

Ordinance Review Committee – Meeting Notes 03/03/2021

COMMITTEE MEMBERS PRESENT:

NAME	PRESENT (Y/N)	NAME	PRESENT (Y/N)
Cllr Barry Connell	Y	Cllr Afroz Khan (Chair)	Y
Jim Connolly	Y	Gregg Ogden	N
Cllr Jared Eigerman	Y	Atty Mark Reich (Staff)*	Y
Molly Ettenborough	Y	Lt. Siemasko	N
Clerk Richard Jones *	Y	Mike Strauss	Y
Chief Chris LeClaire*	Y	Ron Thurlow	N

*NON-VOTING MEMBERS; ADVISORY POSITION

Introductions

Chair Khan started the meeting with roll call as noted above. She then turned the meeting to Chief LeClaire to start discussion around comments from his review of Chapter 2, Chapter 6 and Chapter 7.

Chapter 2 - Administrative

- Section 2-362: Chief LeClaire was sharing that this language in the ordinance really limits anything in the department and it shouldn't be this specific. It may be better to use recommended or at minimum. An example is that it would be nice to add a superintendent at Station 2. Mike S. thinks that this may be a change for the City Councillor to take up and address. Cllr Eigerman indicated that we can add this to our list and that we can't make this change since it's substantive. Cllr Connell asked if there is an impact on collective bargaining. Chief LeClaire said that this is the language that goes into that document but he feels like it needs to be revised though even with those discussions. Cllr Connell agreed that the council including administration can discuss and look at this item from a budget perspective too.

Chapter 7 – Fire Prevention & Protection (Chief LeClaire)

- General: Chair Khan asked about Fire-O-Matic Switches to Chief LeClaire who said it started as a trade name but it is now an accepted terminology and a preferred terms. Atty Reich said we can defer to the Chief on this.
- Section 7-1. – Master Box: Chief LeClaire shared that the way the state code is written now, all work that is being done right now in regard of a third-party monitoring system shall also be acceptable in lieu of a master box. Atty Reich clarified that there seems to be a defect in the way the language is written right now. Chief LeClaire said that many cities have pulled out of the municipal system; it is a reliable way to get a notification of a fire alarm since it is instant. Buildings with ADT have to call a service and then calls the Fire Dept. Some folks still want the municipal hookup but there is no requirement for a mandatory hookup. Atty Reich clarified that it seems like we need a substantive change here that will emphasize that a system has to be in place either with the city system or a third-party system. Cllr Connell believes that this can be done as part of the Ordinance Review efforts. Atty Reich clarified that this is not only outdated but it looks like additional references need to be added including the appropriate language to go along with it. Chief LeClaire said it may be better to have the state code language about monitoring put in here to prevent any confusion on how it should be written.

- Section 7-3. – Sprinkler System Requirements. Question from Mike S. on how this specific section would be triggered/followed; especially during retrofits. Chief LeClaire said that the building.
- Section 7-4. – Annual master box connection fee. Chief LeClaire shared that they started this last year and to date have accrued \$90,000.
- Section 7-26. – Adoption of fire prevention code. Added language “as may be amended time to time” so that as code changes; the ordinance does not always have to be changed or become obsolete.
- Section 7-27. – Annual building inspection; written report. Chair Khan asked about this section and if it currently done. Chief LeClaire stated that this is not currently being done but there is something that goes in the budget book. He shared that all public assemblies need to be inspected annually and they do that; it is common practice to inspect these facilities which require permits and renewing them. If the council wants that level of detail in a report, Chief LeClaire can provide this given that it is in the municipal code. Cllr Eigerman stated that this is the law and if we don’t want it; we need to repeal it. Mayor has an affirmative duty to enforce the code. Cllr Connell clarified if this is a value that needs to be in place since it is not a public safety issue. Chief LeClaire stated that they require a process for permitting done in conjunction with the Public Health Department and Building Department. He has never been asked for this type of report and if we need to have it; then he can provide it.
- Section 7-28. - Chief LeClaire offered to provide a list of all the fees that can be part of that fee schedule which is more expansive than what is here in the code of ordinances.
- Cllr Connell asked about the “Right to Know” clause which flags flammable chemicals and other hazardous materials that are on a property which are required to be publicly noted and listed.

