

**Exeter Board of Selectmen Meeting  
Monday, July 28<sup>th</sup>, 2014, 6:50 p.m.  
Nowak Room, Town Office Building  
10 Front Street, Exeter, NH**

1. Call Meeting to Order
2. Board Interviews – Economic Development Commission
3. Bid Openings/Awards
4. Public Comment
5. Minutes & Proclamations
  - a. Proclamations/Recognitions
  - b. Regular Meetings: July 14<sup>th</sup>, 2014
6. Appointments
7. Discussion/Action Items
  - a. New Business
    - i. 2014 FEMA Map Update - Review
    - ii. Quarterly Financial Report – Finance Department
    - iii. NH Charitable Health Grant
    - iv. Health Ordinance Update – First Reading
  - b. Old Business-
    - i. 2014 Classification Plan
    - ii. Review NHMA Policy Positions
    - iii. Permits Policy
8. Regular Business
  - a. Tax, Water/Sewer Abatements & Exemptions
  - b. Permits & Approvals
  - c. Town Manager’s Report
  - d. Selectmen’s Committee Reports
  - e. Correspondence
9. Review Board Calendar
10. Non Public Session
11. Adjournment

Julie Gilman, Chairwoman  
Exeter Selectboard

Posted: 7/25/14 Town Office, Town Website

Persons may request an accommodation for a disabling condition in order to attend this meeting. It is asked that such requests be made with 72 hours notice. If you do not make such a request, you may do so with the Town Manager prior to the start of the meeting. No requests will be considered once the meeting has begun.

AGENDA SUBJECT TO CHANGE





Town of Exeter  
Boards, Commissions & Committees  
Appointment Application

Committee Selection:

1<sup>st</sup> Choice: ECONOMIC DEV. COMM. 2<sup>nd</sup> Choice: \_\_\_\_\_

Name: John Mueller

Address: 32 Pickpocket Rd

Email: JCMUELLER@COMCAST.NET

Phone: 603-772-3261 Cell: 603-686-6666

Please describe your interest in serving on this committee.

ECONOMIC GROWTH & DEVELOPMENT ~~HERE~~ IS A CRITICAL COMPONENT OF THE LIVABILITY OF EXETER

Please provide any background information that would be of interest to the Board when considering your application, including previous committee service or other relevant experience. (resume can be attached)

SEE ATTACHED RESUME. MY BROKERAGE ACTIVITIES IN EXETER INCLUDE LEASING AGENT FOR EXETER COMMONS, FRIENDLY'S AND GARY BLAKE. BROKER FOR CROSS INSURANCE AND GREAT BAY KIDS

Are you aware of any conflicts that could arise affecting your service on this committee?

NO

Are you aware of the meeting schedule and able to commit to attending regularly?  YES  NO

After submitting this application for appointment to the Town Manager:

- The application will be reviewed and you will be scheduled for an interview with the Selectmen
- Following the interview the Board will vote on your potential appointment at the next regular meeting
- If appointed, you will receive a letter from the Town Manager and will be required to complete paperwork with the Town Clerk prior to the start of your service on the committee or board.

Signature: JR Mueller Date: 2/2/14

Please submit to: Town Manager, Town of Exeter 10 Front Street Exeter, NH 03833

**John C. Mueller**  
32 Pickpocket Rd..  
Exeter, NH 03833  
603-772-3261 jcmueller@comcast.net

**PROFESSIONAL EXPERIENCE**

**PROJECT MANAGEMENT SKILLS DEVELOPED OVER 20 YEARS OF EXPERIENCE**

Negotiation and Mediation	Target Marketing and Public Relations
Innovative and Effective Brokerage	Highest and Best Use Analyses
Market Research and Analysis	Experiential Teaching
Team Building and Management	Effective Presentations

COMMERCIAL REAL ESTATE BROKERAGE

<b>Regional Vice President</b> – NAI Norwood Group, Portsmouth, NH	2008 - Present
<b>Advisor</b> – Grubb & Ellis Coldstream Real Estate, Portsmouth, NH	2005 - 2008
<b>President</b> - Legacy Real Estate Corporation, Boston, MA	1995 - 2001
<b>President</b> - Prospectus Realty Services, Boston, MA	1993 - 1995
<b>Vice President, Retail Division</b> - Hunneman Commercial Corporation	1984 - 1993

Leased and/or Sold over 1.5 M square feet of Urban and Specialty Retail space in New Hampshire and the Boston Metropolitan area.

Brokered creative and trend-setting transactions with premier tenants such as Georgio Armani, Tower Records, The Pottery Barn, The Gap, Ann Taylor, Legal Sea Foods, Sonsie, ECCO Shoes, Urban Outfitters, The Body Shop, Cumberland Farms, and Starbucks.

Developed and trained a brokerage Team of 8 brokers at Hunneman Commercial Corp., Boston, with over \$1.5M in annual billings and covering the I 495 Metro area.

TEACHING

<b>Adjunct Faculty</b> – Southern New Hampshire University	2004 – Present
OL500 – Human Behavior in Organizations; OL690 – Responsible Corporate Leadership	

RETAIL MANAGEMENT

<b>Regional Manager</b> - White Hen Pantry, New England Region	1980 - 1983
<b>Operations Vice President</b> - Village Food Stores, Acton, MA	1979 - 1980

Interviewed, selected and trained franchisees for White Hen Pantry.

Created in-store promotions, buying and merchandising programs, and enforced corporate franchise policy.

Operations manager for an 11 store chain of convenience stores.

MANAGEMENT CONSULTANT

<b>Consultant</b> – Southern Business Research, Atlanta, GA	1975 - 1979
Developed SIS programs for retail, banking and manufacturing firms.	

**EDUCATION**

Ed.M. Individualized Program, Harvard Graduate School of Education, Cambridge, MA 2001

B.A. Political Science / Social Psychology (dual major), New College, Sarasota, FL. 1975

**John C. Mueller**  
**Page 2**

SPECIAL TRAINING

Qualified Administrator of Myers-Briggs Type Indicator (MBTI), Otto Kroeger Associates, Fairfax, VA  
High Ropes Experiential learning, Project Adventure, Beverly, MA

INTERESTS

Hiking, photography, contemporary music, biking, travel, cooking, MBTI

## Draft Minutes

### Exeter Board of Selectmen

July 14, 2014

#### 1. Call Meeting to Order

Chairwoman Julie Gilman called the meeting to order at 7:00 pm in the Nowak Room of the Exeter Town Offices building. Other members present were, Selectwoman Nancy Belanger, Selectwoman Anne Surman, and Selectman Don Clement. Town Manager Russell Dean was also present. Vice Chair Chartrand was absent.

#### 2. Bid Openings/Awards – Raynes Roof:

The bid award for the Raynes roof replacement went to Valliere Construction, LLC for the amount of \$33,350. Mr. Dean explained where those funds will come from; \$22,000 appropriated through the 2014 town budget process, \$8,000 from the Conservation Committee, and the remaining \$3,350 will come from the Maintenance Projects account.

A Motion was made by Selectwoman Surman and seconded by Selectman Clement to accept the bid from Valliere Construction, LLC for \$33,350 for replacement of the Raynes Farm roof. Motion carried – all in favor.

#### 3. Public Comment

Gerry Hamel asked for a follow-up on Stoneybrook. He talked about some charges that haven't been being charged and asked the Board to look into it. Chairwoman Gilman said RSA 362:4 talks about selling water to another town. She said they need to look at this RSA when looking at rates. Brian Griset talked about an agreement that was entered into in 1985 which says the town is allowed to charge rates and fees. He encouraged the Board to act swiftly as there are only three weeks before Stratham issues a Certificate of Occupancy.

#### 4. Minutes and Proclamations

##### a. Proclamations/Recognitions

None.

**b. Regular Meeting: June 30, 2014**

A Motion was made by Selectwoman Belanger and seconded by Selectwoman Surman to accept the minutes of the June 30 BOS meeting. Motion carried – all in favor.

**5. Appointments – Heritage Commission**

A Motion was made by Selectman Clement and seconded by Selectwoman Surman to appoint Faith Flythe as a full member to the Exeter Heritage Commission with a term ending 4/30/2017. Motion carried – all in favor.

**6. Discussion/Action Items**

**a. New Business**

**i. Involuntary Lot Merger Application: 7 Crawford Avenue**

A Motion was made by Selectman Clement and seconded by Selectwoman Surman to open public hearing for the Involuntary Lot Merger Application. Motion carried – all in favor.

Chairwoman Gilman explained what the lot merger is and said the owners are seeking the restoration of two separate lots that were previously involuntarily merged. Steven Fee, the property owner, said the deed says there are two separate lots.

Brian Griset spoke, and explained there is an RSA that was put into place about the merging process. Selectwoman Belanger said they need to review the language of the RSA. Selectman Clement said the Planning Department's input will be helpful. Mr. Dean said that Doug Eastman's office confirmed that this lot was involuntarily merged.

A Motion was made by Selectman Clement and seconded by Selectwoman Surman that the BOS approve the Restoration of Involuntary Merger application from lot 94-15 to lots 94-15 and 94-15(1). Motion carried – all in favor.

A Motion was made by Selectman Clement and seconded by Selectwoman Surman to come out of public hearing. Motion carried – all in favor.

**ii. Train Station Welcome Center Status**

Bob Hall gave a presentation on the status of the Train Station Welcome Center. He said 10 Downeaster trains run through the station daily. There were 900,000+ riders from 2001-2014. Exeter has the busiest NH station. It is the only station above Haverhill that doesn't have a station. Exeter is approaching its 1,000,000 rider and needs a station. There are no bathrooms currently. The building/waiting area to be purchased at the station would be good for ticket counters and bathrooms. It would hold about 25 people.

The station area vision is to support the area neighborhoods, boost Lincoln Street vitality, and provide a significant economic opportunity.

Mr. Hall said the NEPRA has given the green light on construction in Brunswick, Maine, which will mean more trains through Exeter. Within 5 years the train will run to NYC.

Mr. Hall wanted to emphasize on three things; provide 2014 CIP line for \$403,000 for the Baggage/Welcome Center, address long-term needs for parking, and an update NH Plan for 2014.

Selectwoman Surman asked if there are other options for a Welcome Center without the purchase of the said building. Mr. Hall said yes, there is a trucking company near the train station parking lot that has a large parcel of land.

Selectman Clement asked if the \$403,000 placement holder includes the purchase of the building. Mr. Hall said yes, it does.

### **iii. Wastewater Planning Options Status**

Mr. Dean said in December the town signed a contract with Wright-Pierce to do the wastewater facilities plan after BOS approval. Work has been ongoing ever since.

Water/Sewer Advisory Committee Chairman Bob Kelly gave an update. He said there was an Administrative Order of Consent signed in 2012 with the EPA. An analysis came out saying Stratham will be a good work partnership and it is in Exeter's best interest to explore partnering with them. Wright Pierce was hired and it was determined it will cost \$40 million to build the new plant. Rates will be negatively impacted. EPA has made it clear there is a strict timeline to do this project. The Wright-Pierce plan will be coming soon and Underwood will have the report by September on the Portsmouth option which will detail cost. Mr. Kelly said the Board will be getting more information going forward as info get more finalized. Both Exeter and Stratham are kicking in 50% for the Underwood assessment.

Mr. Dean wanted to clarify that they are not there yet with the options. There is still some finalizing which needs to be done.

Mr. Kelly said they are still trying to cut costs on everything.

Brian Griset said he is disturbed about the April 16 Wright-Pierce letter in the packet. He is disturbed that it only looks at engineering. He thinks all the solutions should be looked at. The Economic Development Director should jump right in on this project.

Gerry Hamel asked where the benefit is made. That is his biggest concern. He wondered if it is going to be a 50/50 thing. He said Exeter will create a growth area for Stratham. He said they should look at the future.

Selectwoman Belanger said there is no report yet. Everything is preliminary. When the report comes out everything will be answered.

Selectwoman Surman wanted to make sure all topics are covered in the report. It's not just engineering, it is also the economic plan.

#### **iv. Discussion: Great Dam Section 106 Process**

Chairwoman Gilman had some questions about River Study being in charge of the Section 106 process. She asked who should be leading this process and felt Heritage Commission should have more of a say. Selectman Clement said he felt confident with River Study delegating. Chairwoman Gilman said this is a process that deals with the heritage. She didn't want to discredit anyone but thinks the face that should be in charge of this process should be one that deals with heritage. Selectman Clement said there are many faces that are dealing with the process. Chairwoman Gilman said she would like to see the Heritage Commission get more recognition.

There was further conversation about the consulting parties; who is included and who gets the memos and correspondence.

#### **v. 2014 Classification Plan**

Mr. Dean said employees filled out a position questionnaire and positions were rated. Each category is given a point based on good human resources practices. The recommendation from MRI is to adopt a 20-grade system which is good because there is no classification system now. Mr. Dean said it is good to maintain the integrity of organization via a system like this. This is a good tool to maintain an organized system. Mr. Dean explained the study and said this study did a good job at sorting out pay ranges.

The Board looked at the draft New Non-Union Pay Scales in the packet.

Brian Griset spoke, and asked the Board to table any decisions on this until next meeting so everyone had some time to go over everything.

Chairwoman Gilman said she wants to adopt this plan but wants to go with the consensus of the Board.

Selectman Clement said this is pretty critical so they should wait until Vice Chair Chartrand is present and there is a full Board.

The Board decided to wait until the next meeting to adopt this.

**b. Old Business**

**i. Town Hall Lincoln Marker**

Chairwoman Gilman said the State of NH approved an "Abraham Lincoln Speaks in NH" sign to be placed in front of the Town Hall. It has been approved and paid for by the Exeter Historical Society. The sign has been made. Mr. Dean said the Society doesn't have resources to insure the sign so they could either ask them to insure it or the town can insure it.

**ii. Town Office Wiring Status**

Chairwoman Gilman said the wiring issue, which has been brought up in the town offices, has been recommended to be put on CIP.

**7. Regular Business**

**a. Tax, Water/Sewer Abatements & Exemptions**

A Motion was made by Selectwoman Surman and seconded by Selectwoman Belanger to table the Intents to Cut until the next meeting. Motion carried – all in favor.

**b. Permits & Approvals**

A Motion was made by Selectman Clement and seconded by Selectwoman Surman to approve the application for the use of the Town Hall by Christopher Bartell for the Regeneration Church to have an Easter Celebration on April 5, 2015 at 10:30 am. Motion carried – all in favor.

A Motion was made by Selectman Clement and seconded by Selectwoman Surman to approve the application for the use of the Town Hall by Evelyn Orr for the Exeter Women's Club to have antique appraisals on October 19, 2014 from noon-5:30pm. Motion carried – all in favor.

**c. Town Manager's Report**

Mr. Dean talked about the following:

- He facilitated a positive meeting with Parks/Rec Director and YMCA reps to discuss efforts related to developing synergies between the parties in anticipation of the new YMCA
- Attended a ceremony for the new groundwater plant to be built on Lary Lane
- Resolved a bunting issue after receiving a complaint that the bunting on the bandstand looked "shoddy"
- Managed several citizen walk in requests/issues

- Worked through a cleanliness issue with the Oyster River Players regarding the use of the Town Hall
- Work on the Town Office security system continued
- Completed several follow-up items for the 2013 audit

**d. Selectmen's Committee Reports**

Selectwoman Belanger had nothing to report.

Chairwoman Gilman had nothing to report.

Selectwoman Surman reported a Conservation Committee meeting and said a celebration of the Elliot property purchase will be on August 9 at 10 am.

Selectman Clement reported River Study Committee met. Planning Board also met.

**e. Correspondence**

The following correspondence were included in the packet:

- A letter from Francesca Fay about rejoining the Exeter Arts Committee.
- An email from the town of Kensington about discussing ambulance coverage for their town
- A memo from the Exeter Fire Department about a Commissioning Ceremony for the new ladder truck on July 25<sup>th</sup>
- A letter of complaint from Benita O'Connell about Animal Control Civil Forfeiture
- June/July 2014 W & S Report

**8. Adjournment**

Chairwoman Gilman said the next BOS meeting will be July 28 and they will discuss the NHMA policies, flood insurance, finalizing the Classification Plan, and the quarterly financial report.

A Motion was made by Selectwoman Belanger and seconded by Selectwoman Surman to adjourn the meeting at 9:37 pm. Motion carried – all in favor:

Respectively submitted,

Nicole McCormack  
Recording Secretary



**FEMA**

April 18, 2014

Julie Gilman, Chair  
Board of Selectmen  
Town of Exeter  
10 Front Street  
Exeter, NH 03833-2737

**Re: Updated Coastal Flood Insurance Rate Maps – Announcement for the Rockingham County Meeting on Thursday, May 8, 2014**

Dear Ms. Gilman:

We would like to invite you to the Consultation Coordination Officer's (CCO) Meeting on Thursday, May 8, 2014 where we will discuss the updated Preliminary Flood Insurance Rate Map (FIRM) panels and Flood Insurance Study (FIS) for Rockingham County. This meeting is being held to describe the map review process and address your initial questions regarding the flood hazard data that were released on April 9, 2014. The meeting will be conducted by the Federal Emergency Management Agency (FEMA) Region I, the New Hampshire Office of Energy and Planning, and the Earth Systems Research Center at the University of New Hampshire (UNH), a mapping contractor to FEMA.

Please feel free to pass this invitation along to other community officials who would benefit from this meeting. The meeting has been scheduled for:

**Thursday, May 8, 2014  
6:30 PM to 8:30 PM  
Marston Elementary School Gymnasium  
4 Marston Way  
Hampton, NH 03842**

Parking is available at the school.

In the next two weeks, your community's floodplain manager will be notified by FEMA via email about an upcoming webinar that will provide more details about the CCO Meeting. The webinar will be hosted by FEMA, and is intended to provide you with an overview of the CCO Meeting agenda, including what FEMA will be presenting to you and what we hope to learn from you during the meeting.

At the subsequent CCO Meeting, we will discuss how the Preliminary Strafford County FIRMs and FIS report were developed, and the process of reviewing and changing data where appropriate. The meeting is particularly relevant to planning staff, zoning administrators, building inspector/code enforcement officers, as well as your flood hazard administrative officer.

*Town Manager's Office*

**APR 25 2014**

*Received*

Subsequent to the CCO Meeting, we will initiate a statutory 90-day comment and appeal period. Your community should review the FIRM and FIS in detail, and identify any changes with labeling (i.e., road names) as well as any areas where they may have questions regarding the flood data. Changes in the Base Flood Elevations (BFE) or the extent of the Special Flood Hazard Area (SFHA) are subject to formal appeal. Your community will receive a letter approximately two weeks before the start of the 90-day appeal period, which will detail the appeal process. The letter will contain information regarding the notification to be published in local newspapers and will provide the first and second publication dates. The appeal period will start on the second publication date. Additional instructions concerning the 90-day appeal period will be provided during the CCO Meeting. During the appeal period, community officials and/or other interested parties may submit scientific or technical information that would serve to refute the proposed or proposed modified information on the FIRM.

We encourage you to review the text in the FIS report as it pertains to your community and welcome your suggestions for updating or revising the text. If possible, please become familiar with the Preliminary FIRMs as well as the FIS report prior to the meeting so that we may discuss your comments and questions. Community comments are an important part of our mapping process and will be carefully considered before the Strafford County FIRMs and FIS report are published in final form.

All comments and appeals received through the end of the 90-day appeal period will be considered and incorporated as appropriate. Following the resolution of all comments and appeals, FEMA will issue a Letter of Final Determination (LFD). When FEMA issues the LFD, the community must adopt the new FIRM panels and FIS within 6 months in order to remain in good standing with the National Flood Insurance Program (NFIP).

The State coordinating office will be working closely with your community during the compliance phase to ensure that the local floodplain management ordinance is brought up to current standards. Your community should coordinate with Jennifer Gilbert, State NFIP Coordinator with NH Office of Energy and Planning, regarding flood hazard area regulations and the process to update the municipality's ordinance/bylaws. Jennifer can be reached by email at [jennifer.gilbert@nh.gov](mailto:jennifer.gilbert@nh.gov) or by telephone at (603) 271-2155. Also available to answer questions is John Grace, FEMA Coastal Engineer, available by email at [john.grace@fema.dhs.gov](mailto:john.grace@fema.dhs.gov) or by telephone at (617) 832-4715.

Please RSVP and send any questions or requests for additional information to Fay Rubin, UNH Project Manager, by email at [fay.rubin@unh.edu](mailto:fay.rubin@unh.edu) or by telephone at (603) 862-4240. We appreciate your cooperation in this matter and look forward to meeting with you.

Sincerely,



Richard Verville, Chief  
Hazard Mitigation Assistance Branch  
FEMA Region I

cc: Doug Eastman, Building Inspector, Town of Exeter  
Russell Dean, Town Manager, Town of Exeter  
Sylvia von Aulock, Town Planner, Town of Exeter  
John Grace, CFM, Coastal Engineer, FEMA Region I  
Jennifer Gilbert, CFM, State NFIP Coordinator, NH Office of Energy and Planning  
Alex Sirotek, Regional Service Center, STARR Region I  
Fay Rubin, Project Manager, University of New Hampshire

Town of Exeter  
 General Fund Revenues & Expenses (unaudited)  
 For the 2nd Quarter Ended June 30, 2014

DRAFT

General Fund Revenues

Description	Annual Budgeted Revenue	Actual Revenue as of 06/30/14	Variance	% Collected	Notes
Property Tax Revenue	\$ 12,698,970	\$ 5,719,933	(6,979,037)	45.0%	Includes property tax less overlay, plus jeopardy, yield, current use and PILOT taxes, penalties and interest.
Motor Vehicle Permit Fees	2,000,000	1,188,991	(811,009)	59%	Motor vehicle registration and fees
Building Permits & Fees	150,000	97,806	(52,194)	65%	Fees charged by Building & Code Enforcement
Other Permits and Fees	125,000	72,117	(52,883)	58%	Includes GF portion of Cable TV & Vital Statistics Fees
Meals & Rooms Tax Revenue	639,405		(639,405)	0%	Meals & Rooms Revenue received from the State in December each year
State Highway Block Grant	246,661	49,550	(197,111)	20%	Federal Highway Grant Received quarterly
Other State Grants/Reimbursements	25,000	63,084	38,084	252%	Railroad, RERP, Mosquito, Other Miscellaneous State Grants
Income from Departments	1,000,000	437,313	(562,687)	44%	General Revenues charged by Town Departments
Sale of Town Property	133,010	2,104	(130,906)	2%	Includes sale of deeded property on Exeter Road
Interest Income	2,000	512	(1,488)	26%	Interest income earned on sweep accounts
Other Miscellaneous Revenues	25,000	12,026	(12,974)	48%	Town Rental Property, Donated Property and Town Hall rental income
Revenue Transfers in	30,000	38,033	8,033	127%	Transfers in from Trustee of Trust Funds for Sick Trust/ Other Transfers
General Fund Revenues	\$ 17,075,046	\$ 7,681,469	\$ (9,393,577)	45%	Includes first half of 2014 property tax revenue on an accrual basis.
Appropriation-Warrant Articles	2,059,667	2,059,667			Includes Human Services, Capital Projects to be bonded in July 2014
<b>Total General Fund Revenues</b>	<b>\$ 19,134,713</b>	<b>\$ 9,741,136</b>	<b>\$ (9,393,577)</b>	<b>51%</b>	

General Fund Expenditures

DEPARTMENT	Annual Budgeted Expenses	Actual Expenses as of 06/30/14	Budget Balance Available	Percent Spent	Notes
Total General Government	930,436	433,790	496,646	46.62%	BOS, TM, HR, IT, TC, Elections, TTF, Transportation and Legal Expenses
Total Finance	595,957	288,235	307,722	48.37%	Finance, Treasurer, Tax Collection & Assessing
Total Planning & Building	484,927	236,893	248,034	48.85%	Planning, Building, Conservation and other Commissions
Total Economic Dev Commission	69,149		69,149	0.00%	Salary, benefits for new EDC position
Total Police	3,646,020	1,647,343	1,998,677	45.18%	
Total Fire	3,696,775	1,674,021	2,022,754	45.28%	All general fund wages, benefits and general expenses of the Fire Dept.. Ambulance wages, benefits and expenses are included in the Ambulance Revolving Fund.
Total Public Works	3,554,798	1,561,380	1,993,418	43.92%	All general fund wages, benefits and general expenses of Public Works.
Total Maintenance	942,666	462,750	479,916	49.09%	Maintenance of all Town Buildings, Land and Structures
Total Welfare	86,855	36,142	50,713	41.61%	Wages and Benefits of Welfare Director and Direct Relief Expenses
Total Parks & Recreation	448,673	222,128	226,545	49.51%	Includes P&R wages, benefits and general expenses. Summer staff in rec revolving fund.
Total Other Culture/Recreation	36,300	18,212	18,088	50.17%	Patriotic Purposes, Holiday Parade, Brass Band
Total Library	910,837	440,601	470,236	48.37%	Library Wages & Benefits and Library Expense Budget Allocation
Total Debt Service & Capital	1,311,292	952,399	358,893	72.63%	All General Fund Debt Service Principal and Interest
Total Benefits & Taxes	360,361	297,112	63,249	82.45%	Payroll, Health Buyouts, W/C, U/C and Insurance
<b>Total Expenses</b>	<b>17,075,046</b>	<b>8,271,006</b>	<b>8,804,040</b>	<b>48.44%</b>	
Total Warrant Articles	2,059,667	55,139	2,004,528	2.7%	
<b>Total General Fund Expenses</b>	<b>19,134,713</b>	<b>8,326,145</b>	<b>10,808,568</b>	<b>43.5%</b>	
<b>Net Income/ (Deficit)</b>	<b>\$ -</b>	<b>\$ 1,414,991</b>	<b>\$ 1,414,991</b>	<b>100.0%</b>	Net increase of Revenue over Expenses

Town of Exeter

Water Fund Revenues & Expenses (unaudited)  
For the 2nd Quarter Ended June 30, 2014

DRAFT

Description	Budgeted Revenue	Actual		% Collected	Notes
		Revenue as of 06/30/14	Variance		
Water Fund Revenues	2,538,457	\$ 1,124,962	\$ (1,413,495)	44%	Water Consumption Fees, Service Charges, Impact Fees and Misc. Fees
Appropriation for Bond Warrant Article	1,400,000	\$ 1,400,000	-	100%	Bonding for Waterlines through NHMBB in July 2014
<b>Total Water Fund Revenue</b>	<b>3,938,457</b>	<b>2,524,962</b>	<b>(1,413,495)</b>	<b>64%</b>	

  

DEPARTMENT	Budget	Actual		% Used	Notes
		Expenses as of 06/30/14	Variance		
Water Administration Total	363,605	196,131	167,474	53.9%	Staff Administration Wages & General Expenses
Water Billing Total	118,699	56,350	62,349	47.5%	Billing Wages and associated expenses
Water Distribution Total	531,523	250,637	280,886	47.2%	Water Distribution Wages and Expenses
Total Water Treatment	737,698	318,631	419,067	43.2%	Water Treatment Wages and Expenses
Water Fund Debt Service Total	549,263	260,944	288,319	47.5%	Debt Service for Water Fund
Water Fund Capital Outlay Total	237,669	52,875	184,794	22.2%	Includes vehicles, WTP maintenance and capital
<b>Total Water Fund Expenses before WAR</b>	<b>2,538,457</b>	<b>1,135,568</b>	<b>1,402,889</b>	<b>44.7%</b>	Water Fund Expenses before Warrant Articles (WAR)
Warrant Articles					
Waterline Replacement	1,400,000		1,400,000	0.0%	
<b>Total Warrant Articles</b>	<b>1,400,000</b>		<b>1,400,000</b>	<b>0.0%</b>	Bonding Required through NHMBB - July 2014 Funding
<b>Total Water Fund Expenses</b>	<b>3,938,457</b>	<b>1,135,568</b>	<b>2,802,889</b>	<b>28.8%</b>	
<b>Net Income/ (Deficit)</b>		<b>1,389,394</b>	<b>1,389,394</b>	<b>100.0%</b>	Net increase of Revenue over Expenses

