirements:

- (1) Stepladders shall be equipped with a metal spreader or locking device of sufficient size and strength to securely hold the front and back sections in the open position.
- (2) Ladders shall be inspected prior to use and those which have developed defects shall:
 - a. Be withdrawn from service for repair or destruction;
 - b. Be tagged or marked as "Dangerous, Do Not Use."
- (3) Ladders that are not self-supporting shall be erected on a sound base at a 4/1 pitch and placed to prevent slipping.
- (4) The side rails of a ladder used to gain access to a roof or platform shall extend at least 3 feet above the landing.
- (5) Portable metal ladders shall not be used for electrical work or where they might contact electrical conductors.

Lab 1403.31 Lasers.

- (a) Only employees who have had training by the employer or equipment manufacturer shall be assigned to install, adjust, and operate laser equipment.
- (b) Employees shall wear appropriate eye protection designed to safeguard against potential exposure to laser light greater than 0.005 watts (5 milliwatts).
- (c) Beam shutters or caps shall be utilized, or the laser turned off, when laser transmission is not actually required. When the laser is left unattended, such as during lunch hour, overnight, or at change of shifts, the laser shall be turned off.
- (d) Employees shall not be exposed to light intensities above the following:
 - (1) Direct staring - 1 micro-watt per square centimeter;
 - (2) Incidental observing - 1 milliwatt per square centimeter;
 - (3) Diffused reflected light - 2-1/2 watts per square centimeter.
- (e) Employees shall not be exposed to microwave power densities in excess of 10 milliwatts per square centimeter.

Lab 1403.32 Lockout:

All stored energy hazards including but not limited to the following shall be released, locked-out, or otherwise rendered non-hazardous prior to commencement of any work which could subject the employee to potential injury:

- (1) hydraulic pressure;
- (2) pneumatic pressure;
- (3) steam pressure;
- (4) vacuum;
- (5) electricity;

(6) mechanical; and

(7) gravity.

(b) Padlocks shall be made available to employees for the purpose of locking-out equipment when required.

(c) Only the individual who is working on the equipment shall be allowed to remove the lockout device.

Lab 1403.33 Machine Guarding:

a) Machine guarding shall be provided to protect employees from hazards such as those created by point of operation, nip points, rotating parts, flying chips and sparks.

(b) Shall comply with the following requirements:

(1) The guard shall be such that it cannot pose an accident hazard in itself;

(2) Point of operation guarding devices shall be so designed as to prevent the operator from having any part of his body in the danger zone during the operating cycle.

c) Machines which require point of operation guarding include:

- 1) guillotine cutters;
- 2) shears;
- 3) alligator shears;
- 4) power presses;
- 5) milling machines;
- 6) power saws;
- 7) jointers; and
- 8) forming rolls and calendars.

(d) Special supplemental hand tools shall be used for placing and removing materials within the danger zone of the machine.

(e) Guards shall be required within 7 feet of the floor or working platform to protect from the following machinery:

(1) fan blades;

(2) belts;

(3) pulleys;

(4) sprockets;

(5) chains;

(6) flywheels;

(7) shafting;

(8) shaft projections;

- (9) gears;
 - (10) couplings; and
 - (11) rotating or reciprocating parts.
- (f) Flywheels protruding through a working floor shall be guarded;
 - (g) Where both runs of horizontal belts are 7 feet or less from the floor or working surface, the guard shall extend at least 15 inches above the belt.
 - (h) Safety sleeves shall be required to guard couplings with bolts, nuts or set screws extending beyond the flange.
 - (i) Belts, pulleys, and shafting located in rooms used exclusively for power transmission apparatus shall not be required to be guarded when the following requirements have been met:
 - (1) The basement, tower, or room occupied by transmission equipment is locked against unauthorized entrance; or
 - (2) The route followed by the oiler is protected in such a manner as to prevent accidents.

Lab 1403.34 Machinery in a Fixed Location:

Machines designed for a fixed location shall be securely anchored to prevent walking or moving, or designed in such a manner that they shall not move in normal operation.

Lab 1403.35 Mechanical Power Presses.

- (a) The employer shall provide and ensure the usage of point-of-operation guards or properly applied and adjusted point-of-operation devices, per the manufacturer's recommendation, to prevent entry of hands or fingers into the point-of-operation by reaching through, over, under and around the guard on every operation performed on a mechanical power press. This requirement shall not apply when the point-of-operation opening is 1/4 inch or less.
- (b) A guard shall be placed over the treadle of foot-operated presses.
- (c) Pedal counterweights, if provided on foot-operated presses shall have the path of travel of the weight enclosed.
- (d) Machines using full revolution clutches shall incorporate a single stroke mechanism except where automatically fed in continuous operation and where the points of operation are safeguarded by a fixed barrier guard.

Lab 1403.36 Medical Services. In addition to the medical chest required in RSA 277:6 (Every employer shall at all times keep and maintain, free of expense to the employees, such a medical chest shall be required by the local board of health of the town, containing plasters, bandages,

absorbent cotton, gauze and all other necessary medicines, instruments and other appliances for the treatment of persons injured or taken ill upon the premises), emergency telephone numbers for ambulance service, hospital, and fire rescue shall be posted throughout the facility.

Lab 1403.37 Mechanized Equipment:

- a) All construction equipment in use shall be checked at the beginning of each shift to assure that all parts, equipment, and accessories that affect safe operation are in proper operating condition and free from defects. All defects shall be corrected before the vehicle is placed in service.
- b) No employer shall use any motor vehicle, earthmoving, or compacting equipment having an obstructed view to the rear unless:
 - 1) The vehicle has a reverse signal alarm distinguishable from surrounding noise level; or
 - 2) The vehicle is backed up only when an appointed observer signals that it is safe to do so.
- c) Heavy machinery, equipment, or parts thereof which are suspended or held aloft shall be blocked to prevent falling or shifting before employees are permitted to work under or between them.

Lab 1403.38 Noise Exposure:

- a) Protection against the effects of occupational noise exposure shall be provided when the sound levels exceed those shown in Table 3, Permissible Noise Exposures. Feasible engineering or administrative controls shall be utilized to keep exposure below the allowable limit.
- b) When engineering or administrative controls fail to reduce the noise level to within the levels of Table 3, personal protective equipment shall be provided and used to reduce the noise to an acceptable level.
- c) Exposure to impulsive or impact noise should not exceed 140 dB peak sound pressure level.

TABLE 3 - PERMISSIBLE NOISE EXPOSURES

<u>Duration per day, hours:</u>	<u>Sound level dBA Slow response</u>
8.....	90
6.....	92
4.....	95
3.....	97
2.....	100
1-1/2.....	102

1.....	105
1/2.....	110
1/4 or less.....	115

Lab 1403. 39 Overheads and Gantry Hoists and Cranes.

(a) All functional operating mechanisms, air and hydraulic systems, chains, rope slings, hooks, and other lifting equipment shall be visually inspected before each use by the operator.

(b) Complete inspection of the crane shall be performed at one to 12 month intervals.

(c) The inspection shall include the following:

(1) Identifying deformed, cracked, corroded, worn, or loose members or parts; and

(2) Ensuring the good working order of the following:

- a. brake system;
- b. limit indicators;
- c. power plant; and
- d. electrical apparatus.

(d) Overhead cranes shall have stops at the limit of travel of the wheels.

(e) The rated load of the crane shall be plainly marked on each side of the crane.

(1) If the crane has more than one hoisting unit, each hoist shall have its rated load marked on it or its load block, and

(2) The marking shall be clearly legible from the ground or floor.

PERSONAL PROTECTIVE EQUIPMENT

Lab 1403.40 Personal Protective Equipment:

- a) The employer shall be responsible for assessing the hazards, and providing and requiring the use of appropriate personal protective equipment where indicated based upon that assessment.
- b) Where employees furnish their own personal protective equipment, the employer shall be responsible to assure its adequacy and to ensure that the equipment is properly maintained and in a sanitary condition.
- c) Employees working over or near water, where the danger of drowning exists, shall be provided with a U.S.Coast Guard-approved life jackets or buoyant work vests.