Chapter 6 – Civil Defense & Disaster Relief (Chief LeClaire)

- Chief LeClaire shared that we do not have a Civil Defense Department transferred to Emergency Management years ago. Cllr Khan stated that she thinks this is a substantive change that will involve defining the department. Cllr Eigerman said when COVID came about he did review the ACT from 1950 and has some amendments to propose here. This was passed during the Korean War.
- Section 6-9. Same – Acceptance of gifts, grants, etc.; records of same to be kept. Cllr Connell would like to make sure that all gifts are publicly vetted given a situation where gifts were provided at the time when the Seabrook station was done. Atty Reich chapter 44 section 53A and 53 A1/2 where gifts are specified by state statute to have a public process. The statute talks about how any municipal departments can accept gifts and that the city council/mayor can denote the expenditure of gifts. This section is very problematic.
- Section 6-17. Acceptance of radiological emergency response plan; prohibitions. This whole section is not relevant and very confusing according to Chief LeClaire. Cllr Eigerman is reworking the entire section. Chief LeClaire emphasized that he would like to work with Cllr Eigerman in reviewing this Chapter as Emergency Management Director.

Chair Khan brought up the next chapter for review, Chapter 10. This was reviewed by Atty Reich. Comments are noted as follows below.

Chapter 10 – Miscellaneous Offenses (Atty Reich)

- Section 10-1. Operation of bicycles, mopeds, rollerskates and skateboards, in certain areas. Atty Reich shared that the language of “Seizing of skateboards” can have significant impacts related to

rights and due process issues. Changed language to “shall” as a stronger word and not to use “will” in the code of ordinances. The two words should be “shall” or “may”. Afroz will add this to the guidance document.

- Section 10-2. Discharging firearms, cannons, etc., in public places. Atty Reich added that “a duly authorized official” should be noted here. Cllr Eigerman confirmed that when this was written it was assumed this role would be a public official; we should codify that as a non-substantive issue. Cllr Connell clarified this is in public places. Adding individuals doesn’t make sense
- Section 10-3. Shooting bow and arrow, sling, air gun, flying kites, balloons; throwing stones, snowballs, etc. The group discussed at length the need for this. Mike S. noted that if there is a time when this is dangerous and needs to be addressed; it is good to have in the ordinance. Chair Khan asked about Drones. Chief LeClaire shared that there is some updated federal regulations that can be referenced if it becomes a problem.
- Section 10-5. Obstructing passage in public places. Cllr Eigerman noted that this is an anti-vagrancy law which is about no person blocking a way which can also be noted as a harassment issue. Best not to change this.
- Section 10-6. Signs, notices, etc., on utility poles, city owned property, etc. Cllr Eigerman noted that there is regulation on this in terms of other people outside of a city official posting. Our sign laws were amended to address this. Language will be added to accommodate “except as otherwise noted in Section 12-1.3” The group talked about people putting signs for a yard sale or missing animals it is often let to slide; also realtors who say “for sale”. There is no constitutional way to do it.
- Section 10-7. Injuring, placing debris in drinking fountain, water basin. Atty Reich asked if this is still necessary and should it be confined to city-owned fixtures. Group agreed to keep the language the way it is.

Next Meeting

The group adjourned with a reminder of the next meetings. The timeline is going well and on track to have the review completed before the deadline of June 2021.

Chapter	Reviewer	Discussion Date*
8 – Health & Sanitation	Ettenborough, Strauss	March 17, 2021
14 – Utilities	Strauss, Ettenborough	March 17, 2021
4 – Boats, Docks & Waterways	Lt. Siemasko, Thurlow	March 17, 2021
12 – Streets, Sidewalks & Other Public Spaces	Connell, Khan	March 17, 2021
13 – Traffic and Motor Vehicles	Clerk Jones, Lt. Siemasko, Thurlow	March 31, 2021
9 – Licenses, Permits & Business Regulations	Connelly, Ogden	March 31, 2021
15 – Vehicles for Hire	Connelly, Ogden	March 31, 2021