



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: John A. Chisholm, Fire Chief, on behalf of the Public Safety Board

DATE: June 3, 2024

SUBJECT: Public Safety Board response to City Council referral in regards to a communication from Ari Pollack requesting consideration be made to relocate the Concord Area Transit (CAT) bus stop now located between 214 and 220 North Main Street in Concord.

Recommendation

Accept this report recommending that the bus stop location between 214 and 220 North Main Street be moved from its current location due to safety concerns.

Background

Mr. Ari Pollack requested consideration be made to relocate the Concord Area Transit (CAT) bus stop now located between 214 and 220 North Main Street in Concord. Mr. Pollock's request was initially forwarded to the Transportation Policy Advisory Committee (TPAC) by City Council at their January 8, 2024 meeting. The referral was discussed at the January 25, 2024 TPAC meeting resulting in a recommendation to keep the bus stop at its current location. Due to concerns raised by Mr. Pollack that he was unaware of the discussion at the January 25, 2024 TPAC meeting, City Council referred the request back to TPAC, and additionally to the Public Safety Board (PSB) at their March 11, 2024 meeting.

Discussion

The Public Safety Board discussed the referral with Mr. Pollack, Gallagher, Callahan & Gartrell (law firm), representing his request.

Mr. Pollack gave a brief history of his request and then raised some safety concerns with the bus stop's current location on North Main Street. He explained that the bus stop has an impact on existing traffic congestion and he is concerned with the safety of individuals waiting at the bus stop, since they congregate at the end of the Law Firm's busy driveway. He also talked about concerns for the safety of employees due to people loitering on the Law Firm's property and further cited an instance of destruction of an employee's private property.

The Board asked Mr. Pollack a question to understand the history of the bus stop in its current location and learned that it has been there about 1-2 years, after two nearby stops were consolidated into a single stop. Councilor Kretovic added that this may have been precipitated by a motor vehicle accident involving a pedestrian at a crosswalk near a previous stop near I-393.

Mr. Pollack had offered an alternate location for the bus stop. Discussion about the grass strip in the area of the proposed location was alleviated by Mr. Pollack when he stated that the Law Firm owned that area of land and it could replace the grass with a more durable surface material.

During the discussion, Chief Osgood stated that the Police Department is currently handling a complaint regarding pedestrian crossing in the area of the current bus stop, but further stated that he does not believe the location generates frequent accident responses for the Police Department.

Councilor Grady Sexton and Drew Biemer separately expressed their own concerns with safety in the area of the current bus stop. Councilor Grady Sexton stated that she did not feel that the Public Safety Board should formally recommend an alternative location.

A motion was made, and seconded, to recommend to City Council that the current CAT bus stop located between 214 and 220 North Main Street be moved from its current location, however, the motion did not specify a recommended new location. The motion passed 8-1.

Attachments:

April 18, 2024 Public Safety Board Meeting Minutes

cc: Public Safety Board



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Public Safety Board

April 18, 2024 (3:00 PM) – City Council Chambers

Meeting Minutes

In Attendance

Members: Andrew Biemer, Donald Carter, Jessica Eskeland, Councilor Jeff Foote, Councilor & Chair Amanda Grady Sexton, Councilor Jennifer Kretovic, Natch Greyes, Bouzned (Moe) Djabelarbi

Staff: Deputy Chief Elisa Folsom, Deputy Chief Mark Hebert, Deputy Chief Barrett Moulton, Chief Bradley Osgood, Deputy Chief Steven Smagula, Nicole Petrin, Serina Chase

Guests: Mayor Byron Champlin, Tim Sink, Ari Pollack, Jim Bouley, Mark Ciborowski

Minute Taker: Serina Chase

Welcome from the Chair

The meeting was called to order at 3:02pm by Councilor & Chair Amanda Grady Sexton

Introductions

Introductions were made by attending councilors, members, and guests.

Approval of March 21, 2024 meeting minutes

Motion made by Jessica Eskeland to approve the March 21, 2024 meeting minutes.

Councilor Kretovic seconded. Motion Passed unanimously.

Referral from Council about the safety and location of the North Main Street bus stop

Ari Pollack, a lawyer and partner from the Gallagher, Callahan & Gartrell Law Firm, introduced himself to the Board.