Additional requirements:

1. Head Protection:

- a) Approved ANSI hard-hats shall be furnished to and shall be worn by personnel who are working in and around areas where there is a possibility of head injury.

2. Eye Protection:

- a) Goggles, face shields, or other suitable eye protection shall be required for wear by Employees whenever there is danger of exposing the eyes to flying particles chemical substances, harmful light rays, dirt or grease falling from under vehicles, blood/bodily fluids, or other conditions considered harmful by the Supervisor.
- b) Suitable eye protection devices will be purchased and furnished by the department.
- c) Eyewash stations are considered personal protective devices. They must be periodically tested and testing records must be maintained. They must be located 10-20 feet from the possible exposure area. Eyewash stations must have 15 minute continuous flow to be effective in treating an eye injury.

3. Hand Protection:

- a) Employees may be required to use appropriate work gloves in completing their duties.
- b) The department shall furnish specialized hand protection such as rubber gloves, welding gloves, etc.

4. Foot Protection:

- a) Employees are required to wear safety shoes whenever they are working in an area where heavy objects, machinery, tools or other potential hazard pose an increased risk that foot injuries may occur.

5. Clothing:

- a) Employees are required to dress appropriately. Standard dress will be trousers and shirt. Shorts and T-shirts may be worn in certain circumstances.
- b) Employees are further required to use appropriate personal protective clothing and equipment when necessary.

Lab 1403.41 Portable Abrasive Wheel Machinery:

- a) Abrasive wheels shall be used only on machines provided with safety guards.
- b) The following shall be exempt from the safety guard requirement in (a) above:
 - 1) Wheels used while within the work being ground; and
 - 2) Mounted wheels, used in portable operations, 2 inches and smaller in diameter.
- c) A safety guard shall cover the spindle end, nut and flange projections. The safety guard shall be mounted so as to maintain proper alignment with the wheel.
- d) Safety guards used on right angle head or vertical portable grinders shall have a maximum exposure angle of 180 degrees and the guard shall meet the minimum requirements:
 - (1) The above guard shall be so located so as to be between the operator and the wheel during use.
 - (2) Adjustment of the guard shall be such that pieces of an accidentally broken wheel shall be deflected away from the operator.

Lab 1403.42 Portable Pneumatic Powered Tools:

- a) Safety clips or retainers shall be securely installed and maintained on pneumatic impact tools to prevent attachments from being incidentally expelled.
- b) Hose and hose connections used for conducting compressed air shall be designed for the pressure and service to which they are used.

Lab 1403.43 Powder-Actuated Tools:

- a) Only employees trained by the employer or equipment manufacturer shall be allowed to operate powder-actuated tools.
- b) All powder-actuated tools shall be tested by the employee before each use and all defects discovered before or during use shall be corrected.
- c) Tools shall not be loaded until immediately before use. Loaded tools shall not be left unattended.

Lab 1403.45 Railings:

- a) A standard railing shall consist of top rail, intermediate rail and posts, and shall have a vertical height of 42 inches from upper surface of top rail to floor, or platform.
- b) A railing for open-sided floors, platforms, and runways shall have a toeboard whenever persons can pass beneath the open side, or where there is equipment with which falling materials could cause a hazard.
- c) Railings shall be of such construction that the complete structure shall be capable of withstanding a load of at least 200 pounds in the vertical or horizontal direction.
- d) This section shall not apply to scaffolding and stairway railings.

Lab 1403.46 Record Keeping:

- a) An annual log of all workplace injuries and illnesses, for which an employer's first report of injury is submitted to the department of labor, shall be kept at the place of employment and made available to a safety inspector upon request.
- b) Employers having existing records or logs of injuries and illnesses, required by other agencies, may provide them to meet this requirement.
- c) The log shall include, at a minimum, the following information:
 - 1) Date of injury;
 - 2) Name of employee;
 - 3) Occupation of employee;
 - 4) Description of the injury or illness;
 - 5) Whether lost time was involved; and
 - 6) The date employee returned to work.

Respiratory Protection Program

Lab 1403.47 Respiratory Protection.

- (a) Respirators shall be selected by the employer on the basis of the hazard to which the worker is exposed and shall be provided by the employer as necessary to protect the health of the workers.
- (b) Employees who are expected to use respirators shall be fit tested to ensure that an adequate face-to-face piece seal can be maintained.
- (c) Both the supervisors and the workers shall be instructed, by the employer, in the selection, use, and maintenance of respirators.
- (d) Respirators shall be cleaned and disinfected, and shall be inspected during cleaning and deteriorated parts shall be replaced.
- (e) Respirators for emergency use shall be inspected at least once a month and after each use.
- (f) When not in use, respirators shall be stored in a clean and sanitary location.

Additional References: OSHA 1910.134, NIOSH 42 CFR 84, ANSI Z88.2

Inspection Guidelines:

- a) Even though employees may be voluntarily using respirators, adverse health conditions can be caused by the wearing of a respirator itself. Examples include, but are not limited to;
 - 1) An employee's health being jeopardized by the wearing of a respirator (e.g., employee has a cardiac and/or pulmonary disorder that could be aggravated by respirator use),
 - 2) The wearing of a dirty respirator that can cause dermatitis or ingestion of a hazardous chemical;
 - 3) The sharing of a respirator that leads to transmittal of disease.

Program Administrator:

A "respiratory protection program administrator" is required to oversee and evaluate the respirator program. This individual must be suitably trained and have the appropriate accountability and responsibility to manage the full respiratory protection program.

Companies with multiple worksites may have a program administrator at each worksite, as long as this person is qualified and retains the accountability and responsibility for the day-to-day operation of the specific program for that site. Alternatively, a company may opt to have one program administrator for several sites and/or one program for several similar sites as long as the program contains the necessary elements and addresses the hazards at those sites.

Medical Evaluation - 1910.134(e):

Employers must provide a medical evaluation to determine each employee's fitness to wear a respirator. The evaluation must be provided before the initial fit-testing and before the respirator is used for the first time. Medical evaluations consist of the administration of a medical questionnaire, which is found in the mandatory Appendix C of the standard, or provision of a physical examination that elicits the same information as the questionnaire for the employee. An employer, who opts to provide physical examinations, to his or her employees, need not also administer the medical questionnaire.

These evaluations are required for all respirator users except for employees who voluntarily use dusts masks and for those whose only respirator would be the use of escape-only respirators. SCBA's are not considered escape-only respirators. Employees who refuse to be medically evaluated cannot be assigned to work in areas where they are required to wear a respirator.

In order to maintain strict confidentiality of the information obtained in the questionnaire, the employer's role is limited to distributing the blank questionnaire to the employee for him or her to fill out, or providing it to the PLHCP, who will administer the questionnaire to the employee. If the employer provides the questionnaire to the employee, an addressed and postage-paid envelope should also be provided for the employee to mail it to the PLHCP. The employer's may also maintain the questionnaire and findings medical office, if the health office is administratively separate from the employer's central administration offices.

If the employer does not have or chooses not to use an in-house medical staff, arrangements must be made for a physician or other licensed healthcare professional (PLHCP) to perform the medical evaluations. The PLHCP may be a physician, a registered nurse, a nurse practitioner, a physician assistant, or other licensed health care professional acting within the scope of his or her state license, registration, or certification. The PLCHP must be legally permitted by his or her professional license to conduct the type of medical evaluation required by the respirator standard. Scope of practice for non-physician PLCHPs will vary from state to state. All PLCHPs who participate in any aspect of the medical evaluation must be practicing within the scope of their license. For assistance in determining which state licensing board or agency to contact to determine a PLCHP's legally permitted scope of practice, the CSHO can contact the Directorate of Technical Support in OSHA's National Office.

The employer must ensure that the questionnaire is administered in such a manner that employees can understand the content and the confidentiality of the record is maintained. Where the employee cannot understand English, the employer must have the questionnaire translated into the employee's language either through a translator or a translated written copy. The questionnaire has been translated into Spanish and is available on OSHA's homepage (www.osha.gov) in the Respirator Q & A Document. In cases where the employee cannot read, the employee can request someone other than the employer to orally read them the questionnaire or the PLHCP may obtain through an interview or examination the same information requested on the medical questionnaire.