## Town of Exeter

Sewer Fund Revenues & Expenses (unaudited)  
For the 2nd Quarter Ended June 30, 2014

DRAFT

Description	Actual		Variance	% Collected	Notes
	Budgeted Revenue	Revenue as of 06/30/14			
Sewer Revenues	\$ 2,412,706	\$ 1,036,236	\$ (1,376,470)	43%	Wastewater Grant and Misc. Fees
Appropriation for Warrant Articles	5,200,000	200,000	(5,000,000)	100%	Sewerlines funded in July 2014, WWTF, MPS, CSS AU - to be bonded in early 2015
Total Sewer Fund Revenues	7,612,706	1,236,236	(6,376,470)	16%	
DEPARTMENT	Budget	Actual Expenses as of 06/30/14	Variance	% Used	Notes
Sewer Administration Total	364,652	182,501	182,151	50%	Sewer Admin wages and expenses
Sewer Billing Total	118,699	54,837	63,862	46%	Sewer Billing wages and expenses
Sewer Collection Total	540,538	247,212	293,326	46%	Sewer collection wages and expenses
Sewer Treatment Total	452,441	224,469	227,972	50%	Sewer treatment wages and expenses
Sewer Fund Debt Service Total	729,706	541,585	188,121	74%	Sewer Fund Debt Service
Sewer Fund Capital Outlay	206,670	101,230	105,440	49%	Vehicles, WWTP Upgrades and Maintenance
Subtotal Sewer Fund Expenses	2,412,706	1,351,834	1,060,872	56%	
Total Warrant Articles	5,200,000	-	5,200,000	0%	WW Treatment Plant \$ 5M and Sewerlines \$ 2K
Total Sewer Fund Expenses	7,612,706	1,351,834	6,260,872	18%	
Net Income/(Deficit)	-	(115,598)	(115,598)	100%	Net decrease of Revenue over Expenses

Town of Exeter  
 Report of Revolving Funds (unaudited)  
 For the 2nd Quarter Ended June 30, 2014

DRAFT

**CATV Fund**

Description	Budgeted Revenue	Actual		% Collected /Spent	Notes
		Revenue as of 06/30/14	Variance		
CATV Revenue	\$ 131,000	\$ 34,403	\$ 96,597	26%	50% of Comcast Revenue to General Fund and 50% to CATV Fund
<b>CATV Expenses</b>					
Wages, Taxes & Benefits	65,425	29,283	36,142	45%	20% of FT and PT IT Wages
General Expenses	\$ 46,751	\$ 26,728	20,023	57%	Includes annual E-Channel Assessment
<b>Total Expenses</b>	<b>\$ 112,176</b>	<b>\$ 56,011</b>	<b>56,165</b>	<b>50%</b>	
<b>Net Income/(Deficit)</b>	<b>\$ 18,824</b>	<b>\$ (21,608)</b>	<b>\$ (40,432)</b>	<b>-115%</b>	Net decrease of Revenue over Expenses

**Recreation Revolving Fund Revenue**

Description	Budget	Actual		% Collected /Spent	Notes
		Revenue as of 06/30/14	Variance		
Total Revenue	\$ 510,800	\$ 285,592	\$ (225,208)	56%	Special Events, Program, Pool and Trip Revenue
Wages, Taxes & Benefits	162,545	24,881	137,664	15%	
General Expenses	315,355	118,121	197,234	37%	
Total Expenses	477,900	143,002	334,898	30%	
Net Income/(Deficit)	\$ 32,900	\$ 142,590	\$ 109,690	433%	Net Increase of Revenue over Expenses

**Ambulance Revolving Fund**

Description	Budget	Actual		% Collected /Spent	Notes
		Expenses as of 06/30/14	Variance		
EMS- Ambulance Transport Revenue	\$ 462,000	\$ 215,644	\$ (246,356)	47%	Ambulance Transport Revenue
Wages, Taxes & Benefits	195,889	77,821	118,068	40%	
General Expenses	142,545	54,058	88,487	38%	Includes Ambulance Lease \$ 61.9K
Total Expenses	338,434	131,879	206,555	39%	
Net Income/(Deficit)	\$ 123,566	\$ 83,765	\$ (39,801)	68%	Net Increase of Revenue over Expenses

Town of Exeter  
 Analysis of Accounts Receivable Aging - Water & Sewer  
 As of June 30, 2014

DRAFT

	<u>Current</u>	<u>31-60 Days</u>	<u>61-90 Days</u>	<u>Over 90 Days</u>	<u>Total</u>	<u>Percent Over 90 Days</u>
As of 03/31/14	\$ 99,121	\$ 36,689	\$ 20,838	\$ 147,838	\$ 304,486	49%
As of 06/31/14	\$ 439,368	\$ 26,083	\$ 38,730	\$ 159,198	\$ 663,379	24%
(Favorable)/Unfavorable Variance	\$ 340,247	\$ (10,606)	\$ 17,892	\$ 11,360	\$ 358,893	8%

Accounts receivable over 90 days represents 24% or \$ 159K of balance as of 6/30/14. The over 90 days has increased by 8% or \$ 11K since the end of the year.

	<u>Water</u>	<u>Sewer</u>	<u>Total</u>	
2008	868	950	1,818	0%
2009	1,098	1,033	2,131	0%
2010	893	913	1,806	0%
2011	2,788	76,612	79,400	12%
2012	1,522	41,217	42,739	6%
2013	3,620	4,014	7,634	1%
*2014	269,581	258,650	528,231	80%
<b>Total</b>	<b>280,370</b>	<b>383,389</b>	<b>663,759</b>	<b>100%</b>

\* Includes current month billing

Town of Exeter  
 Analysis of Property Tax/Liens Receivable  
 As of 06/30/14

DRAFT

<u>Type</u>	<u>Bill Year</u>	<u>Balance Outstanding as of 06/30/14</u>	<u>Balance Outstanding as of 03/31/14</u>	<u>\$ Change</u>	<u>% Change</u>
Lien	*2005-2008	1,219	1,229	10	1%
Lien	2009	10,754	10,792	38	0%
Lien	2010	66,094	71,562	5,468	8%
Lien	2011	125,329	184,462	59,133	32%
Lien	2012	239,422	299,231	59,809	20%
Lien	2013	396,857	609,252	212,395	35%
<b>Subtotal</b>		<b>\$ 839,675</b>	<b>\$ 1,176,528</b>	<b>\$ 336,853</b>	<b>29%</b>
<b>*Tax</b>	2014	3,515,238		(3,515,238)	N/A
<b>Subtotal</b>		<b>\$ 3,515,238</b>	<b>\$ -</b>	<b>\$ (3,515,238)</b>	<b>N/A</b>
<b>Grand Total</b>		<b>\$ 4,354,913</b>	<b>\$ 1,176,528</b>	<b>\$ (3,178,385)</b>	

\* The first half 2014 property tax billing totaling \$ 20,865,354 was mailed on May 16. Bills were due on July 1, 2014.

*As of June 30, 2014, 83% of property taxes billed were paid. As of July 1, 2014, 93% of property taxes billed were paid by the due date.*

*Additionally there has been a 29% decrease in property taxes in arrears from March 31, 2014 to June 30, 2014.*

# Memo

**To:** Board of Selectmen, Russ Dean Town Manager  
**From:** Assistant Chief Berkenbush  
**CC:** Chief Comeau, File  
**Date:** **July 25, 2014**  
**Re:** Health Grant

---

The Seacoast Public Health Network was awarded a grant from the New Hampshire Charitable Foundation. This grant is the same grant that we received last year. This grant is to supplement the Substance Misuse and Prevention Portion of the Public Health Network.

If you have any questions please feel free to contact me.

# Memo

**To: Russ Dean, Town Manager and Board of Selectmen**

**From: Judy Jervis, Health Officer**

**Date: July 22, 2014**

**Re: Town Health Ordinance 1204 proposed updates**

---

Page 1: 1204.1.01 (b)(1) This section to be deleted. The NH Bureau of Food Protection has eliminated this section.

1204.1.01(b)(2) Change to 1204.1.01(b)(1) renumber as the first section has been eliminated.

Page 8: 1204.4.04(a)(4)d Eliminate this class category from Class D and move to Class F to adjust the fee

1204.4.04(a)(6)g Add this ClassF-7 category/moved from the Class D license for fee adjustment

Page 14: 1204.4.13(a)(2) Correction of the code number reference from the FDA Food Code/3-401.11(D)(3) change to 3-401.11(D)(4)

Page 17: 1204.5.01(i)(1) Wording changed/eliminated to reflect correct color score meaning

1204.5.01(i)(2) Wording changed/eliminated to reflect correct color score meaning

Page 18: 1204.5.01(i)(3) Wording changed to accord with definition of an imminent health hazard

1204.05.02(2) Eliminate/change time-frame for corrections of core items that may require extensive work or a capital expense

Page 29 1204.9.04(f) and (g) These two additions as required by the revised FDA CODE

Page 30 1204.10 and 1204.10.01 HeP 2300 reference eliminated as it does not reflect the state code

Page 33 1204.12 Temporary Food Service Event section to be added, to formalize the procedure

Changes to the Town Ordinance Health 1204 Sanitary Production and Distribution of Food

Page 1 1204.1.01 (b) (1) and (2)

Page 8 1204.4.04 (a) (4) d

1204.4.04 (a) (6) g

Page 14 1204.4.13 (a) (2)

Page 17 1204.5.01 (i) (1) and (2)

Page 18 1204.5.01 (i) (3)

Page 18 1204.05.02 (d)

Page 29 1204.9.04 (f) and (g)

Page 30 1204.10 and 1204.10.01

Page 33 1204.12

## 1204 SANITARY PRODUCTION AND DISTRIBUTION OF FOOD (Amended)

In accordance with R.S.A. 147:1 the Town of Exeter Board of Selectmen adopt the 2009 *FDA FOOD CODE* in accordance with the *New Hampshire Rules for the Sanitary Production and Distribution of Food He-P 2300*; and all future revisions and amendments.

### 1204.1(PART He-P 2301) DEFINITIONS

#### 1204.1.01(He-P 2301.01 Definitions.) supplemental list to the FDA FOOD CODE DEFINITIONS

(a) "Applicant" means the owner of a food establishment or an officer of the legal ownership who applies for a license under these rules.

(b) "Approved source" means food that has been inspected by a federal, state, or local agency that has the authority, responsibility, and the technical ability to evaluate food for safety in protection of the public health;

(1) ~~Raw agricultural plan commodities and products under the oversight of New Hampshire Dept. of Agriculture under RSA 426, RSA 427, RSA 428, RSA 429 and RSA 434 and do not require inspection shall be considered to be from an approved source; and ((THIS SECTION TO BE DELETED – NH BFP eliminated it))~~

(2)(1)((RENUMBER)) Poultry that is exempt from federal inspection under the Poultry Products Inspection Act 21 USC 464(c) (4) shall not be considered to be from an approved source.

(c) "Bed and breakfast" means a type of food service establishment that is a transient lodging facility, which is the owner's or innkeeper's personal residence, is occupied by the owner or innkeeper at the time of rental to an in-house guest, and in which breakfast is the only meal served.

(d) "Beverage" means "beverage" as defined in RSA 143:9.

(e) "Bulk food" means processed or unprocessed food in aggregate containers from which quantities desired by the consumer or the employee is withdrawn. The term "bulk food" does not include fresh whole fruits or fresh whole vegetables.

(f) "Caterer" means a person or entity which provides meals or food at private functions at off-site locations.

(g) "Change of ownership" means any time a controlling interest in a sole proprietorship, joint venture, partnership, corporation, limited liability company, or any other kind of entity is transferred to another sole proprietor, joint venture, partnership, corporation, limited liability company or any other kind of entity.

(h) "Commissioner" means the commissioner of the New Hampshire department of health and human services, or his or her designee.

(i) "Continental breakfast" means a light breakfast that may include coffee, tea, juices, toasts, breakfast cereals, assorted pastries, and uncut fruit.

(j) "Corrective action plan (CAP)" means a plan developed and written by the licensee, which specifies the actions that will be taken to correct identified deficiencies.

(k) "Department" means the Exeter Health Department.

(l) "Food" means "food" as defined in RSA 143-A:3, III.

(m) "Food establishment" means "food service establishment" as defined in RSA 143-A:3, IV, and "retail food store" as defined in RSA 143-A:3, VII. "Temporary food service" as defined in RSA 143-A:3, VIII.

(n) "Food processing plant" means a type of food service establishment that is a commercial operation that manufactures, packages, labels, or stores food for human consumption, and provides food for sale and distribution to other business entities such as other food establishments. Food processing plants shall not include an operation that processes food under the oversight of NH Department of Agriculture for RSA's 426,427, 428,429, and 434

(o) "Food service establishment" means "food service establishment" as defined in RSA 143-A:3, IV.

(p) "Foodborne disease outbreak" means the occurrence of 2 or more cases of a similar illness resulting from the ingestion of a common food.

(q) "Homestead" means "homestead" as defined in RSA 143-A:12, which is a type of food service establishment. The Town of Exeter allows only home food manufacturers who prepare and package non-potentially hazardous foods (foods that do not need time/temperature control).

(r) "Immediately endangers public health or safety" means that a condition exists that is an imminent health hazard.

(s) "Imminent health hazard" means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on the number of potential injuries and the nature, severity, and duration of the anticipated injury.

(t) "License" means the document issued by the department or other regulatory agency, which authorizes a license holder to operate a food establishment.

(u) "License holder" means the entity legally responsible for the operation of a licensed food establishment, including, but not limited to, the owner, the owner's agent, or other person.

(v) "Mobile food unit" means a food service establishment mounted on wheels or otherwise designed to be immediately moveable.

(w) "Person in charge" means the individual present at a food establishment who is responsible for the operation of the establishment at the time of inspection, including the duties described in section 2-103.11 of the FOOD CODE, and who can demonstrate the knowledge required by section 2-1-2.11 of the FOOD CODE with are pertinent to the risks inherent to the specific food establishment.

(x) "Priority item" means a provision of the Food Code, marked with a superscript P, whose application contributes directly to the elimination, prevention, or reduction to an acceptable level, hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard.(critical violation)

(y) "Public water system" means a public water system as defined in RSA 485:1-a.

(z) "Pushcart" means a type of food service establishment that is a non-self propelled vehicle limited to serving non-time/temperature control for safety foods, packaged time/temperature control for safety foods maintained at proper temperatures, or limited to the preparation and serving of frankfurters.

(aa) "Regulatory authority" means the local, state or federal enforcement body having jurisdiction over the food establishment. The Town of Exeter Health Department is the "regulatory authority" for the Town of Exeter.

(ab) "Remodeled" means having undertaken construction, which includes, but is not limited to, adding new seats, adding a food preparation area, or any construction affecting the kitchen or any other part of a food establishment that requires a plumbing modification.

(ac) "Retail food store" means "retail food store" as defined in RSA 143-A:3, VII.

(ad) "Risk Control Plan" means a plan developed and written by the licensee as a part of a CAP, which specifies the actions that will be taken to correct the uncontrolled hazards that were identified at inspection, and a repeat problem, known to contribute to foodborne illness (uncontrolled hazards include the occurrence of any risk factor or lack of public health interventions as described in the FOOD CODE)

(ae) "Servicing area" means an operating base location to which a mobile food unit or transportation vehicle returns regularly for such things as vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food.

(af) "Sewage" means "sewage" as defined in RSA 485-A:2, X, namely "the water-carried waste products from buildings, public or private, together with such groundwater infiltration and surface water as may be present."

(ag) "Soup kitchen" means a food service establishment operated by a charitable organization including religious societies and fraternal organizations organized pursuant to RSA 292, RSA 306, and RSA 418, that prepares and serves meals to the poor without charge.

(ah) "Time/temperature control for safety (TCS) food" means a food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation. This term is also known as "potentially hazardous food."

#### 1204.2(PART He-P 2302) LICENSE REQUIRED

1204.2.01(He-P 2302.01 License Required.) Unless exempted under RSA 143-A:5, RSA 143-A:5-a, or 1204.2.02(He-P 2302.02), no person shall operate a food establishment within the town of Exeter, New Hampshire without obtaining a license from the Town of Exeter Health Department

1204.2.02 Soup Kitchens Exempt from Licensure. In accordance with RSA 143-A:5-a, soup kitchens shall be exempt from licensure by the department provided:

(a) They do not charge for meals; and

(b) They submit to the Exeter Health Department a written notice which:

- (1) Identifies the name and address of the person operating the soup kitchen;
- (2) Identifies the clientele served by the soup kitchen;
- (3) Lists the hours the soup kitchen will operate; and
- (4) Provides a description of the food to be served.

#### 1204.3(PART He-P 2303) INCORPORATION OF THE 2009 FOOD CODE

##### 1204.3.01(He-P 2303.01) Incorporation of the 2009 Food Code.

(a) All licensees shall comply with the U.S. Department of Health and Human Services, Public Health Services, Food and Drug Administration, Food Code, 2009 edition, henceforth known as the Food Code, as amended in (b) below, unless exempted in (c) or (d) below.

(b) The following amendments shall apply to the document incorporated:

- (1) Amend section 3-201.11(A) so that (A) reads as follows: "Food shall be obtained from sources that comply with the law, except that the exemption under the Poultry Products Inspection Act at USC 464)c)(4) shall not apply in New Hampshire";
- (2) Delete section 3-201.1
- (3) Delete Chapter 8

(c) Those food establishments applying for or licensed as bed and breakfasts shall comply with the Food Code. However, the exceptions to the Food Code listed in 1204.8.02(He-P 2308.02) shall apply.

(d) Those food establishments applying for or licensed as food processing plants or homesteads shall be exempt from the requirements of the Food Code, and shall instead comply with the requirements in 1204.9(He-P 2309) and 1204.10(He-P 2310), respectively.

(e) The 2009 Food Code is available on the web at <http://www.fda.gov/Food/FoodSafety/RetailFoodProtection/FoodCode/FoodCode2009/> or via mail from the United States Department of Commerce, National Technical Information Service, 5301 Shawnee Road, Alexandria, VA 22312 (refer to report number PB2009112613).

#### 1204.4(PART He-P 2304) APPLICATION AND LICENSING PROCEDURE

##### 1204.4.01(He-P 2304.01) Initial License Application Requirements.

(a) Each applicant for a license shall submit the following to the department:

- (1) A completed application form entitled "Application for Annual Food Service License", "Application for Annual Food Processing Plant License", "Application for Annual Homestead License", or "Application for Annual Mobile Food Unit License", as applicable, signed and dated by the applicant or the person who represents the applicant certifying the following:

"I certify that all information provided in or attached to this application is complete, accurate and up-to-date as of the date specified below. I further certify that there are no willful misrepresentations of the answers to questions herein, and that I have made no

omissions with respect to any of my answers to the questions presented. I understand that it is my responsibility to immediately notify the Exeter Health Department with regard to any changes, corrections or updates to the information provided.”;

(2) A check or money order for the applicable fees, in accordance with 1204.4.05(a)and(c) (He-P 2304.05(a) and (c));

(3) Water system documentation, in accordance with 1204.4.06(He-P 2304.06);

(4) Wastewater system documentation, in accordance with 1204.4.07(He-P 2304.07), except that food establishments applying to be licensed as a bed and breakfast or a homestead shall not be required to submit such documentation;

(5) A completed “Plan Review Application”, signed and dated by the applicant or the person who represents the applicant, if required by 1204.4.12(a) (He-P 2304.12(a)), and if not already submitted for review, except that food establishments applying to be licensed as a bed and breakfast, homestead, shall not be required to submit such an application;

(6) If the application is for a mobile food unit which uses a servicing area, one of the following:

- a. A copy of the food establishment license, from the appropriate regulatory authority, of the facility being used as a servicing area; or
- b. A separate license application for the facility to be used as a servicing area; and
- c. All other items as required listed in this section (a)

(7) A HACCP plan if required by 1204.4.13(He-P 2304.13).

(b) The applicant shall mail or hand-deliver the documents to:

Exeter Health Department  
20 Court St  
Exeter, NH 03833  
603-773-6132

1204.4.02(He-P 2304.02) Processing of Initial Applications and Issuance of Licenses.

(a) Applications shall be processed in accordance with RSA 541-A:29.

(b) An application for an initial license shall be complete when the department determines that all items required by 1204.01.(a)(He-P 2304.01(a)) have been received.

(c) If an application does not contain all the items required by 1204.4.01(a)(He-P 2304.01(a)), the department shall:

(1) Not process that application; and

(2) Notify the applicant in writing of which items are required to be submitted before the application can be processed.

(d) Any licensing fee submitted to the department in the form of a check or money order and returned to the Town for any reason shall be processed in accordance with RSA 6:11-a.

(e) Licensing fees shall not be transferable to any other application(s).

(f) Following an inspection, conducted pursuant to RSA 143:4 and in accordance with 1204.5 (He-P 2305), a provisional license shall be issued if the department determines that an applicant is in full compliance with RSA 143, RSA 143-A, and these rules.

(g) Pursuant to RSA 143-A:6, I:

(1) A provisional license shall expire 90 days after the date of issuance; and

(2) If a license is not issued following the expiration of a provisional license, the food establishment shall cease operation the day after the provisional license expires and not operate until a license is obtained.

(h) If, within 45 days of issuance of a provisional license the department conducts an inspection in accordance with 1204.5 (He-P 2305) and determines that an applicant is in full compliance with RSA 143, RSA 143-A, and these rules, the department shall issue to the applicant a license valid for a time period of one year following the date of issuance of the provisional license.

(i) All licenses and provisional licenses issued in accordance with RSA 143-A shall be issued for a specific license classification and category under 1204.4.04(He-P 2304.04).

(j) License holders shall operate in accordance with the class of license issued.

(k) All licenses and provisional licenses issued in accordance with RSA 143-A shall be non-transferable by person or location.

(l) Licenses shall be posted at all times in an area of the food establishment that is conspicuous to patrons.

#### 1204.4.03(He-P 2304.03) License Expirations and Procedures for Renewals.

(a) All licenses issued shall be valid for one year following the date of issuance, or one year following the date of issuance of a provisional license, as applicable.

(b) Each licensee shall apply to renew their license via an application form pursuant to 1204.4.01(a)(1) (He-P 2304.01(a)(1)) at least 30 days prior to the expiration of the current license.

(c) The licensee shall submit with the renewal application:

(1) The materials required by 1204.4.01(a)(1),(2), and(3) (He-P 2304.01(a)(1), (2), and (3)); and

(2) A request for renewal of any existing variances previously granted by the department, in accordance with 1204.14 (He-P 2304.14), if applicable.

(d) A license shall be renewed if the department determines that the licensee:

(1) Submitted an application containing all the items required by (c) above, as applicable, at least 30 days prior to the expiration of the current license;

(2) Has submitted a CAP that has been accepted by the department and implemented by the licensee if deficiencies were cited at the last licensing inspection; and

(3) Is found to be in compliance with RSA 143, RSA 143-A, and 1204/FDA Food Code/He-P 2300 at a renewal inspection, as applicable.

(e) If a license holder fails to submit a complete application for renewal as required under (b) and (c) above, the food establishment shall cease operation the day after the license expires, and shall not operate until a license is obtained.

(f) Any food establishment wishing to submit an application for a renewal license whose previous license has been expired in excess of 90 days shall apply in accordance with the requirements of an initial license in 1204.4.01 (He-P 2304.01).

1204.4.04(He-P 2304.04) License Classes.

(a) For the purpose of licensure, food establishments shall be divided into the following classes:

(1) Class A which shall include:

- a. Category A-1, food processing plants which commercially process 100,000 packages of food or more, per year;
- b. Category A-2, food service establishments with 200 or more indoor seats; or
- c. Category A-3, retail food stores with 4 or more food preparation areas;

(2) Class B which shall include:

- a. Category B-1, retail food stores with 2 to 3 food preparation areas; or
- b. Category B-2, food service establishments with 100 to 199 indoor seats;

(3) Class C which shall include:

- a. Category C-1, retail food stores with one food preparation area, including, but not limited to, an area for cutting cheese or fudge;
- b. Category C-2, caterers serving food off-site;
- c. Category C-3, food service establishments with 25 to 99 indoor seats;
- d. Category C-4, bars/lounges with a food preparation area, excluding areas used for preparing garnish such as limes and lemons; or
- e. Category C-5, food processing plants which commercially process less than 100,000 packages of food per year;

(4) Class D, which shall include:

- a. Category D-1, food service establishments with 0 to 24 indoor seats, including, but not limited to, bakeries;
- b. Category D-2, mobile food units which cook or prepare food;
- c. Category D-3, retail food stores that allow self-service of food, including, but not limited to, coffee, hot dogs, or soft drinks;
- ~~d. Category D-4, Level 2 homesteads a homestead that sells its products at farmers' Markets, farm stands, residences or retail food stores or on-line; or ((MOVE THIS SECTION TO CLASS F-7))~~
- e. Category D-5((RE-NUMBER TO D-4)), servicing areas;

(5) Class E which shall include:

- a. Category E-1, bed and breakfasts;
- b. Category E-2, lodging facilities serving continental breakfasts; or
- c. Category E-3, ice cream vendors who scoop ice cream;

(6) Class F which shall include:

- a. Category F-1, home delivery services of packaged frozen food;
- b. Category F-2, pushcarts and other mobile food units, including, but not limited to, those serving packaged food and non-TCS/PHF unwrapped foods only;
- c. Category F-3, retail food stores with no food preparation areas;
- d. Category F-4, wholesalers/distributors of TCS/PHF food;
- e. Category F-5, on-site vending machines, which serve TCS/PHF food;
- f. Category F-6, bakeries which do not serve TCS/PHF food and have no seats;
- g. *Category F-7, Level 2 homestead-sells products at farmers' markets, farm stands, residents, retail food stores, on-line; ((MOVED FROM CLASS D- TO ADJUST FEE))*

(7) Class G shall include:

- a. Category G-1, bars/lounges without a food preparation area;
- b. Category G-2, sellers of pre-packaged frozen meat or poultry that is processed in a USDA –inspected plant;
- c. Category G-3, canteen/theater concessions serving non-TCS food;

- d. Category G-4, ice cream vendors/retail food stores serving pre-packaged ice cream;
  - e. Category G-5, institutions whose food service is operated by a private, for-profit business, including but not limited to schools/public and private, colleges, hospitals, long term care facilities, fraternities and sororities;
  - f. Category G-6, food processing plants that package non-TCS(PHF) bulk food;
- (8) Class H, Category H-1, shall include:

- a. Category H-1, level 1 homesteads-homestead that sells products only at farmers' markets, farm stands, or residences;
- b. Senior meal sites;
- c. Institutions who prepare their own food, including but not limited to schools/public and private, colleges, hospitals, long term care facilities, fraternities and sororities

(b) When a food establishment operates more than one type of business, the higher class shall determine the class of license, with Class A being the highest.

(c) When a food establishment has an additional food processing business, each shall be licensed separately, requiring separate applications and separate fees.

(d) When a hospital or school offers food to the general public in addition to its population, then the license class shall be determined by the number of seats the food service establishment has.

1204.4.05(He-P 2304.05) Fees.