He mentioned that the Law Firm initially submitted a request to City Council to have the bus stop located at their main entrance relocated. The request has since been referred from City Council to the Public Safety Advisory Board and to the Transportation Policy Advisory Committee for recommendations back to the Council.



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Attorney Pollack continued that the Law Firm has offered a potential solution for the relocation of the bus stop however, the Firm is also open to other placement suggestions or solutions. The Firm's proposed solution is to place the bus stop at different location that is still on the Law Firm's property.

He then summarized some safety concerns for the North Main Street bus stop, which included:

- The bus stop's impact on existing traffic congestion.
- The safety of individuals waiting at the bus stop, as the stop is located directly at the end of the Law Firm's busy driveway.
- The safety of employees due to people loitering on the Law Firm's property while waiting for the bus to arrive.
- An instance of destruction of property belonging to an employee of the Law Firm.

Chief Osgood asked how long the bus stop has been there. Attorney Pollack explained that the bus stop was placed there within the last year or two as a way to consolidate the two previously existing bus stops on North Main Street – One bus stop near Tea Garden Restaurant and the other bus stop near the intersection of North Main Street and Interstate 393. Councilor Kretovic said that she believes that an accident involving a pedestrian at a crosswalk near the bus stop close to 393 precipitated the consolidation.

Chief Osgood asked, who maintains the strip of grass adjacent to the Law Firm's proposed alternate location. He also cautioned that if the bus stop was moved to the proposed alternate location, the grass strip might be damaged due to increased foot traffic from those waiting at the bus stop. Attorney Pollack said that the plot of grass belongs to the Law Firm and that they would be willing to replace the grass with mulch or another alternative that could withstand the increased foot traffic.

Drew Biemer, who had previously worked in the same building as Gallagher, Callahan & Gartrell Law Firm, corroborated Attorney Pollack's safety concerns for the North Main Street bus stop. He continued that during his professional tenure in the building, he also identified some potential safety concerns while in the parking lot, especially at night.



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Councilor Foote asked if there was an accident history for the bus stop. Chief Osgood responded that the Police Department is currently handling a complaint that came to the Traffic Operations Committee. This complaint is regarding pedestrian crossings however, he does not have any data to share with the Public Safety Board at this time.

Councilor Foote asked if the area of the North Main Street bus stop is a frequent accident response location. Chief Osgood answered, no he didn't think so but that he didn't run a report.

Councilor Foote continued that he is currently on the Transportation Policy Advisory Committee, and he believes that the current location of the Main Street bus stop was well thought out and in the best location in the area. Additionally, he believes that if the bus stop is relocated to Attorney Pollack's proposed location, the loss of on-street parking spaces, as a result, could affect the businesses adjacent to those lost spaces. He believes that those affected businesses should be able to offer their own input regarding the potential loss of the on-street parking spaces.

Councilor Grady Sexton voiced her own concern for the current location of the Main Street bus stop - It is not an appropriate location for people to be gathering. She continued that it's only a matter of time before someone gets injured due to its current location. Additionally, she would be comfortable making a recommendation to Council that the bus stop be moved to an alternate location. However, she did not feel that the Public Safety Board should formally recommend which alternative location.

Jessica Eskeland moved that the Public Safety Board recommend to the City Council that they move the current bus stop location due to safety concerns. Natch Greyes seconded.

Don Carter voiced his agreement that the bus stop location should be changed.

After having previously served on TPAC for several years, Councilor Kretovic shared her insight on bus stop bump-outs and ADA compliance for bus stops. She also believes that when TPAC was deciding the bus stop location, they did not take into consideration the public safety of the particular site. Instead, she believes that TPAC prioritized the functionality and traffic safety aspect when deciding the location.



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Councilor Foote countered by explaining that TPAC considered several options when deciding the final location of the bus stop. Its current location appeared to be the most optimal site. He continued that Ari's safety concerns might not necessarily correlate with the location of current bus stop. There may be other factors to consider that could be generating the safety concerns.

Councilor Kretovic and Councilor Foote briefly discussed the importance of on-and-off data when considering a bus stop location.

