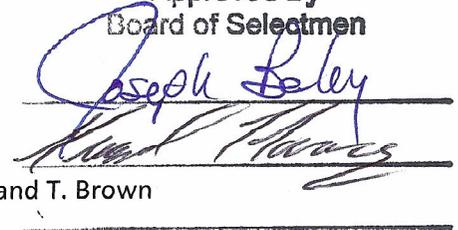


Town of Middleton  
Board of Selectmen Workshop  
January 19, 2016

Approved By  
Board of Selectmen



Joseph Bailey  
T. Brown

Called to order at 5:47 P.M

BOS Members Present: J. Bailey, J. Hotchkiss, M. Schwarz, B. Lawrence and T. Brown

J. Hotchkiss motions to open the workshop, M. Schwarz seconds, all in favor.

L. Parker handed out the template created for the assembly regulations.

J. Hotchkiss asked how to determine the total number of occupants in any given spot. B. Lawrence answered with it depends on what the space is being used for. Tables and chairs then 15 square foot per person. If doing chairs only then it is 7 square foot per person.

Take the square foot of the room and divide it. J. Hotchkiss questions the size of the highway garage.

M. Schwarz answers garage is approximately 30x80 so 2400 square feet. Divide by 15, so basically 160 people with tables and chairs. J. Bailey states the most important thing to do is set the regulations for the Town of Middleton to go by. B. Lawrence states the state has regulations to go by; J. Bailey talked about accepting those guidelines as the Town of Middleton's.

T. Brown states you can make any regulations as long as you don't deviate from SAF 6000 which is in the administrative rules. T. Brown about certain educational rules that the department of education enforces, example would be a secondary access to that building in a different direction. Currently there is only one entrance. You can go to the Department of Education and file a complaint. If this is a priority for the board, then they can add to the regulations that any school building must meet Department of Education requirements. This will take the enforcement action off the state and places it on the Town. Life Safety Standards SAF 6000, Fire Codes, NFPA 15 & 16, State Electrical Code. If there were any electrical code violation you thought was a life safety issue and you wanted to pull that assembly permit, it gives the Board the local enforcement and ability to shut down that building without going through a lot of bureaucracy. B. Lawrence discusses his conversation with the State. He advises that with J. Mammone as the building inspector would actually be the one issuing the occupancy permit. M. Schwarz advised J. Mammone will not be issuing anything according to the legal opinion. B. Lawrence then asked about possibly getting a third party in to do the inspections. The State states the Town can hire a third party, but will get involved if needed. CEO can issue occupancy but the Fire Chief issues assembly. J. Bailey suggests first work on the assembly regulations. Board can make motions to add Life Safety etc. later. Checklist the B. Lawrence provided can be adopted as the actual checklist. It can be modified to reflect Middleton. T. Brown thinks the checklist should include the NFPA 15 & 17, Educational and Electrical as well for deficiencies. J. Bailey asked what T. Brown means by educational. T. Brown discusses that the Department of Education has certain rules and regulations that apply. B. Lawrence spoke to Wolfeboro and he brought forth what they do for assembly. J. Bailey wants to adopt the State checklist. M. Schwarz hands out information. Discussion on adding to checklist N/A. J. Hotchkiss read aloud regulations about placards. Within the handouts, there were some common questions that could be included in the regulations. B. Lawrence spoke about the licensing agency being the Fire Chief, if in some case he couldn't inspect it would be the board. B. Lawrence spoke about how he will also be inspecting the OTH, and Church. T. Brown speaks again about adding the additional regulations to be added to the checklist. J. Bailey wants to approve what we have to start with. Discussion on the daily checklist that the school will have to complete. The Fire Chief will be checking the buildings twice a year. If there is a special assembly then the Fire Chief would have to do a special inspection. J. Hotchkiss would like to make sure the Highway Garage and Fire House need to be measured and the occupancy number noted for voting and town meeting. Once that is completed, he feels we can work on the other assembly regulations. T. Brown speaks about the Old Town Hall was already inspected from the State for occupancy. T. Brown states that B. Lawrence should be able to go over to the Highway Garage and inspect and issue a assembly permit. T. Brown feels that in this workshop the board should be setting regulations for new construction. J. Bailey states that these rules should be for all construction. J. Hotchkiss asked what the purpose of the workshop tonight. J. Bailey answered because of the school and other structures that may come into town this needs to be put into place. J. Hotchkiss talks about the first page, the checklist, changing the heading from the State to Middleton. Assembly regulations cover sheet was good. Coversheet, table of contents, & checklist. J. Bailey talks about how the assembly regulations should be put together. J. Hotchkiss suggests questions to be included. J. Hotchkiss also suggests including the

