

Building and Facilities Committee

Minutes of 2-20-20

Syd Crook Room; 6:30 p.m.

Members Present: Bowers, Cardillo, Beasley, Lewis, Cross, Cannon, Bianchi

Absent: Sherman, Hoglund

Guest: Louis Botta, Director, Emergency Management Committee

The meeting was called to order at 6:34 p.m.

*1. Approval of Minutes*

The minutes of the previous meeting of February 13, 2020 were reviewed by the Committee and were then approved unanimously.

*2. Reports*

Mr. Beasley reported on behalf of the Police Station Subcommittee that the contract with Dennis Mires, PA has been signed, and fact-gathering has begun. The Chair reported that he had forwarded to Kim Hallquist the questions posed by the Committee in the minutes of February 6, related to a building inspector, and she has responded in the Memo attached hereto and made a part of these minutes; and, that he had forwarded to Scott Blewitt the questions posed by the Committee in the minutes of February 13, related to square foot requirements for the Rec. Dept. The Chair also reported that he had obtained the job description (draft) for the building facilities manager for the School District; and had requested the job description from the Town of Sunapee for its building facilities manager.

*3. Discussion Emergency Management Committee*

The Chair thanked Mr. Botta, Director, Emergency Management Committee (EMC), for meeting with the Committee and providing information to the Committee (attached hereto, and made a part of these minutes). Mr. Botta reviewed the current space and use for Emergency Management, and outlined a general proposal for what he believed would be the more appropriate space and use for the EMC, including an analysis of the square foot requirements. Mr. Botta informed the Committee that he had applied for a grant to acquire sophisticated communications equipment to support the Emergency Management Team's

efforts, which would also be available for Town use when not being used by the EMT. The current situation is sustainable, and there will be no serious issues over the next three to four years, but the Emergency Operations Center (EOC), currently housed in the Syd Crook Room of the Academy Building, should be separated from other activities and have controlled access. It should also be separate from police and fire department activities. There should also be administrative office space and Community Emergency Response Team (CERT) space, as well as climate controlled storage space for Meals Ready to Eat (MRE). He estimates that 1,000 sq. ft. of space could accommodate these needs into the future (20-30 years). Moreover, if the Police Department expands into the space in the basement of Whipple Hall currently used for storage, Emergency Management would need comparable space made available; preferably, all storage space would be in one location, easily accessible.

4. *Discussion of building inspector*

The Committee discussed Kim Hallquist's Memo in response to the questions it had posed to her; and discussed the application form for a Town building permit. This issue will be addressed more fully at a later date.

5. *Other items to come before the Committee*

a. None.

6. *Action Items.*

a. Mr. Cross will set the agenda and schedule the meetings for the period March 25 – May 14.

The next meeting is in the SAU building, the former middle school, on Thursday, March 5, at 2:00 p.m.

The meeting adjourned by unanimous consent at 8:10 p.m.

Respectfully submitted,  
Robert Bowers, Chair

---

ATTACHMENTS

## MEMORANDUM

To: Bob Bowers, Chair, Buildings and Facilities Committee

From: Kim Hallquist, Town Administrator

Date: February 20, 2020

RE: Questions posed via e-mail dated February 15, 2020

The following are the questions you posed to me, and my answers, related to your investigation of the building inspector process:

Questions:

1. What do the Fire Chief, the Town Health Officer, the Zoning Administrator, and the Conservation Commission do to review issues within their purview, and what do they do to enforce decisions/ensure compliance?

First, with regard to the Fire Chief, you should meet with Jay to ask how he approaches enforcement. His authority is statutory – see RSA Chapter 154 and RSA 155-A (State Fire Code). One issue I worked with him, the Zoning Administrator, and Health Officer on was the house in Elkins (near the Elkins Bandstand) that was in bad shape (blue tarp on the roof to cover a hole, among other issues). This home was the subject of concern even before I arrived in 2011. Where a home is occupied by the owner, Jay's authority is limited and since the house did not represent a health hazard, nor did it violate zoning, it was very difficult to deal with to the satisfaction of the neighbors. We worked with the owner to encourage him to take steps to address the things we could require, covering the hole in the roof so the snow and rain didn't create an electrical issue, install smoke detectors etc. We did not get to RSA 155-B (Hazardous and Dilapidated Buildings) to order the owner to make repairs or raze the building, but that would have been an option. Obviously, this is not something the town wants to do if it can be avoided. In this case, the property was sold and the building was razed by the new owner.