- (a) For each class of license requested, the applicant shall pay the following annual fees:
- (1) Class A: \$875;
  - (2) Class B: \$450;
  - (3) Class C: \$350;
  - (4) Class D: \$225;
  - (5) Class E: \$175;
  - (6) Class F: \$150;
  - (7) Class G: \$100;
  - (8) Class H: \$50

(b) Licensees shall be charged up to, and shall pay up to \$100 for each inspection conducted after the second inspection conducted in any licensing period, except that the inspections conducted during the provisional license period shall not be included in this count.

(c) An applicant or licensee shall pay a fee of \$75 for each plan review submitted under 1204.4.12(He-P 2304.12).

(d) All fees shall be non-transferable and non-refundable.

(e) Payment of any fee to the department shall meet the following requirements:

(1) Payment shall be made in the form of check or money order made payable to the "Town of Exeter, Health Dept." in the exact amount due;

(2) Money order or certified check shall be required when an applicant or licensee has issued payment to the department by check, and such check was returned for insufficient funds; and

(3) Any payment made to the department by check which is returned for insufficient funds, and which an individual, applicant, or licensee has not made good by submitting a money order or certified check within 2 business days of notification by the department, including any penalty assessment allowed by RSA 6:11-a, shall be grounds for denial of the license.

1204.4.06(He-P 2304.06) Water System Requirements.

(a) Food establishments which own and operate their own public water systems, as defined by RSA 485:1-a, XV, shall indicate, as part of their application for a license, the Public Water System (PWS) identification number which has been assigned by the New Hampshire department of environmental services (DES).

(b) For an application to be approved, food establishments which own and operate their public water systems regulated by DES shall:

(1) Be in compliance with all applicable water quality standards and monitoring and reporting requirements of Env-Dw 717 or successor rules in Subtitle Env-Dw; or

(2) Be in compliance with the requested actions in a letter of deficiency, or the required actions of an administrative order, issued by DES and established to obtain compliance with the regulations cited in (1) above.

(c) Food establishments which are classified as public water systems, as defined by RSA 485:1-a, XV, but whose water system infrastructure is owned by another party, shall indicate, as part of their application for a license, the PWS identification number which has been assigned by DES.

For an application under this paragraph to be approved, the owner of the water system infrastructure shall:

(1) Be in compliance with all applicable water quality standards and monitoring and reporting requirements of Env-Dw 717 or successor rules in Env-Dw; or

(2) Be in compliance with the requested actions in a letter of deficiency, or the required actions of an administrative order, issued by the DES and established to obtain compliance with the regulations cited in (1) above.

(d) Food establishments which purchase their water from other public water systems, as defined by RSA 485:1-a, XV, and therefore do not fall under (a) above, shall indicate this information on the application.

(e) Food establishments which do not fall under (a) through (d) above, and are instead served by a water source other than a public water system, shall submit with the initial and renewal application the written results of a laboratory analysis of the water intended for use, which tests the level of the following:

- (1) Bacteria;
- (2) Nitrates; and
- (3) Nitrites.

(f) The analyses required by (e) above shall be conducted not more than 6 months prior to the date of the application by a laboratory accredited by DES to perform such tests in accordance with Env-C 300.

(g) For an application to be approved, the results of the water analysis shall be as follows:

- (1) The bacteria test required under (e) above shall not exceed the maximum contaminant level (MCL) for drinking water prescribed by Env-Dw 700 and
- (2) The nitrate and nitrite tests required under (e) above shall not exceed the MCL for drinking water prescribed by Env-Dw 700 for those 2 contaminants.

#### 1204.4.07(He-P 2304.07) Wastewater System Requirements.

(a) Food establishments which discharge their wastewater to either public or private wastewater systems which hold either a state surface water discharge permit or a groundwater discharge permit issued by the New Hampshire department of environmental services (DES), shall indicate this information on the application.

(b) Food establishments which do not discharge their wastewater as described in (a) above shall submit, as part of their application, one of the following:

- (1) Both:
  - a. A copy of the construction approval for the sewage or waste disposal system that indicates that the system is sufficient in capacity to serve the subject food establishment issued by DES in accordance with RSA 485-A:29 and Env-Wq 1000; and
  - b. A written statement signed by the applicant containing the following language: "I certify that there has been no increase in the loading on the wastewater system which would cause an exceedance of the capacity of the system approved by the NH department of environmental services under the provisions of Env-Wq 1000;" or

(2) A written statement signed by the applicant containing the following language: "I certify that the private sewage or waste disposal system serving this food establishment was constructed prior to 1971 and is presently not in failure. I further certify that I have not been notified by either the NH department of environmental services or the local health officer that the system serving this food establishment is in violation of any state or local statute, administrative rule, ordinance or bylaw."

(c) If there is no increase in the loading of the waste disposal system serving the food establishments in (b) above, and the applicant is unable to produce the documentation required, the department shall inform DES that the applicant has not complied with (b)(1) above. In this case, the requirement of (b)(1) above shall be waived.

(d) Any increase in seating capacity in a licensed food establishment which has a private wastewater system shall comply with Env-Wq 1000.

1204.4.08(He-P 2304.08) Change in Ownership of a Food Establishment.

(a) When there is a change of ownership of a food establishment, the new owner shall submit the items required for initial license applicants under 1204.4.01 (He-P 2304.01) to the department at least 30 days prior to the change of ownership.

(b) Upon receipt and processing of the items required by (a) above, and after an inspection conducted in accordance with 1204.5 (He-P 2305) which shall also determine compliance with Chapters 4, 5, and 6 of the Food Code, the department shall issue a provisional license reflecting the change in ownership.

(c) The issuance of a provisional license due to a change in ownership shall void the license of the previous owner on the date the change of ownership occurs.

1204.4.09(He-P 2304.09) Change in Name of a Food Establishment.

(a) When a license holder intends to change the name of a food establishment, that license holder shall submit a written request to the department for a new license at least 30 days prior to the intended date of change in name.

(b) The written request shall include:

- (1) The reason for requesting a new license;
- (2) The name of the food establishment as it appears on the existing license;
- (3) The name of the food establishment as the license holder requests it to appear on the new license; and
- (4) The date upon which the change in name is intended to occur.

(c) Following receipt of the items required by (b) above, the department shall issue a revised license reflecting the change in name. The establishment number and expiration date shall remain the same as it was on the immediately preceding license.

1204.4.10(He-P 2304.10) Change in Location of a Food Establishment.

(a) When there is a change of location of a food establishment, the license holder shall submit the items required for initial license applicants and plan review under 1204.4.01 (He-P 2304.01) to the department at least 45 days prior to the change of location.

(b) Upon receipt and processing of the items required under (a) above, and after an inspection conducted in accordance with 1204.5 (He-P 2305), the department shall issue a provisional license reflecting the change of location.

(c) The issuance of a provisional license due to a change in location shall void the previous license on the date the change of location occurs.

(d) This section shall not apply to mobile food units, pushcarts or vehicles used to sell retail food.

1204.4.11(He-P 2304.11) Change in License Class.

(a) A license holder wishing to request an upgrade to a higher-level class of license listed in 1204.4.04 (He-P 2304.04) shall:

- (1) Be treated as an applicant for a new license; and
- (2) Apply for a new license in accordance with 1204.4.01 (He-P 2304.01).

(b) The issuance of a provisional license due to an upgrade in license class shall void the previous license on the date the upgrade occurs.

(c) A license holder wishing to request a downgrade to a lower level class of license listed in 1204.4.04 (He-P 2304.04) shall submit a written request for downgrade to the department.

(d) The written request in (c) above shall include:

- (1) The reason for requesting a downgrade; and
- (2) The date upon which the downgrade is intended to occur.

(e) Following receipt of the request under (c) above the licensee shall be issued a revised license reflecting the downgrade in class of license. The establishment number and expiration date shall remain the same as it was on the immediately preceding license.

1204.4.12(He-P 2304.12) Submission of Plans and Specifications for New or Remodeled Food Establishments.

(a) An applicant or license holder shall complete and submit a "Plan Review Application" to the department for review and approval at least 45 days prior to:

- (1) Constructing a new food establishment; mobile or pushcart unit;
- (2) Converting an existing structure for use as a food establishment;
- (3) Remodeling a food establishment; or

(4) Relocating a food establishment when the relocation also involves (1), (2), or (3) above.

(b) Homesteads, and bed and breakfasts shall be exempt from submitting a plan review application.

(c) An applicant or licensee shall pay a fee of \$75, for each plan review application submitted.

(d) The department shall review plans for construction, renovation or structural alterations of a food establishment for compliance with all applicable sections of RSA 143, RSA 143-A, and Town 1204(He-P 2300) and notify the applicant or licensee as to whether the plan complies with these requirements.

1204.4.13(He-P 2304.13) Hazard Analysis and Critical Control Point (HACCP) Plan Requirements.

(a) The following applicants or licensees shall submit to the department a complete HACCP plan for approval prior to engaging in an activity that requires such a plan; such as but not limited to:

(1) Food processing plants;

(2) Any food establishment engaging in an activity that requires a variance as specified under Food Code subparagraph 3-401.11(D)(3)((*CORRECTED NUMBER FROM 4*)), § 3-502.11, or ¶ 4-204.110 (B);

(3) Any food establishment engaging in a food preparation or processing method that the department determines requires a variance, based on the submission of plans and specifications in accordance with 1204.4.12(He-P 2304.12), an inspection finding, or a variance request; and

(4) Any food establishment engaging in an activity specified under Food Code § 3-502.11 and 3-502.12.

(b) A complete HACCP plan shall include the following:

(1) A categorization of the types of TCS foods that are specified in the menu

(2) A flow diagram by specific food or category type identifying critical control points and providing information on the following:

a. Ingredients, materials, and equipment used in the preparation of that food; and

b. Formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved;

(3) Food employee and supervisory training plan that addresses the food safety issues of concern;

(4) A statement of standard operating procedures for the plan under consideration including clearly identifying:

a. Each critical control point;

- b. The critical limits for each critical control point;
- c. The method and frequency for monitoring and controlling each critical control point by the food employee designated by the person in charge;
- d. The method and frequency for the person in charge to routinely verify that the food employee is following standard operating procedures and monitoring critical control points;
- e. Action to be taken by the person in charge if the critical limits for each critical control point are not met; and
- f. Records to be maintained by the person in charge to demonstrate that the HACCP plan is properly operated and managed; and

(5) Additional scientific data or other information, as needed by the department to make its determination under (c) below, supporting the determination that food safety is not compromised by the proposal.

(c) The department shall review HACCP plans for compliance with all applicable sections of RSA 143, 143-A, and Town 1204(He-P 2300) and notify the applicant or licensee as to whether the plan complies with these requirements.

1204.4.14(He-P 2304.14) Variances.

(a) Applicants or license holders seeking variances from specific rules or Food Code items shall submit a "Variance Request" to the:

Exeter Health Department  
20 Court St  
Exeter, NH 03833  
603-773-6132

(b) The variance request shall include:

- (1) Specific reference to the rule or Food Code item for which a variance is being sought;
- (2) Full explanation of why a variance is necessary;
- (3) Full explanation of alternatives proposed by the applicant or license holder, which shall be equally as protective of public health as the rule or Food Code item from which a variance is sought; and
- (4) A HACCP plan if required under 1204.4.13(He-P 2304.13).

(c) The department shall approve a request for variance if:

- (1) The department concludes that authorizing deviation from strict compliance with the rule or Food Code item from which a variance is sought does not contradict the intent of the rule or Food Code item; and

- (2) The alternative proposed by the applicant or license holder ensures that the objective or intent of the rule or Food Code item from which a variance is sought will be accomplished.
- (3) An approved variance may not be applicable if there is a change in class and/or menu item(s) change.

(d) If a variance is approved, the license holder's subsequent compliance with the alternatives approved in the variance shall be considered equivalent to complying with the rule or Food Code item from which a variance was sought.

(e) A variance shall be approved for one year or until the expiration of the current license or unless specified by the department. The variance is not transferable.

(f) No request for a variance concerning the rules of other state agencies which are referred to in this chapter shall be approved.

#### 1204.4.15(He P 2304.15) Trade Secrets and Confidentiality.

(a) The department shall treat as confidential, in accordance with RSA 350-B, information that meets the criteria specified in RSA 350-B for a trade secret and is contained on inspection report forms, in the plans and specifications submitted as specified under 1204.4.12(He P 2304.12), and in any HACCP plans submitted.

(b) Consumer complaints received regarding illness or sanitation of a food establishment shall have their name, address, and phone number or other identifying information of the individual making the complaint maintained as confidential and such information shall not be released without written permission of the complainant.

#### 1204.5(PART He-P 2305) INSPECTIONS AND COMPLIANCE

##### 1204.5.01(He-P 2305.01) Inspections.

(a) For the purpose of determining compliance with RSA 143, RSA 143-A, and Town 1204(He-P 2300), as authorized by RSA 143:4 and RSA 143-A:6, II, the applicant or licensee shall admit and allow any department representative at any time to enter and inspect the following:

- (1) The licensed food establishment, including any mobile food units or vehicles used by the licensee for the transportation or retail sale of food; and
- (2) Any records required by RSA 143-A and Town 1204(He-P 2300), or pertaining to food and supplies purchased and distributed by the food establishment.

(b) At the time of inspection, or upon request, the applicant or licensee shall provide the department with the following:

- (1) A list of persons employed; and
- (2) Samples of food for bacteriological, chemical, and physical examination.

(c) The department shall conduct an inspection to determine full compliance with RSA 143, RSA 143-A, and Town 1204(He-P 2300), prior to:

- (1) The issuance of a provisional license;
- (2) The issuance of a full license;
- (3) A change in ownership;
- (4) A change in the licensee's physical location;
- (5) An upgrade in the license class;
- (6) Occupation of space after construction, renovations or structural alterations; or
- (7) The renewal of a license.

(d) In addition to (c) above, the department shall conduct an inspection:

- (1) Whenever the department has reason to believe a condition exists that places the food establishment in non-compliance with RSA 143, RSA 143-A, or Town 1204(He-P 2300); and
- (2) As necessary to verify compliance with any corrective action plan (CAP) and/or Risk Control Plan accepted by the department as part of an inspection.

(e) The applicant, owner, or person in charge shall be present at time of inspection.

(f) Upon completion of the inspection, the department shall complete a written inspection report in accordance with Food Code Annex 7, Form 3-A and Guide 3-B, or in the case of food processing plants and homesteads a "Food Processing Plant Inspection Report".

(g) The inspection report shall contain:

- (1) Specific factual observations of deficiencies which violate Town 1204(He-P 2300) and/or the Food Code and which require correction; and
- (2) For all food establishments except food processing plants, a color designation, described in (i) below, based on the results of the inspection findings.

(h) The applicant, owner, or person in charge shall acknowledge receipt of the inspection report by signing the inspection report.

(i) Color Score Designation shall be as follows:

(1) Green if there are no priority item violations identified ~~or if all priority/critical item violations identified are corrected immediately and permanently at the time of the inspection~~ (no priority/critical = no further action) *((ELIMINATE TO BE IN-LINE WITH THE FDA CODE))*

(2) Yellow if there are priority/critical item violations and/or *repeat violations* ~~are not corrected immediately and permanently at the time of inspection; and~~ (priority/critical item

will trigger a follow-up inspection)((DELETE AND REWORD FOR COMPLIANCE WITH FDA CODE))

(3) Red if it is determined that an imminent health hazard exists at the time of the inspection or if the food establishment is found to be operating without a current, valid license.(follow-up inspection triggered *and closure of facility possible*)(WORDING CHANGED TO ACCORD WITH DEFINITION OF IMMINENT HEALTH HAZZARD))

1204.5.02(He-P 2305.02) Correction of Deficiencies Identified During an Inspection.

(a) All deficiencies identified in the inspection report shall be corrected at the time of inspection, as practicable.

(b) For all food establishments except food processing plants and homesteads, if a priority item violation and/or a priority foundation violation is found during an inspection and cannot be corrected immediately and permanently in the presence of the inspector, the applicant or licensee shall:

(1) Agree to temporarily correct the priority item violation and to permanently correct it in a specified time frame, not to exceed 10 calendar days after the inspection; or

(2) Complete a CAP in the presence of the inspector in accordance with 1204.5.03 (He-P 2305.03) Repeat violations of the same code #violation will be placed in a corrective action plan, or a Risk Control Plan for repeat risk factor violations and lack of proper public health interventions

(c) For all food establishments except food processing plants and homesteads, if a violation of any items in Chapter 4, 5, or 6 of the FOOD CODE is found during an inspection for an initial license or change of ownership license, and it cannot be corrected immediately in the presence of the inspector, the applicant or licensee shall:

(1) Agree to temporarily correct the deficiency and to permanently correct it in a specified time frame, not to exceed 10 calendar days after the inspection; or

(2) Complete a CAP in the presence of the inspector in accordance with 1204.5.03 (He-P 2305.03).

(d) All core items shall be corrected in a timely manner; ~~not to exceed 90 days; unless~~ (a CAP is *may be* completed and accepted by the inspector); not to exceed a 6 month period for corrective action.((ELIMINATE TO ALLOW ADEQUATE TIME FOR CORRECTIONS AND REWORD))

(e) For food processing plants and homesteads, if any violation is found during an inspection and cannot be corrected immediately and permanently in the presence of the inspector, the applicant or licensee shall:

(1) Agree to temporarily correct the violation and to permanently correct it in a specified time frame—Priority items not to exceed 10 calendars days after the inspection  
Priority foundation items not to exceed 10 calendar days after the Inspection  
Core items shall be corrected in a timely manner, not to exceed 90 days

(2) A CAP may be completed for a core item violation or a priority foundation item, at the discretion of the inspector

1204.5.03(He-P 2305.03) Corrective Action Plan.

(a) When a deficiency identified in the inspection report cannot be corrected either immediately and permanently in the presence of the inspector or permanently within 10 calendar days after the inspection, pursuant to 1204.5.02(b), (c),(d), or (e) (He-P 2305.02(b), (c), or (d)), the licensee shall complete, date, and sign, at the time of inspection, a Corrective Action Plan form provided by the inspector, including:

- (1) How the licensee intends to correct each deficiency;
- (2) The date by which each deficiency shall be corrected; and
- (3) What measures will be put in place to ensure that the deficiency does not recur.

(b) The department shall review and accept each CAP that:

- (1) Achieves compliance with RSA 143, RSA 143-A, and Town 1204(He-P 2300);
- (2) Addresses all deficiencies and deficient practices as cited in the inspection report;
- (3) Prevents a new violation of RSA 143, RSA 143-A, or Town 1204(He-P 2300) as a result of the implementation of the CAP; and
- (4) Specifies the date upon which the deficiencies will be corrected.

(c) The department shall verify the implementation of any CAP that has been accepted by:

- (1) Reviewing materials submitted by the licensee;
- (2) Conducting a follow-up inspection; or
- (3) Reviewing compliance during a renewal inspection.

(d) If the department finds the licensee to be out of compliance with the CAP by the specified completion date at the time of the next inspection, the department shall:

- (1) Impose applicable fines, in accordance with 1204.6.02(a)(13) (He-P 2306.02(a)(13));
- (2) Revoke the license in accordance with 1204.6.03(a)(7) (He-P 2306.03(a)(7)); and
- (3) Deny the application for a renewal of a license, as applicable, in accordance with 1204.4.03(d)(2) (He-P 2304.03(d)(2)).

1204.5.04 RISK CONTROL PLAN AS PART OF THE CAP 1204.5.03(a)-(d)

(a) The Risk Control Plan will be indicated for repeat violations of the:

- (1) 5 CDC Risk Factors: improper holding temperatures; inadequate cooking; contaminated equipment; food from unsafe sources; and poor personal hygiene and/or

- (2) 5 Key Public Health Interventions: demonstration of knowledge; employee health; controlling hands as a vehicle of contamination; time and temperature parameters for controlling pathogens; and consumer advisory

(b) The Risk Control Plan will identify the risk factors, the uncontrolled process step or CCP, the hazard, the critical limit and the corrective action when the critical limits are not met: to establish active managerial control of the identified uncontrolled/repeat hazards.

(c) The Risk Control Plan delineates what needs to be controlled and how it will be controlled, along with necessary records and responsible personnel. It should also indicate what training is necessary.

#### 1204.6(PART He-P 2306) ENFORCEMENT ACTIONS

##### 1204.6.01(He-P 2306.01) Enforcement Actions and Notice of Right to Appeal.

(a) The department shall impose enforcement actions for violations of RSA 143, RSA 143-A, or Town 1204(He-P 2300), including the following:

- (1) Imposing fines upon an applicant, licensee, or unlicensed individual;
- (2) Denying a license application;
- (3) Revoking a license; or
- (4) Immediately closing the food establishment.

(b) When imposing a fine, denying a license application, or revoking a license, the department shall send to the applicant or licensee a written notice that sets forth:

- (1) The action to be taken by the department;
- (2) The reasons for the action, including the identification of each deficiency as applicable; and
- (3) The right of the applicant or licensee to request a hearing in accordance with RSA 541-A, He-C 200, and 1204.6.04 (He-P 2306.04) prior to the enforcement action becoming final.

(c) No ongoing enforcement action shall preclude the imposition of any remedy available to the department under RSA 143, RSA 143-A, RSA 541-A:30, III, or Town 1204(He-P 2300).

##### 1204.6.02(He-P 2306.02) Administrative Fines.

(a) The department shall impose fines as follows:

- (1) For providing false or misleading information on or with an application, in violation of 1204.4.01(a) (He-P 2304.01(a)), 1204.11.01(a) (He-P 2311.01(a)), or 1204.4.12(a) (He-P 2304.12(a)), the fine shall be \$1,000;

- (2) For failure to operate a food establishment only in the manner in which licensed to do so, in violation of 1204.4.02(j) (He-P 2304.02(j)), the fine shall be \$500;
- (3) For failure to cooperate during an inspection of a food establishment, including but not limited to failing to allow department representatives or inspectors to inspect food establishment premises, vehicles, and records at all times, in violation of 1204.5.01 (He-P 2305.01), the fine shall be \$2,000;
- (4) For failure to notify the department by telephone within 24 hours of any fire or other disaster that jeopardizes the safety or sanitation of food provided in food establishments, in violation of 1204.6.06(a) (He-P 2306.06(a)), the fine shall be \$250;
- (5) For failure to notify the department pursuant to 1204.4.08(a) (He-P 2304.08(a)) at least 30 days prior to a food establishment ownership change, the fine shall be \$500;
- (6) For failure to notify the department pursuant to 1204.4.10(a) (He-P 2304.10(a)) at least 45 days prior to the change of location of a food establishment, the fine shall be \$500;
- (7) For failure to submit a plan for review as required in 1204.4.12(a) (He-P 2304.12(a)), the fine shall be \$300;
- (8) For failure to discard food as required by Food Code 3-701.11, and in the manner instructed to do so by the department, the fine shall be \$500;
- (9) For failure to cease operation upon notification by the department to do so, the fine shall be \$1000. Each day that a license holder fails to cease operation shall be considered a separate offense subject to an additional \$500 fine;
- (10) For failure to cease operation after a license has expired, when an application has been denied, or when a license has been revoked, the fine shall be \$1,000. Each day that a license holder fails to cease operation shall be considered a separate offense subject to an additional \$500 fine;
- (11) For a violation of the same priority item on more than 2 consecutive inspections, the fine shall be \$500;
- (12) For failure to pay an administrative fine within 30 days of its imposition, or within 30 days of the decision to uphold the imposition of a fine that was appealed, the fine shall be \$500. Each day until the expiration of the current license, that a license holder fails to pay such a fine shall be considered a separate offense subject to an additional \$500 fine;
- (13) For a failure to comply with any CAP or Risk Control Plan that has been accepted by the department, the fine shall be \$500;
- (14) For operation of a food service establishment without obtaining a food service license, as required by RSA 143-A:4, the fine shall be \$1,000. Each day that a food establishment operates without a license shall be considered a separate offense subject to an additional \$500 fine;

(15) For failure to submit a HACCP plan for review if required by the department in accordance with 1204.4.13 (He-P 2304.13), the fine shall be \$500;

(16) For failure to display a valid license, in accordance with 1204.4.02(1) (He-P 2304.02(1)), the fine shall be \$200;

(17) For failure of an applicant, owner, or person in charge to be present at the time of inspection and demonstrate the knowledge required by section 2-102.11 of the Food Code which are pertinent to the risks inherent to the specific food establishment, in violation of 1204.5.01(e) ((He-P 2305.01(e)), the fine shall be \$250; and

(18) For violating a variance approved in accordance with 1204.4.14 (He-P 2304.14), the fine shall be \$500.

(b) Each day that an individual or licensee continues to be in violation of the provisions of RSA 143, RSA 143-A, or Town 1204(He-P 2300) shall constitute a separate violation and shall be fined in accordance with this section.

(c) Payment of any imposed fine to the department shall meet the following requirements:

(1) Payment shall be made in the form of check or money order made payable to the "Town of Exeter" in the exact amount due;

(2) Money order, or certified check shall be required when an applicant or licensee has issued payment to the department by check, and such check was returned for insufficient funds; and

(3) Any payment made to the department by check which is returned for insufficient funds, and which an individual, applicant, or licensee has not made good by submitting money order or certified check within 2 business days of notification by the department, including any penalty assessment allowed by RSA 6:11-a, shall be grounds for revocation of the license.

#### 1204.6.03(He-P 2306.03) Denial or Revocation of a License.

(a) The department shall deny an application or revoke a license if:

(1) The operation of the licensed establishment immediately endangers public health or safety;

(2) An applicant or licensee has failed to pay any applicable fee in accordance with 1204.4.05 (He-P 2304.05) or any administrative fine imposed under 1204.6.02 (He-P 2306.02) or any other court authorized sanction or fee;

(3) An applicant or a licensee has had a check returned to the department for insufficient funds and has not re-submitted the outstanding fee and additional charges in the form of money order or certified check within 2 business days of notification by the department;

(4) After being notified of and given an opportunity to supply missing information, an applicant or licensee fails to submit an application that meets the requirements of 1204.4.02(c) (He-P 2304.02(c));

- (5) An applicant, licensee or any representative or employee of the applicant or licensee:
  - a. Provides false or misleading information to the department;
  - b. Prevents or interferes, or fails to cooperate with any inspection or investigation conducted by the department; or
  - c. Fails to provide, upon request, information or documents to the department;
- (6) There is a deficiency identified in the inspection report and the applicant or licensee does not either correct it or complete a CAP in accordance with 1204.5.02(b) or (c) (He-P 2305.02(b) or (c));
- (7) The licensee fails to implement or continue to implement a CAP that has been accepted by the department in accordance with 1204.5.03(d) (He-P 2305.03(d));
- (8) The licensee is cited 2 or more times under RSA 143, RSA 143-A, or Town 1204(He-P 2300) for the same critical/priority violation within the last 12 months or the last 5 inspections;
- (9) A licensee has had a license revoked and submits an application during the 3-year prohibition period specified in (b) below; and
- (10) A food establishment fails to implement an approved HACCP plan in accordance with 1204.4.13 (He-P 2304.13);

(b) When a food establishment's license has been denied or revoked, the applicant or licensee shall be prohibited from reapplying for a food establishment license for 3 years at a different location, if the enforcement action pertained to their role in the food establishment.

(c) The 3-year period referenced in (b) above shall begin on:

- (1) The date of the department's decision to revoke or deny the license, if no request for an administrative hearing is requested or if the request is withdrawn; or
- (2) The date a final decision upholding the action of the department is issued, if a request for a hearing is made and a hearing is held.

(d) Notwithstanding (b) and (c) above, the department may consider an application submitted after the decision to revoke or deny becomes final, if the applicant provides proof that circumstances have changed and that the applicant has obtained the requisite degree of knowledge, skills and resources necessary to maintain compliance with the provisions of RSA 143, RSA 143-A, and Town 1204(He-P 2300).