RSA's but just in reference. T. Brown brings up going through town counsel to make sure process and format are correct. The board has the power to set bylaws, ordinances, and regulations. He references RSA 155, the board needs to define, and the police would do the prosecution. Need to make the regulations law. T. Brown states that first you need to set regulation. Stating that they would need to meet this certain standard. Once you have listed all the standards, then you can start your checklist and permits. He advises that they need to have the same format as the detail bylaws that were created. J. Bailey suggests that the Town attorney come and sit with the committee during a workshop and make sure this is done correctly. T. Brown states his vision. He states the board has grave concerns where a certified letter was sent to the superintendent to have them corrected at the school. If they say no and those are the grave concerns, how will it be corrected? By regulations... guardrails must be in place by the MUTCD standard. So if the slope is over a certain percentage then there would have to be a guardrail in place. That is a standard that would be enforceable in court. BY writing the MTUCD standards and those are changed in two years then we would still be in compliance because the regulation would follow the current standard. Same with the Fire Codes, Electrical Codes and Educational Codes. T. Brown provided an example: from the department of Educational guidelines, there shall be access from two different directions unless waived by the local fire chief. Advises the board that they are writing laws. B. Lawrence questions if we are writing these regulations to move forward in the town or for the school. J. Bailey advises that they are being writing for anything. B. Lawrence asked if they are including too much. He spoke to Wolfeboro and they use the state laws. T. Brown speaks about how Wolfeboro has several entrances to their school; there you are dealing with people who understand life safety, for whatever reason our school board does not see the life safety. So the only way to correct this after it not being done is to regulate it. The only way is to make regulations that the school needs to meet under RSA 155. B. Lawrence then asks, so this is being written for the school. T. Brown defines 155 as any public meeting place for 100 or more people. J. Bailey suggested taking the state guidelines now and putting them into effect as a working document and going back through after and putting more into it. L. Parker provided the board with the draft that was started. Discussion on the layout should go table of contents, definitions, then the questions and answers; listing all NFPA's and RSA's. T. Brown suggests that at the beginning it needs to define RSA 155 where the Board of Selectmen has the authority. Discussion on the regulation that list more than 10 people, should be changed to 100 or more in the place of assembly. M. Schwarz speaks about the possibility of having a nursing home that would not have more than 100 so the regulations would not apply. T. Brown does not feel that a nursing home or daycare would be considered a place of assembly. This definition cannot be changed because it is an RSA. J. Hotchkiss says that the town has the authority to make the regulations stricter if they want to. Change was made to change 10 to 100 and changed occupancy to an assembly. J. Hotchkiss then does not feel we can list OSHA. J. Hotchkiss asked if these documents that are being reference came from Wolfeboro and that this is all they use for the assembly inspection. J. Hotchkiss wants to know how the Wolfeboro inspection would handle the guardrail situation. T. Brown states that the Board of Selectmen in Wolfeboro went to their school board with a safety concern, he feels they would probably say fix that issue, but you don't get that in Middleton. B. Lawrence questioned if the guardrail issue wasn't more of occupancy concern. T. Brown states that the assembly is not just for one event it is for day to day school. B. Lawrence feels that the Life Safety codes can be part of the occupancy permit not the assembly regulations. T. Brown asked B. Lawrence what his opinion is of the assembly. B. Lawrence answers 100 people or more going into an event not the day to day operation. As for the school there should already be a day to day checklist from the State that they require form all the schools to complete. T. Brown states that the assembly is not a function it is a place of assembly of 100 or more for religious, recreational, educational, political, or social. It's a day to day operation. B. Lawrence questions then if there are more than 100 people in the school every day, do they have to apply for the permit every day? M. Schwarz states that the assembly should be good for a year or you can issue a one day one. J. Bailey states that if they can have an assembly permit every year then it can be inspected every year to assure all checklist are completed and if not then no assembly. J. Kalar questions if the Old Town Hall has had an assembly permit? J. Bailey states no, that is why we are creating these regulations. J. Kalar also states that she has never heard of a school needing to receive an assembly permit each year. J. Bailey speaks that the Church will also need the same permit. J. Hotchkiss suggests that at the next Board meeting the state checklist be adopted in so that the Highway Garage and the Fire House can get the necessary permits for the upcoming elections and Town Meeting. B. Lawrence asked the Board what they would like for him to accomplish before the next meeting. J. Hotchkiss asked that he would like to know what Wolfeboro does on the Town side. And what they

