



**Legislative Committee Meeting Minutes
Tuesday, May 21, 2019 – 5:30PM
City Hall Council Chambers**

-

In attendance: Chair Bob Desrochers, Councilor Kathy Rago, Councilor Paul Trudel.

Others in attendance: City Manager Judie Milner, Police Chief David Goldstein, Fire Chief Mike Foss, Councilor George Dzujna, Councilor Karen Testerman, Parks and Recreation Director Krystal Alpers, Planning and Zoning Director Dick Lewis, City Clerk Katie Gargano.

Chair Desrochers opened the meeting at 5:30pm in Council Chambers.

Salute to the flag was led by Councilor Dzujna.

I. Kratom Citywide Ban – Request for a new Ordinance.

Chief Goldstein stated that it's been around for a while now. He mentioned the difficulties around the chemical formula and if it changes, it will void the ordinance because the drug becomes something different. He recommends and is in support of a Citywide Ban on Kratom. Councilor Trudel also supports a new ordinance to ban this as well.

Chair Desrochers motioned to bring this forward to the City Council. All were in favor. None opposed. Motion passed.

II. Alcohol on City Property Ordinance Update – add the Fire Chief to list of approvers.

City Manager Milner explained that there is already an EAP plan with the larger group of events and felt that the Fire Chief should be part of the approval process especially with some of these new larger events such as Winni River Days that will take place on City property.

Chair Desrochers motioned to bring this forward to the City Council for approval to add the Fire Chief on the list of approvers. All were in favor. None opposed. Motion passed.

III. Parking Ordinance update (section 284-12 of code)

City Manager Milner stated that this Ordinance was brought before City Council but the City

Council wanted additional changes regarding night parking. The Council recommended striking the restrictions under section A regarding night parking due to the lack of off-road parking elsewhere in the City. Section C relating to no overnight street parking during a Winter Parking Ban will still be in affect during the winter season.

Chair Desrochers had a few questions relating to the parking permit program and the current parking fines. Milner stated that that permit parking only program no longer exists.

Desrochers asked about the handicap only parking fine which is currently only \$50 and recommended increasing that to \$250 to be consistent with state regulations. His other concern is the \$10 fine with regards to people parking in a fire lane and recommended increasing that fine to \$50. Police Chief David Goldstein and Fire Chief Mike Foss both supported the recommendations.

Chair Desrochers motioned to bring these changes forward to the City Council for approval. All were in favor. None opposed. Motion passed.

IV. Lead Action Committee

Fire Chief Foss spoke to John Beland from the Winnepesauke Regional Health Network, who would like to assist with possible grants once the City is ready to move forward on this.

City Manager Milner mentioned that Attorney Chris Seufert attended a City Council meeting a couple of months ago asking Mayor Giunta and the City Council for help in appointing a couple of Council members to sit on this renewed board to focus on the Lead Issues that still exist.

Chair Desrochers doesn't feel this is something Franklin at the City level can or should handle as many of the City's buildings are old and likely still have lead paint. If the state wants to re-introduce these issues, then they should be handling this at the state level. Councilor Trudel agreed with Chair Desrochers.

City Manager Milner would like to focus on the educational aspect and post information on the City's website. Chair Desrochers is in support of this.

Fire Chief Foss read an excerpt from the Property Maintenance Code section 305.3 which states, "Interior surfaces including windows and doors shall be maintained in good, clean, and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, or other defective surface conditions shall be corrected." This code applies to all buildings in the City.

Chair Desrochers motioned to table this discussion until further notice. All in favor. Motion passed.

V. Smoking on City Property Ordinance Update (include Vaping, Juuling, etc.)

City Manager Milner informed the committee that this is something that the Mayor's Drug Task force, along with the Kratom ban, would like to pass forward to the Council in creating

an ordinance. Milner will check to make sure the language in the ordinance covers e-cigs also as well vaping and juuling to be banned in all City recreational areas including Mill City Park.

Parks and recreation Director Krystal Alpers asked if juuling, e-cigs, and vaping fall under the same category as tobacco products. Chief Goldstein replied that he does not believe they do. Director Alpers then requested to add in the language to also ban tobacco products in all City recreational areas. This is to promote the health and wellbeing of everyone.

Councilor Rago asked what the penalty is if someone under 18 breaks these rules. Anyone within the age range of 16-18 would have to appear in adult court and under 16 would go through the juvenile court system. It is up to the judge to provide the penalty or fine or both.

Chair Desrochers recommended increasing the age to 21 allowing the purchase or use of any tobacco products, e-cigs, vapes, and/or juules. The state law is 18 however three other NH communities have legally increased the age to 21. Councilor Trudel understands what the committee is trying to do but more and more it seems that this is replacing the role of the parents. Trudel suggested that more parents should attend parenting classes. He does support increasing the age to 21 and recommended bringing this forward for further discussion.