(e) Reapplication for a license after revocation, pursuant to RSA 143-A:6, I, shall require submission of:

- (1) A written application for a license to the department, completed in accordance with 1204.4.01 (He-P 2304.01);
- (2) A corrective action plan, completed in accordance with 1204.5.03 (He-P 2305.03); and

(3) Written proof that subsequent to the revocation, the person in charge has taken and passed a food safety class that meets the standards of The Conference for Food Protection.

1204.6.04(He-P 2306.04) Request for an Administrative Hearing.

(a) An applicant or licensee shall have 10 calendar days after receipt of the notice of an enforcement action to request in writing a hearing to contest the action.

(b) If a written request for a hearing is not received pursuant to (a) above, the applicant or licensee waives his right to a hearing and the action of the department shall become final.

(c) Hearings under this section shall be conducted in accordance with RSA 541-A and He-C 200.

(d) For administrative fines, the fines shall be paid to the department no later than 30 days from the receipt of the notice, unless a hearing has been requested.

1204.6.05(He-P 2306.05) Effect of Denial of License Application, Revocation of License, or Expired License.

(a) Any applicant who has been denied a license or renewal license shall not operate or shall cease operation of the food establishment for which the license or renewal license was denied within 10 calendar days after receipt of the denial notice, unless a timely appeal is submitted.

(b) If a license is revoked by the department, the food establishment shall cease operation of the food establishment within 10 calendar days after receipt of the revocation notice, unless a timely appeal is submitted.

(c) If a food establishment is subject to immediate closure as defined in RSA 143:5-a, the food establishment shall immediately cease operation pending reinspection and pursuant to the adjudicative proceedings provisions of RSA 541-A.

(d) If a license expires without a timely application for renewal having been made, the food establishment shall immediately cease operation of the food establishment.

1204.6.06(He-P 2306.06) Closure.

(a) A licensee shall immediately discontinue operations and notify the department at 603-773-6132, or if at night or during weekends at 603-772-1212, if an imminent health hazard may exist because of an emergency such as, but not limited to:

- (1) Interruption of water service that lasts for 2 or more hours;
- (2) Whenever a drinking water sample is found to have E.coli bacteria or exceed the MCL for nitrates or nitrites described by 1204.4.06(f) (He-P 2304.06(f));
- (3) A failed sewer system or a sewage backup into the food establishment;
- (4) Interruption of electrical service for 2 or more hours;

- (5) A fire affecting a food establishment;
- (6) Flooding in a food establishment;
- (7) Chemical exposure in a food establishment;
- (8) Any other natural disaster or catastrophic event that could result in contamination of the food supply;
- (9) An employee has been found to be infected with a communicable disease as described in Food Code subparagraph 2-201.11 (A)(2); or
- (10) Any other severe unsanitary conditions that threaten to contaminate the food establishment and its food supply.

(b) A licensee shall not be required to discontinue operations in an area of the food establishment that is unaffected by the imminent health hazard.

(c) If operations are discontinued as specified in (a) above, the licensee shall obtain approval from the department before resuming operations.

(d) The department shall approve the resumption of operations if the imminent health hazard no longer exists or the licensee has offered a plan to mitigate all threats to health and safety

(e) The failure to include other violations, practices, circumstances, or events in this section shall not be construed as a determination that other violations, practices, circumstances, or events are not or shall not be considered an imminent health hazard.

(f) The commissioner's(Exeter Health Department) order of an immediate closure of a food establishment shall be in accordance with the provisions of RSA 143:5-a.

#### 1204.7(PART He-P 2307) EMPLOYEE HEALTH

##### 1204.7.01(He-P 2307.01) Suspected or Confirmed Foodborne Disease Outbreaks.

(a) Pursuant to RSA 141-C:9, II, during a suspected or confirmed foodborne disease outbreak, as determined by the department, all food employees in the implicated food establishment shall submit biological specimens upon department request.

(b) During a suspected or confirmed foodborne disease outbreak, as determined by the department, any food employee who has had any of the symptoms specified in Food Code subparagraph 2-201.11 (A)(1) within the previous 2 weeks shall be excluded from work until the appropriate biological specimens requested by the department under RSA 141-C:9, II, are submitted and found to be negative.

##### 1204.7.02(He-P 2307.02) Reporting by the Person in Charge.

(a) The person in charge shall notify the department's bureau of communicable disease control at 603-271-4496, or if at night or during weekends at 603-271-5300; the person in charge will also notify the Exeter Health Department at 603-773-6132, of a food employee, or a person who applies for a job as a food employee, who is diagnosed with, or suspected of having, an illness or condition specified in Food Code subparagraph 2-201.11 (B), including:

- (1) Jaundiced;
- (2) Norovirus;
- (3) Hepatitis A virus;
- (4) Shigella spp.;
- (5) Enterohemorrhagic or shiga toxin-producing Escherichia coli; or
- (6) Salmonella Typhi.

(b) The person in charge shall report infectious and communicable disease as required by He-P 301 Communicable Disease rules, as applicable.

#### 1204.8(PART He-P 2308) SPECIAL REQUIREMENTS FOR BED AND BREAKFAST FACILITIES

1204.8.01(He-P 2308.01) Application Requirements. Food service establishments applying for a license as a bed and breakfast facility shall comply with all of the application requirements of 1204.4.01 (He-P 2304.01), except that they shall not be required to submit a plan review application as required under 1204.4.01(a)(5) (He-P 2304.01(a)(5)) and wastewater items as required under 1204.4.01(a)(4) (He-P 2304.01(a)(4) and 1204.4.07(He-P 2304.07).

1204.8.02(He-P 2308.02) Basic Requirements. A bed and breakfast facility shall comply with 1204.2 through 1204.7 (He-P 2302 through He-P 2307), however the following exceptions to the Food Code shall apply:

- (a) Commercial equipment shall not be required;
- (b) The kitchen shall be equipped with either:
  - (1) A 2-compartment sink; or
  - (2) A residential model dishmachine and a one-compartment sink;
- (c) A sink used for food preparation shall not be required to be equipped with an indirect wasteline;
- (d) A backflow device shall not be required for kitchen sinks provided with a spray hose;
- (e) Coved base at the juncture of the floor and wall shall not be required;
- (f) Only those bathrooms which open directly into the kitchen or into any hallway leading into the kitchen shall be required to have self-closing doors and mechanical ventilation;
- (g) The kitchen shall not be required to be separated from any living area or sleeping area by complete partitioning or solid, self-closing doors; and
- (h) Laundry facilities shall:
  - (1) Be allowed in the kitchen; and

- (2) Not be used during processing, preparing, serving, or packaging of foods related to the business.

1204.8.03(He-P 2308.03) Sanitization. Dishes, utensils, and food contact equipment and surfaces shall undergo sanitization as required in Food Code 4-703.11, except that sanitization, if done in the 2 compartment sink, shall occur in the second compartment after the dishes, utensils, and food contact equipment have been rinsed with clean water.

#### 1204.9(PART He-P 2309) SPECIAL REQUIREMENTS FOR FOOD PROCESSING PLANTS

1204.9.01(He-P 2309.01) Application Requirements. Food service establishments applying for a license as a food processing plant shall:

- (a) Comply with all of the application requirements described in 1204.4.01 (He-P 2304.01);
- (b) Submit with their application a list of all food products to be produced in the food processing plant; and
- (c) Submit a HACCP plan as part of the application as required by 1204.4.13 (He-P 2304.13).

1204.9.02(He-P 2309.02) Basic Requirements. Food processing plants shall:

- (a) Provide an updated list of food products to the department whenever new products are added;
- (b) If thermally processing and packaging low-acid foods in hermetically sealed containers, comply with applicable federal regulations under the Code of Federal Regulations in 21 CFR 113 and 21 CFR 110;
- (c) If processing acidified foods, comply with applicable federal regulations under Code of Federal Regulations in 21 CFR 114 and 21 CFR 110; and
- (d) Maintain production records and distribution records of all products produced.

1204.9.03(He-P 2309.03) Food Processing Plant Standards.

- (a) Those food establishments licensed as food processing plants shall be exempt from the requirements of the Food Code and shall instead comply with the requirements in this section.
- (b) All food shall be from an approved source-as defined 1204.1.01(b)(1)(2)(3)
- (c) All food products shall be stored in original containers. If food products are removed from the original container, they shall be stored in labeled and closed containers. Containers shall be of a material that will not cause the food to become adulterated.
- (d) All food shall be in sound condition, free from spoilage, filth, or other contamination, and shall be safe for human consumption.
- (e) All TCS food shall be refrigerated at 41°F or lower, or held at 135°F or higher, to control bacterial growth.

- (f) Food storage facilities shall be kept clean and located to protect food from unsanitary conditions or contamination from any source at all times.
- (g) The floors, walls, ceilings, utensils, machinery, equipment, and supplies in the food preparation area and all vehicles used in the transportation of food shall be kept thoroughly clean.
- (h) All food contact surfaces shall be kept clean and undergo sanitization as frequently as necessary to protect against contamination of food—maximum 4 hour intervals
- (i) All food contact surfaces shall be easy to clean, smooth, nonabsorbent, and free of cracks or open seams. Sanitation shall comply with applicable federal regulations under the Code of Federal Regulations in 21 CFR:110.
- (j) All food shall be protected against insects and rodents at all times. Outside doors, windows, and other openings shall be fitted with screens and self-closing doors, if not otherwise protected. No dogs, cats, or other pets shall be allowed in the room where food is prepared or stored.
- (k) All garbage and refuse shall be kept in containers and removed from the premises regularly to prevent insects and rodents, offensive odors, or health or fire hazards. Garbage and refuse containers shall be durable, easy to clean, insect- and rodent-resistant, and of material that neither leaks nor absorbs liquid.
- (l) Employees shall be free from contagious or communicable diseases, sores, or infected wounds, and shall keep their hair covered and restrained.
- (m) Employees shall keep themselves and their clothing clean. Hands shall be washed as frequently as necessary to maintain good sanitation.
- (n) Employees shall not smoke while handling or preparing food or in food preparation or storage areas.
- (o) All establishments shall have an adequate supply of hot and cold potable water under pressure from an approved source.
- (p) All establishments shall have toilet facilities, which do not open directly into food processing areas, equipped with a hand washing lavatory, complete with hot and cold potable water under pressure and hand soap. A supply of sanitary towels or a hand-drying device providing heated air shall be conveniently located near the hand-washing facility.
- (q) Poisonous or toxic materials shall be stored so they cannot contaminate food, equipment, utensils, linens, and single-service, and single-use articles.
- (r) Hand sinks shall be conveniently located to all food processing areas.
- (s) Adequate lighting shall be provided where food is stored, processed, or examined
- (t) Adequate ventilation shall be provided to eliminate objectionable odors and vapors, including steam and constructed in such a manner as to avoid possible contamination.
- (u) Food processing plants shall comply with all provisions of the state plumbing code as included as part of the state building code defined in RSA 155-A:1, IV, as amended by the Building Code Review Board pursuant to RSA 155-A:10, V.

1204.9.04(He-P 2309.04) Labeling of All Packaged Foods. All packaged food shall bear a label showing:

- (a) The common or usual name of the product;
- (b) The name and address of the manufacturer's, packer's, or distributor's business which shall:
  - (1) In the case of an individual, partnership, or association be the name under which the business is conducted;
  - (2) In the case of a corporation, be the name of the parent corporation; or
  - (3) Where the food is not processed by the person whose name appears on the label, the name on the label shall be qualified by a phrase which reveals the connection such a person has with the food, including but not limited to, "Manufactured for \_\_\_\_\_", "Distributed by \_\_\_\_\_", or any other wording which expresses the facts;
- (c) The ingredients in descending order of predominance by weight; and
- (d) The net weight, volume, or numerical count in both U.S. customary and metric; and
- (e) A product code which includes date of manufacture, container size, and product lot or batch number to aid in a recall of product in case of a public health hazard; and
- (f) **Allergen information ie; WHEAT, SOY ...((NEW ADD REQUIRED BY CODE))**
- (g) **Directions as needed; reheat, refrigerate, cook....((NEW REQUIRED BY CODE))**

1204.9.05(He-P 2309.05) Recall Procedure.

(a) The food processing plant shall develop and maintain on file a written procedure for the recall of their product, including procedures for the notification of the department and consumers and the removal of the product from commerce.

(b) Production and distribution records shall be used to enable location of products if a recall is initiated.

(c) A food processing plant shall recall any product which the food processing plant or the department knows or has reason to believe might adversely affect the health and safety of the public.

(d) A food processing plant that knows that the standard of quality has been violated or has reason to believe that circumstances exist which might adversely affect the safety of the product shall notify the department within 24 hours of learning of the violation or circumstances.

(e) Circumstances in (d) requiring notification shall include, but are not limited to, source contamination, spills, accidents, natural disasters, or breakdowns in treatment processes.

(f) If the department determines that the circumstances present an imminent health hazard and that consumer notification and/or product recall can significantly minimize the threat to health and safety of the public, the department shall advise the food processing plant to initiate a product recall.

(g) In cases of a product recall, the food processing plant shall disseminate notification of the recall to all wholesale and retail outlets to which the product was distributed.

(h) If directed by the department, the food processing plant shall issue notification to consumers who might be affected by the recall using such methods, including the media, as will assure timely notification to the consumers.

1204.10(PART ~~He-P 2310~~) SPECIAL REQUIREMENTS FOR LEVEL ONE AND LEVEL TWO HOMESTEADS PRODUCING FOOD IN A RESIDENTIAL NON-COMMERCIAL KITCHEN((ELIMINATE REFERENCE NOT ACCURATE))

1204.10.01(~~He-P 2310.01~~) Application Requirements. ((ELIMINATE REFERENCE))

(a) Food service establishments applying for a license as a level one or level two homestead shall comply with all of the application requirements of 1204.2.04 (He-P 2302.04) except that they shall not be required to submit the plan review application required under 1204.4.01(a)(5) (He-P 2304.01(a)(5)) and wastewater items required under 1204.4.01(a)(4) (He-P 2304.01(a)(4)) and 1204.4.07(He-P 2304.07).

(b) Level One Homestead license holder-offers product only at a farm stand, farmers' market or from the holder's residence/Class H-1 license

(c) Level Two Homestead license holder-may offer product to other food establishments and retail food stores, as well as farmers markets, farm stands, or license holder's residence/Class D-4 license

(d) Finished product label

1204.10.02(He-P 2310.02) Approved Products. Only the following food products shall be produced and sold from a homestead:

(a) Baked items, including, but not limited to, breads, rolls, muffins, cookies, brownies, and cakes;

(b) Double-crusteD fruit pies;

(c) Candy and fudge;

(d) Packaged dry products, which include, but are not limited to, spices and herbs;

(e) Acid foods, including, but not limited to, vinegars and mustards; and

(f) Jams and jellies-process review required(1204.10.06/He-P 2301.05)

1204.10.03(He-P 2310.03) Prohibited Products. License holders producing food in a homestead shall not produce or sell TCS food, including any food which requires refrigeration.

1204.10.04(He-P 2310.04) Basic Requirements.

(a) Homesteads shall comply with all requirements of Town 1204.9.04(He-P 2309.04) and 1204.9.05(He-P 2309.05) regarding labeling of products and recall of products respectively.

(b) Homesteads shall label each product with the following statement: "This product is made in

a residential kitchen". Labels shall contain ingredients list in order, Name and address for identification, as (a) above

- (c) Level Two Homesteads selling to retail shall also submit:
- (1) Copies of all finished product labels
  - (2) A list of sources of all ingredients to be used
  - (3) A flow chart describing the manufacturing steps for each product to be made
  - (4) A description of how each product is packaged; and
  - (5) A description of the records that are maintained during production including but not limited to temperatures and pH readings, where applicable

1204.10.05(He-P 2310.06) Homestead Standards.

(a) Those food establishments licensed as homesteads shall be exempt from the requirements of the Food Code, and shall instead comply with the requirements of 1204.9.03(He-P 2309.03) and the requirements in this section.

(b) Commercial equipment shall not be required.

(c) The kitchen shall be equipped with either:

- (1) A 2-compartment sink; or
- (2) A residential model dishmachine and a one-compartment sink.

(d) A sink used for food preparation shall not be required to be equipped with an indirect wasteline.

(e) A backflow device shall not be required for kitchen sinks provided with a spray hose.

(f) Coved base at the juncture of the floor and wall shall not be required.

(g) Only those bathrooms which open directly into the kitchen or into any hallway leading into the kitchen shall be required to have self-closing doors and mechanical ventilation.

(h) The kitchen shall not be required to be separated from any living area or sleeping area by complete partitioning or solid, self-closing doors.

(i) Laundry facilities shall:

- (1) Be allowed in the kitchen; and
- (2) Not be used during processing, preparing, serving, or packaging of foods related to the business.

1204.10.06(He-P 2310.05) Process Review Required

(a) Level One or Level Two homesteads producing foods listed in 1204.10.02(f) that do not use recipes approved by the National Center for Home Food Preservation shall comply with the following:

- (1) A process review shall be conducted by a food processing authority on each product prior to its being produced by the license holder. If the food processing authority declares in writing that there are no biological concerns with the food after evaluating the scheduled process, the food shall be allowed to be produced;
- (2) License holders shall keep records of all pHs on file and available for review by the regulatory authority upon request;
- (3) A process review shall be conducted for a product that has been previously tested if the ingredients are altered or the process changes;
- (4) License applicants shall submit process review documentation with the license application in accordance with Town 1204.10.01;
- (5) License holders shall keep all process review information on file and available for review by the regulatory authority upon request.

1204.11(PART He-P 2312) OUT-OF-STATE FOOD PRODUCERS IN RESIDENTIAL, NON-COMMERCIAL KITCHENS

1204.11.01(He-P 2312.01) Registration of Out-of-State Producers in Residential, Non-Commercial Kitchens.

(a) All applicants registering their products in accordance with RSA 143:29 shall submit the following to the department:

- (1) A completed "Application for Registration of Out-of-State Producers in Residential, Non-Commercial Kitchens" (OSPAPP, 01-01-11);
- (2) One of the following:
  - a. A copy of a sanitary inspection conducted within the previous 12 months by the regulatory authority with jurisdiction;
  - b. A letter from the regulatory authority confirming compliance with local regulations; or
  - c. A health certificate for the facility issued within the previous 12 months; and
- (3) A fee in the amount of \$25, pursuant to RSA 143:29, payable by check or money order, in the exact amount of the fee made payable to the "Town of Exeter".

1204.11.02(He-P 2312.02) Processing of Registrations.

(a) The registration application required by 1204.11.01(He-P 2312.01) shall be processed in accordance with RSA 541-A:29.

(b) If the registration application does not contain all of the items required by 1204.11.01(He-P 2312.01), the department shall:

- (1) Not process the registration application; and
- (2) Notify the registrant in writing that all required items shall be submitted within 30 days in order for the registration application to be processed.

(c) If all the items required by 1204.11.01(He-P 2312.01) are received, the application shall be deemed to be complete.

1204.11.03(He-P 2312.03) Registration Issuance and Duration.

(a) A registration shall be issued if the registration application meets the requirements of 1204.11.01(He-P 2312.01).

(b) All registrations shall remain in effect until the first day of January of the year following issuance unless revoked prior to that date.

(c) Registrations shall not be transferable with respect to persons or locations.

1204.11.04(He-P 2312.04) Denial of Registration Applications. The department shall deny a registration application when the application submitted is incomplete and any information requested in accordance with 1204.11.02(b) ((He-P 2312.02(b)) is not provided.

1204.11.05(He-P 2312.05) Renewal of Registrations.

(a) Registration applications for renewal of registrations shall be completed as required in 1204.11.01(He-P 2312.01).

(b) There shall be no fee for renewal of registrations.

(d) Registration renewal applications shall be processed and issued or denied in accordance with 1204.11.02(He-P 2312.02) through 1204.11.04(He-P 2312.04).

**\*\*\*NEW SECTION TO BE ADDED TO CONFORM TO WHAT IS ACTUALLY DONE\*\*\***

**1204.12 TEMPORARY FOOD SERVICE EVENT PERMIT REQUIREMENTS**

RSA143-A:3 VIII “Temporary food service establishment means any food service establishment which operates at a fixed location for a temporary period of time not to exceed 2 weeks, in connection with a fair, carnival, circus, public exhibition, or similar transitory gathering”

The event may be held indoors or outdoors. Vendor types may include, but not limited to one selling or offering any prepared, prepackaged potentially hazardous or non-hazardous foods, as well as cooking.

The *Coordinator* of the event must submit a completed *Coordinator’s Application* at least one month prior to the event to the Exeter Health Department.

All *vendors* must submit a completed *Temporary Food Service Application* at least 14 days prior to the event to the Exeter Health Department.

*Applications* not received in the Health Department by the deadline date will not be considered for permitting.

Vendor and event requirements may include, but not limited to the following; having a current food service license, commissary agreement, foods from an approved source, hand wash station, ground covering, overhead protection, food thermometers, sanitize solution, hot/cold hold equipment, single service customer items, extra utensils, disposable gloves, garbage and trash disposal. This is not a complete listing.

The Health Department may impose additional requirements to protect against a health hazard related to the conduct of the temporary food service establishment, prohibit the sale of some or all potentially hazardous foods, and when no health hazard will result, may modify requirements of the regulations when warranted.

PART He-P 2313-He-P 2331 RESERVED

PART He-P 2350 NEW HAMPSHIRE COLD STORAGE RULES

**1204 Town Health Ordinance Sanitary Production and Distribution of Food**

**Adopted 08-12-1998**

**Revised 09-11-2001**

**Revised 09-2003**

**Revised/renumbered 01-2011**

**Revised -2014**

## APPENDIX

<u>RULE</u>	<u>STATUTE RULE IMPLEMENTS</u>
He-P 2301.01	RSA 143-A; RSA 143-A:3
He-P 2302.01	RSA 143-A:4; RSA 143-A:5; RSA 143-A:12, II
He-P 2302.02	RSA 143-A:5-a
He-P 2303.01	RSA 143-A:9, V
He-P 2304.01	RSA 143-A:6, I, V
He-P 2304.02	RSA 143-A:4, II; RSA 143-A:6, I-V
He-P 2304.03	RSA 143-A:6, I-V
He-P 2304.04	RSA 143-A:9, I; RSA 143-A:12, II
He-P 2304.05	RSA 143-A:6, V; RSA 143-A:9, I-a; RSA 143-A:13, V
He-P 2304.06	RSA 143:3; RSA 143-A:9, V
He-P 2304.07	RSA 143:3; RSA 143-A:9, V
He-P 2304.08	RSA 143-A:6; RSA 143-A:9, V
He-P 2304.09	RSA 143-A:6; RSA 143-A:9, V
He-P 2304.10	RSA 143-A:6; RSA 143-A:9, V
He-P 2304.11	RSA 143-A:6; RSA 143-A:9, V
He-P 2304.12	RSA 143-A:9, V
He-P 2304.13	RSA 143-A:9, V
He-P 2304.14	RSA 143-A:9, V
He P 2304.15	RSA 143-A:9, V
He-P 2305.01	RSA 143:4; RSA 143-A:6
He-P 2305.02	RSA 143:4; RSA 143-A:6
He-P 2305.03	RSA 143:4; RSA 143-A:6
He-P 2306.01	RSA 143:5-a; RSA 143-A:6; RSA 143-A:7; RSA 143-A:9-a, I
He-P 2306.02	RSA 143:7-a; RSA 143-A:10-a
He-P 2306.03	RSA 143-A:6; RSA 143-A:7; RSA 143-A:9-a, I
He-P 2306.04	RSA 143-A:9, IV-c
He-P 2306.05	RSA 143-A:4; RSA 143-A:6; RSA 143-A:11
He-P 2306.06	RSA 143:5-a; RSA 143-A:9, V
He-P 2307.01	RSA 141-C:9, II; RSA 143:5
He-P 2307.02	RSA 141-C:6, III
He-P 2308.01 – He-P 2308.03	RSA 143-A:9, V
He-P 2309.01 – He-P 2309.05	RSA 143-A:9, V
He-P 2310.01 – He-P 2310.05	RSA 143-A:12-13
He-P 2311.01 – He-P 2311.05	RSA 143:29

**TOWN OF EXETER  
MEMORANDUM**

TO: Board of Selectmen  
FROM: Russell Dean, Town Manager  
RE: 2014 Classification Plan  
DATE: July 14, 2014

---

The Town of Exeter last updated its pay plan in 2009. The proposed *classification* and pay plan is being presented to the Board for consideration and adoption, consistent with the Town's Personnel Policy (see packet). The pay plan is not just a pay plan, it is also a classification plan of non-union Town positions (except the Library), with each fitting into a labor grade. There are twenty grades contemplated as part of the classification plan. There are numerous grades due to the fact that a variety of positions are covered by the classification and pay plan, from custodians to part-time clerical positions, to technical positions, and salaried and management positions.

The Town has a current set of pay scales for non union full time and part time employees, however each position has not been graded according to any accepted standard. In fact, grading of town positions has not taken place in any comprehensive manner since approximately 2005. In the latest classification plan, all positions have been graded and added to the plan right up to recently approved positions (assistant engineer, health officer, economic development director) and included in the plan.

The most recent pay scales (which would have been effective July 1, 2014, anticipating a 1.5% COLA), are included in the packet for comparison. These scales (of ungraded positions) were originally set up based on a market study of wages done in 2009. There was no classification component to the plan in 2009. Since 2009, various COLA adjustments have been approved by the Board over the years ranging from no COLA to 2.5%. These COLA adjustments have been applied to the scales annually, resulting in the latest scale included in the packet. If the new classification and pay plan is approved, the 20 grade system with matching wage scales will take the place of the old July 1, 2014 scale. The 'old scale' anticipates a 1.5% COLA adjustment plus a 2.23% step for even year hire employees. Employees at maximum would receive only a 1.5% COLA adjustment. If approved, the new pay

The new classification system is not just a plan of positions and pay scales; rather it is a *system* based on the factor evaluation system, which looks at each position and its duties and responsibilities, grades on a number of factors, and converts these point factors to arrive at a place in the grading system (grades 1-20). I am recommending the adoption of this system for several reasons:

1. It gives our personnel classification system stability and can be reviewed annually or periodically;
2. It provides a firm basis for each position classification according to a set of accepted Human Resources management principles and guidelines;
3. It takes into full account all job duties and responsibilities and provides a basis for review of those duties and responsibilities;
4. It creates a process for appeals of position classifications within the Town. There is no system currently to allow an appeal of a job group, classification grade, job title and other related classification issues. The new system will allow for this – which will avoid problems of how to classify a position (right now there is no formal method other than market wages), and whether a position is correctly classified against a set of acceptable review standards.
5. Human resources will administer this classification system, with the Selectboard in the appropriate role of handling classification appeals.

