



Legislative Committee Meeting Thursday, July 27, 2017

Call to Order

Councilor Giunta called the meeting to order in the Franklin Public Library, 2nd Floor at 6:04 p.m.

In Attendance

Councilor Giunta, Councilor Barton, Councilor Desrochers, City Manager Dragon, Finance Director Milner, Police Chief Goldstein, Fire Chief LaChapelle, MSD Director Sullivan, Councilor Dzujna, Councilor Zink, Councilor Wells.

Salute to the Flag was led by Councilor Desrochers.

Fireworks and/or noise ordinance

City Manager Dragon stated she has been getting several complaints about fireworks being set off all year and the times they are being set off. Several years ago a fireworks ordinance was created but it never passed. She stated that this time they could amend Chapter 215 and amend the time to perhaps 9:00 pm.

Fire Chief LaChapelle stated they should make the time relative to the curfew from the past as Sunday-Thursday until 9:00 pm and Friday – Saturday until 10:00 pm.

Councilor Desrochers asked if they are looking to make it from 9:00 pm – 12:00 pm for fireworks noise. City Manager Dragon stated yes as the charter, section 215-4.1 is currently at 11:00 pm. Councilor Desrochers asked if they were going to add any other holidays. Councilor Barton stated they should add New Year's Eve and Day.

Councilor Giunta stated that at Webster Lake it doesn't start to get dark until 9:00 pm. He asked about making it 9:30 pm and strike out the holidays and just make it a time. Councilor Desrochers stated that there will be problems on the holidays if you don't have them in there and that 10:00 pm should be the end time.

Councilor Barton asked if this problem was limited to a specific area. City Manager Dragon stated no we have often complaints for various areas in the city and suggested they acknowledge the public to have some input.

Resident Karl Bohl, lives on Franklin Street, stated that the fireworks, especially the big ones that go in the air, are a problem all year round. He worries about the paper that comes down on the roofs and the ones that don't go high enough to clear the trees. He feels they could go with holidays but they should do them all. He stated that he has started a petition, and has over 250 signatures, with regards to the fireworks and he does have the holidays on there. He

wondered if the council could work on some type of permit to be issued to set off fireworks. Councilor Giunta suggested they leave the holidays in.

Councilor Wells agreed that he liked the permit idea as it would help control them especially during fire danger season.

Fire Chief LaChapelle stated that permits would be hard as the state already has RSA160-C that deals with fireworks and permitting. Class B fireworks are required by permit only which is enforcing state law and Class C fireworks you can buy at the store. The fire department is to give out the permits for Class B fireworks but in five (5) years he has only given out one (1). He stated that further permitting really can't happen as you can't have stricter enforcement than the state does on Class B fireworks and there are over 500 brands of Class B fireworks. He stated that you need to do more to change the culture. Councilor Desrochers agreed that it would be an enforcement nightmare.

Councilor Barton stated that they should do 9:30 p.m. Councilor Desrochers stated that people would like 10:00 p.m. Councilor Giunta suggested a compromise and do 9:30 p.m. during the week and 10:00 p.m. on the weekends.

Police Chief Goldstein mentioned that the times are fine but the permit will allow for easier enforcement for those who are setting them off. If someone has a permit then they can go to that person and do enforcement.

Councilor Giunta stated that if they get into doing permits then they will have to create types of violations, fees, etc. He suggested they just go with Sunday-Thursday ending at 9:30 p.m. and Friday-Saturday ending at 10:00 p.m. Councilor Desrochers stated they should include all national holidays and the end time is should be 10:00 p.m. City Manager Dragon asked if a holiday is on a weekday is it still 10:00 p.m. Councilor Barton asked if on the 4th is that a realistic time. Councilor Giunta stated that this year at the lake by 10:00 pm it was quite. On the 4th towns start fireworks at 10:00 p.m.

Councilor Giunta stated the next step is to send this to the council for a public hearing. City Manager Dragon clarified that what is going to the council is Sunday-Thursday end time is 9:30 p.m., Friday-Saturday end time is 10:00 p.m. and on National holidays (even if on a weekday) end time is 10:00 p.m.