If the Conservation Commission made a rule (ie: no campfires) about some land that it oversees and someone violated that rule, the CC Chair would likely call the police.

If the Zoning Administrator became aware of a violation (a building being constructed with no permit, junk cars in the yard, etc) she would write a letter to the owner of the property, point out the zoning ordinance being violated, with a specific date to come into compliance. If the violation was not corrected, she would bring the issue to the Town Administrator for next steps which could include Selectmen's authorization for court action to enforce compliance.

If the Health Officer is made aware of a health issue related to a structure (failed septic system is the most common) he would inspect the property and try to determine if a health-related violation existed. If the property owner refused entry or refused to comply with the order of the Health Officer, the Selectmen (who, with the Health Officer, constitute the Board of Health for the town) would likely go to court to enforce compliance.

2. What specific inspections/certifications would a building inspector review/perform not covered by the Fire Chief, the Town Health Officer, the Zoning Administrator, and the Conservation Commission?

The officials named above have no authority to go to a building that is under construction or suspected to be out of compliance with state building codes, to ascertain whether the state building code is being complied with. The Fire Chief can, and does, inspect buildings for compliance with the state fire code.

3. Do the Selectmen/Planning Board/Zoning Board have the authority with regard to commercial properties to require commercial properties to certify compliance with the Building Code through third-party review paid for by the applicant; and, if so, is there a procedure established for doing so and following through to assure compliance?

I do not know of a statute that gives the town the authority to do that. That sounds a lot like "enforcing the state building code" and without a vote of town meeting, we are not able to do it. In my conversations with the state fire marshal's office, they inform me that we couldn't hire someone to inspect/enforce the state building code (I was asking about the large commercial structures) unless we adopt an enforcement mechanism via a town meeting vote. This makes sense when you consider that enforcement of the code requires an appeals board. If a property owner submits a "certification of compliance" as you

suggest, and an abutter takes issue with it – how does the abutter appeal it? Or, what if a property owner can't get the compliance certificate, what does the town do about it? Without a building inspector, we can't require certificates of occupancy prior to occupancy of a building, so how do we get the compliance certificate? I would not want to go to court to ask it to order someone to prove to us after-the-fact that the building complies with the state building code, when the town has not adopted the code to inspect the building during construction.

I have been told by the State Fire Marshal's Office that the Selectmen, on behalf of the town, could request (in writing) that the State Fire Marshal enforce the state building code in New London. If that happens, the building permit would be issued by the state fire marshal and the fees would go to them. I do not believe that they would also do residential properties, but we could inquire.

4. If the foregoing procedure is adopted, what would a building inspector add to the process as to review of commercial properties?

Even if we could adopt the foregoing procedure, it is reactive: the building would be built and ready for occupancy and then the certificate of compliance would be needed. A building inspector process is proactive in that he/she is the one to issue the building permit and knows what is going on from the start: who the licensed tradespeople working on the project are, he/she would review the plans prior to issuance of the building permit and would make whatever inspections needed during the building process.

5. Can the Selectmen/Fire Chief expand the current role of the NLFD for inspections as to fire-related code matters to include code enforcement under the State Fire Code related to one- and two-family residences as to matters of serious concern? If so, does that provide more safety value than a building inspector would provide as to fire safety concerns related to such construction? And, if so, does the NLFD, with its new hire, have sufficient manpower to perform such inspections where the Town had 21 new home construction permits in 2019, and lower numbers in the eight preceding years?

The authority of the Fire Chief is statutory – whatever authority he has under the law to enforce the State Fire Code he has, and neither the Selectmen nor the Firewards can change that. Jay can give you more information on what he can

inspect with regard to single and two-family structures under the state fire code, or under his authority under RSA 154. He has stated that the new person is being requested, in part, to step up the inspections by fire department personnel – the inspections are being made, but due to lack of staffing, they are not being made as regularly as the Chief deems appropriate.