## CLASSIFICATION PLAN

---

GRADE 1 Custodian

---

GRADE 2 Records Clerk  
Vehicle Maintenance Laborer

---

GRADE 3 Solid Waste Facility Operator  
Assistant Town Clerk  
Water and Sewer Utilities Clerk  
Office Clerk – Parks and Recreation

---

GRADE 4 Administrative Assistant – Planning and Building

---

GRADE 5  
Administrative Assistant - Fire  
Deputy Town Clerk

---

GRADE 6 Deputy Tax Collector  
Recreation Coordinator  
Deputy Code Enforcement Officer  
Administrative Assistant – Police  
Administrative Assistant – Public Works

---

GRADE 7 Executive Assistant  
Engineering Technicians

---

GRADE 8

---

GRADE 9 Welfare/Human Service Administrator  
Natural Resources Planner  
Water Treatment Operations Supervisor  
Health Officer

---

GRADE 10 Assistant Engineer  
Accountant  
Electrical Inspector  
Assistant Director – Parks and Recreation

---

GRADE 11  
Maintenance Superintendent  
Human Resources Administrator  
Town Clerk

---

GRADE 12 Highway Superintendent  
Water and Sewer Managing Engineer  
Assistant Fire Chief/EMS Coordinator  
Assistant Fire Chief/Deputy Emergency Management Director

---

GRADE 13 Economic Development Director  
Assessor

---

GRADE 14 Captain – Staff Division Commander  
Captain – Patrol Division Commander  
Information Technology Coordinator  
Director – Parks and Recreation  
Town Planner  
Building Inspector/Code Enforcement Officer

---

GRADE 15

---

GRADE 16 Fire Chief/Emergency Management Director  
Finance Director  
Town Engineer

---

GRADE 17 Director of Public Works

---

GRADE 18 Chief of Police

---

GRADE 19

---

GRADE 20 Town Manager

---

New Non Union Pay Scales - Effective July 7, 2014

	Min	1	2	3	4	5	6	7	8	9	10	11	12	Max
Grade 1	13.4326	13.7321	14.0384	14.3514	14.6715	14.9986	15.3331	15.6750	16.0246	16.3819	16.7473	17.1207	17.5025	17.8928
	27,940	28,563	29,200	29,851	30,517	31,197	31,893	32,604	33,331	34,074	34,834	35,611	36,405	37,217
Grade 2	14.4657	14.7883	15.1181	15.4552	15.7998	16.1522	16.5124	16.8806	17.2570	17.6419	18.0353	18.4375	18.8486	19.2690
	30,089	30,760	31,446	32,147	32,864	33,597	34,346	35,112	35,895	36,695	37,513	38,350	39,205	40,080
Grade 3	15.4991	15.8447	16.1981	16.5593	16.9286	17.3061	17.6920	18.0865	18.4898	18.9022	19.3237	19.7546	20.1951	20.6455
	32,238	32,957	33,692	34,443	35,211	35,997	36,799	37,620	38,459	39,317	40,193	41,090	42,006	42,943
Grade 4	16.5323	16.9010	17.2779	17.6632	18.0570	18.4597	18.8714	19.2922	19.7224	20.1622	20.6118	21.0715	21.5414	22.0218
	34,387	35,154	35,938	36,739	37,559	38,396	39,253	40,128	41,023	41,937	42,873	43,829	44,806	45,805
Grade 5	18.0822	18.4854	18.8977	19.3191	19.7499	20.1903	20.6406	21.1008	21.5714	22.0524	22.5442	23.0469	23.5609	24.0863
	37,611	38,450	39,307	40,184	41,080	41,996	42,932	43,890	44,869	45,869	46,892	47,938	49,007	50,100
Grade 6	19.8904	20.3340	20.7874	21.2510	21.7249	22.2093	22.7046	23.2109	23.7285	24.2577	24.7986	25.3516	25.9169	26.4949
	41,372	42,295	43,238	44,202	45,188	46,195	47,226	48,279	49,355	50,456	51,581	52,731	53,907	55,109
Grade 7	21.4404	21.9185	22.4073	22.9070	23.4178	23.9400	24.4739	25.0197	25.5776	26.1480	26.7311	27.3272	27.9366	28.5596
	44,596	45,590	46,607	47,647	48,709	49,795	50,906	52,041	53,201	54,388	55,601	56,841	58,108	59,404
Grade 8	23.2486	23.7670	24.2970	24.8389	25.3928	25.9590	26.5379	27.1297	27.7347	28.3532	28.9855	29.6319	30.2926	30.9682
	48,357	49,435	50,538	51,665	52,817	53,995	55,199	56,430	57,688	58,975	60,290	61,634	63,009	64,414
Grade 9	24.7985	25.3515	25.9168	26.4948	27.0856	27.6896	28.3071	28.9384	29.5837	30.2434	30.9178	31.6073	32.3121	33.0327
	51,581	52,731	53,907	55,109	56,338	57,594	58,879	60,192	61,534	62,906	64,309	65,743	67,209	68,708
Grade 10	26.6067	27.2000	27.8066	28.4267	29.0606	29.7086	30.3711	31.0484	31.7408	32.4486	33.1722	33.9120	34.6682	35.4413
	55,342	56,576	57,838	59,128	60,446	61,794	63,172	64,581	66,021	67,493	68,998	70,537	72,110	73,718
Grade 11	28.6732	29.3126	29.9663	30.6345	31.3177	32.0161	32.7300	33.4599	34.2061	34.9689	35.7487	36.5459	37.3608	38.1940
	59,640	60,970	62,330	63,720	65,141	66,593	68,078	69,597	71,149	72,735	74,357	76,015	77,710	79,444
Grade 12	30.4815	31.1612	31.8561	32.5665	33.2928	34.0352	34.7942	35.5701	36.3633	37.1742	38.0032	38.8507	39.7170	40.6027
	63,402	64,815	66,261	67,738	69,249	70,793	72,372	73,986	75,636	77,322	79,047	80,809	82,611	84,454
Grade 13	33.3047	34.0474	34.8067	35.5828	36.3763	37.1875	38.0168	38.8646	39.7313	40.6173	41.5230	42.4490	43.3956	44.3633
	69,274	70,819	72,398	74,012	75,663	77,350	79,075	80,838	82,641	84,484	86,368	88,294	90,263	92,276
Grade 14	34.0979	34.8583	35.6356	36.4303	37.2427	38.0732	38.9222	39.7902	40.6775	41.5846	42.5120	43.4600	44.4291	45.4199
	70,924	72,505	74,122	75,775	77,465	79,192	80,958	82,764	84,609	86,496	88,425	90,397	92,413	94,473
Grade 15	35.6478	36.4427	37.2554	38.0862	38.9355	39.8038	40.6914	41.5988	42.5265	43.4748	44.4443	45.4354	46.4486	47.4845
	74,147	75,801	77,491	79,219	80,986	82,792	84,638	86,526	88,455	90,428	92,444	94,506	96,613	98,768
Grade 16	37.1977	38.0272	38.8752	39.7421	40.6284	41.5344	42.4606	43.4075	44.3755	45.3650	46.3767	47.4109	48.4681	49.5490
	77,371	79,097	80,860	82,664	84,507	86,392	88,318	90,288	92,301	94,359	96,464	98,615	100,814	103,062
Grade 17	38.2310	39.0836	39.9551	40.8461	41.7570	42.6882	43.6401	44.6133	45.6082	46.6252	47.6650	48.7279	49.8145	50.9254
	79,520	81,294	83,107	84,960	86,855	88,791	90,771	92,796	94,865	96,980	99,143	101,354	103,614	105,925
Grade 18	39.2643	40.1399	41.0350	41.9501	42.8856	43.8419	44.8196	45.8191	46.8408	47.8854	48.9532	50.0449	51.1609	52.3018
	81,670	83,491	85,353	87,256	89,202	91,191	93,225	95,304	97,429	99,602	101,823	104,093	106,415	108,788
Grade 19	40.2975	41.1961	42.1148	43.0540	44.0141	44.9956	45.9990	47.0248	48.0734	49.1455	50.2414	51.3618	52.5071	53.6781
	83,819	85,688	87,599	89,552	91,549	93,591	95,678	97,812	99,993	102,223	104,502	106,833	109,215	111,650
Grade 20	42.3641	43.3088	44.2746	45.2619	46.2713	47.3031	48.3580	49.4364	50.5388	51.6658	52.8180	53.9958	55.1999	56.4309
	88,117	90,082	92,091	94,145	96,244	98,390	100,585	102,828	105,121	107,465	109,861	112,311	114,816	117,376

## Classification & Compensation Pay Plan Policy & Procedure

### *Classification/Compensation Appeals Process*

#### **Purpose:**

To allow employees the opportunity to appeal their placement of job group, placement of classification grade, job title and other related classification issues.

#### **Procedure:**

1. The appeal shall be communicated to the Human Resources Administrator.
  - If an employee files an appeal, the Human Resources Administrator will notify the department head, who shall have opportunity for input. The Human Resources Administrator shall submit all job description information to the Town Manager for a determination on the course of action.
  - If a department head files an appeal on behalf of an employee, the Human Resources Administrator shall submit all information to the Board of Selectmen, via the Town Manager, for a determination of the course of action.
  - The Human Resources Administrator shall evaluate the appeal request.
  - All recommendations made by the Human Resources Administrator shall be submitted to the Town Manager for further action.
  - All final decisions will be communicated to the affected employee in writing along with a rationale as to why a decision was made. The Town Manager shall bring classification appeals with recommendations from the Town Manager and Human Resources to the Selectmen for approval or denial.

#### **Guidelines:**

1. Appeals should be based upon the responsibilities of the position in the present, not responsibilities that may occur in the future.
2. The performance of the incumbent is not considered in the classification process nor are personality traits (loyal, dedicated, hardworking) and, as such, will not be considered in an appeal.
3. Essential functions are based upon the content of the position, not the characteristics of the individual holding the position.
4. An appeal should not be considered based upon the fact that an individual's salary range is close to the maximum of a salary range or the relative position of the salary within the assigned salary range.
5. An appeal should not be considered if it based on the volume of work rather than the level of responsibilities and complexity of the work.

**Form Template:**

The attached form must be completed and signed by the employee and supervisor for consideration in any appeal process.

Date: \_\_\_\_\_

**Appeal Process Form for Town Classification Plan**

Employees who wish to file an appeal should prepare written responses to the questions listed below. You may use the space provided to answer your questions, or you may attach additional information. Please attach a copy of your job description along with any other relevant documentation. ALL APPEALS MUST BE FILED IN WRITING BY:

Person filing appeal: \_\_\_\_\_ Title: \_\_\_\_\_

Department: \_\_\_\_\_

Position reports to: \_\_\_\_\_ Title: \_\_\_\_\_ Have you and your supervisor carefully reviewed your new job description and attached a copy?

Please describe in detail the duties and responsibilities that have been either excluded from the job description or inadequately describe the job function.

Please describe how the addition of the above function(s) impacts the skills, knowledge and abilities and/or educational requirements of the attached job description.

Please describe any other problem or issue that you have with your new job group, job classification grade, job title and/or job description.

Please describe your suggested resolution to the above problem(s).

Employee's signature/date: \_\_\_\_\_

Supervisor's signature/date: \_\_\_\_\_

Supervisor's Comments:

Department Head's signature/date: \_\_\_\_\_

Department Head's Comments:

SAMPLE

Non - Union Salary Table July 1, 2014  
Executive, Management, Administrative, Professional, Office Support Positions

1.50%

	Min	Step - 1	Step - 2	Step - 3	Step - 4	Step - 5	Step - 6	Step - 7	Step - 8	Step - 9	Step - 10	Step - 11	Step - 12	Max
Chief of Police	79,304	81,069	82,874	84,719	86,605	88,533	90,504	92,519	94,579	96,685	98,837	101,037	103,287	105,586
Fire Chief	78,981	80,739	82,537	84,374	86,253	88,173	90,136	92,143	94,194	96,291	98,435	100,626	102,866	105,157
Public Works Director	77,751	79,482	81,252	83,060	84,910	86,800	88,732	90,708	92,727	94,792	96,902	99,059	101,265	103,519
Finance Director	73,206	74,836	76,502	78,205	79,946	81,726	83,545	85,405	87,307	89,250	91,237	93,269	95,345	97,468
Police Captain	72,926	74,550	76,209	77,906	79,640	81,413	83,226	85,079	86,973	88,909	90,889	92,912	94,981	97,095
Town Engineer	72,551	74,166	75,817	77,505	79,231	80,995	82,798	84,641	86,525	88,452	90,421	92,434	94,492	96,596
Wtr/WstWtr Mgr. Engineer	72,551	74,166	75,817	77,505	79,231	80,995	82,798	84,641	86,525	88,452	90,421	92,434	94,492	96,596
Assistant Fire Chief	72,177	73,784	75,426	77,105	78,822	80,577	82,371	84,205	86,079	87,996	89,955	91,957	94,005	96,097
Town Planner	70,492	72,061	73,666	75,306	76,982	78,696	80,448	82,239	84,070	85,942	87,855	89,811	91,811	93,855
IT Manager	66,498	67,979	69,492	71,039	72,621	74,237	75,890	77,580	79,307	81,072	82,877	84,722	86,609	88,537
Assessor	65,634	67,095	68,589	70,116	71,677	73,272	74,904	76,571	78,276	80,019	81,800	83,621	85,483	87,386
Highway Superintendent	61,511	62,880	64,280	65,711	67,174	68,670	70,199	71,761	73,359	74,992	76,662	78,368	80,113	81,897
Parks & Rec Director	57,925	59,215	60,533	61,880	63,258	64,666	66,106	67,578	69,082	70,620	72,193	73,800	75,443	77,122
Maintenance Superintendent	57,160	58,433	59,734	61,063	62,423	63,813	65,233	66,686	68,170	69,688	71,239	72,825	74,447	76,104
Human Resources	55,976	57,222	58,496	59,798	61,129	62,490	63,881	65,304	66,757	68,244	69,763	71,316	72,904	74,527
Blgd Inspector (CEO)	55,112	56,339	57,593	58,875	60,186	61,526	62,896	64,296	65,727	67,191	68,687	70,216	71,779	73,377
Town Clerk	54,861	56,083	57,331	58,607	59,912	61,246	62,610	64,003	65,428	66,885	68,374	69,896	71,452	73,043
Welfare Director	52,510	53,679	54,874	56,096	57,345	58,622	59,927	61,261	62,625	64,019	65,444	66,901	68,391	69,913
Water Plant Operation Supervisor	52,026	53,213	54,426	55,668	56,938	58,236	59,565	60,923	62,313	63,734	65,188	66,674	68,195	69,751
Staff Accountant	51,871	53,026	54,206	55,413	56,647	57,908	59,197	60,515	61,862	63,240	64,647	66,087	67,558	69,062
Parks & Rec Assistant Director	49,488	50,590	51,716	52,868	54,045	55,248	56,478	57,735	59,021	60,335	61,678	63,051	64,455	65,890
DPW Technicians	46,977	48,023	49,092	50,185	51,302	52,445	53,612	54,806	56,026	57,273	58,548	59,852	61,184	62,546
Office Manager	44,989	45,991	47,015	48,061	49,131	50,225	51,343	52,487	53,655	54,850	56,071	57,319	58,595	59,900
Recreation Coordinator	33,313	34,055	34,814	35,591	36,385	37,196	38,025	38,874	39,741	40,626	41,532	42,458	43,406	44,374

SAMPLE

Part Time Pay Plan 2014 - 1.5% COLA

Administrative, Professional, Office Support, Technical, Trades, Crafts, General Labor Positions  
2.23% between steps

COLA  
1.500%

	Min	Step - 1	Step - 2	Step - 3	Step - 4	Step - 5	Step - 6	Step - 7	Step - 8	Step - 9	Step - 10	Step - 11	Step - 12	Max
Deputy Health Officer	23.3017	23.8213	24.3526	24.8956	25.4508	26.0184	26.5986	27.1917	27.7981	28.4180	29.0517	29.6996	30.3619	31.0389
Electrical Inspector	23.3017	23.8213	24.3526	24.8956	25.4508	26.0184	26.5986	27.1917	27.7981	28.4180	29.0517	29.6996	30.3619	31.0389
Nat. Resource Planner	22.2538	22.7501	23.2574	23.7761	24.3063	24.8483	25.4024	25.9689	26.5480	27.1400	27.7453	28.3640	28.9965	29.6431
Police Officer - On Call	21.5949	22.0764	22.5687	23.0720	23.5865	24.1125	24.6502	25.1999	25.7619	26.3364	26.9237	27.5241	28.1379	28.7653
Administrative Assistant	20.1473	20.5966	21.0559	21.5254	22.0054	22.4962	22.9978	23.5107	24.0350	24.5709	25.1189	25.6790	26.2517	26.8371
Assist. Town Clerk I	16.3447	16.7092	17.0818	17.4627	17.8521	18.2502	18.6572	19.0733	19.4986	19.9334	20.3779	20.8324	21.2969	21.7719
Secretary	16.2043	16.5656	16.9350	17.3127	17.6987	18.0934	18.4969	18.9094	19.3311	19.7622	20.2029	20.6534	21.1139	21.5848
Dispatcher - On Call	15.4265	15.7705	16.1221	16.4817	16.8492	17.2249	17.6091	18.0017	18.4032	18.8136	19.2331	19.6620	20.1005	20.5487
Meter Reader	15.1672	15.5054	15.8512	16.2047	16.5660	16.9355	17.3131	17.6992	18.0939	18.4974	18.9099	19.3316	19.7627	20.2034
Vehicle Maint (Highway Laborer)	15.0267	15.3618	15.7044	16.0546	16.4126	16.7786	17.1528	17.5353	17.9264	18.3261	18.7348	19.1526	19.5797	20.0163
Transfer Station Attendant	14.2922	14.6109	14.9367	15.2698	15.6103	15.9584	16.3143	16.6781	17.0500	17.4302	17.8189	18.2163	18.6225	19.0378
Custodian	14.2705	14.5888	14.9141	15.2467	15.5867	15.9343	16.2896	16.6529	17.0242	17.4039	17.7920	18.1887	18.5944	19.0090

Annualized (Based on 40 hours)

Deputy Health Officer	23.30	23.82	24.35	24.90	25.45	26.02	26.60	27.19	27.80	28.42	29.05	29.70	30.36	31.04
Electrical Inspector	23.30	23.82	24.35	24.90	25.45	26.02	26.60	27.19	27.80	28.42	29.05	29.70	30.36	31.04
Nat. Resource Planner	22.25	22.75	23.26	23.78	24.31	24.85	25.40	25.97	26.55	27.14	27.75	28.36	29.00	29.64
Police Officer - On Call	21.59	22.08	22.57	23.07	23.59	24.11	24.65	25.20	25.76	26.34	26.92	27.52	28.14	28.77
Administrative Assistant	20.15	20.60	21.06	21.53	22.01	22.50	23.00	23.51	24.03	24.57	25.12	25.68	26.25	26.84
Assist. Town Clerk I	16.34	16.71	17.08	17.46	17.85	18.25	18.66	19.07	19.50	19.93	20.38	20.83	21.30	21.77
Secretary	16.20	16.57	16.94	17.31	17.70	18.09	18.50	18.91	19.33	19.76	20.20	20.65	21.11	21.58
Dispatcher - On Call	15.43	15.77	16.12	16.48	16.85	17.22	17.61	18.00	18.40	18.81	19.23	19.66	20.10	20.55
Meter Reader	15.17	15.51	15.85	16.20	16.57	16.94	17.31	17.70	18.09	18.50	18.91	19.33	19.76	20.20
Vehicle Maint (Highway Laborer)	15.03	15.36	15.70	16.05	16.41	16.78	17.15	17.54	17.93	18.33	18.73	19.15	19.58	20.02
Transfer Station Attendant	14.29	14.61	14.94	15.27	15.61	15.96	16.31	16.68	17.05	17.43	17.82	18.22	18.62	19.04
Custodian	14.27	14.59	14.91	15.25	15.59	15.93	16.29	16.65	17.02	17.40	17.79	18.19	18.59	19.01
Deputy Health Officer	48.468	49.548	50.653	51.783	52.938	54.118	55.325	56.559	57.820	59.109	60.428	61.775	63.153	64.561
Electrical Inspector	48.468	49.548	50.653	51.783	52.938	54.118	55.325	56.559	57.820	59.109	60.428	61.775	63.153	64.561
Nat. Resource Planner	46.288	47.320	48.375	49.454	50.557	51.684	52.837	54.015	55.220	56.451	57.710	58.997	60.313	61.658
Police Officer - On Call	44.917	45.919	46.943	47.990	49.060	50.154	51.272	52.416	53.585	54.780	56.001	57.250	58.527	59.832
Administrative Assistant	41.906	42.841	43.796	44.773	45.771	46.792	47.835	48.902	49.993	51.108	52.247	53.412	54.603	55.821
Assist. Town Clerk I	33.997	34.755	35.530	36.322	37.132	37.961	38.807	39.672	40.557	41.462	42.386	43.331	44.298	45.285
Secretary	33.705	34.456	35.225	36.010	36.813	37.634	38.474	39.332	40.209	41.105	42.022	42.959	43.917	44.896
Dispatcher - On Call	32.087	32.803	33.534	34.282	35.046	35.828	36.627	37.444	38.279	39.132	40.005	40.897	41.809	42.741
Meter Reader	31.548	32.251	32.970	33.706	34.457	35.226	36.011	36.814	37.635	38.475	39.333	40.210	41.106	42.023
Vehicle Maint (Highway Laborer)	31.256	31.953	32.665	33.394	34.138	34.900	35.678	36.473	37.287	38.118	38.968	39.837	40.726	41.634
Transfer Station Attendant	29.728	30.391	31.068	31.761	32.469	33.193	33.934	34.690	35.464	36.255	37.063	37.890	38.735	39.599
Custodian	29.683	30.345	31.021	31.713	32.420	33.143	33.882	34.638	35.410	36.200	37.007	37.833	38.676	39.539

Non Union Pay Plan 2014 Class/Comp - July 7, 2014

Current - as of 7/1/14 w/COLA

Proposed - Per New Ranges

Title	Grade	Min	Annual	Max	Annual	Grade	Min	Annual	Max	Annual
1 Custodian	N/A	14.27	29,683	19.01	39,539	1	13.43	27,940	17.89	37,217
2 Records Clerk	N/A	16.20	33,705	21.58	44,896	2	14.47	30,089	19.27	40,080
2 Vehicle Maintenance/Highway Laborer	N/A	15.03	31,256	20.02	41,634	2	14.47	30,089	19.27	40,080
3 Solid Waste Facility Operator	N/A	14.29	29,728	19.04	39,599	3	15.50	32,238	20.65	42,943
3 Assistant Town Clerk	N/A	16.34	33,997	21.77	45,286	3	15.50	32,238	20.65	42,943
3 W/S Utility Clerk	N/A	-	-	-	-	3	15.50	32,238	20.65	42,943
3 Office Clerk - Parks/Rec	N/A	16.20	33,705	21.58	44,896	3	15.50	32,238	20.65	42,943
4 Admin Asst Planning	N/A	16.20	33,705	21.58	44,896	5	16.53	34,387	22.02	45,805
5 Office Manager - Fire	N/A	21.63	44,989	28.80	59,900	5	18.08	37,611	24.09	50,100
5 Deputy Town Clerk	N/A	-	-	-	-	5	18.08	37,611	24.09	50,100
6 Deputy Tax Collector	N/A	-	-	-	-	6	19.89	41,372	26.49	55,109
6 Recreation Coordinator	N/A	16.02	33,313	21.33	44,374	6	19.89	41,372	26.49	55,109
6 Deputy Code Enforcement	N/A	21.63	44,989	28.80	59,900	6	19.89	41,372	26.49	55,109
6 Office Manager - Police	N/A	21.63	44,989	28.80	59,900	6	19.89	41,372	26.49	55,109
6 Office Manager - DPW	N/A	21.63	44,989	28.80	59,900	6	19.89	41,372	26.49	55,109
7 Executive Assistant	N/A	20.15	41,906	26.84	55,821	7	21.44	44,596	28.56	59,404
7 Engineering Technicians	N/A	22.59	46,977	30.07	62,546	7	21.44	44,596	28.56	59,404
9 Welfare/Human Services Administrator	N/A	25.25	52,510	33.61	69,913	9	24.80	51,581	33.03	68,708
9 Natural Resource Planner	N/A	22.25	46,288	29.64	61,658	9	24.80	51,581	33.03	68,708
9 Deputy Health Officer	N/A	23.30	48,468	31.04	64,561	9	24.80	51,581	33.03	68,708
9 Water Treatment Operator Supervisor	N/A	25.01	52,026	33.53	69,751	9	24.80	51,581	33.03	68,708
10 Assistant Town Engineer	N/A	-	-	-	-	10	26.61	55,342	35.44	73,718
10 Accountant	N/A	24.94	51,871	33.20	69,062	10	26.61	55,342	35.44	73,718
10 Electrical Inspector	N/A	23.30	48,468	31.04	64,561	10	26.61	55,342	35.44	73,718
10 Parks/Recreation Assistant Director	N/A	23.79	49,488	31.68	65,890	10	26.61	55,342	35.44	73,718
11 Maintenance Superintendent	N/A	27.48	57,160	36.59	76,104	11	28.67	59,640	38.19	79,444
11 Human Resources Administrator	N/A	26.91	55,976	35.83	74,527	11	28.67	59,640	38.19	79,444

11	Town Clerk	N/A	26.38	54,861	26.96	56,083	11	28.67	59,640	38.19	79,444
12	Highway Superintendent	N/A	29.57	61,511	39.37	81,897	12	30.48	63,402	40.60	84,454
12	Water/Wastewater Manager Engineer	N/A	34.88	72,551	46.44	96,595	12	30.48	63,402	40.60	84,454
12	Assistant Fire Chief/EMS Coordinator	N/A	34.70	72,177	46.20	96,097	12	30.48	63,402	40.60	84,454
12	Assistant Fire Chief/Deputy Emergency Mgmt	N/A	34.70	72,176	46.20	96,096	12	30.48	63,402	40.60	84,454
13	Economic Development Director	N/A	-	-	-	-	13	33.30	69,274	44.36	92,276
13	Assessor	N/A	31.55	65,634	42.01	87,386	13	33.30	69,274	44.36	92,276
14	Police Captain/Staff	N/A	35.06	72,926	46.68	97,095	14	34.10	70,924	45.42	94,473
14	Police Captain/Patrol	N/A	35.06	72,925	46.68	97,095	14	34.10	70,924	45.42	94,473
14	IT Manager	N/A	31.97	66,498	42.57	88,537	14	34.10	70,924	45.42	94,473
14	Parks/Recreation Director	N/A	27.85	57,925	37.08	77,122	14	34.10	70,924	45.42	94,473
14	Town Planner	N/A	33.89	70,492	45.12	93,855	14	34.10	70,924	45.42	94,473
14	Building Inspector/CEO	N/A	26.50	55,112	35.28	73,377	14	34.10	70,924	45.42	94,473
16	Fire Chief	N/A	37.97	78,981	50.56	105,157	16	37.20	77,371	49.55	103,062
16	Finance Director	N/A	35.20	73,206	46.86	97,468	16	37.20	77,371	49.55	103,062
16	Town Engineer	N/A	34.88	72,551	46.44	96,595	16	37.20	77,371	49.55	103,062
17	DPW Director	N/A	37.38	77,751	49.77	103,519	17	38.23	79,520	50.93	105,925
18	Chief of Police	N/A	38.13	79,304	50.76	105,586	18	39.26	81,670	52.30	108,788
20	Town Manager	N/A	-	-	49.64	103,255	20	42.36	88,117	56.43	117,376

# 2015-2016 Legislative Policy Recommendations

## General Administration and Governance

### Action Policy Recommendations

#### 1. Right to Know Costs and Specificity Required

To see if NHMA will SUPPORT amendments to RSA 91-A allowing municipalities to recover the actual costs of retrieving, reviewing and reproducing documents, and clarifying the level of specificity required when requesting public records.

#### 2. Regulation of Weapons in the Workplace

To see if NHMA will SUPPORT legislation to provide immunity to local and county governments against acts committed by employees with firearms (except for those employees authorized by that governmental entity to carry a firearm in the course of their official responsibilities).