Chief Goldstein is in support of increasing the legal age to 21 to purchase tobacco products, e-cigs, vapes, or juules.

Motion to bring forward to City Council made by Chair Desrochers. All were in favor. None opposed.

VI. No-thru Trucking on Babbitt Road

City Manager Milner stated that MSD would like to bring this to the Highway Safety Committee first. This topic will be removed from tonight's discussion.

VII. Ordinance Change to allow camping on City Property at Mill City Park

City Manager Milner stated that the current ordinance does not allow for camping on City property and due to the current events, it is recommended to change this ordinance so that it will be allowed at Mill City Park. The memorandum will contain all the camping rules and regulations. The City owns the Mill City Park land and a Private/Public partnership will be created.

Motion to bring the ordinance forward to the City Council was made by Chair Desrochers. All in favor. Motion passed.

VIII. Ordinance Change for Property Maintenance Code (from edition 2003 to current edition 2018)

Chief Foss stated that in 2006 the Franklin City Council adopted the International Property Maintenance Code which is formulated by the International Code Council. There have been

multiple code revisions since 2006 therefore Fire Captain Steve Reale is recommending to update the code to the current 2018 edition. Most of the code hasn't changed but has become more refined. In order to obtain the most support in a legal situation and during inspections, it would make sense to update the code to the 2018 edition. This would also bring us more in line with the State Fire Code.

The three recommendations are: 1) Adopt the 2018 International Property Maintenance Code. 2) City Council to take the recommendations from the code and pull together an appeals board that would handle anyone who feels that the code is being applied to them improperly. This appeals board could assist in mitigating through this process. 3) Create another committee to view the current code every 5 years and provide recommendations when code needs to be updated.

Motion to bring this forward to the City Council was made by Chair Desrochers. All were in favor. None opposed. Motion passed.

IX. Consider adopting step by step guidelines for what to do if a recount is requested after an election.

City Clerk Katie Gargano provided some background on this request. Due to last year's recount after the City Election, the City Council referred to very general set of guidelines from the state that allowed the City Council to make decisions on how to handle a future recount should it arise. Members of the City Council and the City Clerk requested that a set of instructions be drafted and agreed upon so it is clear on who would sit on the recount board.

The committee and other attendees discussed various scenarios on how best to "appoint" any member that would participate on the recount board. An ordinance will be created to address this and wording will include, "to follow the current state statute."

The recommendation is as follows: 5-member board to include the clerk, the moderator, a ward clerk, and two councilmen. If in the situation where the moderator or ward clerk were contested, then the council would appoint a third person for a total of 6 recount board members or vote to replace the contested member(s).

Motion made by chair Desrochers to bring an ordinance to the City Council to address the steps in creating a recount board during a recount situation. All were in favor. None opposed. Motion passed.

X. Fireworks – Consider creating new Ordinance for permit only. People are not following the rules and enforcement has been minimal at best.

City Manager Milner read a letter recently received from a resident requesting a change to the current Fireworks Ordinance for Franklin. The letter mentioned that there are too many days of random fireworks which negatively affected her, other residents, their pets, and their homes that get covered in firework debris and ash. Further concern was expressed that untrained people without property liability insurance shouldn't be allowed to use fireworks at all.

The resident requested the ordinance change to only allow fireworks during a period of three days over the 4th of July holiday and another three-day period over the New Year's Holiday timeframe. Also only allow formal organizations through paid City permits to light fireworks. In addition, the permits must be posted upon purchase. This would allow for planning for those who suffer from PTSD and for pet owners as well.

Chair Desrochers stated that he is aware of what can happen with pets who are frightened by fireworks. What's difficult about this is that Fireworks are legal in the state of NH and other residents who follow the rules have a right to enjoy themselves.

The committee expressed concern of whether or not issuing a permit would address the liability around using fireworks.

Motion made by Councilor Trudel to leave the Fireworks ordinance as is and without any changes. Seconded by Councilor Rago. All in favor. None opposed. Motion passed.

XI. Other Business

Councilor Rago requested that a discussion on AirBnBs be added to the next Legislative meeting. With the revitalization and Mill City Park coming, investors are buying houses with the intention of having an AirBnB so this would be a good time to have some discussion and set some guidelines. Director Lewis mentioned that there is a current lawsuit regarding an AirBnB and it would be good to look closely at that as well.

Councilor Trudel requested that City Manager Milner review the Code of Conduct before the next City Council meeting. He stated that it hasn't been reviewed since 2015. This will be added to the next Legislative meeting.

Councilor Testerman mentioned that the legalization of marijuana seems to be moving forward in the senate. The City may want to consider addressing a ban on marijuana shops or dispensaries for Franklin. This item can be added to the next Legislative Committee meeting.

Motion to adjourn made by Councilor Trudel and seconded by Councilor Rago.

Meeting adjourned at 6:41PM.

Respectfully Submitted,

Audrey Lanzillo