

Public Safety Board

Draft Minutes

December 17, 2012

3:00 p.m.

Police Department Training Room

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

City Staff Present: Mr. James Kennedy (City Solicitor), Ms. Danielle Pacik (Deputy City Solicitor), Mr. Eugene Blake (Health and Licensing Officer), Chief John Duval (Police Department), Chief Dan Andrus (Fire Department)

Excused: Councilor Fred Keach, Councilor Richard Patten, Councilor Stephen Shurtleff

Call to Order

Councilor Grady Sexton called the meeting to order at 3:04 p.m. Board members and City staff introduced themselves.

Consultation with Legal Counsel

Solicitor Kennedy explained the RSA regulating a non meeting for the purposes of consultation with legal counsel. Chief Duval moved to go into a non meeting. Councilor Kretovic seconded the motion. The motion passed unanimously.

At the conclusion of the consultation, Mr. O'Neill moved to go back into a public session. The motion was seconded by Councilor Kretovic and passed unanimously.

Approval of Meeting Minutes

Mr. O'Neill moved to approve the minutes of March 26, 2012 as amended. Mr. Tardiff seconded the motion. The motion passed unanimously.

Council Referral on Solicitation

Councilor Grady Sexton explained that the ordinance regulates the hours during which solicitation can be conducted. Councilor Kretovic explained that the existing ordinance was passed after a person was raped. Mr. Russell stated that he supports the current ordinance and the hours when solicitation may be conducted. Mr. Blake stated that he has received requests for extensions, and that these types of solicitations often pose other

problems. He stated that the company bringing this request is not permitted to solicit in homes in their home state of Utah.

Mr. Edwards asked how many registrations there are. Mr. Blake replied that there are about 30 registrations, including magazines and other products, environmental organizations, and financial services. Mr. O'Neill asked what the fee is. Mr. Blake replied that there is no fee, except if they are delivering the product on the same day. In that case, they are classified as a peddler and pay \$52.50 per week. Councilor Kretovic asked about the difference between selling products and representing religious organizations. Mr. Blake explained that the primary focus was on magazine sales and that other types do not require a license. Deputy Solicitor Pacik explained that the solicitor's presence can not have been invited by the resident. Mr. Edwards asked about the police calls for service to answer complaints about solicitations. Chief Duval said that it depends very much on the time of day. He reviewed statistics from 2008-2012 that showed that 35.3% occurred during evening hours.

Mr. Blake distributed applications to Board members. Mr. Edwards asked about legal liability. Solicitor Kennedy explained the difference between public speech and commercial speech and considerations of public safety. Mr. O'Neill asked if applicants could be asked if they have approval from the Better Business Bureau. Mr. Blake said that they could do that. He reviewed the components of the application. Councilor Grady Sexton asked what other jurisdictions have done with respect to the Better Business Bureau. Mr. Blake said that it can take a month or longer to get a criminal background check and that the results apply only to New Hampshire.

Councilor Grady Sexton asked if there were any proposals regarding the time limits. Chief Duval said that he is ok with going to 8:00 p.m., but 9:00 p.m. would be pushing it. He said that the teeth for enforcement is having a badge and having it displayed. Councilor Grady Sexton said that solicitors would need to conform to badging requirements. Councilor Grady Sexton asked if we can treat different types of solicitors differently. Mr. Blake said that Girl Scout troops are licensed to sell in front of stores and that all troops are registered. Mr. Tardiff said that he saw no difference between 7:00 p.m. and 8:00 p.m. and that it would be ok to stop at 8:00. Councilor Kretovic said that she prefers more restrictive hours.

Mr. Russell moved to recommend that the hours of solicitation be changed to 9:00 a.m. to 8:00 p.m. Mr. O'Neill seconded the motion. The motion passed unanimously.

Councilor Grady Sexton said that the next issue is a badge. Councilor Kretovic stated that she likes the badge idea, that it is one more level to go through. Mr. Blake said that they can issue a license on the same day now, but a badge would take a couple of days. Mr. Russell asked if they could be required to have company identification. Councilor Kretovic recommended a badge issued by the City of Concord. Chief Duval said that gun permits take ten days. Councilor Grady Sexton asked if we would be badging Girl Scouts and Boy Scouts. Deputy Solicitor Pacik said that the ordinance now requires registration. Councilor Kretovic asked about moving the fee for badging to the fee schedule.

Councilor Kretovic moved to recommend that City staff recommend a fee to cover the costs. Mr. Russell seconded the motion. The motion passed unanimously.

Councilor Grady Sexton said that the next issue involves the time for renewal. Councilor Kretovic moved to recommend to extend the time limit for a license to thirty (30) days. Mr. Russell seconded the motion. Chief Duval asked if provisions for revocation could be included. Deputy Solicitor Pacik stated they could incorporate that language. Councilor Kretovic said that it should be separated from peddlers.

Councilor Kretovic amended her motion to recommend licensing for a thirty (30) day time frame rather than one (1) week. Mr. Russell seconded the amended motion. The motion passed unanimously.

Councilor Kretovic moved to recommend the separation of this ordinance from the ordinance for peddlers and other vendors. Mr. O'Neill seconded this motion. The motion passed unanimously.

Non Meeting for Legal Consultation

Councilor Kretovic moved to discontinue the public meeting in order to have a consultation with legal counsel. Mr. O'Neill seconded the motion, which passed unanimously.

At the conclusion of the consultation, Mr. O'Neill moved to return to a public session. Mr. Russell seconded the motion, which passed unanimously.

Proposed Panhandling Ordinance

Chief Duval spoke strongly in favor of an ordinance to address aggressive panhandling. Mr. O'Neill moved to recommend that the City Administration explore an ordinance of aggressive panhandling. Councilor Kretovic seconded the motion. The motion passed unanimously.

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 by Mr. Bourque and passed unanimously. The meeting was adjourned at 4:45 p.m.