Fit Testing-1910.134(f):

Fit testing is required for all employees using negative or positive pressure tight-fitting respirators, where such respirators are required by OSHA or where the employer requires the use of such a respirator.

A fit test is not required for voluntary users or for escape-only respirators.

The fit test must be performed before the respirator is used in the workplace. It must be repeated at least annually and whenever a different respirator face piece is used or a change in the employee's physical condition could affect respirator fit. If the respirator subsequently becomes unacceptable (i.e., causes irritation or pain to the employee) to the employee, the employee must be given the opportunity to select a different respirator face piece and be retested.

Qualitative Fit-Testing (QLFT) may be used to fit test negative pressure air-purifying respirators, if they will only be used in atmospheres less than ten times the PEL, since existing evidence only validates the QLFT protocols listed in Appendix A to identify respirators that achieve a fit factor of 100. For greater concentrations, Quantitative Fit-Testing (QNFT) must be used.

When quantitative fit-testing is used, all full-face piece respirators must meet or exceed a fit factor of 500, while quarter - and half-mask respirators must meet or exceed 100. For quantitative fit testing may be used. While atmosphere-supplying respirators are fit tested in the negative pressure mode, these respirators are most often used as positive pressure respirators in the workplace. Positive pressure atmosphere supplying respirators that pass the QLFT or QNFT fit test may be used at the higher protection factors assigned these respirators. See Table 1 for a summary.

Facepiece Seal Protection (g)(1):

Inspection Guidelines - The CSHO should be alert for the presence of facial hair (more than one day's growth) that comes between the sealing surface of the respirator and the face as well as other conditions that could result in facepiece seal leakage or interfere with valve function of tight-fitting respirators, such as the presence of facial scars, the wearing of jewelry, or the use of headgear that projects under the facepiece seal. Corrective glasses or goggles or other personal protective equipment (such as faceshields, protective clothing, and helmets) must not interfere with the seal of the facepiece to the face of the user. If employees wear other safety equipment with their respirators, the employee must pass an appropriate fit test while wearing the equipment to determine if it interferes with the seal.

Employees should be observed to determine if the seal check procedures are being performed each time the respirator is donned. The procedure used must be one listed in Appendix B-1 or recommended by the manufacturer if the employer demonstrates it is as effective as those listed in Appendix B-1. Alternative seal checks must be based on scientific studies. [The face fit is considered satisfactory if a slight positive pressure can be built up inside the facepiece when the exhalation valve or surface is covered, the user exhales gently, and there is no evidence of outward leakage at the seal. The negative check requires covering the inlet opening or surface, inhaling gently, and having the facepiece remain in a slightly collapsed condition with no inward leakage of air detected.]

Maintenance and Care of Respirators - 1910.134 (h)(1):

Respirators must be cleaned and disinfected as often as necessary to keep them in a sanitary condition. They must be properly stored to prevent damage and contamination, inspected regularly and repaired as necessary.

Inspection Guidelines:

- a) To ensure that respirators are clean and in good working order, the employer can have respirators cleaned and repaired in a centralized operation where respirators are passed out to employees: or

- a) The employer may require the respirator user to perform all cleaning and respirator maintenance functions. The CSHO should verify that the procedures in the mandatory Appendix B-2 or an equivalent method specified by the manufacturer are being followed and are performed by employees who are adequately trained in the proper respirator care procedures. Respirators issued to more than one employee must be cleaned and disinfected before being worn by another user.
- b) The use of individually-wrapped cleaning towelettes may be used as an interim method in the cleaning schedule for individually assigned respirators, but they must not be the only method in place. During fit-testing, towelettes may also be used between employees being tested, however these respirators must be thoroughly cleaned at the end of each day, using the procedures in Appendix B-2.

Identification of Filters, Cartridges, and Canisters 1910.134 (j):

The employer must ensure that all canisters and filters are properly labeled and color coded with the NIOSH approval label and that the label is not removed, obscured, or defaced while in service. This requirement enables the employee using the respirator to check and confirm that the respirator has the appropriate filters before the respirator is used and also allows fellow employees, supervisors, and the respirator program administrator to readily determine that the employee is using the appropriate filters.

- 1) Inspection Guidelines. The CSHO should verify that properly labeled filters and canisters are being used, and that the labels remain legible.
- 2) Citation Guidelines. Date and time labels applied to the filters/cartridges should not be considered violations, but the employer must obscure as little as possible of the label to allow ready identification.

Training and Information 1910.134 (k):

The employer is required to provide effective training to employees who wear respirators. Training must be provided prior to an employee's use of a respirator in the workplace and must be comprehensive and understandable. Training must recur annually, and more often if retraining appears necessary to ensure safe use. The employer must ensure that each employee can demonstrate knowledge of all items in (k)(1)(i) thru (vii). Pre-testing may be used as a training aid to determine extent of retraining required.

Program Evaluation 1910.134(l):

The employer must conduct evaluations of the workplace to ensure the written respiratory protection program is properly implemented. The employer must observe and consult employees to determine if they have any problems with the program and ensure that the respirators are used properly.

Record keeping - 1910.134(m):

For every employee required to wear a respirator, the employer must establish and retain medical evaluations and fit-testing records. Medical evaluation records must also be retained for employees who wear elastomeric facepiece respirators. An employee's medical evaluation records must be made available to the employee and to OSHA in accordance with 1910.1020. The employer must also make an employee's fit-testing

records available to that employee and to OSHA. The standard does not intend for the employer to make an employee's medical or fit-testing records available to any other individual unless that individual is the employee's "designated representative" as defined in 1910.1020(c)(3).

Lab 1403.49 Rollover Protective Structures (ROPS):

Except for sideboom pipelaying tractors and compactors, rollover, protective structures of substantial strength shall be used with the following types of materials handling equipment:

- (1) All rubber-tired, self-propelled scrapers;
- (2) Rubber-tired front-end loaders;
- (3) Rubber-tired dozers;
- (4) Wheel-type agricultural and industrial tractors;
- (5) Crawler tractors;
- (6) Crawler-type loaders;
- (7) Motor graders, with or without attachments, that are used in construction work; and
- (8) forklifts trucks and powered industrial trucks.

Lab 1403.51 Saws.

(a) Band Saws shall comply with the following requirements:

(1) All portions of band saw blades shall be enclosed or guarded except for the working portion of the blade between the bottom of the guide rolls and the table; and

(2) Band saw wheels shall be fully enclosed according to the following requirements:

a. The outside periphery of the enclosure shall be solid; and

b. The front and back shall be either, solid wire mesh or perforated metal.

(b) Portable Circular Saws shall comply with the following requirements:

(1) All portable power-driven circular saws having a blade diameter greater than 2 inches shall be equipped with guards above and below the base plate or shoe.

(2) The lower guards shall cover the saw to the depth of the teeth, except for the minimum area required to permit the base plate to be tilted for bevel cuts, and shall automatically return to the covering position when the blade is withdrawn from the work.

a. The above provision shall not apply to circular saws used in the meat industry for meat cutting purposes.

(c) Radial saws shall comply with the following requirements:

- (1) Radial saws shall have an upper guard which completely encloses the upper half of the saw blade.
- (2) The sides of the lower exposed portion of the blade shall be guarded by a device that shall automatically adjust to the thickness of the material and remain in contact with the material being cut.
- (3) Radial saws used for ripping shall be equipped with a device which will prevent material from kicking back toward the operator and shall be properly adjusted.
- (4) An adjustable stop shall be provided to prevent the forward travel of the blade beyond the table, or the position necessary to complete the cut in repetitive operations.
- (5) Radial saws shall be installed so that the cutting head shall return to the starting position when released by the operator.

(d) Swing or Sliding Cut-Off shall comply with the following requirements:

- (1) All swing or sliding cut-off saws shall be provided with a hood that shall completely enclose the upper half of the saw.
- (2) Limit stops shall be provided to prevent swing or sliding type cut-off saws from extending beyond the front or back edges of the table.
- (3) Each swing or sliding cut-off saw shall be provided with an effective device to return the saw automatically to the back of the table when released at any point of its travel.
- (4) Inverted cut-off saws shall be provided with a hood that shall cover the part of the saw that protrudes above the top of the table or material being cut.