**Municipal interest to be accomplished by proposal:** To limit the exposure of municipalities in circumstances where an employee brings a firearm into the workplace, which the municipality cannot prohibit, and injures a citizen or co-worker by discharging the firearm. Example: a firefighter takes a weapon to the workplace and while training on a ladder, someone below is accidentally shot by the holstered gun above. Example: a town office employee brings a weapon to the town office, as it is town property, but accidentally or intentionally shoots a co-worker or citizen.

**Explanation:** In ordinary non-municipal circumstances, employers can easily and lawfully prohibit weapons in the workplace for safety reasons and more (unless the employee has a special permit to do so). In municipal government the law provides that individuals can carry on town property; some employees translate that law into allowing them to carry guns while they are at their municipal workplace. The present wording of RSA 159:26 appears to prohibit local and county governments from prohibiting the possession of firearms in the workplace. This statute leaves local and county governments exposed to significant liability from acts committed by employees with firearms against citizens and other employees. These employees have not been authorized by the municipality to possess or use a firearm in the workplace, nor have they been trained by the municipality in the use of firearms, nor have the firearms been issued or approved by the municipality. This policy recommendation is not intended to affect workers compensation. **Submitted by: Joel Bourassa, Selectman, Woodstock**

#### 3. Welfare Lien Priority

To see if NHMA will SUPPORT legislation to give liens for local welfare payments arising under RSA 165:28 a higher priority position, so that those liens fall immediately after the lien for the first mortgage.

## Priority Policy Recommendations

### 4. Cross-Border Liability.

To see if NHMA will SUPPORT legislation to encourage cooperation between emergency response entities from New Hampshire and bordering states by affording municipalities from bordering states the same limitations on monetary damages in civil actions that are afforded to New Hampshire municipalities.

**Municipal interest to be accomplished by proposal:** Remove a disincentive for cooperation between emergency responders in New Hampshire and neighboring states.

**Explanation:** New Hampshire law limits the liability of “governmental units” for bodily injury, personal injury or property damage in civil actions, but the definition of “governmental unit” is limited to political subdivisions “within the state.” In one case, the New Hampshire Superior Court ruled that a town in a neighboring state, which had cooperated with a New Hampshire town in responding to an emergency, was not protected by the liability cap. A similar issue could arise in many situations in which New Hampshire municipalities work with neighboring municipalities in Maine, Massachusetts, or Vermont in responding to emergencies. For example, New Hampshire police officers were called upon to assist after the Boston Marathon bombings in 2013, and Maine police officers have responded to recent shooting incidents in New Hampshire. Municipalities are less likely to provide cross-border assistance if they do not have the benefit of liability protection under the neighboring state’s laws. Any legislation providing liability protection to municipalities in neighboring states should require reciprocity from the neighboring states. **Submitted by: NHMA staff, based on request from other state municipal leagues.**

### 5. Consultation with Counsel Expansion Under RSA 91-A

To see if NHMA will SUPPORT legislation to amend RSA 91-A so that exempt consultation with legal counsel would also include discussions about written legal correspondence provided by legal counsel, without requiring the presence of counsel at the meeting.

### 6. Petition Signature Requirements

To see if NHMA will SUPPORT legislation amending RSA 39:3 to require that in towns with an official ballot referendum town meeting (SB2/RSA 40:13), petitioned warrant articles must be signed by not less than 2% of registered voters, but in no case fewer than 10 voters or more than 150 voters.

### 7. Clarifying What Information Is to be Included in Town Reports in SB2 Towns

To see if NHMA will SUPPORT legislation to clarify which version of the budget and warrant articles is to be included in town reports in SB2 towns.

## 8. Public Notice Requirements

To see if NHMA will SUPPORT legislation to amend all public notice requirements to allow the choice of electronic notification and/or newspaper print, as well as posting in public places, for official public legal notification.

## 9. Amended Warrants in SB 2 Towns

To see if NHMA will SUPPORT statutory changes allowing SB 2 communities to post changes to the warrant to reflect amendments to warrant articles by action of the voters at deliberative session. Further to allow the governing body and the budget committee to change their recommendation due to amendments made at deliberative session.

**Municipal interest to be accomplished by proposal:** These changes would allow the amended language and dollar amounts to be correctly warned prior to the second session of town meeting. The recommendations of the governing body and the budget committee are there to provide guidance to the voters. Changes made at deliberative session in some cases would cause the governing body and/or the budget committee to change their recommendation. The statutes presently do not allow this change. Therefore the recommendation of those boards may be erroneous. A system that relies on direct democracy is based upon an informed/educated citizenry. If the voters are relying on a warrant that is posted and is no longer correct due to changes made, then citizens cannot properly educate themselves. Additionally, those citizens who value the recommendation of the governing body and/or the budget committee may have an incorrect recommendation before them when they decide which way to vote.

**Explanation:** During the 2014 deliberative session the voters made changes to the language of several of the warrant articles. The voters present also made amendments to the town and school budgets. Money was added to the town budget and substantial cuts were made to the school budget. After consultation with DRA, NHMA legal staff, and town counsel, it was clear that we could not post an "amended" warrant after the deliberative session that would indicate the changes made. In the case of the school budget the amended budget number was significantly different than what the school board recommended. The warrant still showed the old budget and the previous recommendation. The ballot showed the new budget numbers and language changes; however, the ballot still showed that the school board recommended the budget article, which was no longer the case due to the drastic changes made. **Submitted by: Shaun Mulholland, Town Administrator, Allenstown**

## 10. Long-Term Storage of Records

To see if NHMA will SUPPORT legislation modifying the requirement that municipal records retained for longer than ten years be transferred to paper, microfilm, or both.

**Municipal interest to be accomplished by proposal:** Save space and cost, and allow a more practical way to store records.

**Explanation:** RSA 33-A governs the retention of municipal records, establishing retention periods for many classes of records. Section 5-a states that electronic records must be transferred to either paper or microfilm or both if they are required to be retained longer than ten years. Permanent

storage of paper records creates serious space problems. Storing records on microfilm has been a practical alternative, but microfilm is becoming harder to find and may soon be unavailable entirely. Some within the document storage business have indicated that microfilm may be impossible to obtain within a year. If microfilm is not available, paper storage becomes the only legally permitted method. **Submitted by: NHMA staff, based on inquiry from Linda Smith, Board Administrator, Northwood**

### **11. Building Plans Under 91-A**

**To see if NHMA will SUPPORT** an amendment to RSA 91-A:5, IV to specifically add “building plans/construction drawings contained within a building permit file and/or building plans/construction drawings submitted as part of a building permit application” as an exempt record under this chapter.

**Municipal interest to be accomplished by proposal:** There is uncertainty within RSA 91-A:5 as to the status of building plans and/or construction drawings in the possession of municipalities and their code enforcement officials or building inspectors. Since “...personnel practices; confidential commercial, or financial information; test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examinations; and personnel, medical, welfare, library user, videotape sale or rental...” files are specifically exempted from the statute, one would think building plans on file with building permits would fall under the remaining exemption of “...other files whose disclosure would constitute invasion of privacy.” We were ordered by a district court to release such plans when an unrelated party requested them.

**Explanation:** The district court rationale was that the legislature had constructed the statute with specific records stated as being exempt. Conversely, building plans were not expressly exempt so their disclosure had to be subject to a balancing test of the full disclosure vs. the privacy rights of the building owner. The court sided with full disclosure due to the absence of a specific exemption. Building plans can contain a wealth of information considered private. Alarms systems, communication access points, physical access points, safe rooms, structural components like vaults, built-in safes, and secure storage areas are only some of the features that could be exploited if plans showing these features were readily available to the public. Many commercial sites like banks, medical facilities, and defense and Homeland Security contractors would be appalled to know the building plans for their facilities were open to public access. Access to building permit applications would still be available. It is only the plans that are being exempted. The additional benefit would be solving in part the problems of copy right infringement. Many designers (engineers, architects, and the like) have expressed concern about the wide distribution of their work and possible copy right infringement by having publicly accessible building plans on file with municipalities. There is no way for them to enforce their copy right without knowing what unrelated parties are accessing and copying their work product. **Submitted by: Paul Deschaine, Town Administrator, Stratham**

### **12. Municipal Departments and MV Information**

**To see if NHMA will SUPPORT** legislation to make it clear that municipalities may obtain information about motor vehicles registered to an individual for the purposes of verifying asset levels when the individual is applying for general assistance or asset-based tax relief and in order to determine the ownership of vehicles for official purposes.

**Municipal interest to be accomplished by proposal:** Allow access to motor vehicle registration and licensing information by municipal departments to verify asset levels when administering public assistance and tax relief programs and when needed for other proper governmental purposes.

**Explanation:** As RSA260:14 is administered and interpreted departments which administer public assistance programs are denied access to motor vehicle registration records and the opportunity to verify statements made by the applicant(s). It has become problematic as folks game the system and lie about the cars parked or the ownership of the cars parked in their yards. **Submitted by: Susan Snide, Pelham Assessing, Pelham**

### **13. Blue Lights on Fire Department Vehicles**

To see if NHMA will SUPPORT amending RSA ch. 265 and RSA 266:78-b, “Blue Lights Restricted to Law Enforcement,” to allow for the inclusion and use of a single rear-facing blue colored light panel on emergency response vehicles owned or leased by municipal, village district or federal fire departments.

**Municipal interest to be accomplished by proposal:** To enhance the visibility and safety of public emergency responders and the public they are serving by allowing fire and emergency medical vehicles to include a single rear-facing blue colored light panel among the red or amber lights on municipally-owned emergency vehicles to provide clearer and more distinct warnings to the motoring public at various emergency response scenes in all types of lighting and weather conditions. There is significant data documenting the mix of colors utilized in various light and weather conditions (i.e. – dusk, dawn, fog, cloudy, rain, etc.) provides for enhanced safety for emergency responders and the motoring public.

**Explanation:** This proposal is the result of some experiences the Auburn Fire Department has had at some emergency & motor vehicle accident scenes, particularly on NH Route 101 (from the intersection of I-93 through to Exit 3 / Candia town line. Our firefighters have experienced that the visual of all red flashing emergency lights do not always seem to encourage the motoring public to maintain a safe distance from the emergency responders as they are driving past. The Auburn Fire Chief has indicated other states allow fire and emergency medical vehicles to include a blue light/lens in their light bars and it provides a stronger safety presence for both the emergency responders and the motoring public. This would be similar to the provisions of RSA 266:78-c, where red lights are allowed for police, fire and rescue vehicles. **Submitted by: William Herman, Town Administrator, Auburn**

## **Standing Policy Recommendations**

### **14. Counting Absentee Ballots**

**(Legislation pending—SB 271)** To see if NHMA will SUPPORT legislation to eliminate the requirement that absentee ballots cannot be counted prior to 1:00 P.M., and instead allow them to be counted throughout the time when polls are open.

**15. Swearing in Town Officers**

To see if NHMA will SUPPORT legislation to reconcile RSA 669 with RSA 42:3 regarding when certain town officers may be sworn in.

**16. Human Resources Record Retention**

To see if NHMA will SUPPORT legislation that amends the record retention requirements for successful job applications and personnel records from 50 years after termination or retirement to 20 years after termination or retirement.

**17. Modifying the Adoption, Revision, and Amendment of Municipal Charters**

(Legislation pending—HB 422) To see if NHMA will SUPPORT legislation similar to HB 379 in 2008 that modifies the adoption, revision, and amendment of municipal charters.

**18. Consolidated Policy on Collective Bargaining Items**

**Evergreen Clause:** To see if NHMA will OPPOSE legislation to enact a mandatory so-called "evergreen clause" for public employee collective bargaining agreements.

**Binding Arbitration:** To see if NHMA will OPPOSE mandatory binding arbitration as a mechanism to resolve impasses in municipal employee collective bargaining.

**Right to Strike:** To see if NHMA will OPPOSE a right to strike for public employees.

**Mandated Employee Benefits:** To see if NHMA will OPPOSE any proposals to mandate employee benefits, including any proposal to enhance retirement system benefits which may increase employer costs in future years, for current or future employees.

**19. Contracted Services and Bargaining**

To see if NHMA will SUPPORT legislation to give public employers greater flexibility to privatize or use contracted services.

**20. Maintenance and Policing of State-Owned Property**

To see if NHMA will SUPPORT legislation to enable municipalities to recover the expenses of policing publicly-owned land against all illegal activity (including public consumption of alcohol and littering), including the ability to receive reimbursement/compensation from individuals engaged in the illegal activity.

**21. Supervisor of the Checklist Sessions**

To see if NHMA will SUPPORT legislation to reduce to one the number of required sessions that the supervisors of the checklist must hold prior to town elections.

**22. Municipal Recreation Programs**

To see if NHMA will SUPPORT the continued exemption from state child care licensing for municipal recreation department programs and also supports the exemption from state camp licensing for municipal recreation department summer programs.

**23. Requirement to Hold Elected Office**

To see if NHMA will SUPPORT legislation clarifying that to run for and hold a local elected office, one must be a registered voter.

**24. Appointment of Town Clerks and Town Clerks/Tax Collectors**

To see if NHMA will SUPPORT legislation to allow the legislative body to authorize the governing body to appoint or elect town clerks and town clerk/tax collectors.

**25. Warrant Article Language; Adoption by Reference**

To see if NHMA will SUPPORT legislation to amend RSA 48-A, Housing Standards, to allow a town to adopt a proposed housing standards ordinance on the ballot by reference, as opposed to printing the entire ordinance on the warrant.

**26. Perambulation**

To see if NHMA will SUPPORT legislation to eliminate the RSA 51:2 requirement to perambulate town boundaries every 7 years when the abutting municipalities have identified the boundaries and markers by survey quality GPS coordinates or by a certified survey and have filed a return including the survey or GPS coordinates as required by RSA 51:4.

**Municipal interest to be accomplished by proposal:** Saving of dollars (for repeated surveys) and the saving of substantial time to coordinate with others. Also to determine boundaries by easily reproducible means.

**Explanation:** Thus procedure has become increasingly archaic over time with a declining number of communities faithfully following the requirement. There is no longer a need to continue to physically walk boundaries given “modern” technology. It is time, at best, to abolish it as Maine has or, at worst, provide an opportunity to be relieved of the obligation upon the filing of a mutual report accompanied by GPS documentation. **Submitted by: Carter Terenzini, Town Administrator, Moultonborough**

---

# Finance and Revenue

## Action Policy Recommendations

### 1. Tax Rate Setting

**TO SEE IF NHMA WILL SUPPORT** legislation that expedites the receipt of information, including utility values as determined by the Department of Revenue Administration, necessary for the Department to set tax rates beginning October 1<sup>st</sup> and to improve the overall efficiency and timeliness of the tax rate setting process.

### 2. Use of RSA 83-F Utility Values

**TO SEE IF NHMA WILL SUPPORT** changing RSA 83-F to prevent any determination of utility value by the Department of Revenue Administration from being used in any way by either the utility taxpayer or the municipality in any application for abatement of tax under RSA 76:16 or any appeal thereof under RSA 76:16-a or RSA 76:17.

**Municipal interest to be accomplished by proposal:** To see that any opinion of value generated by the State's Department of Revenue Administration for imposition of the State's Utility Tax under RSA 83-F is not used against another subdivision of the State in a legal proceeding. By eliminating that use, the state and municipalities avoid the expense of all necessary discovery associated with the DRA's 83-F process and the trial testimony of the DRA's representatives concerning the same.

**Explanation:** The Berlin City Council passed a motion in support of the above amendment to RSA 83-F at their April 21, 2014 City Council Meeting. **Submitted by: James A. Wheeler, City Manager, City of Berlin**

### 3. Real Estate Income and Expense Statements on Appeal

**TO SEE IF NHMA WILL SUPPORT** legislation that prohibits the use of real estate income and real estate expense information by a taxpayer in any appeal of value if the taxpayer, after request by the municipality, has not submitted the requested information.

## Priority Policy Recommendations

### 4. Clarification of Elderly Exemption.

**TO SEE IF NHMA WILL SUPPORT** changes in language for RSA 72:39-a, 72:29, and 72:39-b that define and recognize a household as occupying a property and increasing tenancy requirements for elderly exemption tax relief.

**Municipal interest to be accomplished by the proposal:** Equitable distribution of property taxes, consistency between statutes offering relief from property taxes.

**Explanation:** Elderly exemptions are granted for elderly home owners who qualify per income and asset criteria established by the town. Often an extended family will move in and occupy the home and also enjoy the benefit of reduced taxes. The law as currently interpreted does not allow for income or assets from all members of the home to be considered as part of the income or asset test. **Submitted by: Susan Snide, Assessing Assistant, Pelham**

#### **5. Separate Ballot Boxes for Bond Votes.**

**TO SEE IF NHMA WILL SUPPORT** legislation clarifying that separate ballot boxes are not required for bond articles in SB 2 towns.

**Municipal interest to be accomplished by proposal:**

Avoid confusion and impracticality.

**Explanation:**

RSA 33:8-a, which governs the procedure for authorizing a bond or note in excess of \$100,000, states that articles proposing a bond or note shall appear in consecutive order on the warrant and shall be acted upon before most other business (with exceptions), that polls shall remain open for each article for at least one hour, and that “a separate ballot box shall be provided for each bond article to be voted on pursuant to this section.” This statute was enacted before the SB 2 form of town meeting existed and obviously did not contemplate such a system. It makes no sense to require separate ballot boxes when all votes are made on a single ballot. Presumably no SB 2 town actually follows this requirement. **Submitted by: NHMA staff, based on inquiry from Lynne Bonitatibus, Administrative Assistant, Kensington**

#### **6. Expanding 10% Limitation**

**TO SEE IF NHMA WILL SUPPORT** amending RSA 32:18 to expand the 10 percent limitation on increasing the budget committee’s appropriation recommendation to include both increasing and decreasing the total amount to be appropriated.

**Municipal interest to be accomplished by the proposal:** With fewer voters and taxpayers actually participating in the local deliberative forms of municipal government – both traditional town meetings and SB2 communities’ Deliberative Sessions – the 10% rule should be expanded to limit both any increase or decrease in proposed appropriations to ensure that a small minority not be able to dramatically alter what the silent majority likely supports.

**Explanation:** An Auburn resident spoke with me about some sort of protection such as this following the 2014 Allenstown School District Deliberative Session, where a very small number of voters approved by a one-vote margin a near \$1 million reduction to the proposed school district budget of approximately \$9 million. The Deliberative Session action left the School Board and the Budget Committee with a budget proposal going forward to the voters that neither board supported. As I understand part of the historic logic of the 10% Rule is that voters not present at the meeting had been forewarned of proposed spending levels and their absences could be viewed as a form of support. The limitation protected them. I believe the same could be said in reverse with respect to drastic cuts. **Submitted by: Bill Herman, Town Administrator, Town of Auburn**

## **7. All Public Real Estate Taxable if Used by Private Occupants**

**TO SEE IF NHMA WILL SUPPORT** legislation to clarify that taxation of a private occupant on public land is required by statute, even if an agreement or lease does not include a tax provision or the specific wording of RSA 72:23, I(b).

**Municipal interest to be accomplished by proposal:** The amendment would make it clear that taxation of a private occupant on public land is required by statute, even if an agreement or lease does not include a tax provision or specific wording of RSA 72:23, I(b). This amendment should even the playing field for all municipalities and all tenants occupying public land, so that all are treated similarly under the same set of laws. It would also help to ensure that municipalities receive tax revenue from private tenants that would pay taxes anyway to the municipality if they owned the real estate.

**Explanation:** The proposed amendment is intended to make legislative intent clear that all public real estate is taxable if used by private occupants, unless the occupant qualifies for a tax exemption. The use of public land by a private occupant should be deemed to be its consent to the tax by operation of law. It does not make sense for a private company to be tax-free just because it occupies public real estate and does not agree to pay taxes, but the same or similar company on private land has to pay taxes, regardless whether it agrees or not. The current situation is not fair to taxpayers who do have to pay taxes. This amendment also addresses inequity between tenants, if one tenant gets a tax exemption while using public land while a similar tenant of public land must pay taxes. The proposed amendment is patterned after the policy statement made by the Supreme Court in Rochester I. Recent confusion about legislative intent makes this amendment necessary.  
**Submitted by: Adele Fulton, Attorney, on behalf of City of Lebanon**

## **8. Pollution Control Exemption**

**TO SEE IF NHMA WILL SUPPORT** repeal of the so-called "pollution control exemption" (RSA 72:12-a) or amendment of the statute to impose a term limitation on any exemption granted.

## **9. Prorating Disabled Exemption**

**TO SEE IF NHMA WILL SUPPORT** legislation prorating the disabled exemption under RSA 72:37-b when a person entitled to the exemption owns a fractional interest in the residence, in the same manner as is allowed for the elderly exemption under RSA 72:41.

## **10. Penalty for Failure to Submit Current Use Information**

**TO SEE IF NHMA WILL SUPPORT** legislation imposing a penalty for failure to submit current use information as needed to update municipal records—*i.e.*, Marlow matrix.

## **11. Recording Fees for Elderly Deferrals**

**TO SEE IF NHMA WILL SUPPORT** legislation to reimburse municipalities for recording fees related to the establishment and release of elderly and disabled deferrals under RSA 72:38-a.

## **12. Flood Control Payments**

**TO SEE IF NHMA WILL SUPPORT** legislation to fully fund flood control payments in lieu of taxes to municipalities, including retroactive payments from the state for Fiscal Years 2012 and 2013.

## **Standing Policy Recommendations**

### **13. Downshifting of State Costs and State Revenue Structure**

**TO SEE IF NHMA WILL OPPOSE** legislation which will downshift state costs or state program responsibilities, either directly or indirectly, to municipalities and/or counties, resulting in increased municipal and/or county expenditures, whether in violation of Article 28-a or not, and **OPPOSE** any reductions, deferrals and/or suspensions of state revenue to political subdivisions, such as revenue sharing, meals and rooms tax distribution, highway block grants, environmental state aid grant programs, adequate education grants, catastrophic aid, or any other state revenues.

### **14. State Revenue Structure and State Education Funding**

**TO SEE IF NHMA WILL SUPPORT** asking the state to use the following principles when addressing the state's revenue structure in response to its responsibility to fund an adequate education:

- a) That revenues are sufficient to meet the state's responsibilities as defined by constitution, statute, and common law;
- b) That revenue sources are predictable, stable and sustainable and will grow with the long term needs and financial realities of the state;
- c) That changes to the revenue structure are least disruptive to the long-term economic health of the state;
- d) That the revenue structure is efficient in its administration;
- e) That changes in the revenue structure are fair to people with lower to moderate incomes.

**TO SEE IF NHMA WILL SUPPORT** legislation prohibiting retroactive changes to the distribution formula for adequate education grants after the notice of grant amounts has been given.

### **15. New Hampshire Retirement System (NHRS)**

**TO SEE IF NHMA WILL SUPPORT** the continuing existence of a retirement system for state and local government employees that is strong, secure, solvent, fiscally healthy and sustainable, that both employees and employers can rely on to provide retirement benefits for the foreseeable future. Further, **TO SEE IF NHMA WILL SUPPORT** continuing to work with legislators, employees, and the NHRS to accomplish these goals.

To that end, **TO SEE IF NHMA WILL:**

- a) **SUPPORT** legislation that will strengthen the health and solvency of the NHRS and ensure the long term financial sustainability of the retirement system for public employers;
- b) **OPPOSE** any legislation that: 1) expands benefits that would result in increases to municipal employer costs; 2) assesses additional charges beyond NHRS board approved rate changes on employers; or 3) expands the eligibility of NHRS membership to positions not currently covered.
- c) **SUPPORT** the restoration of the state's 35% share of employer costs for police, teachers, and firefighters in the current defined benefit plan and any successor plan; and
- d) **SUPPORT** the inclusion of municipal participation on any legislative study committee or commission formed to research alternative retirement system designs (such as a defined contribution or a hybrid plan) and the performance of a complete financial analysis of any alternative plan proposal in order to determine the full impact on employers and employees.

#### **16. Utility Appraisal Method**

**TO SEE IF NHMA WILL OPPOSE** mandating the exclusive use of the unit method of valuation in the appraisal of utility property, by either administrative or legislative action, and **SUPPORT** the continuing right of municipalities to use any method of appraisal upheld by the courts.

#### **17. Modifying Post-Municipal Appeal Deadline Date**

**TO SEE IF NHMA WILL SUPPORT** legislation to modify the post-municipal appeal deadline date as called for under RSA 72:34-a- "Appeal from Refusal to Grant Exemption, Tax Deferral, or Tax Credit".

**Municipal interest to be accomplished by proposal:** The current appeal date of a municipal denial of a property tax exemption/credit/deferral is September 1 of the following tax year. For example, municipality A denies a vet credit in March of 2014, the applicant has until September 1, 2015 to appeal that, that is 18 months of appeal window, that sort of timeframe is not found within the property tax appeal RSA's, nor current use appeal RSA's etc. There is no rational basis to have that long a window leaves the municipality at risk on such a long view that it makes it difficult to plan for with legal costs, overlay cost and the like.

**Explanation:** The appeal window under this RSA for tax exemptions/credits/deferrals should mirror the property tax window. The communities by law have until July 1<sup>st</sup> to issue a decision, taxpayers have until September 1<sup>st</sup> to perfect their appeal, the same should be true under RSA 72:34-a as it is under RSA 76:16-a & RSA 76:17. **Submitted by: Jim Michaud, Assistant Assessor, Town of Hudson**

#### **18. Charitable Definition and Mandated Property Tax Exemptions**

**TO SEE IF NHMA WILL OPPOSE** legislation that expands the definition of "charitable" in RSA 72:23-1, unless the state reimburses municipalities for the loss of revenue, and **SUPPORT** creating a method of reimbursement to municipalities for state-owned property.

**19. Telecom Company Property Tax Exemption**

TO SEE IF NHMA WILL OPPOSE any exemption from the property tax for poles, wires, and conduits owned by telecom companies.

**20. Collection of Statewide Education Property Tax**

TO SEE IF NHMA WILL TAKE **NO POSITION** on the collection of the statewide property tax by the state or by municipalities, but will continue to work to ensure that any system based on the property tax coordinates and synchronizes as seamlessly as possible with existing local property tax assessment and collection procedures.

**21. Negotiated PILOTs for Water System Property**

TO SEE IF NHMA WILL OPPOSE legislation that eliminates the current obligation of the public water entity to make a PILOT equal to what the property taxes would be for the property in the absence of a negotiated PILOT.

**22. State Budget Cap**

TO SEE IF NHMA WILL OPPOSE the adoption of any variation of a state budget cap which will impose on the Legislature pre-established limitations on state spending.

**23. Budget Year Conversion**

TO SEE IF NHMA WILL SUPPORT legislation to simplify the process of a municipality's converting from a calendar year budget cycle to a fiscal year budget cycle.

**24. Management of Trust Funds**

TO SEE IF NHMA WILL SUPPORT amendments to RSA 292-B:2 to include funds held by a town or other municipality under RSA 31:19, RSA 202-A:23, or a fund created by a town or other municipality under RSA 31:19-a to be included in those institutional funds subject to the Uniform Prudent Management of Institutional Funds Act.

**25. Minimum Vote Required for Bond Issues**

TO SEE IF NHMA WILL **OPPOSE** legislation to increase the 60% bond vote requirement for official ballot communities.

**26. Mandatory Tax Liens**

TO SEE IF NHMA WILL SUPPORT legislation to change RSA 80:59 to read: "The real estate of every person or corporation shall be subject to the tax lien procedure by the collector, in case all taxes against the owner shall not be paid in full on or before December 1 next after its assessment, provided that the municipality has adopted the provisions of RSA 80:58-86 in accordance with RSA

80:87. A real estate tax lien imposed in accordance with the provisions of RSA 80:58-86 shall have priority over all other liens.”