Attorney Pollock added that he was not aware of nor part of TPAC's initial analysis of the new bus stop location. He believes that the Committee did not possess the necessary information from the Gallagher, Callahan & Gartrell Law Firm, when making their final decision.

Chief Hebert acknowledged that the adjacent Ferry Street possesses a large population of unhoused individuals. He believes that it is possible that not everyone gathering at the bus stop is necessarily waiting for the bus. They may just be loitering in the area.

The motion passed 8-1, with Councilor Foote voting in opposition.

Public safety concerns of Concord's Business Community (Tim Sink with the Chamber of Commerce)

Jim Bouley introduced himself to the Board as a member of the Chamber.

He thanked the Mayor and the Council for the priorities that they recently adopted. He said that they reflected exactly what the Chamber of Commerce identified, from their prospective.

However, Mr. Bouley expressed that the issue of homelessness and public safety was still a concern to the Chamber – specifically, how homelessness affects commerce. He continued that he has heard from members that it has had a direct impact on public safety, the image of Concord, and the employment of people within the Concord's businesses, among other things.



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Mr. Bouley recounted a conversation he had regarding the concerns of the Hall Street CVS manager.

Tim Sink introduced himself to the Board.

Mr. Sink began by explaining that lately, business owners in Concord are having to make significant investments to increase security measures. The issue of homelessness and public safety has exacerbated over the last five or six years.

He further explained that one of the primary missions of the Chamber is to promote Concord as a destination for new businesses and visitors. However, due to these ongoing issues, it has become harder and harder to do so. He is hearing more and more that these issues are making it difficult to do business in Concord.

Mr. Bouley stated that, by no means, are they looking to criminalize homelessness. However, unhoused individuals who are creating public safety issues must be held accountable.

Mark Ciborowski introduced himself to the board.

Mr. Cibrowski summarized his negative experiences as a property owner in downtown Concord, relating to the issue of homelessness and public safety. This includes tenants who have been put in fear by unhoused individuals who have engaged in illegal activity inside and outside of his properties.

Councilor Kretovic asked about the total costs associated with these issues. Mr. Cibrowski noted that these costs add up significantly over time. He provided an example of property damage to the bridal shop, A Day to Remember.

Drew Biemer asked, focusing on public safety, if you could enact one policy at the public level that might help, what would you enact? Mark suggested enforcement of no-loitering policies.

Natch Gereys said that he would be open to the idea of having Concord business owners speak to the Public Safety Board about their proposed solutions to these ongoing issues.



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He would like to hear the kind of policies that they would like the Board to consider, as well as creative ways to discourage inappropriate and/or illegal behaviors.

Mr. Sink spoke further about the costs associated with these issues surrounding homelessness and public safety. He asked if there was a way to redirect these funds to create a modest homeless camp with more structure and safety. He believes that these funds could be more productive and better spent on alternative solutions.

Councilor Grady Sexton asked if any of the Chiefs had insight into any of these issues. Chief Osgood explained that the Police Department previously had dedicated officers that would perform foot patrols in the downtown area. He continued that officers still do the foot patrols, however the patrols are now mainly focused on looking for open doors at night.

Chief Osgood said that if the Police Department was fully staffed, he would recommend to Council to hire three more officers in an effort to focus intensive efforts on the downtown area. However, the Department currently has 13 vacancies to fill.

Councilor Grady Sexton asked if foot patrols would increase as those vacancies are filled. Chief Osgood reiterated that foot patrols are difficult to do at this time due to staffing however, as summer approaches and the School Resource Officers return to the Department, foot patrols may increase.

Councilor Grady Sexton also asked Nicole Petrin, CPD Social Worker, about the work that she has been focusing on to address these issues. Ms. Petrin explained that she is partnering closely with the existing agencies in the community to perform outreach within the homeless encampments.

Natch Greyes asked if it would be reasonable, as the PD increases their staff, to consider performing targeted foot patrols during times where local employees are going home from work. Chief Osgood confirmed that foot patrols should be performed during busier hours. He also elaborated on the department's current vehicle patrol efforts in the downtown area.

Councilor Foote asked if there was a proposed bail reform that would lead to a reduction in recidivism. Chief Osgood said that bail laws today are a lot looser than they were two-



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decades ago. He does not think that the current proposals before the legislature go far enough and they if passed, they will not lead to a significant reduction in recidivism. He believes that there is room for improvement.