(e) Table Saws shall comply with the following requirements:

- (1) Circular table saws shall have a hood over the portion of the saw above the table, so mounted that the hood shall automatically adjust itself to the thickness of and remain in contact with the material being cut.
- (2) Circular table saws shall have a spreader aligned with the blade spaced no more than 1/2 inch behind the largest blade mounted in the saw. The provision of a spreader in connection with grooving, dadoing, or rabbeting shall not be required.
- (3) Circular table saws used for ripping shall be equipped with a device which will prevent material from kicking back toward the operator and shall be properly adjusted.

(4) Feed rolls and blades of self-feed circular saws shall be protected by a hood or guard to prevent the hand of the operator from coming in contact with the in-running rolls at any point.

Lab 1403.52 Scaffolds:

Lab 1403.52 Scaffolds. The following requirements shall apply to scaffolds:

- (a) Scaffolds shall be erected on sound, rigid footing capable of carrying the maximum intended load without settling or displacement;
- (b) All planking shall be scaffold grade or equivalent as recognized by approved grading rules for the specie of wood used; and
- (c) The maximum permissible spans for 2 x 10 or wider planks are shown in Table 4, Planking Material Thickness.

Table 4 – Planking Material Thickness

Working load (p.s.f.)	Full Thickness Undressed Lumber			Nominal Thickness Lumber	
	25	50	75	25	50
Permissible Span (ft.)	10	8	6	8	6

(d) The maximum permissible span for 1-1/4 x 9 inch or wider plank of full thickness is 4 feet, with medium loading of 50 p.s.f.;

(e) Scaffold planking shall be overlapped a minimum of 12 inches or secured from movement;

(f) Scaffold planks shall extend over their end supports not less than 6 inches nor more than 12 inches;

(g) Defective parts of all scaffolding and accessories shall immediately be replaced or repaired; and

(h) An access ladder or equivalent safe access shall be provided.

(i) Mobile platforms shall be tightly planked for the full width of the scaffold except for necessary entrance opening. Platforms shall be secured in place.

(j) All employees working on suspension scaffolds shall be protected by a safety life belt attached to a lifeline which shall comply with the following requirements:

(1) The lifeline shall be securely attached to substantial members of the structure, not the scaffold, or to securely rigged lines, which shall safely suspend the employee in case of a fall.

(2) In order to keep the lifeline continuously attached, with a minimum of slack, to a fixed structure, the attachment point of the lifeline shall be changed as the work progresses.

(k) Tubular welded frame scaffolds shall be properly braced by cross bracing or diagonal braces, or both, for securing vertical members together laterally.

(1) The cross braces shall be of such length as shall automatically square and align vertical members so that the erected scaffold is always plumb, square, and rigid; and

(2) All brace connections shall be made secure.

Lab 1403.54 **Storage:**

- a) All stored materials stacked in tiers shall be stacked, blocked, interlocked, and limited in height so that they are secure against sliding or collapse.
- b) Storage areas shall be kept free from accumulation of materials that constitute hazards from tripping, fire, explosion or pest harborage. Vegetation control shall be exercised when necessary.
- c) Where mechanical handling equipment is used, sufficient safe clearance shall be allowed for aisles, at loading docks, through doorways, and whenever turns or passage is made.

Lab 1403.55 **Tanks with Open-Surface:**

- a) Where ventilation is used to control potential exposure to employees, it shall reduce the concentration of the air contaminant to the degree that a hazard to employees does not exist.
- b) Whenever there is a danger of toxic substances being splashed, the employees shall wear either tight-fitting chemical goggles or an effective face shield.
- c) Near each tank containing liquid, which might be harmful to the skin if splashed upon the worker's body, there shall be a supply of clean cold water. The water pipe shall be provided with a quick opening valve and at least 48 inches of hose not smaller than three-fourths inch. At no time shall water pressure for eyewashes exceed 25 p.s.i. Alternatively, deluge showers and eye flushes shall be provided.
- d) All employees working in and around open-surface tank operations shall be trained by the employer as to the hazards of their respective jobs, and in the personal protection and first aid procedures applicable to these hazards.

Lab 1403.56 **Tire Cages:**

A safety tire rack, cage, or equivalent protection shall be provided and used when inflating, mounting, or dismounting tires installed on split rims, or rims equipped with locking rings or similar devices.

Lab 1403.57 Toxic Substance.

(a) Engineering and administrative controls shall be implemented to protect workers from exposure to hazardous and toxic substances such as radioactive substances or other hazardous substances which are defined as a toxic substance.

(b) When engineering and administrative controls are not feasible to achieve acceptable levels, protective equipment shall be used to keep the exposure of employees below the established limits.

Lab 1403.58 Traffic Control:

a) Effective means for control of pedestrian and vehicular traffic shall be instituted on every job site where necessary.

b) Traffic-control devices shall conform to the applicable federal and state regulations or to applicable sections of Federal Highway Administration Manual of Traffic control Devices - 1988 with revisions.

Lab 1403.59 Trash:

All sweepings, solid or liquid wastes, refuse, and garbage shall be removed in such a manner as to avoid creating a menace to health and as often as necessary to maintain good sanitary conditions.

Lab 1403.60 Tree Care Operations:

a) Head protection shall be worn by workers engaged in tree operations. The head protection worn shall contain the manufacturer's certification that it complies with ANSI Z89.1-1981. When working in proximity to electrical lines, the head protection worn shall contain the manufacturer's certification that it is a Class B hard hat which complies with ANSI Z89.1-1981 with revisions.

b) Safety belts, tree-trimming saddle belts, or a saddle formed by a double bowline on a bight shall be worn to protect workers above ground level.

c) Saddle belts or safety belts used for climbing operations shall have forged support rings. Snaps used in climbing ropes or in safety straps, for attachment to the forged support ring, shall be of self-closing safety type. Forged support rings shall be designed so that the snaps will not become disengaged, or roll off accidentally.

d) Climbing ropes shall be used when working aloft in trees. Manila ropes shall have minimum diameter of 1/2 inch (12 mm) and shall be 3 or 4 strand first-grade manila, with a rated breaking strength of 2385 pounds or equivalent strength and durability. Synthetic rope shall have a maximum elasticity of not more than 7 percent.

e) Climbing ropes shall not be used to lower limbs or other parts of trees, or to raise or lower equipment.

f) The employer shall provide, and the employee shall use, chaps specifically designed to foul a moving chain whenever chain saws are used.

- g) All employees shall be instructed in the hazards associated with working in close proximity to overhead power lines.
- h) It shall be the responsibility of a competent person to determine whether tree care operations can be safely performed near energized power lines.
- i) Rescue procedures for employees working above ground shall be established by the employer, and the employees trained accordingly.
- j) Brush chipper access panels for maintenance and adjustment shall be closed and secured prior to operation of brush chippers.
- k) Each rotary drum tree or brush chipper or disk-type tree or brush chipper not equipped with a mechanical in-feed system shall be equipped with an in-feed hopper not less than 85 inches (2.15 m) measured from the blades or knives to ground level over the centerline of the hopper, and shall have sufficient height on its side members, so as to prevent personnel from contacting the blades or knives of the machine during normal operations.
- l) Each disk-type tree or brush chipper equipped with a mechanical in-feed system shall have a quick stop and reversing device on the in-feed. The activating lever for the quick stop and reversing device shall be located across the top, along each side of, and as close to the feed end of the in-feed hopper as practicable and within easy reach of the operator.
- m) Equipment on which workers stand and spray while the vehicle is in motion shall be equipped with guard rails around the working area.
- n) When using portable powered brush cutting saws no one except the operator shall be within 10 feet (3 m) of the cutting head of the brush saw.
- o) The power unit shall be equipped with a quick shutoff switch readily accessible to the operator.
- p) When operating chain saws the manufacturer's operating and safety instructions shall be followed.
- q) Chain saws weighing more than 15 pounds (6.8 kg) that are used in trees shall be supported by a separate line, except when used from an aerial-lift device.
- r) The engine shall be stopped when power saws are being carried. The saw need not be stopped between cuts during consecutive felling, bucking, or limbing or cutting operations on reasonably level ground. The chain shall not be turning and the operator's hand shall be off the throttle lever while operators move between work locations. One-man saws shall be carried by the worker on his/her side with the guide bar of the saw pointed to the rear. A two man saw shall be carried by 2 workers.
- s) The engine shall be stopped for all cleaning, refueling, adjustments, and repairs to the saw or motor where practical, except where manufacturer's procedures require otherwise.

