



## **Legislative Committee Meeting Tuesday, October 31, 2017**

### **Call to Order**

Councilor Giunta called the meeting to order in the Council Chamber City Hall at 6:08 p.m.

### **In Attendance**

Councilor Giunta, Councilor Desrochers, Acting City Manager/Finance Director Milner, Police Chief Goldstein, MSD Director Sullivan.

Salute to the Flag was led by Police Chief Goldstein.

### **Absent**

Councilor Barton.

### **Flaggers Ordinance**

Police Chief Goldstein explained that this has to do with local control. He gave a brief history of how this came to be. A former utilities commissioner was on a bike ride and went through several towns and the first town had a flagger, second town had a police officer and the third town had a flagger and that upset him. He is now in the legislature and feels police only do the work to pad their pockets and not for public safety. There is a bill going to the full house that takes away the locality's ability to assign a police officer to construction or utilities work, etc. and make them just flaggers. This bill also talks about adopting the DOT Flaggers and Uniformed Officers manual. This manual grants all the power to the Chief Engineer of the State and removes it from cities and towns. Somewhere in the bill it states that if a city or town already has an ordinance it should be grandfathered in. The issue with flaggers they are to have eight (8) hours of training but they normally don't get that and their training is on the job. There are also no criminal background checks done on these employees so you could have a sex offender as a flagger near a school and that is a serious offense against the sex offender's statute. He is asking the city to adopt an ordinance so when the time comes he can state the city already has an ordinance. In the current bill that he received today there is no mention of the council or designee.

Councilor Desrochers stated he read all the material and feels it should be left up to Police Chief Goldstein or MSD Director Sullivan. Police Chief Goldstein stated the police officers and MSD workers are all trained. Councilor Desrochers asked if they pass this ordinance can it be made a requirement that all companies' flaggers have background checks. Councilor Giunta stated they can check into it.

**Motion:** *Councilor Desrochers motioned that the operating procedure for uniform police officer for construction sites be sent to for the full consideration of the City Council. Motion seconded by Councilor Giunta.*

***All in favor; motion passes.***

Acting City Manager/Finance Director Milner asked if this should be a late item for November since it is an ordinance. Police Chief Goldstein stated if it could.

### *Unpaid parking fines & late fees, motor vehicle violations/review of fines*

Acting City Manager/Finance Director Milner stated that agenda item II and VI is together as one item. Police Chief Goldstein stated they were looking to clean up the language and make some logical changes for parking issues. Acting City Manager/Finance Director Milner stated the items in red are additions and the stricken out are removal.

Councilor Desrochers asked about the night parking restriction how will affect people parking in the Franklin St. and Elkin St. area. Police Chief Goldstein stated it is a city wide ordinance so unless you want to get detailed with those areas the people will have to park in city lots. Councilor Desrochers asked if there is a problem in the city with overnight parking. Police Chief Goldstein stated it has always been there. They constantly get complaints like if I have to do it why don't they have to do it. The officers try to find the people to get them to move their cars before they ticket. Councilor Desrochers stated we can leave it alone. Police Chief Goldstein stated on the 2<sup>nd</sup> to last page they have created an appeals process.

**Motion:** *Councilor Desrochers motioned to move this document to the full City Council. Motion seconded by Councilor Giunta.*

***All in favor; motion passes.***

Acting City Manager/Finance Director Milner stated she will put this on the December council agenda.

### *Guns in school buildings*

Police Chief Goldstein stated the State of NH doesn't have statutes to cover this as they rely on the federal regulations but the ATF isn't going to enforce this as they don't have the man power. He feels the school board should weigh in on this. Adults can now carry in schools but the confusion is whether or not children can. There is now a state law on constitutional carry but it doesn't have an age requirement to it and not sure it if conflicts with federal law. Police Chief Goldstein stated he doesn't have the authority to enforce federal law and federal agents don't have to authority to enforce local law. If someone who has a gun walks into a school a person of authority in the school can ask that person to leave and if they do not then it can become a criminal trespass case and not a gun in the school case. The state's constitutional

carry did away with everything rather than putting in some restrictions. Vermont and Maine have a constitutional carry but they have some restrictions like having some type of training. Councilor Desrochers stated if we pass an ordinance there will people who don't obey the law. Police Chief Goldstein stated that the change in the law is not clear if kids can carry so that is his biggest concern and that is why he feels the school board should weigh in. Councilor Desrochers stated that is the issue as kids hunt today so they may have a gun in their car as they may go hunting after school.

Councilor Giunta stated that if someone comes into a school and starts shooting you would hope a teacher could take them out. Police Chief Goldstein stated the US are the most tactically trained officers in the world. Officers are trained for these situations whereas a teacher might not be and can they do what needs to be done and are they willing to take responsibility for that. Councilor Dzujna stated that if someone came into the school and someone of authority asked them to leave is that to leave the entire property. Police Chief Goldstein stated that his guess would be yes. Councilor Desrochers stated that Franklin has gun free school zones and Police Chief Goldstein stated the law changed to require that. Councilor Giunta stated they will wait to see what the school wants to do.

### Other Business

Acting City Manager/Finance Director Milner stated they have been getting complaints about the methadone clinic but zoning allows for that type of facility. Police Chief Goldstein and Fire Chief LaChapelle are planning on meeting with them when they open to talk about not having the patients leave the facility with medication. Councilor Giunta asked Police Chief Goldstein to look into other states and their policies regarding this.

Councilor Dzujna asked if there is any mental health services offered. Police Chief Goldstein stated he is not sure about this facility but normally no but Hope Recovery could bridge the gap. Councilor Giunta stated he would like them to know that the city welcomes them but if they are not doing things properly and legally the city will take action as they are watching.

***Motion to adjourn made by Councilor Desrochers and seconded by Councilor Giunta. All in Favor; meeting adjourned at 6:43 p.m.***

Respectfully Submitted,

Lauraine G. Paquin