Councilor Kretovic suggested that when more data is collected, it may be helpful for the PSAB Subcommittee on Homelessness to provide a report out showcasing the following information:

- The multiple different types of homelessness
- The types of crimes surrounding homelessness
- The impact of homelessness to public safety

Councilor Grady Sexton explained that she would like to confer with City Solicitor, Danielle Pacik, to discuss the issue surrounding the buildup of trash due to homeless encampments that are on State property within the City of Concord. She would also like to ask what recourse the City has if the State of New Hampshire is not promptly removing the trash from those encampments. For example, we have ordinances to fine local property owners who do not promptly remove trash from their properties.

Don Carter asked Tim Sink about the option of local businesses pooling money to hire private security.

Deputy Chief Moulton explained the recent trash removal on Sexton Ave, Constitution Ave, and other various areas around the City. He also mentioned that increasing officer foot patrols is not necessarily going to solve the issue of homelessness. If unhoused individuals are moved from one area, they are just going to move to another area.

Councilor Grady Sexton asked Chief Osgood, in reference to Don Carter's previous suggestion of private security: If there were an interest in private businesses having private patrols or a group of citizens that could facilitate safety escorts/walks through downtown, would that meet clearance through the Police Department and/or would that be recommended? Chief Osgood said that clearance for this would not go through the Police Department. He did not further expand on this.



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Councilor Kretovic explained to Tim Sink that an option to help combat loitering could be to have citizen ambassadors who are tasked with moving stagnant people along.

Mr. Ciborowski expressed his concern for violent crimes committed by unhoused individuals increasing over time. He recounted a stabbing incident that occurred outside of O Steaks & Seafood last year that involved a homeless individual stabbing a man. He also explained that some of his own cleaning staff do not feel comfortable entering some of his buildings due to safety concerns.

Referral item from Council re: the ongoing safety concerns of the Rolfe Park neighborhood

Councilor Grady Sexton suggested making recommendation back to Council that the Public Safety Advisory Board would be willing to cohost a community meeting with Recreation and Parks Advisory Committee about concerns at Rolfe park

Councilor Kretovic suggested that it may also be necessary to broaden the view to more than just Rolfe Park.

Councilor Grady Sexton suggested that the PSAB could co-host a meeting for the Rolfe park neighbors since this is the park that the PD has identified as having the most concerns, then report back to Council. Afterwards, the Board could have a conversation with the Parks and Recreation Department about facilitating a City-wide discussion, or even co-hosting neighborhood meetings to discuss safety at our parks.

Councilor Kretovic suggested that incorporating Councilors from the impacted wards to help the PSAB facilitate these conversations would be beneficial.

Councilor Kretovic made a motion to move this recommendation to City Council. Drew Biemer Seconded. Motion passed unanimously.

Update from the Subcommittee on Homelessness

Jessica Eskeland and Councilor Kretovic provided the update to the Board.



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They explained that representatives from SOAR presented the program details to the subcommittee. They briefly described the presentation and suggested that the SOAR representatives also present the program to the full Public Safety Advisory Board.

Future Agenda Planning

- May: FPD and CPD will present their annual reports
- May: Update from the Subcommittee on Homelessness
- June: Reach out to the Concord Steering Committee for a presentation (Councilor Schlosser)
- June: SOAR program presentation to the full Public Safety Advisory Board

Adjournment

Councilor Foote mentioned that the issue of cleaning up trash is something that the Public Safety Advisory Board can help the community to accomplish. Chief Osgood explained that he does not recommend volunteers to clean up the trash around the homeless encampments, as hazmat and safety issues could arise. Instead, Chief Osgood suggests that volunteers could focus on cleaning up the roadside trash.

Councilor Kretovic made two suggestions. The first is to advertise the City's blue bag program in the City Manager's Newsletter for anyone who would like to volunteer to clean roadside trash. The second is to consider allowing graffiti artists to have a space to create their art, in order to mitigate the graffiti done elsewhere in the City.

Andrew Biemer made a motion to adjourn the meeting. Councilor Kretovic seconded. Motion passed unanimously and the meeting was adjourned at 4:40 p.m..