



Legislative Committee Meeting Thursday, February 23, 2017

Call to Order

Councilor Giunta called the meeting to order in the Lower Conference Room, Franklin City Hall at 6:07 p.m.

In Attendance

Councilor Giunta, Councilor Barton, City Manager Dragon, Inspector Captain Bodien, MSD Director Sullivan, Planning & Zoning Director Lewis, Councilor Dzujna, Councilor Zink

Absent: Councilor Desrochers, Chief Goldstein

Salute to the Flag was led by MSD Director Sullivan.

Illegal Dumping Discussion

City Manager Dragon stated she has had discussions with Councilor Zink due to concerns from a constituent about illegal dumping that is happening even on private property. P&Z Director Lewis has spent time reviewing the ordinance.

P&Z Director Lewis stated that in the code chapter 203 – Littering and Public Cleanness sections 2-5 talk about trash and litter on city property but no fines. Chapter 163-B3 of the NH RSA talks about litter control and unlawful activities. He read the ordinance and it circles back to a fine & penalty of \$1000/day fine. That RSA matches the city code.

City Manager Dragon stated that the city has laws but this is dumping that is happening on private property. The RSA states you have to prove who is doing the dumping. She then asked Councilor Zink if she would like to speak.

Councilor Zink stated that at 505 Prospect St there have been couches and a boat that have been left there. She stated there has also been dumping happening on the street where she lives. She stated that under chapter 202 section 6 there is no penalty for littering. Chapter 257 section 11 has language and can we add that to chapter 202. Since people are leaving items all around, adding that language to chapter 202 won't stop the dumping but it might deter it. Councilor Giunta asked do they need to put in language. P&Z Director Lewis stated the language is there and sited. Councilor Zink stated that the language is sited in Chapter 257-11. She also asked if there is something that can be done to deter this.

City Manager Dragon stated they can put the language in both sections and do a press release to bring attention to it. She also stated that chapter 1 paragraph 1-16 applies to all sections of the code. Councilor Zink stated that chapter 203 doesn't have any penalty and the penalty seems to be in dumping not littering. Councilor Giunta is aware of dumping first hand as it happened on his property. Councilor Zink stated she understands that we can't regulate illegal dumping on private property. Councilor Giunta stated we can repeat the fines in the littering

section like we have in the dumping section. Councilor Dzujna stated that one of the problems is the people have to be caught to impose the fine.

City Manager Dragon stated that chapter 257-11 enforcement language doesn't apply and to put in just the fine. Councilor Barton asked if there is a way to publicize it and City Manager Dragon stated yes. Councilor Zink asked if there is a way to recognize people who pick up and maybe roll that in to on Earth Day. MSD Director Sullivan stated we have already done that for one person.

Proposed Ordinance regarding flaggers

City Manager Dragon stated that certain situation required flagger's or police officers and that used to be up to the police department to determine that. Legislation has changed and it now has put on a local option if the city/town had an ordinance for that. We will have to revisit this when Chief Goldstein can be here.

Proposed fee structure for failed inspections

City Manager Dragon stated that this is a fire department request as not all inspections are equal. Based on that should there be an additional fee for multiple inspections and do we have the ability to charge a fee.

Inspector Captain Bodien stated they do a lot of welfare inspections and many fail the 1st time so the inspectors then have to go back out multiple times. The code requires a \$50 fee for re-inspections but that really is for new inspections and inspections for permits. The Fire Chief feels that this can be applied to welfare inspections.

City Manager Dragon stated that it really needs to be just a policy implementation. P&Z Director Lewis stated that a line in the code about state mandated inspections for child/health are welfare state regulated. City Manager Dragon feels this requires more of a conversation and who will pay the fee as that will be the issue. She is unsure if we can take it from the welfare voucher. Inspector Captain Bodien stated they made a new policy for the owner/agent to meet with them at the inspections. Councilor Barton asked if they can charge for the 1st inspection and it was stated yes. City Manager Dragon stated that for welfare it may be harder to charge as having to go back would be on the property owner. P&Z Director Lewis and Councilor Giunta stated they agreed it would be on the property owner.

Inspector Captain Bodien stated that in some cases it is done as a violation notice and if that doesn't work then they go to court.

Councilor Barton asked if a private homeowner can call the fire department to just do an inspection and Captain Bodien stated no.

Proposed change throughout building code to reference "Most Recent" adopted State codes

Inspector Captain Bodien passed out two (2) documents and stated that they are looking to clean up language in the code and to delete sections and replace codes with current language.