Lab 1403.61 Wall Openings:

- a) Wall openings, from which there is a drop of more than 6 feet, and the bottom of the opening is less than 3 feet above the working surface, shall be guarded.

Lab 1403.62 Washing Facilities:

- a) Washing facilities shall be provided in every place of employment except for mobile crews or normally unattended work locations where employees have ready access to nearby sanitary facilities, maintained in a sanitary condition.
- b) A cleaning agent and either individual hand towels, sections of cloth or paper, warm air blowers, or clean individual sections of continuous cloth toweling shall be provided at washing facilities.

Lab 1403.63 Welding and Cutting:

- a) Welding equipment shall be chosen for safe application to the work and shall be installed properly. Employees designated to operate welding equipment shall be properly instructed and qualified by the employer or equipment manufacturer to operate it.
- b) Mechanical ventilation shall be provided when welding or cutting in an area with less than 10,000 cubic feet per welder, or where the overhead height is less than 16 feet.
- c) Proper shielding and eye protection to prevent exposure of personnel from welding hazards shall be provided.
- d) When welding in a fixed location the welder shall be enclosed with a booth, or non combustible screening, with a finish of low reflectivity with respect to visible and ultraviolet radiation.
- e) Proper precautions for fire protection such as isolating welding and cutting, removing fire hazards from vicinity, and providing a fire watch shall be taken in areas where welding or cutting is being done.
- f) When welding operations requiring fluxes, coverings, coatings, or alloys, or involving fluorine compounds, zinc, lead, beryllium, cadmium or mercury produce specific health hazards, a competent person shall evaluate potential exposure and ensure necessary protective measures, such as ventilation and personal protective equipment, are used.
- g) Welding and cutting operations shall be shielded by non-combustible or flameproof shields to protect employees from direct arc rays.
- h) Arc welding and cutting operations shall be shielded by non-combustible or flameproof shields to protect employees from direct arc rays.
- i) When electrode holders are left unattended, the electrodes shall be removed and the holder shall be placed or protected so that they cannot make electrical contact with employees or conducting objects.
- j) All arc welding and cutting cables shall be completely insulated and be capable of handling the maximum current requirements for the job. There shall be no repairs or splices within 10 feet of the electrode holder, except where splices are insulated equal to the insulation of the cable. Defective cable shall be repaired or replaced.

k) Fuel gas and oxygen hose shall be easily distinguishable and shall not be interchangeable. Hoses shall be inspected at the beginning of each shift and shall be repaired or replaced if defective.

1) Oxygen and fuel gas regulators shall be in proper working order when in use.

Lab 1403.64 Welding in Confined Spaces:

(a) In addition to the requirements in Lab 1403.14 all welding and cutting operations carried on in confined spaces shall be ventilated to prevent the accumulation of toxic substances or possible oxygen deficiency.

(b) In such operations where it is impossible to provide such ventilation, air supplied respirators or hose masks, which are labeled to indicate they are approved by (MSHA) Mine Safety and Health Administration for this purpose, shall be used.

(c) In areas immediately hazardous to life, hose masks with blowers or self-contained breathing equipment shall be used. The breathing equipment shall be labeled to indicate it is approved by (MSHA) Mine Safety and Health Administration.

(d) Where welding operations are carried on in confined spaces and where welders and helpers are provided with hose masks, hose masks with blowers or self-contained breathing equipment, a worker shall be stationed on the outside of such confined spaces to ensure the safety of those working within.

(e) Oxygen shall never be used for ventilation\

Additional requirements:

1. A 4-gas air monitor will be used at all times

Lab 1403.65 Wire Ropes, Chains, and Rigging Equipment:

a) Wire ropes, chains, ropes, and other rigging equipment shall be inspected prior to use and as necessary during use to assure their safety. Defective gear shall be removed from service.

b) Job or shop hooks and links, or makeshift fasteners, formed from bolts and rods, or other such attachments, shall not be used.

c) When U-bolts are used for eye splices, the U-bolt shall be applied so that the "U" section is in contact with the dead end of the rope.

d) When U-bolt wire rope clips are used to form eyes. Table 5, Number and Spacing of U-bolt Wire Rope Clips, shall be used to determine the number and spacing of clips:

Table 5 – Number and Spacing of U-Bolt Wire Rope Clips
Number of Clips

Improved Plow Steel Rope Diameter Inches	Drop Forged	Other Material	Minimum Spacing (inches)
1/2	3	4	3
5/8	3	4	3-3/4
3/4	4	5	4-1/2
7/8	4	5	4-1/2
1	5	6	6
1-1/8	6	6	6
1-1/4	6	7	7-1/2
1-3/8	7	7	8-1/4
1-1/2	7	8	9

Lab 1403.66 Woodworking Machinery:

- a) All woodworking machinery such as table saws, swing saws, radial saws, band saws, jointers, tenoning machines, boring and mortising machines, shapers, planers, lathes sanders, veneer cutters, shall be effectively guarded to protect the operator and other employees from hazards inherent to their operation.
- b) A power control device shall be provided on each machine to make it possible for the operator to cut off the power to the machine without leaving his or her position at the point of operation.
- c) Power controls and operating controls shall be located within easy reach of the operator while he or she is at his or her regular work location, making it unnecessary to reach over the cutter to make adjustments. This shall not apply to constant pressure controls used only for setup purposes.
- d) Each operating treadle shall be protected against unexpected or incidental tripping.
- e) Disconnect switches shall be capable of being locked or tagged in the off position.
- f) On applications where injury to the operator might result if motors were to restart after a power failure, provision shall be made to prevent machines from automatically restarting upon restoration of power.

SECTION 11

ADDITIONAL SAFETY GUIDELINES

For additional safety guidelines reference may be made to:

Current Collective Bargaining Agreements for Town of Hooksett Police, Town of Hooksett Fire Rescue, Town of Hooksett Public Works and Town of Hooksett Recycling and Transfer Departments

Town of Hooksett Police Standard Operating Procedures

Town of Hooksett Fire Standard Operating Guidelines

Town of Hooksett Individual Department Policies

Town of Hooksett Personnel Plan

SECTION 12

ADDITIONAL SAFETY PRECAUTIONS

Prevention of Lifting Injuries

The common types of injuries due to lifting are: 1) back strain, 2) hernia, and 3) muscle strains and sprains. These injuries can be the results of an overstretching of certain muscles and generally can be avoided by the following proper lifting techniques and use of proper equipment. All personnel should lift safely using the following guidelines:

- a) **Do Not Attempt to Lift More Than You Should:**
 - i) Never pick up anything that is too heavy or bulky for one person to handle. Get help when needed.
 - ii) Use tools and equipment such as chain falls, hoists, levers, hand trucks, power loaders, etc., when possible rather than lifting by hand.
 - iii) Never pick up an object with a sudden jerking motion. Avoid lifting and twisting in a single motion.
 - iv) Always keep the load close to the body. Avoid over extension.
- b) **Lift Objects Properly:**
 - i) Plan your lift. Make sure the travel path is clear.
 - ii) Get a good footing. Place feet about shoulder width apart.
 - iii) Get a firm grip. Balance the load.
 - iv) Bend at the knees to grasp the weight. Get good position over the load.
 - v) Maintain the natural curve of the back. Lift with the legs and all the muscle groups.
 - vi) Look at the load. Tuck the chin to keep the neck and spine aligned.
 - vii) Lift gradually by straightening the legs. Bring the load close to the body or step to the load as you lift.
- c) **Practice Preventative Strategies to Keep Yourself Physically Fit:**
 - i) Get proper rest.
 - ii) Maintain correct weight and good diet habits.
 - iii) Quit smoking.
 - iv) Participate in a regular program of exercise.
 - v) Use good posture when sitting, standing and sleeping.