expect. B. Lawrence will contact Wolfeboro Town Hall and see what they currently do. J. Hotchkiss outlines how the Middleton School Board does not want to work with the Board and the Superintendent will be no longer involved as of July 1<sup>st</sup>. Wolfeboro is reluctant to work with the Town till July 1<sup>st</sup>. B. Lawrence states how he has spoken to the Wolfeboro Superintendent they are willing to give guidance and opinions. Legally they cannot tell Middleton what to do what are willing to guide. M. Schwarz states that the Superintendent, then the Principal and finally School Board are responsible for the Safety plan. Since they currently have no Superintendent or Principal, then that responsibility falls on the School Board. J. Bailey clarifies that the School Board is responsible for what happens at the school, the Town is responsible for anything outside that realm on the Town Side. If it comes time and the Safety Plan has not been completed, then the school would not open, but we need to give them till then to get their plan together. The two plans should come together. Board's responsibility is if there is an issue at that location the town will have their plan ready. M. Schwarz states that the School Board has the safety Plan it was sent to the Superintendent. J. Kalar asked if this needs to pass through the Planning Board before approval. It does not per RSA 155. J. Hotchkiss states that the Town currently is thinking about elections and the location that is why this is so important. J. Kalar feels her understanding was all things needed to pass through the Planning Board. T. Brown speaks about how this assembly regulations process usually takes approximately 4-6 weeks. He feels when it comes to the Highway or Fire Dept. you don't need to pass regulations on those because they currently exist. All that needs to be done is the Fire Chief needs to go over and inspect them. J. Bailey feels we are off topic and the reason for the workshop is to start the regulations and would like to leave tonight with something accomplished. T. Brown suggest in section c and a of reference material that it includes NFPA Fire Codes in its current existence. Because they change every year, if it changes you will have to go back and update. J. Hotchkiss states that on one hand we are using OSHA and on the other we are using New Hampshire Safety. M. Schwarz states they are both the same except OSHA is more stringent. J. Hotchkiss suggest approving the state checklist at the next meeting. T. Brown does not feel you have to approve that checklist if it is already in existence. Question on if they have an assembly permit, would the school need another one for a special event. It would be required. The town already has an ordinance for events. T. Brown suggests making the regulations simple. Example stating this must meet all applicable standards by OSHA period. So if they ever change the regulations it would be all set. Keep the 60 days before permit. T. Brown would also add need to submit two copies of the safety plan to the Town with their application. One copy for the Fire Department, one for the Police Department. These should list locations of certain necessary items, such as lock box, cistern etc. So if there is an issue we all know where the shut offs are located. Those types of things need to be on the plan. So these need to be a requirement and need to be listed in the regulations; for any building. So the church will need one too. J. Bailey speaks about the possible Country Club on Ridge Road, he would need them too. J. Hotchkiss speaks again about locations for Town Meeting, he remembers speaking of this before and T. Brown stating that in order to hold meetings at the Highway of Fire Department the Town would need an assembly permit. Now J. Hotchkiss is hearing that the Town does not need one. T. Brown states you do need the assembly permit to have events over 100 people. The Fire Marshall or Fire Chief can do the inspection. It is already in existence for those two buildings but the Town just does not have the paper on the wall. This permit would be for only one day for the event. B. Lawrence recaps what he needs to do before the next meeting. T. Brown recaps that any other community that goes to their School Board and says that we have safety concerns and are usually fixed. The Middleton School Board has basically told us that they do not want to deal with us and don't care about our safety issues. So the only way to fix them it to either back off and say we let them know and let a kid get hurt or identify the problem and under the regulation under that RSA make them comply with what you're saying. Every time we go into a meeting time is passing and it will soon be July. The Townspeople have no idea what's going on. No matter how many times we ask them to cooperate with us they are going to say just like Andrea Bowden said at the last School Board meeting, I don't want to vote on this propane tank being moved because I didn't know anything about it. Well T. Brown feels if the School Board met with the Committee in executive session like asked in July they would know about the issues. Even if they sent a representative over to the Safety Committee like asked they would've know about it. The longer it takes to set these regulations and fix these problems; they are going to want to open the school and the School Board will say they can't because the Town won't let them. We need to identify this as a critical and if we need to meet 3-4 days in a row to get these set, then it needs to be done. If we wait and the fix is going to cost money and we are all through the budget process, where would the money come from? Would we have to hold an emergency special town meeting to appropriate money to fix things? B. Lawrence asked if it would be

worth it for him to reach out to the School Board. J. Bailey states again that the School Board needs to handle school business and the Town will handle Town business. B. Lawrence still wants the board's permission to speak to the School Board in regards to the School safety plan. J. Hotchkiss says absolutely anything to get this moving along. J. Bailey needs more information before this regulation book can be formed. J. Kalar asked if anyone has heard from the interim superintendent. J. Bailey says we have not been informed of anything regarding the superintendent. M. Schwarz states that he should have received an email also regarding the residency of all the Kingswood students which has not been received. T. Brown asked if the committee would be meeting the following Tuesday. If so he has a suggestion. He would like the Board to assign the Emergency Management Director, himself and B. Lawrence to produce a draft of the assembly regulations, so there will be something at the workshop. J. Bailey thinks that is fine but does not want this to be about the School at every little point. He would like a working document that is not just about the School but anything going forward in this town that is over 100 people. T. Brown asked for permission to reach out to Town counsel if needed. Not to review the documents but to assure it is being done correctly. Board approves contacting town council.

J. Hotchkiss motion to adjourn at 7:15 PM. M. Schwarz seconds, all in favor.

Respectfully submitted by:

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Laura Parker, BOS Secretary