

## **Public Safety Board**

### **Minutes**

**March 26, 2012**

**3:00 p.m.**

### **City Council Chambers**

Members present: Councilor Amanda Grady Sexton (Chair), Councilor Fred Keach, Councilor Stephen Shurtleff, Councilor Jennifer Kretovic, Mr. Anthony Bourque, Mr. Jim Cotsana, Mr. Jim O'Neill, Mr. Michael Russell, Mr. Steve Edwards,

City Staff Present: Mr. James Kennedy (City Solicitor), Mr. David Gill (Director of Parks and Recreation), Mr. Michael Santa (Director of Code Enforcement), Chief John Duval (Police Department), Chief Dan Andrus (Fire Department)

Excused: Councilor Richard Patten

Absent: Mr. Robert Chaisson

Other Guests: Ms. Kim Murdoch (InTown Concord), Mr. Andrew Hatch (InTown Concord), Lt. Valerie Smith (New Hampshire State Police), Ms. Kelly Collins, Ms. Alanna Chetaneo

### **Call to Order**

Councilor Grady Sexton called the meeting to order at 3:02 p.m. Board members and guests introduced themselves.

### **Approval of Meeting Minutes**

Mr. Cotsana moved to approve the minutes of April 4, 2011 as amended. Mr. Bourque seconded the motion. The motion passed unanimously.

### **InTown Concord Request-“Beer Tent” for Market Days**

Ms. Murdoch and Mr. Hatch introduced themselves as the interim executive director and president of InTown Concord, respectively. They presented the mission and a short history of InTown Concord and said this was the 40<sup>th</sup> anniversary of Market Days. They stated they were looking for a location for a tent where beer, wine, and food from local restaurants could be served during Market Days in front of the Concord Cooperative Market. A survey of their members indicated interest in shaded seating and increasing the flow of revenue to local businesses and the economy. They said that they had

checked with the Fire Department and a tent of the size they were proposing could accommodate 480 people. Wrist bands would be used to control entry.

Councilor Keach asked if they had liability insurance. Ms. Murdoch said they do. Councilor Kretovic asked who would staff the tent. Ms. Murdoch said that a variety of people would provide staffing, including people from local establishments. Mr. O'Neill asked who actually got the license. Ms. Murdoch said that Intown Concord did. Mr. O'Neill asked how that meshed with the Barley House and other establishments and if other licensees had a problem with this. Ms. Murdoch said that the crowd should be large enough to not draw business from other establishments and that the owner of the Barley House is on the board and does not oppose this. Mr. Cotsana asked how critical beer and wine were to the event. Ms. Murdoch said that staff would be trained to recognize "overserving."

Councilor Keach asked about practices in other communities. Ms. Murdoch said that Chris Brown manages an event in Hampton which includes a large beer tent and this has been very successful. Councilor Keach said that it has been done successfully in Portsmouth. Mr. Hatch said that it has also been done in Nashua. Mr. Bourque asked about a copy of the policy for Hampton. Ms. Murdoch said that she would research that and understands that it is an ordinance.

Mr. Kennedy said that City ordinances forbid serving alcohol in streets and parks and there is not ordinance that would allow a beer tent to exist. A license would be contingent on having insurance and an approval process and that he had come up with a draft procedure. Mr. Cotsana asked if there was something similar for the Black Pond Ice Hockey Tournament. Councilor Shurtleff said that alcohol is not permitted in White Park.

Chief Duval said there have been no issues with Black Pond Ice Hockey. Councilor Keach said there is a need for an overall ordinance so that we are not cherry picking certain events. Councilor Kretovic said that there was a state RSA that covered the approval of alcohol events. Mr. Kennedy passed out a draft ordinance and said that he would include the Police Chief and the Fire Chief in the approval process. Councilor Keach asked about liability insurance and bonding. Mr. Kennedy said that they would work with the insurance carrier for an appropriate amount of insurance. Mr. O'Neill asked if Section 4 included selling alcohol. Mr. Kennedy said that he would seek some policy direction on what "serve" constitutes. Councilor Grady Sexton asked who determines prices. Mr. Kennedy said that suggestions could be made on times and prices. He suggested between 10:00 a.m. and 10:00 p.m. for City streets. He said that he would need to check on other ordinances. Councilor Grady-Sexton asked Chief Duval for his opinion. Chief Duval replied that he was not opposed to the direction being taken. He talked about the type of event. Many events take place on private property with little or no problem. Problems could include lateness, noise, loitering and littering. Councilor Grady Sexton asked about times. Chief Duval said that he would support 9:00 or 10:00 p.m., maybe later if not in a residential area. InTown Concord has additional staff and regular patrol staff. Chief Andrus said that fire department concerns include those

pertaining to a place of assembly, including occupant load control, exiting, and related issues. Mr. Kennedy stated that insurance was a major concern. Chief Duval said that Lt. Smith provides server training.

Lt. Smith stated that at least one person must attend server training. The RSA needs to be met; a non profit or organization approved by the commissioner. Councilor Kretovic said that we should go slowly before this is opened up. She stated that she liked Chief Duval's thoughts regarding concerns in residential neighborhoods. Mr. Santa stated that this is very much like the current event permit. It can be modified to include additional departments. Councilor Grady Sexton asked the preference of the board. Mr. Gill stated that it would need RPAC approval.

Mr. O'Neill moved to approve the report and send it back to the Administration to draft an ordinance and set a date for a public hearing. Councilor Keach seconded the motion. The motion passed unanimously.

### **Annual Report to the City Council**

Chief Duval presented an overview of the written report that he had submitted which covered Part I and Part II crime, traffic enforcement, and a summary of the state of the department. Councilor Kretovic asked if there were any concerns about the budget. Chief Duval replied that budget requests had been submitted regarding an evidence technician and the management of physical space, as well as a dispatch position. He said that there are currently seven vacancies and eight or nine employees could leave at any time. He said that recruitment and retention would be a focus in the coming year. Mr. Edwards asked if there were any trends worth noting. Chief Duval said that incidents involving prescription drugs, i.e., percocet, are a concern. People will do desperate things to support their addictions.

Chief Andrus presented an overview of the written report that he had submitted which covered an overview of emergency operations, noting a 7.46% increase in call volume. He also reviewed National Fire Protection Association standards regarding deployment and the Department's compliance with those standards. Finally, there is a list of accomplishments in 2011. Chief Andrus expressed concern with the increase of calls and the Department's ability to maintain the level of service with current resources if increases continue to occur.

Mr. Bourque moved to accept the Police Department report as written. Mr. O'Neill seconded the motion. The motion passed unanimously.

Mr. Bourque said that he would like to see a statement in the Fire Department report similar to the Police Department report with respect to staffing. Mr. O'Neill moved to have the Fire Chief revise the report. Mr. Edwards seconded the motion. Councilor Shurtleff said that he thinks the Fire Department report is acceptable as written. The motion to revise the report failed, with Councilor Keach, Councilor Shurtleff, Mr. Edwards, Mr Russell, and Mr. Cotsana voting in the negative. The original motion to

accept the reports passed, with Councilor Kretovic and Mr. Bourque voting in the negative.

### **Next Meeting**

The next meeting will occur at the call of the Chair.

### **Adjournment**

Mr. O'Neill moved to adjourn the meeting. The motion was duly seconded and passed unanimously. The meeting was adjourned at 4:20 p.m.