Barricades and Warning Signs

Work area protection is the adequate safeguarding or protection of pedestrians, motorists, warning signs, lights, flags, traffic cones, high level standards, barricade rope, flagman, etc., on approaches to work areas, excavations, open manholes, parked equipment, blocked traffic lanes, etc.

- a) Public Awareness:
 - i) The public must be made aware before they get to the work area that the presence of work forces and equipment forms an obstruction to the normal flow of pedestrian and/or vehicular traffic.

- b) Have a Worksite Safety Plan:
 - i) The possibility of an incident occurring is greatly minimized by proper planning, design, installation, and operation and maintenance of safeguards, coupled with the use of common sense.

- c) Follow Basic Guidelines to Facilitate Safety:
 - i) Pre-inspect the job site for traffic conditions.
 - ii) Schedule the job for a time when traffic conditions are most favorable to do the job safely.
 - iii) Keep the size of the work area at a minimum and allow only necessary equipment and vehicles in from the work areas.
 - iv) Open manholes and excavations shall be adequately identified and protected. Necessary precautions should be taken to assure proper support of loads in the area of excavations.
 - v) The unauthorized removal of any protective barricade shall be prohibited. Temporary removal requires other safety controls, such as the posting of flagman to direct traffic. Whoever removes a barricade shall be responsible for its replacement.
 - vi) Protective or warning devices shall be removed from the job site as soon as they are no longer necessary.
 - vii) The Police and Fire Departments shall be informed of all jobs where barricades are in service, and may make periodic checks on the aforementioned job sites to see that barricade protection is in good operating condition during the hours of darkness.

Follow Proper Procedures for Using Jacks and Lifts:

- a) Jacks:
 - i) Make sure the jack has the correct capacity rating for the job. Never use a jack about which you have any doubt.
 - ii) Make sure the footing is substantial; use boards or blocks at right angles to the lift.
 - iii) Position the jack properly for the lift.
 - iv) Position the jack so there will be an unobstructed swing of the handle, thus protecting your knuckles.
 - v) Never leave a jack standing under a load with the handle in the socket; something might strike the handle and knock the jack out of position.
 - vi) Make sure that all jack-lifting loads are braced diagonally, so that the jacks cannot tip over.
 - vii) Before jacking a vehicle set the hand brake and chock the wheels so that the vehicle cannot roll.
 - viii) Never rely on jacks alone to support any load you have to work under. Use plenty of substantial blocking - have an ample factor of safety. If jack stands are used, inspect them before using and position them properly to support the vehicle.

- b) Lifts:
 - i) Car lifts or only trained garage personnel familiar with all safety features of the particular type being used shall operate grease racks.
 - ii) Vehicles placed on lifts should be raised until the wheels clear the floor and then re-checked for proper position before fully raising.
 - iii) Safety pin or safety leg will be locked securely in position before working under a raised lift.
 - iv) It is best to stand to the side - not in front - of a vehicle to guide it onto a lift.

Follow Practical Guidelines When Using Tools and Lamps:

- a) Use only approved and inspected portable electric tools and electrical extension lamps (see section on portable power tools).
- b) Always use a well-guarded and grounded lamp.
- c) If flammable liquids, vapors, or dusts are present make sure that you are using a safe type of lamp and guard; ask your Supervisor if you are not entirely sure. If at all possible, eliminate the hazard before proceeding with work.
- d) Do not try to patch the insulation of a defective cord; get a new cord.
- e) If the cord is too short to reach the necessary distance, do not splice it; get a new cord or another extension.
- f) It is a bad practice to pull on the cord to disconnect a wall plug; the wires may be loosened or pulled free from the socket.
- g) Do not drag a cord over nails, hooks, tools or other sharp edges, as this may cause a short circuit; if flammable vapors or dusts are present, an explosion may result.
- h) Do not allow the extension cord to touch acids, oil, solvents, or even water, unless it has a proper kind of insulation to protect it.

Exercise Extreme Care When Using Gasoline and Other Flammable Liquids:

- a) Gasoline shall not be used for cleaning purposes. It has a very low flash point and is therefore a fire hazard. Use an approved non-flammable cleaner. Also, much commercial gasoline contains tetraethyl lead. Due to the hazard of lead poisoning, do not wash hands or other parts of the body with gasoline.
- b) Do not allow gasoline to stand in open containers. If gasoline must be kept, use only approved safety cans.
- c) Keep flames and sparks away from gasoline and alcohol or anti-freeze vapors. Such vapors can cause an explosion.
- d) If your clothes become soaked with oil, gasoline or other flammable liquids, change them at once. Hand-rinse such clothing to ensure that a vapor explosion does not occur in an electric washer or dryer.
- e) Follow basic safety guidelines when refueling vehicles and equipment.
 - i) Always observe "no smoking" rules.
 - ii) Shut off the engine.
- f) In order to prevent ignition from static electric Town stored within the vehicle, touch the metal nozzle on gas hose against car bumper. During the entire filling operation, the nozzle shall remain in constant contact with the vehicle.

- g) Do not overfill vehicle fuel tanks. If overflow does result, immediately flush with water.
- h) Gasoline dispensing equipment shall be located outdoors.

Take the Necessary Precautions When Working With Batteries:

- a) Removing or replacing a battery:
 - i) When removing or replacing a battery, disconnect the ground cable (usually black or green in color) first
 - ii) Disconnect the positive cable (usually red in color) second
 - iii) Replace or service battery, connect positive cable, then connect the ground cable
 - iv) Hybrid cars connect Fire Department for assistance
- b) Handle batteries with caution. They contain sulfuric acid. Wear eye protection. Keep battery charging areas well ventilated to prevent buildup of hydrogen gas which can explode.

Ladder and Scaffolding Safety:

Ladders.

Remember basic rules for ladder safety. The ladder falling or the climber losing his balance and falling causes most ladder incidents. Here are some important precautions:

Never use a makeshift ladder: They cause more incidents than all other causes together.

Avoid standing on the top of a stepladder. Use a ladder tall enough to let you stand at least three steps from its top.

Always face the ladder and use both hands when climbing or descending.

Use the right length ladder for the job so you won't have to reach to work from an unsafe position.

It is dangerous to reach out too far from a ladder in any direction; move the ladder as the work may require.

Step toward the ends of a step. Do not place your weight in the center of a step.

Use a safety belt if the character of the work requires it.

It is unsafe to use a ladder as a horizontal member of a scaffold.

Always be aware of other hazards in the work environment.

Never set a ladder where it or you can come in contact with unprotected electrical wires. Remember, all wires are dangerous. If work is required around electrical services, have a Supervisor contact the utility company.

If the ladder is placed before a doorway, lock the door or have someone guard it. Protect the ladder base from traffic, if necessary.

If your shoes are muddy or otherwise slippery, clean them before you climb.

Use extra caution when using tools while on a ladder.

Tools should never be left on a stepladder unless tool holders are provided.

Carry tools in suitable pockets; or have tools and all other objects hoisted with rope and bucket.

Use extreme caution when using tools requiring great force to operate. If a tool slips, you could be thrown from a ladder.

Make sure the ladder is in proper repair.

Make sure the ladder is not defective.

Check for cracked or damaged side rails and cracked, loose or missing rungs, steps or cleats.

Inspect for rot or splintered surfaces and loose, bent or broken hardware, such as hinges, spreaders or extension locks. Never use a ladder, which is unsafe.

Use the ladder properly.

Be sure to establish safe footing for the ladder.

Never use boxes or other makeshifts to increase the height of a ladder.

Use a ladder with safety feet suitable for the floor or ground it stands on.

If the floor is extra slippery, tie the ladder at the base or have someone hold it.

Make sure the feet are firmly and evenly supported. Place the ladder's feet parallel with the top support and on solid footing.

In setting up a ladder, place it so the distance between the foot of the ladder and the base of the structure is approximately one-fourth of the distance from the base to the point of bearing.

Raise the ladder safely.

When using a stepladder, make sure it is fully extended before you climb.

Raise extension ladders to the vertical position (or against the wall) before extending. Leave ample overlap between sections: for extended lengths up to 39 feet, three feet; 38 to 44 feet, four feet; and 44 to 55 feet, five feet.