The highlighted sections of the code need to be deleted as these are old and are no longer in the State code. Most towns are also doing this by inserting language that is on the handout sheet to keep them in line with current fire and state codes as codes normally change every three (3) years. If we have that language in there it will keep us current with the most adopted codes. Councilor Giunta asked that we have to go by the states codes regardless if we change this. Inspector Captain Bodien stated yes but if we adopt this locally we can use our own appeals method. If we don't then all appeals go to the State Fire Marshal or Superior Court and any appeals that go to them take a long time. He recommends adopting the language to keep us current.

Councilor Giunta stated that the first appeal goes to the city and the second goes to the state. Inspector Captain Bodien stated yes. Councilor Zink asked if they are already using this language. Inspector Captain Bodien stated it is in RSA155 and no they are not using this language it is just recommended language. Councilor Zink asked if they have to add this language to the fire code and Inspector Captain Bodien stated it is recommended. She asked that if the committee recommendation is to take this to council to approve are we required to enforce these anyway even if they are not in our code. Inspector Captain Bodien stated yes and that we have to add these to the fire code. Councilor Giunta stated to move this to the council.

Proposed Hydrant fee for fire hydrants located on private property

MSD Director Sullivan stated that in the code chapter 160 there is a fire hydrant fee that was discontinued. The State DES came in to do a survey and they were worried about extensions to our water system. An example of this is Hannaford's as they have an extension. There is a list of businesses that have hydrants on private property and the City of Franklin has no easements for. The City of Franklin has no ownership over these hydrants and although flushing is done in the city these aren't touched and that causes problems because of dirty water. He stated that Chief LaChapelle supports NFPA1 and that has a requirement that there should be control over hydrants.

MSD Director Sullivan stated he would like to re-implement the hydrant fee in chapter 160 to be \$125 twice a year per inspection per hydrant that coincides with flushing. This would be done simultaneously with the flushing in Spring and Fall to ensure no stagnant water. Currently the hydrants are not inspected as they are not owned by the city. We need to make the property owner aware and it will also insure that the fire department knows that the hydrant is functioning properly. Insurance costs also rely on the hydrants working. He stated to put it the hydrant fee back in the fee schedule and a form would be sent to the fire department and the property owner and any deficiencies the property owner would be required to fix. The fee is required because it is city sewer and water and many of the dead ends have dirty water. If the property owner doesn't want the inspection then we would have to have the fire department take different action under NFPA.

Councilor Barton asked if the city takes liability if the city fails the hydrant and the property owner doesn't fix it and something happens. Inspector Captain Bodien replied that the city does not take liability. MSD Director Sullivan stated that this is a life/safety issue so if the property owner says no then they would have to sign a form. Councilor Barton asked if the

property owner doesn't want it but per code it has to be maintained and the answer was yes. Councilor Giunta stated that the dead end area creates buildup of bacteria and that can cause an issue with the water.

MSD Director Sullivan stated that in conjunction with the fee schedule he would like to look at the other fees to see if they are inline. He would like to have this fee in the schedule and ready for when they do the fall flushing.

Councilor Giunta asked when the hydrants went in were they requested by the fire department or the property owner. Inspector Captain Bodien stated it was either by the fire department or by code. Councilor Giunta stated that at one point it looks like we were charging for this.

Councilor Giunta asked if it was a metered system or just city water. MSD Director Sullivan stated the hydrants are under the Winnepesaukee River Basin ownership and there is one service going in, one (1) is for domestic and one (1) for fire. MSD Director Sullivan stated that it can create a health hazard like in Flint, MI. P&Z Director Lewis stated that most insurance companies probably don't check on hydrant functionality only that a hydrant is there but if it doesn't work then it's useless.

Other Business

City Manager Dragon stated that she would like a sign for the back parking lot of city hall. We have had issues with the Catch Housing construction workers parking in the lot leaving no spaces for anyone else. Once the housing unit goes online guests or visitors of the residents who live there could park in that lot. MSD Director Sullivan stated that it would have to be added to the traffic ordinance and he could draft an ordinance for the spring and the Highway Safety Committee.

City Manager Dragon stated we could hold another meeting for the ordinance regarding flaggers. MSD Director Sullivan stated that all MSD employees are certified flaggers. NHDOT jobs require police and on the Rte. 3 project the police costs were 20% of the construction costs so leaving it up to the community is helpful. City Manager Dragon stated that Chief Goldstein was opposed to the legislation change and it should be under local control. Councilor Dzujna wanted to know what the chief's view is. Councilor Giunta also stated that we need to schedule a meeting for another time to hear Chief Goldstein's view.

Motion: Councilor Giunta moved to send the issues to the City Council. Motion seconded by Councilor Barton.

All in favor; motion passes.

Meeting adjourned at 7:10 p.m. by Councilor Barton and seconded by Councilor Giunta.

Respectfully Submitted,

Lauraine G. Paquin