If the town votes to have a building inspector (ie: to make decisions on building permits that are not part of the fire code inspections), that person can also be a firefighter; whether existing staff could take on the responsibilities or new staff would be needed, is something that the Chief would be able to discuss.

6. What work/construction/certification does the Town’s current “building permit” process cover?

The town’s building permit is issued if the property owner’s planned structure meets zoning regulations with regard to type of building, height, observing setbacks from property lines, wetlands, shoreland, etc.

The State Fire Marshal objects to the town calling it a “building permit” because we don’t have a building inspector, they would prefer that we call it a “zoning compliance certificate” to make it clear that we are not enforcing the state building code. They also stress that we should not be issuing certificates of occupancy (CO’s), as only building inspectors can issue them. We don’t issue CO’s. I hope this is helpful – if there are areas where you would like additional information, please let me know. I think the differences between state building code inspections and fire code inspections will become clearer after you meet with Jay on what the state fire code requires.

cc: Board of Selectmen

Jay Lyon, Fire Chief

*Emergency Management Committee Memo*

To: New London Building and Facilities Committee

From: Louis Botta, Director, Emergency Management Committee

Date: February 5, 2020

1. Current uses of space in Buker building, Whipple Hall, and any other

buildings or facilities utilized by the Emergency Management Committee, stating that use.

- The New London Emergency Management Committee has no allocated physical office space in any building in the town of New London.
- Our monthly meeting is held at the New London Fire Station
- Other meetings and exercise planning are held at the Sydney Crook Conference Room, at the Town Administrator's Office (both in the Academy Building) or the Fire Station
- Our emergency food (MREs) storage is located in the 2nd floor storage room in the Academy Building. MREs require climate-controlled storage to assure preservation.
- Emergency shelter supplies are currently stored in a 25' storage container in the Public Works area (cots, pillows, bedding, etc)
- Pet shelter supplies, cages and equipment are in the Whipple Hall basement police training room
- We have a closet with emergency management gear, publicity supplies and oxygen generators in the Sydney Crook Conference Room.
- We have some files located with the Administrative Assistant at the Selectmen's Office
- Emergency Radio that would be used in case of emergencies is located in the Zoning/Planning Office

2. Current needs not now met, including for activities/ personnel/ storage/ other reasons; to include a statement of the function supported by any proposed additions/changes to the space now utilized.

**Statement of Functions for a fully functional Emergency Operations Center**

- Acting as the primary coordination center for town-wide emergency response and recovery services when activated.
- Activating the Emergency Operations Center (EOC) and Comprehensive Emergency Management Plan
- Activating the Continuity of Operations Plan when necessary

- Coordinating response activities with public and private organizations and agencies
  - Notifying the State Emergency Management Agency of situation updates by regularly submitting Situation Reports (SITREP)
  - Activating necessary local and regional governments and organizations
    - Activating response agreements with State and Federal departments or agencies.
    - Proclaiming a local state of emergency
    - Requesting the State Emergency Management Agency to provide State and/or Federal assistance.
  - Activate and manage town and regional sheltering activities

### 3. Future Space Needs

- Establishment of a fully operational Emergency Operations Center (EOC) in a controlled access location. 300 Square Feet
- Allocated physical office space for Emergency Management in the town of New London. 300 Square Feet
- Allocated physical office space for Community Emergency Response Team (CERT) 150 square Feet
- Training space for CERT Team 300 square feet (does not have to be exclusive)
- Storage space for climate-controlled equipment and supplies and emergency gear. (Require climate-controlled storage to assure preservation, not necessarily refrigerated, but within normal building considerations). 100 square feet
- Storage for Pet shelter supplies, cages and equipment to allow police training room to return to its original purpose. 300 square feet
- Additional storage for emergency management gear, publicity supplies and oxygen generators currently stored in the Sydney Crook Room. 100 square feet
- Documentation space for official correspondence 100 square feet

- Relocation of Emergency Radio to the Emergency Operations Center  
50 square feet