When raising a long ladder, have someone hold the base, if possible. Otherwise, tie the base or block it against something solid. Get help when raising a heavy ladder.

Ladders leading to landings or walkways should extend 36" to 42" above the point of bearing.

Set the ladder so that the side rails extend 3-1/2 feet above a top landing.

Tie the ladder or have someone hold it if used where likely to shift, on roofs or high places, or if the indicated angle cannot be observed. Do not work in a high wind.

Be sure the ladder is placed at a safe angle against the wall or other solid backing. An angle of about 75 degrees with the horizontal is recommended.

FIRE PREVENTION MEASURES:

Smoke only in designated outside areas.

Wastebaskets are not ashtrays. **Do not discard smoking materials into a wastebasket at any time.**

Do not empty ashtrays into wastebaskets at the close of a workday.

Unplug electrical coffee pots, hot plates, and like appliances at the end of each workday.

Turn off electric typewriters and like electrical equipment when not in use and at the end of the workday.

Avoid overloading electric circuits. If it is necessary to use triple or four-way sockets for commonly used electrical equipment in the office, then more circuits are needed.

Extension cords can be a hazard especially when stapled, run under rugs or through doorways. Request additional circuits.

Use portable electric heaters with great care. Avoid placing such appliances near combustibles. Unplug electrical heaters at the end of the workday.

Flammable or combustible materials should be properly maintained and stored.

Keep storage of combustible materials at a minimum. Remove trash, cardboard, etc., daily.

Wipe up and Sweep workplace floors and remove dust, shavings and sawdust daily.

Dispose of oily, solvent or paint covered and gasoline soaked rugs in approved fire metal covered containers only.

Flammable cleaning fluids and gasoline for edger's and lawn mowers should not be stored in buildings occupied for offices, public assembly and like uses. Only enough fluids for immediate usage should be kept on hand in work areas.

Flammable liquids shall be stored in an approved Flammable Liquid cabinet meeting OSHA 1910.106 and NFPA 30. Flammable liquids shall be put and kept only in metal cans. Safety cans are required for gasoline.

Be careful that light bulbs do not come into contact with combustibles in storage areas. Combustibles should be placed no closer than 18" from light bulbs.

Fire Safety:

Throughout this handbook, fire prevention measures are given for various on-the-job activities: Observe them.

BE PRO ACTIVE, NOT REACTIVE:

You should:

Be Familiar With Basic Fire Prevention Guidelines.

Have a plan for exiting your work area in case an emergency evacuation is ever called for. It is also a good idea to have an alternate plan in the event your first route of exit is blocked.

Know and follow the evacuation plan of your work area. A large fire or explosion may necessitate a change in the plan. Keep calm, and follow the instructions of the emergency or Supervisory person(s) directing you to the safest exit.

Fight a small fire. Use good judgment; do not endanger yourself or others. Your safety and the safety of your fellow workers is foremost.

Know where fire extinguishers are located in your work area and know how to use them. Extinguishers should be used only on incipient (beginning) stage fires.

Use the proper type of extinguisher to fight the fire.

Use a Class A (water extinguishers) or ABC dry chemical fire extinguisher on paper, wood, and cloth fires.

Use a Class B or ABC dry chemical or CO2 extinguishers on gasoline, oil, grease, or other flammable chemicals.

Use a Class C or ABC dry chemical or CO2 extinguisher on electrical fires.

IN CASE OF FIRE, DO NOT PANIC...KEEP CALM

Activate an early warning device (i.e. pull station), Evacuate the building, **Call 911**

Stay out of heat and smoke. Protect yourself from heavy smoke by covering your mouth and nose with a cloth (wet if possible) and move as closely to the floor as possible.

Keep near a door for your escape.

WHEN in DOUBT, GET OUT! And STAY OUT! Do not re-enter the building until Fire officials declare it is safe to do so.

REMEMBER P.A.S.S.:

P - Pull safety Tab and pin

A - Aim the extinguisher stream at the base of the fire.

S - Squeeze the handle together.

S - Sweep nozzle of extinguisher back forth near base of fire

When the fire is out, leave the area. Close the doors. The Fire Department will assure that the fire is out and that the area is safe to re-enter.

If despite your efforts, the fire increases or the smoke becomes increasingly thicker, **Close the door and leave the area. Do not take unnecessary chances.**

Elevators are not emergency exits and should not be used in case of fire.

WALK quickly to the exits. Once outside, move a safe distance away from the building to allow fire fighting equipment-unhindered access to the building.

Do not attempt to move vehicles away from the building unless so directed by your Supervisor, Fire or Police officials.

Remember that EACH FIRE IS DIFFERENT.

ELECTRICAL FIRES:

Unplug electrical equipment, or turn off current at box. Do not attempt to extinguish an electrical fire. The potential of electrical shock is too great.

Use CO2 or dry chemical extinguisher. **Never use water on an electrical fire.** The potential of electrical shock is too great.

CLOTHES FIRE:

Do not let a person whose clothes are on fire run – it fans the flames. Remember the rule: STOP, DROP, COVER and ROLL.

Smother the fire by rolling the victim up in a rug, blanket, canvas (be sure the canvas has no oil or grease on it), or a heavy coat. As the victim is rolled in the smothering material, be sure his head is not covered up.

Get medical attention for the victim immediately. Treat for shock.

CAR/TRUCK ENGINE FIRES:

Be aware that vehicle fires can accelerate rapidly. Materials used in vehicle interiors can give off highly toxic fumes. If a fire cannot be easily extinguished, get safely away from the vehicle.

Shut off the engine and disconnect the battery, if possible.

Use a dry chemical or Co2 extinguisher.

BEWARE of spilled gasoline.

OUTSIDE FIRES: - grass, leaves, brush, etc. Fight this type of fire by teamwork:

Rake, dig, or wet down a four (4) feet wide "fire-brake" between the fire and endangered buildings or equipment.

Working along the edge of the fire, knock down flames with brooms, shovels, or water.

Have someone follow-up to put out sparks.

Do not take chances - always have an escape route open.

REMEMBER These Five Basics if a Fire Occurs:

KEEP CALM...DO NOT PANIC, but move quickly!

Sound the alarm.

Call the Fire department.

Evacuate the area.

Fight a small fire. Use good judgment; do not endanger yourself or others. Your safety and the safety of your fellow workers is foremost.

APPENDIX

**HOOKSETT
SAFETY ORIENTATION FORM**

Employee Name: _____

Position: _____ Date Hired: _____

Check Appropriate Employee Status:

New Employee: Full-time: Part-time/Seasonal: Rehire:

Check Completed Items:

- Purpose of orientation
- Reporting of incidents to supervisor immediately
- Tour of facilities and equipment
- Vehicle safety

First Aid/Kit:

- Obtaining treatment
- Location in facilities
- Emergency Telephone Numbers

Potential hazards on the job:

- What they are
- How to use equipment safely
- Care and use of personal protective equipment

What to do in event of emergencies:

- Exit locations and evacuation routes
- Use of fire fighting equipment (extinguisher, hose)
- Specific procedures (medical, chemical, fire, etc.)
- Emergency Telephone Numbers

The total safety program:

- Function of Joint Loss Management Committee
- Introduced to Joint Loss Management Committee Representative
- Safety policies and procedures

Personal work habits:

- Proper lifting techniques
- Horseplay, good housekeeping, no smoking policy
- Safe work procedure
- Proper use of equipment

We have discussed the items checked above. I will consciously try to perform my assigned duties safely.

Supervisor's Signature _____ Date _____

Employee's Signature _____ Date _____

**TOWN OF HOOKSETT
LIGHT DUTY PROGRAM**

In accordance with the provisions of RSA 281-A: 23-b, the Hooksett will provide light duty work opportunities for employees who suffer a work-related injury or illness.

When practicable, employees will be returned to their regular duties with modifications consistent with a physician's stipulated work restrictions. In the event that such restrictions make it impractical for an employee to perform their normal job, even with modification, the employee may be reassigned to different duties or a different work schedule and may include assignment to a different department with Hooksett.