Fire Chief LaChapelle asked if in the ordinance they can include the State Fire Marshal's statement so when people read it they understand they still need a permit for Class B fireworks. Councilor Dzujna asked what classifies a firework as Class B, is it ariel devices and some sound or just the state permit or license. Fire Chief LaChapelle stated it is a combination but all fireworks have the classification on them.

Fire Chief LaChapelle asked if there can be prevention/education flyer after the ordinance is adopted.

Baiting Wildlife

City Manager Dragon stated there was a resident who came in to ask if he can bait wildlife on city property. Her concern was that if this was done does the city want to attract other animals like coyotes, bears & deer to the area and she was thinking no. She researched the code and couldn't find any authority to accept or deny so she reached out to City Attorney Fitzgerald and he stated that you have to have an ordinance to grant it or deny it. Her recommendation is that they add section 232-5 to the code stating that baiting wildlife is not permitted on city property.

Councilor Desrochers stated he doesn't have an issue with this but there are coyotes, bears and other wildlife already in the city. City Manager Dragon stated that unless posted they can hunt on city property. Councilor Barton stated he is ok with this ordinance. Councilor Giunta stated he is ok with this ordinance but he asked MSD Director Sullivan if this restricts them in anyway with trapping beavers in the city. MSD Director Sullivan stated they do not bait so it does not affect them. Councilor Wells stated that if an animal is a nuisance then Fish & Game will come in and take care of it. City Manager stated she will move this to the council for a public hearing and all councilors were in agreement.

Bus stop spaces next to city hall

City Manager Dragon stated that the two (2) bus spaces on Memorial Street were created for the Winnepesaukee Transit Bus and they are no longer providing service. Those two (2) spaces are prime 15 minute parking spaces that can be used during working hours. Councilor Desrochers asked that after 6:00 pm and weekends would they will be like the other spaces and City Manager Dragon stated yes.

Councilor Wells asked if one (1) or two (2) of those spots should be made handicap spots and moved to the city hall side of the street. MSD Director Sullivan stated that city hall has a snow problem with the snow coming off the roof and the sidewalk is constantly shut down in the winter. The other issue is normal parking spaces are 10 ft and handicap have to be 14 ft and this is already a narrow street and there would be a concern of people discharging into the street. Councilor Barton mentioned that sidewalk does have a high step there and that is a concern. Councilor Giunta asked if they are fine with putting those spaces back to 15 mins and both Councilor Barton and Councilor Desrochers were in agreement.

Other Business

MSD Director Sullivan talked about Upland Drive, off Rte 127, as it has a hammerhead and there is one house that is using the hammerhead for their personal parking which is causing issues in trying to turn around and plowing. He needs a mechanism to allow the police to tow vehicles so he suggested no parking within the hammerhead, between signs and eliminate parking on city property. Councilor Giunta, Councilor Desrochers and Councilor Barton were all in agreement that adding signage is fine.

City Manager Dragon stated that when the Catch Housing project is completed there could be issues with parking in the city lot behind city hall and there is no restriction against that. She suggested signage be added to say parking for city hall and library only so people visiting residents at the new catch building won't park there. Councilor Giunta asked if she was thinking of adding hours. MSD Director Sullivan stated that adding hours could confuse things and the signs should just say parking for city hall and library only and then there should never be an issue.

Councilor Wells mentioned if the syndicate block gets turned into condos there will be no parking. City Manager Dragon stated that the municipal lot has spaces for overnight parking in the winter and there are other areas for overnight parking. They are working on a master plan for parking but the city does have a lot of permit parking available as well but people don't want to pay to park. The two (2) buildings down by the Proulx Center, Memorial Building and Stanley Building, City Manager Dragon feels should be torn down as they are well beyond repair. There is brownsfield work going on now and when the reports come back they will formulate a plan as those are privately owned and not owned by the city.

Councilor Desrochers stated that the planning and zoning have directives and they are two (2) parking spaces per unit. MSD Director Sullivan stated that the Planning Board voted to allow one (1) per unit as many of the units were only 700 sq ft and they didn't have enough property for two (2) spaces per unit.

City Manager Dragon clarified that she can bring this to the council for authorization and Councilor Giunta, Councilor Giunta and Councilor Desrochers stated yes.

Meeting adjourned at 6:54 p.m. by Councilor Barton and seconded by Councilor Desrochers.

Respectfully Submitted,

Lauraine G. Paquin