## **27. Tax Bill Information**

**TO SEE IF NHMA WILL SUPPORT** legislation to amend RSA 76:11-a to allow those municipalities which have adopted the deaf exemption to include the word “deaf” following the word “blind” in the information contained on tax bills.

---

# **Infrastructure, Development, and Land Use**

## **Action Policy Recommendations**

### **1. Restoration of Full General Revenue Funding for Municipal State Aid Grant (SAG) Programs**

**TO SEE IF NHMA WILL SUPPORT** legislation to restore full general revenue funding of municipal wastewater, public drinking water and landfill closure grants administered by the NH Department of Environmental Services.

### **2. Municipal Use of Structures in the Right-of-Way**

**TO SEE IF NHMA WILL SUPPORT** legislation to authorize municipalities to use, for any municipal purpose, the space designated for municipal good upon all poles, conduit and other structures within their rights-of-way without paying unreasonable make-ready costs. This includes the right to use that space for data and voice transmission to, from, and by the municipal government, schools, library, and other governmental institutions. This includes a requirement that the owners of utility poles and conduit do the necessary work for that space to be available.

### **3. Regional Water Quality**

**TO SEE IF NHMA WILL SUPPORT** legislation to encourage the State of New Hampshire and its political subdivisions to work cooperatively on a watershed or regional basis in addition to dealing with all water quality issues as individual communities.

**Municipal interest to be accomplished by proposal:** More efficient use of limited taxpayer resources to deal with achieving compliance under Clean Water Act requirements and state regulations.

**Explanation:** Many of the impaired water bodies in the state have numerous contributors to the impairments and no individual community can deal with all of the water quality issues within a water body. Also, limited resources should be targeted to the largest water quality improvements to provide the cleanest water resources to our citizens. Around the country various models have been

established, and New Hampshire should assess these various alternatives to see if one or a combination of several models would work for the state. **Submitted by: Carl Quiram, Director of Public Works, Goffstown.**

### Priority Policy Recommendations

#### 4. Diversion of Highway Funds.

**TO SEE IF NHMA WILL SUPPORT** legislation and administrative action to limit or eliminate the diversion of highway funds for non-highway purposes.

#### 5. Site Evaluation Committee and Local Input

**TO SEE IF NHMA WILL SUPPORT** legislation establishing a procedure similar to RSA 674:54 requiring applicants to the state's Site Evaluation Committee (SEC) to notify and appear before the local planning board prior to the issuance by the SEC of certificates for the construction of energy facilities under RSA 162-H.

#### 6. RSA 162-K: Authority for Inter-municipal Cooperation

**TO SEE IF NHMA WILL SUPPORT** legislation to provide more explicit authority for inter-municipal cooperation in economic development and revitalization districts (*see* RSA 162-K).

#### 7. Solid Waste Revolving Funds

**TO SEE IF NHMA WILL SUPPORT** legislation to allow municipalities to establish, by vote of the legislative body, revolving funds for their solid waste programs, including solid waste collection, disposal, and the operation of any municipally operated transfer station, in addition to recycling.

#### 8. Clarify Establishing Highways

**TO SEE IF NHMA WILL SUPPORT** legislation clarifying that the dedication and acceptance method of highway creation requires express acceptance by vote of the legislative body, or the board of selectmen if so delegated.

#### 9. Water Fund

**TO SEE IF NHMA WILL SUPPORT** legislation to implement the recommendations of the Commission on Water Infrastructure Sustainability Funding (the "SB 60 Commission"), including (1) the establishment of a water trust fund to ensure adequate annual investment in water infrastructure, and (2) a sustainable revenue source for the water trust fund.

**Municipal interest to be accomplished by proposal:** Long-term investment in the infrastructure that cleans and carries water is essential to the health and economy of New Hampshire. Water is a resource that cannot be neglected, and a water trust is essential to ensure that large and small

communities can maintain the infrastructure to meet the regulatory limits, and the social and economic goals of communities.

**Explanation:** The SB 60 Commission worked for three years to develop findings and recommendations for the establishment of a sustainable trust for water infrastructure. NHMA should support this initiative as it affects all New Hampshire municipalities. **Submitted by:** Shelagh Connelly, Chair, New Hampshire Water Pollution Control Association.

## Standing Policy Recommendations

### **10. Adequate Highway Funding**

**TO SEE IF NHMA WILL SUPPORT** legislation to ensure adequate state revenue dedicated to highway improvements, which may include the road toll (gas tax) under RSA 260:32, increased motor vehicle registration fees, or any other source, so long as all additional revenues are used for highway purposes, and provided that the proportionate share of such additional revenues is distributed to cities and towns as required by existing law.

### **11. Alternative Funding for Transportation**

**TO SEE IF NHMA WILL SUPPORT** the establishment of alternative funding sources to ensure the maintenance and improvement of existing and future state and local transportation infrastructure and to provide greater focus and financial support for all modes of transportation.

### **12. Conservation Investment**

**TO SEE IF NHMA WILL SUPPORT** permanent funding for the Land and Community Heritage Investment Program and **OPPOSES** any diversion of such funds to other uses.

### **13. Environmental Regulation and Preemption**

**TO SEE IF NHMA WILL SUPPORT** legislation that (a) recognizes municipal authority over land use and environmental matters, (b) limits state preemption of local environmental regulation, and (c) recognizes that even when local environmental regulation is preempted, compliance with other local laws, such as zoning and public health ordinances and regulations, is still required.

### **14. Underground Utilities**

**TO SEE IF NHMA WILL SUPPORT** legislation clarifying that municipalities may incur debt for the purpose of removing overhead utilities and replacing them with underground utilities.

### **15. Energy, Renewable Energy and Energy Conservation**

**TO SEE IF NHMA WILL SUPPORT** legislation encouraging state and federal programs that provide incentives and assistance to municipalities to adopt energy use and conservation techniques that will manage energy costs and environmental impacts, promote the use of renewable energy

sources, and promote energy conservation, and opposes any legislation that overrides local regulation.

#### **16. Open Space Retention and Sprawl Prevention**

**TO SEE IF NHMA WILL SUPPORT** legislation encouraging statewide programs that provide incentives and assistance to municipalities to adopt land use planning and regulatory techniques that will better prevent sprawl, retain existing tracts of open space, and preserve community character.

#### **17. Sludge/Biosolids**

**TO SEE IF NHMA WILL SUPPORT** reliable enforcement of scientifically based health and environmental standards for the management of sludge, septage, and biosolids; and **OPPOSE** any state legislation that would curtail the ability of municipalities to dispose of municipally-generated biosolids through land spreading, when done in accord with such scientifically based health and environmental standards.

#### **18. Current Use**

**TO SEE IF NHMA WILL OPPOSE** any legislative attempt to undermine the basic goals of the current use program and **OPPOSE** any reduction in the 10-acre minimum size requirement for qualification for current use, beyond those exceptions now allowed by the rules of the Current Use Board.

#### **19. Complete Streets**

**TO SEE IF NHMA WILL SUPPORT** legislation providing for consideration and possible implementation of a Complete Streets Policy at the state level, to include accommodating the input and needs of, and the financial impact on, political subdivisions.

**Municipal interest to be accomplished by proposal:** There is a growing awareness that conventional design, operation and maintenance of transportation facilities have been biased toward accommodating speed and capacity for motor vehicles, and that a more comprehensive approach is needed to adequately support mobility and quality of life for all members of the community. The Complete Streets concept is a response to this concern, which focuses on ensuring that streets are safe, comfortable and convenient for travel for everyone, including motorists, pedestrians, bicyclists and public transportation users, and for all ages and abilities.

In recent years, the City of Portsmouth has been designing its street improvement projects with an increased attention to pedestrian and bicycle safety and convenience, and in 2013 the City adopted a formal Complete Streets policy to formalize this approach. However, it is important that local initiatives such as Portsmouth's be supported by a statewide Complete Streets policy.

**Explanation:** A statewide Complete Streets policy would require transportation agencies to approach every transportation improvement and project phase as an opportunity to create safer, more accessible streets for all users. These phases include planning, programming, design, right-of-way acquisition, construction engineering, construction, reconstruction, operation and maintenance.

Complete Streets principles can be applied on new projects, but also can be applied incrementally on existing streets through a series of improvements and activities over time.

An effective Complete Streets policy is sensitive to community context. A strong statement about context can help align transportation and land use planning goals, creating livable and resilient villages, towns and neighborhoods.

To date, 27 states have adopted statewide Complete Streets policies, including the New England states of Vermont, Massachusetts, Connecticut and Rhode Island. **Submitted by: Rick Taintor, Planning Director, Portsmouth; Christopher Parker, Director of Planning and Community Development, Dover; Thomas J. Aspell, Jr., City Manager, Concord.**

Town of Exeter	Policy Number 06-01	Adopted by Board of Selectmen
Subject: Delegating to the Town Manager the authority to Issue Certain Permits	Adoption Date: September 18, 2006 Revision Date: Effective Date:	Supersedes:

**1.0 Purpose of the Policy:**

**2.0 Departments Affected:**

All Departments

**3.0 Definitions:**

**4.0 Policy:**

1. It is recognized that the Board of Selectmen are responsible for the issuance of certain permits under the New Hampshire state statutes.
2. As a practical matter, the Town Manager may issue temporary approval for permits for the following activities, and in the absence of the Town Manager, the ranking member of the Board of Selectmen shall have approval authority pursuant to this policy. The Board of Selectmen will be notified of the temporary approval at their next regular meeting under the permits section of the agenda:
  - Banners across Water Street
  - Plywood Signs and Poster Board Signs
  - Structures on Sidewalk, Blocking Off Streets, and Blocking Off Parking Spaces
  - Road Races, Raffles, Walkathons, and Parades
  - Pyrotechnics (Fireworks)
  - Auctions
  - Block Parties

3. Permit requests for the following must be approved at regular meetings of the Board:  
Use of Town Hall or Town Office (NOTE in extreme circumstances the Town Manager is authorized to approve these permits).
4. Prior to approval, the Town Manager will make certain all conditions have been met for any permit, such as a fee being paid, certificate of insurance provided, and that any necessary department approvals are obtained, such as the Police Department for road races/walkathons, etc..
5. If an issue has been raised regarding a permit, the Town Manager shall not issue the permit but it shall be referred back to the Board of Selectmen for their review and action.

**5.0 Procedures:**

**6.0 Severability:**

To the extent this policy is in conflict with State law, State law will prevail.

Town of Exeter	Policy Number 06-01	Adopted by Board of Selectmen
Subject: Delegating to the Town Manager the authority to Issue Certain Permits	Adoption Date: September 18, 2006 Revision Date: May, 2014 Effective Date:	Supersedes:

**1.0 Purpose of the Policy:**

The purpose of this policy is to create an efficient, workable permitting process for those permits issued under the authority of the Selectboard.

**2.0 Departments Affected:**

Town Manager, Police, Public Works, Parks/Recreation, General Government, Fire/EMS

**3.0 Definitions:****4.0 Policy:**

1. It is recognized that the Board of Selectmen (Selectboard) are responsible for the issuance of certain permits under the New Hampshire state statutes.
2. The Town Manager may approve permits for the following activities, and in the absence of the Town Manager, the ranking available member of the Selectboard shall have approval authority.
  - a. Plywood Signs and Poster Board Signs
  - b. Structures on Sidewalk, Blocking Off Streets (Road Closures), and Blocking Off Parking Spaces, Extended Parking, Winter Overnight Parking (Pleasant Street only)
  - c. Road Races, Raffles, Walkathons, and Parades
  - d. Pyrotechnics (Fireworks)
  - e. Auctions
  - f. Block Parties
  - g. Use of Town Office
  - h. Use of Town Hall
  - i. Solicitation/Peddler/Vending
  - j. Temporary Signs in Public Right of Way
3. Should the Town Manager deny any of the permits listed above, those aggrieved may appeal to the Selectboard at their next regular meeting. All permit requests shall conform to the ordinances, rules, and regulations of the Town.

**REVISED**

3. Prior to approval, the Town Manager will ensure all conditions have been met for any permit, such as a fee being paid, a certificate of insurance provided, and that any necessary department approvals are obtained, such as the Police Department for road races/walkathons, etc..
4. All permits will be issued in conformance with current Town policy governing same.
5. A monthly report will be provided to the Selectboard for all permits issued in the prior month under this policy. At any time the Board may review or amend this policy.

**5.0 Procedures:**

The Town Manager's Office, on behalf of the Selectboard, will administer permit issuance through the Town Manager's assistant.

**6.0 Severability:**

To the extent this policy is in conflict with State law, State law will prevail.

Town of Exeter	Policy Number 04-01	Adopted by Board of Selectmen
Subject: Use of Town Property	Adoption Date: Revision Date: Effective Date:	Supersedes:

**1.0 Purpose of the Policy:**

The purpose of this policy is to define the approved uses of Town buildings and equipment.

**2.0 Departments Affected:** All Departments

**3.0 Definitions:**

**4.0 Policy:**

1. Town Buildings:

All Town buildings shall be used solely for the public business functions that they were intended. Use of the buildings for any other purpose requires prior approval by the Board of Selectmen. Application for public uses of Town buildings may be made at the Town Manager's office on the applicable form. Liability insurance must be provided by the petitioner and a fee for rental and custodial services may be assessed. Approval of applications for use will normally take place at the regularly scheduled meeting of the Board of Selectmen. The Board of Selectmen may authorize the Town Manager to execute applications for use of Town buildings.

The Town of Exeter maintains an open forum policy. This policy allows any group or organization to use Town buildings, so long as the group or organization does not sell goods or services for profit. When non-municipal groups use Town buildings, they do so under this open forum policy.

The use of Town buildings by any non-municipal group or organization for any activity or expression of any viewpoint does not constitute an endorsement of that activity or viewpoint(s) by the Town.

A. **Criteria for Approval:**

1. Applications for building use are approved on a first come-first served basis;

2. First preference should be given to events that are of interest to the largest number of people;
3. Second preference should be given to events that would benefit the greatest number of participants.

B. Specific Listing of Priorities:

1. Any and all regular or special Town Meetings; any regular or special elections; any meeting of a duly constituted Town board;
  2. Any use by a school group for plays or other such activities; any bona fide state or federal agency meeting for Town purposes;
  3. Use by lecture groups (i.e. Merrill Lectures Series); use by players groups (i.e. Exeter Area Art Association);
  4. Any other group of Exeter residents.
- C. There shall be no use of Town buildings allowed for the purpose of sales of goods or services for profit.
- D. Application for building use shall be limited to four uses by the same user. Reapplication for subsequent use is permitted.

2. Loan of Town Equipment

Town equipment shall only be used by authorized personnel for Town functions. No Town equipment shall be loaned for personal or commercial use unless:

- A. authorized by the Board of Selectmen;
- B. in the event of an emergency or a compelling need, the Town Manager or a Department Head finds it appropriate to honor a request for loan or exchange from another municipality or vendor;
- C. small hand equipment may be loaned by department heads to other municipalities or a vendor if the equipment is used for an appropriate public function.

All loans shall be subject to the following criteria:

the equipment is subject to immediate recall by the Town of Exeter if needed for an appropriate Town function;

1. insurance coverage is in effect by the borrower;
2. an inventory and receipt exchange is made on the equipment;
3. damages, if they occur, are paid by the party borrowing the equipment.

3. Solicitation

Solicitations in Town of Exeter buildings shall be prohibited unless authorized by the Board of Selectmen or conducted in compliance with ordinary business or personal function of Town Government. Exceptions to this section may be granted under the following conditions:

- A. solicitation is conducted for or by town-related subjects and specifically authorized by the Town Manager;
- B. specific instances with the approval of a department head, when such action is in the best interest of personnel and/or the department, provided the activity does not disrupt the work site.

4. Use of Swasey Bandstand

The Swasey Bandstand shall not be used for any function without the approval of the Board of Selectmen. Applications for use may be made at the office of the Town Manager on the applicable form. Liability insurance must be provided by the petitioner and a fee for custodial services may be assessed. Approval of the application for use will normally take place at a regularly scheduled meeting of the Board of Selectmen.

5. Signs on Swasey Bandstand

No signs, banners, hangers or other devices may be attached to the Swasey Bandstand. Two sign boards for the use of public groups are available adjacent to the Town Hall.

*Sign Board Case (right of Town Hall):*

- a. signs shall be limited to 35" x 47" in size, poster board only;
- b. shall be placed in the sign case for no longer than seven (7) days;
- c. shall not be placed without proper written approval of the Town Manager on the applicable form;
- d. sign will be available to be picked up at the Town Office for one week after it is removed from the sign case, then it will be destroyed.

*Sign board (to left of Town Hall):*

- a. Sign insert material must be 1/4" or 3/8" waterproof plywood or hardboard;
- b. Drill four 1/2" holes in locations shown (on available sheet with application);
- c. Lettered insert attaches to sign w/existing wing nuts and 3/8" bolts;
- d. User is responsible for putting up and taking down sign.

Application for placement of signs at the Town Hall may be made at the Office of the Town Manager on the applicable form.

*The following language was approved by the Board of Selectmen at their regular meeting of January 5, 2004 concerning the use of free standing signs for events held in Town facilities:*

“Free standing signs are permitted advertising an event to be held in a Town facility.

Such signs may only be placed immediately in front of the facility or the entrance to the Bandstand. In the case of the Town Hall, signs may be placed on the porch and/or steps. Event signs may not be placed off site or to the side of the facility being used. Such signs will be limited to a total of 72 square feet per event, regardless of the number of Town facilities being used.

All signs will be free standing and in **no** case will signs be affixed to any Town property.

A sign is defined as any device providing identification, advertising or directional information for a specific business, service, product, person, organization, place or building. Included in this definition are graphic devices such as logos, attention-attracting media such as banners, pennants, flags or logo sculpture, and obtrusive colored fascia or architectural elements.”

Political campaigns are reminded that New Hampshire Revised Statute Annotated 664:17 provides in pertinent part: “No political advertising shall be placed on or affixed to any public property including highway rights-of-way or private property without the owner’s consent.” In general, the public right-of-way runs from the street to the building side of the sidewalk or telephone poles.

#### **5.0 Procedures:**

#### **6.0 Severability:**

To the extent this policy is in conflict with State law, State law will prevail.

Town of Exeter	Policy Number 93-08	Adopted by Board of Selectmen
Subject: Rules for Use of the Senior Citizen's Center	Adoption Date: Revision Date: Effective Date:	Supersedes:

**1.0 Purpose of the Policy:**

The purpose of this policy is to establish a uniform method of authorizing use of the Exeter Senior Citizen's Center by the general public.

**2.0 Departments Affected:** All Departments

**3.0 Definitions:**

**4.0 Policy:**

**5.0 Procedures:**

1. In a cooperative agreement, the Town has made the Center available as a site for serving noon meals as part of the Rockingham Nutrition Program.
2. The Center shall be available from 8AM to 4PM for leisure time or organized activities of senior citizens who are members of the Council on Aging, except that no event shall effectively interfere with meal serving.
3. The Center shall be available for meetings of any Senior Citizen or Council on Aging-recognized groups at hours other than those assigned to items 1 & 2 above.
4. Events scheduled shall not require the services of a Custodian and events shall not be for profit or be of the nature that would subject the building to damage or abuse. Scheduling of events shall be accomplished by the Recreation Department.
5. Groups other than those listed above shall obtain a permit for use in accordance with Selectmen's Policy #04-01 (as amended from time to time).
6. General Rules:
  - a) No smoking will be allowed:

- b) No alcoholic beverages will be allowed;
- c) No machinery or equipment of a hazardous nature shall be used or placed in the Center.

7. Specific Rules:

Specific regulations concerning operation, internal equipment and staff functions shall be developed by the Recreation Department and approved by the Town Manager.

**6.0 Severability:**

To the extent this policy is in conflict with State law, State law will prevail.

Permits Under Town Ordinances & Policies				
Permit Name	Described In (Chapter, Section)	Issuing Authority	Notes	
Dance Halls	801-801.10	Police Chief w/Building Inspector concurrence	Renewable yearly, \$50 fee Hearing before BOS if to be revoked	
Vendors, Hawkers, Peddlers, Solicitors, and other Itinerant Vendors, and Door-to-Door Solicitations and Canvassing	802-802.10	Board of Selectmen or Designee (802.4.b)	Appeals on revocation to BOS	
Fireworks	805	BOS for special events	No permits issued without Fire Chief and Police Chief approval (805.1)	
Special Events (Parade, Demonstration, Picketing)	807-807.10	Board of Selectmen	Race must be a recognized organization and prior written BOS approval granted Notes: RSA 286:3, 286:4, 286:4-a and 47:17 referenced	
Public Auctions	808-808.10	Board of Selectmen	Ordinance states done in regular session by BOS Two week notice of event required	
Intelligence Offices (RSA 274:2)	830-830.10	Board of Selectmen	Employment related?	
Town Buildings				
Town Office				
Town Hall	Use of Town Property Policy	"Approval of applications will normally take place at the regularly scheduled meeting of the Board of Selectmen. The Board of Selectmen may authorize the Town Manager to execute applications for the use of Town buildings."		
Use of Bandstand	Use of Town Property Policy	"Approval for the application of use will normally take place at a regularly scheduled meeting of the Board of Selectmen."	Applications made at Office of Town Manager	
Signboard (plywood and poster)	Use of Town Property Policy	No approval outlined, only application to Town Manager		
Could not find reference to road closures, temporary parking permits (ie Pleasant Street overnight parking)				

### 2013 Permit History

Permit	# of Instances	Total Hours	Average Length of Time
Solicitation	3	6	2
Parade	2	5.5	2.75
Fireworks	1	2	2
Structure	10	96	9.6
Blocking Road	4	44	11
Blocking Swasey	37	202	5.46
Road Races	12	60	5
Block Party	5	26	5.2

# List for Selectmen's meeting July 14, 2014

## Intent to Cut

<u>Map/Lot</u>	<u>Location</u>	<u>Owner</u>
46/3	Continental Drive	Garrison Glen LLC
46/1	Continental Drive	Garrison Glen LLC
56/3/1	Continental Drive	Garrison Glen LLC
46/4	Continental Drive	Garrison Glen LLC

Tabled 7/24/14 to 7/28



# Application for Use of Town Facility

Forms can be mailed: Town of Exeter, 10 Front Street, Exeter, NH 03833

Faxed #: 603-772-4709 or emailed: [twmMgr@town.exeter.nh.us](mailto:twmMgr@town.exeter.nh.us)

Facility Requested: Town Hall (Main Floor)  Town Hall Stage  Bandstand

Signboard Requested: Poster Board  Week: Plywood Board  Week:

### Representative Information:

Name: Keryn Bernard-Kriegel Address: 10 Ferry St suite 315  
Town/State/Zip: Concord NH 03301 Phone: 603-224-1279 603866-9618  
Email: Kbernard-Kriegel@nhchildrenstrust.org Date of Application: 7/3/14

### Organization Information:

Name: NH Children's Trust, Inc. Address: 10 Ferry St suite 315  
Town/State/Zip: Concord NH 03301 Phone: 603-224-1279

### Reservation Information:

Type of Event/Meeting: Concert + Fundraiser Date: 4/11/15  
Times of Event: 7:30pm Times needed for set-up/clean-up: 2pm - 11pm 4/18/15  
# of tables: 1 # of chairs: 200 on floor 20 on stage preference  
List materials being used for this event: 60 musicians on stage  
Will food/beverages be served? \_\_\_\_\_ Description: Water

### Requirements:

**Cleaning Deposit:** A cleaning deposit of \$100 is required of any user serving food or beverages. If the town determines after use that the building was acceptably cleaned, the deposit fee will be returned to the user. No food is allowed in Main Hall of the Town Hall. If food is to be served and/or prepared in foyer of Town Hall, the electrical outlet cannot exceed 20 amps. For more information call Kevin Smart, Maintenance Superintendent at 773-6162 prior to use.

**Liability Insurance Required:** The Town requires liability insurance to be submitted with this completed application. Required insurance amounts: General Liability/Bodily Injury/Property Damage: \$300,000/\$1,000,000. The Town of Exeter must be listed as additional insured.

**Rental Fee:** For Town Hall use there is a fee of \$75.00 per day, a payment of \$250 may be required for use of main floor and stage for more than a single day. You may request a waiver of the rental fee in writing.

**Keys:** Access to a town building after normal business hours requires a key sign out. Forms and keys can be obtained from the Town Manager's office at the Town Office during normal business hours (there is no other option for obtaining a key). A key can be collected up to 24 hours before your event (with the exception of Sunday events).

Signing below acknowledges receipt of and agreement to all rules, regulations and requirements pertaining to the use of a town facility. Permit approvals are contingent upon proper insurance and fees paid to the Town of Exeter.

Applicant signature: Keryn Bernard-Kriegel Date: 7/3/14

Authorized by the Board of Selectmen/Designee: \_\_\_\_\_ Date: \_\_\_\_\_

Office Use Only:

Liability Insurance: On file  In-process  Will receive by \_\_\_\_\_

Fee: Paid  Will pay by \_\_\_\_\_ Non-profit fee waiver requested

Town Manager's Office

JUL 21 2014

Received



BOARD of DIRECTORS

Robert Matheson, Chair  
Lara Quiroga, M.Ed., Vice Chair  
Janice Fitzpatrick, Treasurer  
Courtney H. G. Herz, Esq., Secretary  
Mary Ann Aldrich, RN, MS  
Deborah Bailin, Esq.  
Jessica Wohlers Barlow  
Thomas Barton, MD  
Frederick (Skip) Berrien, MD  
Sarah Fox, Esq.  
Rep. Anne Grassie  
Monique Harrington  
Lauri Johnson  
Mary Jane Keane  
Stephen Murray, CFA  
Stacey Savage

EXECUTIVE DIRECTOR

Keryn Bernard-Kriegl

July 11, 2014

Russell Dean  
Town Manager  
10 Front Street  
Exeter, NH 03833

Dear Mr. Dean:

Attached please find an application requesting use of the Town Hall for a concert on April 17, 2015 to benefit the New Hampshire Children's Trust, Inc., a 501(c)(3) nonprofit organization. The concert will feature the NH Fiddle Ensemble and be coordinated by Ellen Carlson, one of the musicians who will also be performing that evening.

As a nonprofit organization, we are requesting a waiver of both the rental fee and the cleaning fee/deposit. We spoke with Kevin Smart, Exeter's Maintenance Superintendent, via phone, who informed us that the cleaning fee/deposit could be waived if we agree to "broom sweep" the premises immediately after the event.

Also attached to this letter please find more information about the work our organization does as well as our IRS letter.

Thank you for your consideration. If you have any further questions, please do not hesitate to contact me. Thank you.

Sincerely yours,

Brenda A. Marotto  
Fiscal and Office Manager



# Application for Use of Town Facility

Forms can be mailed: Town of Exeter, 10 Front Street, Exeter, NH 03833  
Faxed #: 603-772-4709 or emailed: [twmgr@town.exeter.nh.us](mailto:twmgr@town.exeter.nh.us)

Event - Sept. 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> & 7<sup>th</sup>, 2015

Facility Requested: Town Hall (Main Floor)  Town Hall Stage  Bandstand

Signboard Requested: Poster Board  Week: 8/30 to 9/5 Plywood Board  Week: 8/23 to 9/5, 2015

### Representative Information:

Name: Milton T. "Sandy" Martin, Jr. Address: 127 Water Street  
Town/State/Zip: Exeter, NH 03833 Phone: 603-778-0822  
Email: sandym@mfe.com Date of Application: 7-8-14

### Organization Information:

Name: Seacoast River Festival Address: 127 Water Street  
Town/State/Zip: Exeter, NH 03833 Phone: 603-778-0822

### Reservation Information:

Type of Event/Meeting: Multiple Events - Land, Sea & Air Date: 9/3 to 9/7, 2015  
Times of Event: 8AM to 8PM + Times needed for set-up/clean-up: Set-up 9/3 - Clean-up 9/8  
# of tables: As needed # of chairs: All-theater set-up plus posts & ties  
List materials being used for this event: \_\_\_\_\_  
Will food/beverages be served? No! Description: N/A

### Requirements:

**Cleaning Deposit:** A cleaning deposit of \$100 is required of any user serving food or beverages. If the town determines after use that the building was acceptably cleaned, the deposit fee will be returned to the user. No food is allowed in Main Hall of the Town Hall. If food is to be served and/or prepared in foyer of Town Hall, the electrical outlet cannot exceed 20 amps. For more information call Kevin Smart, Maintenance Superintendent at 773-6162 prior to use.