The specific assignment of duties shall be determined on a case-by-case basis pursuant to the physician's restrictions and the work available at the time of the injury or illness.

The Town of Hooksett has no obligation to provide light duty work opportunities to employees who suffer a non-work related injury or illness.

I HEREBY ACKNOWLEDGE THAT I HAVE RECEIVED A COPY OF THE LIGHT DUTY PROGRAM AND THAT MY RESPONSIBILITIES WERE EXPLAINED TO ME.

EMPLOYEE
SIGNATURE _____ DATE _____

TOWN OF HOOKSETT
Employee(s) Incident/Near Miss Report

To be completed by employee directly involved in personal injury and or equipment incident or near miss. Must be completed within 24 hours of incident.

Name: _____ Department: _____

Job Title: _____ How Long Employed: _____

Date of Incident: _____ Date of this Report: _____

Was anyone injured? Y N

If yes: Name: _____

 Address: _____

DESCRIBE FULLY HOW THE INCIDENT HAPPENED. WHAT WAS THE EMPLOYEE DOING, WHAT MACHINE OR EQUIPMENT WAS BEING USED; WHERE DID THE INCIDENT HAPPEN ON GROUNDS, IN BUILDING, ROAD, OR VEHICLE.

WHAT CAUSED INCIDENT? GIVE CONTRIBUTING FACTORS, EXAMPLE: POOR LIGHTING, SLIPPERY SURFACE, FAILURE TO USE SAFETY EQUIPMENT, PROPER SAFETY EQUIPMENT PROVIDED, ETC.

WHAT ACTION WILL YOU TAKE TO AVOID A RECURRENCE?

IS THIS YOUR FIRST INCIDENT? YES / NO IF, NO, PLEASE GIVE DATES OF OTHERS.

DESCRIBE CORRECTIVE ACTION RECOMMENDED WHICH IS BEYOND YOUR AUTHORITY.

EMPLOYEE SIGNATURE: _____ DATE: _____

IMMEDIATE SUPERVISOR: _____ DATE: _____

Any other comments:

TOWN OF HOOKSETT
Supervisor's Incident / Near Miss

Investigation Report

To be completed by supervisor directly involved in the employees occupational injury, disease, equipment incident or near miss. Must be completed within 24 hours after knowledge of Incident.

Name: _____

Department: _____

Job Title: _____

Date of Incident: _____

Time of Incident: _____

Date of this Report: _____

DESCRIBE FULLY HOW THE INCIDENT HAPPENED. WHAT TOOK PLACE OR WHAT CAUSED YOU TO MAKE THIS INVESTIGATION:

WHY DID IT HAPPEN? GET ALL THE FACTS BY STUDYING THE JOB AND SITUATION INVOLVED (TAKE PICTURES IF POSSIBLE)

WHAT SHOULD BE DONE?

WHAT HAVE YOU DONE THUS FAR? TAKE OR RECOMMEND ACTION, DEPENDING UPON YOUR AUTHORITY.

FOLLOW UP WAS ACTION (S) EFFECTIVE?

HOW WILL THIS IMPROVE OPERATIONS?

SUPERVISOR SIGNATURE: _____ DATE: _____

IMMEDIATE SUPERVISOR: _____ DATE: _____

Staff Report
Alarm System Monitoring
October 9, 2013

AGENDA NO. 13-104
DATE: 10/09/13

Background:

The Town has had David Ross contracted out for the alarm systems in all the buildings owned by the town for several years. The contract was due in July. The Building Maintenance division has looked into other estimates for price checking.

Issue:

I had given the task to building maintenance to look into the price checking to verify prices.

Discussion:

With the election David Ross as council, and discussions with Mr. Ross about him working for the Town and being on council, Mr. Ross and Dr. Shankle and I agreed this would be a good time to ~~defiantly~~ ^{definitely} look at prices.

Fiscal Impact:

This would cost the Town \$2,670.00 for the basic monitoring of the system, verses \$2,640.00 from Mr. Ross. The other price was from Total Security which was \$2640.00 for just the basic.

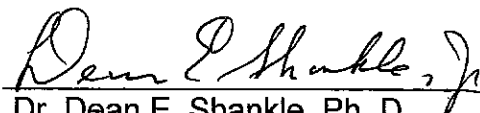
Recommendation:

I would recommend that council accept Mr. Ross's contract, for he has been with the town for some time and Mr. Ross does supply a service to the Town. But being on council I think its only right that the council make the decision on this matter.

Prepared by: Leo Lessard, Public Works Director

Town Administrator Recommendation:

*Since Mr. Ross is a Councilor,
I have no recommendation.*


Dr. Dean E. Shankle, Ph. D
Town Administrator



www.TotalSecurityNH.com
 (800) 671-1086 (603) 524-2833
 (603) 524-2109 Fax

INSTALLATION AGREEMENT

Date: _____
 Time: _____
Started Completed
 Technician: _____
 Account #: _____

Customer: Hooksett Town Of Billing: Hooksett Town Of
Scott Alessi
210 West River Rd
Hooksett, NH 03106
 Phone: 603-668-8019 Other: _____

Description of equipment and services Total Security, Inc proposes to furnish herein: Qty Total

Description of equipment and services	Qty	Total
Station 1		
Monitoring: Annual Fire Monitoring Rate, Tested Daily. Haven't seen Panel may require dialer at additional charge.	1	240.00
Oliver Safety Center		
Commercial: Fire Alarm: Dual Line Dialer	1	240.00
Labor: Rate.	1	400.00
Monitoring: Annual Fire Monitoring Rate, Tested Daily.		240.00
Town Garage		
Monitoring: Annual Fire Monitoring Rate, Tested Daily.	1	X 240.00
Monitoring: Annual Burglar Alarm Monitoring	1	240.00
Commercial: Fire Inspection*	1	400.00
Recycle Center		
Monitoring: Annual Burglar Alarm Monitoring	1	240.00
Old Town Hall		
Monitoring: Annual Burglar Alarm Monitoring	1	240.00
Town Hall		
Monitoring: Annual Burglar Alarm Monitoring	1	X 240.00
Monitoring: Annual Fire Monitoring Rate, Tested Daily.	1	240.00
Commercial: Fire Inspection*	1	800.00

INSTALLER

Service Agreement: We don't offer service agreements on equipment that we don't install. 0.00

We can repair at time and material Basis

The Hooksett District Court Building is under State of NH Contract

If only one account number per location bill will be for only one monitoring

\$2,640.00

*Dave Ross
\$2,670*

Total Security, Inc. devices include a one year parts & labor warranty Subtotal: \$3,760.00

Term	Monitoring Rate	Cellular Backup	Other Description	Other Total	Monitoring Total
Monthly \$	\$			\$	\$
Annually \$	\$			\$	\$

50% Deposit: _____
 Total: _____
 Monitoring: _____
 Balance: _____

Prices Valid 30 days from the authorized representative signed date.

From: D.P.Ross [mailto:dpross@usa.net]
Sent: Wednesday, August 14, 2013 8:42 AM
To: Scott Alessi
Subject: Monitoring Service proposals

Hi Scott,

As requested, here it is in writing:

Fire and Burglary Monitoring services for Town buildings remains \$240.00 total per building, per year in advance, which includes daily test signals. (Both systems utilize the same account)

Monitoring services are by Emergency 24. They were the first computerized monitoring service in the country and have 5 locations connected via satellite, thereby providing significant redundancy during disasters.

Activity printouts are available for \$5.00 each. These can be retrieved at any time.

An approved FireLite (by Honeywell) Fire Alarm Dialer costs \$390.00 installed and programmed.

Cabling to and from it may incur additional costs if more than 20 feet away from services.

Two analog phone service lines are recommended, as digital lines can fail without notice (voltage remains, but communications are not - the dialer thinks all is ok, when it is not).

Annual Testing generally takes two hours at the most, costing \$150.00.

Device and battery replacements are provided on a case-by-case basis, time plus parts.

And, as always, my services are discounted (and as history proves, sometimes free) to the town.

At your service, David Ross, D.P.Ross Home Electronics, (est. 1992) 603-387-7777

> -----
> Attachment: winmail.dat
> MIME Type: application/ms-tnef
> -----

Valley Str.