**Liability Insurance Required:** The Town requires liability insurance to be submitted with this completed application. Required insurance amounts: General Liability/Bodily Injury/Property Damage: \$300,000/\$1,000,000. The Town of Exeter must be listed as additional insured.

**Rental Fee:** For Town Hall use there is a fee of \$75.00 per day, a payment of \$250 may be required for use of main floor and stage for more than a single day. You may request a waiver of the rental fee in writing. This is a not-for-profit event.

**Keys:** Access to a town building after normal business hours requires a key sign out. Forms and keys can be obtained from the Town Manager's office at the Town Office during normal business hours (there is no other option for obtaining a key). A key can be collected up to 24 hours before your event (with the exception of Sunday events).

Signing below acknowledges receipt of and agreement to all rules, regulations and requirements pertaining to the use of a town facility. Permit approvals are contingent upon proper insurance and fees paid to the Town of Exeter.

Applicant signature: [Signature] Date: 7-8-14

Authorized by the Board of Selectmen/Designee: \_\_\_\_\_ Date: \_\_\_\_\_

Office Use Only:

Liability Insurance: On file  In-process  Will receive by \_\_\_\_\_  
Fee: Paid  Will pay by \_\_\_\_\_ Non-profit fee waiver requested



# Application for Use of Town Facility

Forms can be mailed: Town of Exeter, 10 Front Street, Exeter, NH 03833

Faxed #: 603-772-4709 or emailed: [townmgr@town.exeter.nh.us](mailto:townmgr@town.exeter.nh.us)

Audit: ms - Am: 17<sup>th</sup>, 18<sup>th</sup> & 19<sup>th</sup>, 2015

Facility Requested: Town Hall (Main Floor)  Town Hall Stage  Bandstand

Signboard Requested: Poster Board  Week: 4-12-4-19 Plywood Board  Week: 4-5-4-19, 2015

### Representative Information:

Name: Milton T. "Sandy" Martin, Jr. Address: 127 Water Street  
Town/State/Zip: Exeter, NH 03833 Phone: 603-778-0822  
Email: sandym@mfe.com Date of Application: 7-8-14

### Organization Information:

Name: Seacoast IDOL Address: 127 Water Street  
Town/State/Zip: Exeter, NH 03833 Phone: 603-778-0822

### Reservation Information:

Type of Event/Meeting: Auditions for Seacoast IDOL Date: 4-17<sup>th</sup>, 18<sup>th</sup> & 19<sup>th</sup>, 2015  
Times of Event: 8AM to 6PM Times needed for set-up/clean-up: N/A  
# of tables: As needed # of chairs: As needed  
List materials being used for this event: \_\_\_\_\_  
Will food/beverages be served? No! Description: N/A

### Requirements:

**Cleaning Deposit:** A cleaning deposit of \$100 is required of any user serving food or beverages. If the town determines after use that the building was acceptably cleaned, the deposit fee will be returned to the user. No food is allowed in Main Hall of the Town Hall. If food is to be served and/or prepared in foyer of Town Hall, the electrical outlet cannot exceed 20 amps. For more information call Kevin Smart, Maintenance Superintendent at 773-6162 prior to use.

**Liability Insurance Required:** The Town requires liability insurance to be submitted with this completed application. Required insurance amounts: General Liability/Bodily Injury/Property Damage: \$300,000/\$1,000,000. The Town of Exeter must be listed as additional insured.

**Rental Fee:** For Town Hall use there is a fee of \$75.00 per day, a payment of \$250 may be required for use of main floor and stage for more than a single day. You may request a waiver of the rental fee in writing. This is a not-for-profit event.

**Keys:** Access to a town building after normal business hours requires a key sign out. Forms and keys can be obtained from the Town Manager's office at the Town Office during normal business hours (there is no other option for obtaining a key). A key can be collected up to 24 hours before your event (with the exception of Sunday events).

Signing below acknowledges receipt of and agreement to all rules, regulations and requirements pertaining to the use of a town facility. Permit approvals are contingent upon proper insurance and fees paid to the Town of Exeter.

Applicant signature: [Signature] Date: 7-8-14

Authorized by the Board of Selectmen/Designee: [Signature] Date: \_\_\_\_\_

### Office Use Only:

Liability Insurance: On file  In-process  Will receive by \_\_\_\_\_

Fee: Paid  Will pay by \_\_\_\_\_ Non-profit fee waiver requested



# Application for Use of Town Facility

Forms can be mailed: Town of Exeter, 10 Front Street, Exeter, NH 03833  
Faxed #: 603-772-4709 or emailed: [townmgr@town.exeter.nh.us](mailto:townmgr@town.exeter.nh.us)

Event - May 1st, 2nd & 3rd, 2015

Facility Requested: Town Hall (Main Floor)  Town Hall Stage  Bandstand

Signboard Requested: Poster Board  Week: 4-26 to 5-3 Plywood Board  Week: 4-19 to 5/3, 2015

### Representative Information:

Name: Milton T. "Sandy" Martin, Jr. Address: 127 Water Street  
Town/State/Zip: Exeter, NH 03833 Phone: 603-778-0822  
Email: sandym@mte.com Date of Application: 7-8-14

### Organization Information:

Name: Seacoast IDOL Address: 127 Water Street  
Town/State/Zip: Exeter, NH 03833 Phone: 603-778-0822

### Reservation Information:

Type of Event/Meeting: Seacoast IDOL Event Date: May 3, 2015  
Times of Event: \_\_\_\_\_ Times needed for set-up/clean-up: \_\_\_\_\_  
# of tables: As Needed # of chairs: All-theater set-up plus posts & ties  
List materials being used for this event: \_\_\_\_\_  
Will food/beverages be served? No! Description: N/A

### Requirements:

**Cleaning Deposit:** A cleaning deposit of \$100 is required of any user serving food or beverages. If the town determines after use that the building was acceptably cleaned, the deposit fee will be returned to the user. No food is allowed in Main Hall of the Town Hall. If food is to be served and/or prepared in foyer of Town Hall, the electrical outlet cannot exceed 20 amps. For more information call Kevin Smart, Maintenance Superintendent at 773-6162 prior to use.

**Liability Insurance Required:** The Town requires liability insurance to be submitted with this completed application. Required insurance amounts: General Liability/Bodily Injury/Property Damage: \$300,000/\$1,000,000. The Town of Exeter must be listed as additional insured.

**Rental Fee:** For Town Hall use there is a fee of \$75.00 per day, a payment of \$250 may be required for use of main floor and stage for more than a single day. You may request a waiver of the rental fee in writing. this is a not-for-profit event.

**Keys:** Access to a town building after normal business hours requires a key sign out. Forms and keys can be obtained from the Town Manager's office at the Town Office during normal business hours (there is no other option for obtaining a key). A key can be collected up to 24 hours before your event (with the exception of Sunday events).

Signing below acknowledges receipt of and agreement to all rules, regulations and requirements pertaining to the use of a town facility. Permit approvals are contingent upon proper insurance and fees paid to the Town of Exeter.

Applicant signature: [Signature] Date: 7-8-14

Authorized by the Board of Selectmen/Designee: \_\_\_\_\_ Date: \_\_\_\_\_

Office Use Only:

Liability Insurance: On file  In-process  Will receive by \_\_\_\_\_

Fee: Paid  Will pay by \_\_\_\_\_ Non-profit fee waiver requested

## Town Manager Updates

Submitted by: Russell Dean, Town Manager

Week Ending: July 25<sup>th</sup>, 2014

- Initiated review of "brown water" release from July 19<sup>th</sup>, 2014 at Water Treatment Plant. Brown water was due to above normal manganese levels in raw water from reservoir. Reservoir source was being used due to new work on the groundwater treatment plant and need to disconnect stadium well from river pump station, requiring pump station to be turned off. Samples for manganese prior to switchover showed low manganese levels. Once issue was discovered, Town switched back to the River Pump station as main source. The water has been safe to drink. Water/sewer retrofitted and overfilled tanks to allow for work to be done this week (at the Exeter River Pump Station). DPW is reviewing procedures related to utilizing Code Red to alert public and reviewing message that went out to public from dispatch after incident. Water/sewer does not recommend flushing as most brown water has dissipated. Town received 20-30 documented calls regarding the issue and alerts were put on the Town website and on Town's facebook page. Water/sewer will also be submitting a CIP to clean the reservoir in 2015. The reservoir has not been cleaned "this century." We apologize to any inconvenience to the public.
- Met with the Town Clerk to review suggestions for night hours for the public. We expect to bring this concept forward for a Board discussion soon.
- The Town received the final classification and pay report from Municipal Resources, Inc. with approximately 300 pages of updated job descriptions. The package was part of the classification and pay study which commenced in 2012.
- Met with the Chamber of Commerce and representatives to discuss the Christmas Lights program and getting lights out of trees.
- Held a department manager meeting on July 17<sup>th</sup>, 2014 at the Library. Issues discussed included the classification and pay plan and interdepartmental communications and recognition.
- Participated in the EHS Alumni Association annual golf tournament on July 18<sup>th</sup>.
- Attended the Budget Recommendations Committee meeting on July 23<sup>rd</sup>. Provided overview for the budget year to date revenues and expenses for the committee. Discussed budget topics and trends for 2015.
- Received correspondence from town counsel supporting position of not charging additional sewer charges to Stoneybrook accounts per RSA 362:4. Counsel also recommended filing minimal paperwork with the PUC which is being pursued.
- Visited Fuller Lane tank site in response to a complaint received from the neighborhood. Work is ongoing on the water tank rehabilitation which will take a few weeks to complete. Since the tank is located in a primary residential neighborhood disruptions are inevitable, and we thank the neighborhood for their patience. Once the project is complete we will not have to conduct this level of rehabilitation for decades if at all.
- Attended tax hearing for the 29 Gary Lane tax deeded property on July 24<sup>th</sup>.
- Continued review of CIP vehicle and equipment submittals.

- Attended Fire Ladder Truck commissioning at the fire station on Friday, July 25<sup>th</sup> along with Selectwoman Gilman, Selectman Clement, and Selectman Chartrand.
- Coordinated visit with new Economic Development Director on July 25<sup>th</sup>. Darren met with Chair of EDC and Building Inspector in anticipation of start date of August 18<sup>th</sup>. Town Planner was attending a Primex academy.
- Continued work on the Town-wide facilities RFP.
- Received a request from Stratham resident to tie into Town water system at Vineyards area. DPW is creating a form for these requests.
- Reviewed with Julie Gilman and RPC a grant program for bike paths. Letters of intent are due August 6<sup>th</sup> and the Town is trying to get a letter of intent accomplished. The Town has \$150,000 in matching funds available for this purpose in a capital reserve fund from appropriations in the mid-2000's.
- The office coordinated the usual slew of permit requests of all kinds, citizen requests, requests to use town property, and day to day activities. Through Sheri, office continued to provide backup/support to welfare/human services (after 1:30 p.m. daily), human resources, the selectboard, and budget recommendations committee (including human services subgroup).

JUL 14 2014

Received



June 2, 2014  
Exeter Board of Selectmen  
Exeter Town Hall  
10 Front Street  
Exeter, NH 03833

Ladies & Gentlemen of Exeter's Select Board,

As a downtown business owner, I find the condition of the town's sidewalks worrisome. My concern goes beyond the beautification of the downtown, which this would also address, but the safety.

My business is in the basement, with no windows or obvious doorway, so my clients walk looking upwards for the hanging sign. I know this now especially since a recent windstorm brought my sign down. I've had a few instances where clients have arrived late, saying that they had walked back and forth, looking up for the sign as their marker to enter the building. That made me realize, that if everyone tends to be looking up at signs, when not texting while walking, that they're not looking at the sidewalks they're traveling. These sidewalks a full of potential hazards, from cracks to large holes.

Three years ago, the town decided to create a new ordinance for sidewalk signs. The new ordinance dictated what size and style our signs could be that were placed on the town's sidewalks, causing many of us the need to replace what we had considered to be perfectly good signs. I feel the issue sidewalk repairs has all the same concerns.

I do not feel downtown is more important than the main roadways leading into it. If there are concerns on routes 27 or 108, they need to be equally addressed.

But many consider downtown the heart of Exeter, and downtown Exeter is not doing fine. Many are struggling. Town sidewalks are the responsibility of the town and do need repair. And any improvement to the downtown area will also help to bring new customers and keep existing ones, increasing and sustaining our overall economic health.

Thank you for your time and consideration,

A handwritten signature in cursive script that reads "Catherine Coulombe".

Catherine Coulombe, owner  
Tranquility Salon & Skin Care

Joanna Pellerin, Corresponding Secretary,  
RFS Alumnae Association  
175 High Street, Exeter, NH 03833

Michael Favreau, Director of Parks & Recreation  
32 Court Street  
Exeter, NH 03833

July 11, 2014

Dear Director Favreau:

The Officers of the Robinson Seminary Alumnae Association wish to thank you for the improvements to and upkeep of the Seminary Memorial off Seminary Lane. We were extremely pleased with our recent inspection of the area. We appreciate your willingness to take on another responsibility for your very busy department.

The 124<sup>th</sup> annual meeting of the RFS Alumnae Association will be held August 9 this year. It will be a pleasure to have the memorial looking well cared for at that time.

With many thanks.  
Sincerely,



Joanna Pellerin, Corresponding Secretary

✓Cc: Russell Dean, Exeter Town Manager

*Town Manager's Office*

JUL 14 2014

*Received*





THE STATE OF NEW HAMPSHIRE  
DEPARTMENT OF TRANSPORTATION



CHRISTOPHER D. CLEMENT, SR.  
COMMISSIONER

JEFF BRILLHART, P.E.  
ASSISTANT COMMISSIONER

## Transportation Alternatives Program Call for New Projects

Dear Potential Applicant:

The Department of Transportation (NHDOT) is starting up a competitive selection round for the federally funded Transportation Alternatives Program (TAP) projects created by MAP-21. The TAP combines many individual federal programs like, Transportation Enhancement, Safe Routes to School, and Scenic Byways to provide more flexibility. Overall funding for the TAP is approximately \$5.5M in this first round. To better manage TAP projects and to focus funding to provide choices for non-motorized use that is safe, reliable and convenient, the following guidelines have been created by the Department and will be used during this competitive selection round.

### Funding Limitations:

- Minimum project limit is \$200,000 (total dollars) – (\$160,000 federal)
- Maximum project limit is \$800,000 (total dollars) – (\$640,000 federal)
- Project will require at least a 20% match provided by the applicant

Note: Projects can exceed the \$800,000 cap if other funding sources are added to the project. Projects can also request less than the minimum cap as long as other funding sources are added to keep a minimum of \$200,000 for the total project cost.

### Eligible Activities

- Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other non-motorized forms of transportation.
- Construction, planning, and design of infrastructure-related projects and systems that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs.
- Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other non-motorized transportation users.
- Eligible Safe Routes to School program infrastructure activities under §1404 of SAFETEA-LU (20% match required)

Note: Non-profits, local advocacy groups and State Agencies are not eligible to apply for TAP funds.

Application Guidelines:

The Application process is broken into three distinct and mandatory steps.

1. Submission of a letter of interest for TAP funding
2. Attendance at a pre-application informational meeting hosted by the Department
3. Submission of the TAP application

Step 1

Submit a Letter of interest (LOI) to the NHDOT, Bureau of Planning & Community Assistance. This letter is mandatory if you want to submit an application for TAP funding under step 3. The letter must contain the following:

- Identify the municipality applying for funding;
- Identify the project contact person, mailing address, phone & email;
- Provide a brief description of the potential project for which you'll be applying for. Give detailed information like State Route number or local street name to identify the location of your project, approximate project limits and give an approximate length. (Maps are not required but are encouraged to help locate and define your project.)
- Provide information regarding which of the eligible TAP activities you believe applies to your project;
- Estimate the amount of funding necessary to complete the project in total dollars as well as your intended match percentage. All project applications require a minimum 20% match.

These letters are completely non-binding. By providing NHDOT with this information, it allows a quick check of program eligibility, project feasibility and geographical distribution of projects. The Department will send copies of the LOI to your governing Regional Planning Commission. This will ensure that all potentially interested parties are placed in the communications loop with NHDOT & your RPC to move forward to step 2.

Mail letters of interest (LOI) to: Thomas Jameson, TAP Program Manager  
NHDOT Bureau of Planning & Community Assistance  
John O. Morton Building  
7 Hazen Drive, P.O. Box 483  
Concord, NH 03302-0483

**OR**

Electronic Submission: Scan and email a .pdf copy of the LOI to [tjameson@dot.state.nh.us](mailto:tjameson@dot.state.nh.us).  
Please put (TAP letter of interest) in the subject line.

**Deadline for letters of interest will be Wednesday August 6, 2014 at 4:00pm.**

These letters are **mandatory**. Letter of interest must be received by the Department on or before 4:00pm, August 6, 2014. Failure to meet this deadline will result in your potential project having to wait until the next funding cycle to apply.

## Step 2

Within 2 weeks of the reception deadline for letters of interest, notification will be sent out to the project contacts identified in those letters about the mandatory TAP informational meeting.

**Please Note: Each applicant must have someone that will be directly involved in the management of their project attend one of these TAP informational meetings that will be held in locations around the state. Previous LPA certification will not satisfy this eligibility requirement.** In an effort to facilitate ease of attendance, NHDOT staff will select locations in those areas most convenient to the largest number of applicants.

## Step 3

Any Municipality that has fulfilled both Step 1 and Step 2 are now eligible to submit an application for TAP funds. Applications will be submitted to NHDOT, Bureau of Planning & Community Assistance. These **Applications will be due on Friday September 26, 2014 at 4:00PM.** Failure to submit your application by the **4:00 PM September 26, 2014,** deadline will result in your potential project having to wait until the next funding cycle to apply. The Department will send copies of your application to your governing Regional Planning Commission for their evaluation and regional rankings.

## TAP project scoring process

TAP Projects will be scored based on criteria and weightings developed by the Department's Transportation Alternatives Program Advisory Committee (TAPAC) and are listed below:

- Potential for Success
- Safety
- Socioeconomic Benefits
- Project Connectivity
- RPC/MPO Ranking
- Multi-Modal Connections

A separate scoring committee will be appointed by the Department. This committee will use the criteria and weightings developed by the TAPAC to score the submitted TAP projects.

The Department is in the process of developing the TAP applications. These should be available in a few weeks and will clearly list the criteria each application will be scored on.

If you have any questions please feel free to call or email me.

Thomas Jameson, P.E.  
Program Manager  
Bureau of Planning and Community Assistance  
NH Department of Transportation  
Phone: 271-3462  
[tjameson@dot.state.nh.us](mailto:tjameson@dot.state.nh.us)



STATE OF NEW HAMPSHIRE  
DEPARTMENT OF STATE

_____	)	
IN THE MATTER OF:	)	
	)	
Local Government Center, Inc., et al.	)	C-2011000036
	)	
RESPONDENTS	)	
_____	)	

**CONSENT DECREE**

NOW COME the Parties, the Petitioner, the New Hampshire Bureau of Securities Regulation (“BSR”), a part of the Corporations Division within the Department of State, and the current Respondents, HealthTrust, Inc. (“HT”) and Property-Liability Trust, Inc. (“PLT”) and agree on the terms of the following Consent Decree subject to the Presiding Officer’s approval. The Parties agree that the Presiding Officer may enter the following Order on the Petitioner’s pending Motion for Entry of Default Order.

1. The Final Administrative Order, at ¶13, requires that PLT re-pay the \$17.1 Million subsidy which it had received from HT or its predecessors. To date PLT has paid \$15,399,109.00 on this obligation. The remaining \$1.7 Million due on this obligation shall be repaid by PLT to HT as follows:

- a. PLT shall pay \$519,000.00 cash to HT within thirty (30) days of this consent decree, time being of the essence.
- b. PLT shall receive a credit of \$1,181,891.00 for its previous transfer of all of its shares in Center at Triangle Park, Inc. to HT.

2. The BSR will not take any regulatory action against PLT based solely and exclusively on the payments made pursuant to ¶1, ¶9, and ¶12 of this Consent Decree. PLT and

the BSR agree to meet to discuss the booked loss reserve levels and confidence levels applicable to the property-liability coverage line, which discussions may take place at a monthly meeting described in ¶10 below.

3. All of PLT's contracts which are currently in full force and effect, including, but not limited to, policies of insurance, binders, and similar contractual obligations, shall be honored for their remaining terms, which run through June 30, 2016 .

4. PLT and HT acknowledge that they are each subject to a State of New Hampshire Department of Labor Administrative Order, dated April 29, 2014 that provides at ¶4 "Neither HT nor PLT shall incur any new contractual obligations for future membership in the workers' compensation self-insured employer pool without the Commissioner's advance approval . . ."

5. PLT may not transfer any of its assets outside of the ordinary course of business without the permission of the BSR or an order of the Presiding Officer.

6. Unless authorized by the Presiding Officer pursuant to ¶7 below, and subject to ¶3 above, PLT shall not: (a) issue any new policies of insurance, binders, or similar contractual obligations; (b) renew or extend the term of any existing policy, binder, or existing contractual obligations; or (c) cancel any existing contract or policy for the purpose of extending the original expiration date. Unless authorized by the Presiding Officer pursuant to ¶7 below, upon expiration of its existing policies of insurance, binders, or similar contractual obligations, PLT shall run-off its remaining obligations.

7. On or before June 30, 2015, PLT may petition the Presiding Officer seeking permission to issue new and renewal policies of insurance, binders, and similar contractual obligations for those lines of coverage in which PLT currently operates. In order for any such Petition to be granted, PLT shall bear the burden of proof to show that PLT has sufficient

financial viability to allow it to issue and honor said policies or renewals without subsidization by HT or any other entity. The BSR shall have the right to object to any such Petition filed with the Presiding Officer. If PLT fails to carry its burden of proof, PLT shall not issue new or renewal policies of insurance, binders, or similar obligations and shall run-off its then outstanding obligations.

8. Pursuant to this Consent Decree, HT agrees that it will not offer insurance coverage or self-insurance for any of the programs currently being provided by PLT, including, but not limited to, workers compensation, any type of liability coverage, and unemployment compensation insurance, unless the Presiding Officer grants a Petition filed by HT permitting same, or unless RSA 5-B is amended to specifically allow a health insurance program to offer the programs currently being offered by PLT. The BSR shall have the right to object to any such Petition filed with the Presiding Officer. HT shall bear the burden of proving that it can conduct the business of supplying these lines of coverage free of conflicts, in a financially reasonable fashion, without subsidization from HT's existing coverage lines, and that its doing so is in the public's better interest.

9. For a period of twelve (12) months from the date of this Consent Decree, the BSR shall be entitled to have a Liaison, of its own choosing, on-site at both PLT and HT's business location. The function of the Liaison will be to assess, liaise and inform the BSR Director of the business operations and activities of HT and PLT. The Liaison shall perform his duties in a professional and constructive manner. The Liaison shall be entitled to reasonable access to both PLT's and HT's executive directors, chief financial officers, chief operating officers, risk pool manager in charge of rate setting, outside actuaries, and external auditors, in a non-disruptive manner. The Liaison shall not engage the outside actuaries and external auditors without the

participation of the CFO, in the case of the auditors, and both the CFO and the Risk Pool Administrator, in the case of the actuaries, of the applicable risk pool. The Liaison shall be entitled to be present at and make inquiry of and respond to questions of the Board at Board or Board Committee Meetings for both PLT and HT, with the exception of any portions of said meetings which are legitimately non-public pursuant to RSA 91-A:3. The BSR agrees to respect the attorney-client privilege of the risk pools. The Liaison shall be provided with a reasonable work-space at the business offices located at 25 Triangle Park Drive. The Liaison shall have access to all business, financial records, and non-privileged legal records of both PLT and HT. The purpose of the Liaison's record requests shall be to assess the current and prospective operations of the applicable risk pool. The Liaison shall be subject to mutually agreed protocols regarding confidentiality and privacy of confidential business, personnel, claims, and other personally identifiable or protected health information relating to PLT's and HT's business operations in accordance with PLT's and HT's privacy policies and procedures. PLT and HT shall reimburse the BSR for one-half of the costs incurred by the BSR to employ the Liaison. The Liaison's salary will be \$180,000 annually. As between PLT and HT, reimbursement of the cost incurred by the BSR to employ the Liaison shall be allocated to PLT and HT with PLT paying 10% and HT paying 90%. The Liaison may be assisted by another BSR employee, at the BSR's expense. Any disputes regarding the role or activities of the Liaison shall be timely brought to the attention of the Executive Directors of HT and PLT, and to the BSR Director, who will seek to resolve them in the first instance. In the event the any dispute is not timely resolved, it may be submitted to the Presiding Officer for resolution.

10. During the term that the Liaison is in place, the Liaison, the Director of the BSR, and the Executive Director or Chief Operating Officer of both HT and PLT shall meet on a

monthly basis to discuss any issues which may arise, including but not limited to regulatory questions raised by either of the risk pools. If requested, the HT and PLT representatives shall be entitled to meet alone with the BSR Director for the purpose of discussing an issue with the Liaison.

11. The Presiding Officer shall retain jurisdiction over this Consent Decree and shall have the authority to enforce the provisions of this Consent Decree for so long as this Consent Decree remains in full force and effect.

12. The BSR shall be entitled to the fees, including attorney's fees, which it has incurred in bringing this Motion for Entry of Default Order. As well, pursuant to the January 10, 2014 order of the Supreme Court in this matter, the Presiding Officer is to determine the reasonable fees of the BSR for the prior proceedings. By agreement of the parties, the determination of these fees was delayed until the conclusion of this proceeding. The parties are directed to meet and confer and submit an agreed upon amount of fees no later than ten (10) days from the date that this Consent Decree has been approved by both the HT and PLT Boards, or a further hearing will be scheduled to determine these fees. Approved fees shall be split with HT paying 90% and PLT paying 10%. The Presiding Officer retains jurisdiction of this matter until these fee issues are resolved by agreement or order.

13. The parties waive all appeals from the enforcement proceeding which is resolved by this Consent Decree.





# Rockingham Nutrition & Meals On Wheels Program

106 North Road • Brentwood, NH 03833

(603) 679-2201 • Fax: (603) 679-2206 • Admin@RNMOW.org

July 2, 2014

Office of the Selectmen  
Town of Exeter  
10 Front Street  
Exeter, NH 03833

Dear Selectmen,

Most people are aware that Meals on Wheels is a very important component in many seniors ability to remain living independently. But what they don't realize is the critical role their town plays in keeping these services available. However, we know and very much appreciate the towns support towards raising local matching funds needed to offer these services.

Rockingham Nutrition and Meals On Wheels Program is grateful to the town of Exeter for its support. We respect Exeter's dedication to the seniors of their community and graciously wish to thank you for any payment(s) we have already received towards our approved funding of \$9,200 for the current year.

Sincerely,

Jaymie Chagnon  
Assitant Director

*Town Manager's Office*

JUL 3 2014

