



## **Public Safety Board**

### **Draft Minutes**

**October 17, 2016**

**3:00 p.m.**

### **City Council Chambers**

Members present: Councilor Amanda Grady Sexton (Chair), Mr. Anthony Bourque, Mr. Don Carter, Mr. Jim O'Neill, Councilor Fred Keach, Councilor Stephen Shurtleff, Mr. Michael Russell

Others Present: Mayor James P. Bouley

City Staff Present: Deputy City Manager-Development Carlos Baia, Police Chief Brad Osgood, Fire Chief Dan Andrus (Staff Liaison),

Not Present: Councilor Rob Werner, Ms. Carol Hargrove, Councilor Brent Todd, Mr. Stephen Edwards, Ms. Lisa Brown

### **Call to Order**

Councilor Grady Sexton called the meeting to order at 3:00 p.m.

### **Approval of Meeting Minutes**

The board reviewed the minutes of March 28, 2016. Mr. O'Neill moved to approve the minutes as presented. Councilor Shurtleff seconded the motion. The motion passed unanimously.

### **Referral from the City Council on Residential Safety Inspections**

The Chair invited Mr. Baia to testify. Mr. Baia noted that this topic was based on a referral from Councilor Herschlag. Mr. Baia noted that the City had a similar proposal for a residential inspection program about 12 years ago, but that, based on what he understands, it was not ultimately supported by City Council. He stated that the closest equivalent program would be in the City of Manchester. Manchester has a staff of 5 full-time inspectors dedicated to the regular inspection of residential rental properties.

Manchester issues a certificate of compliance which is valid for three years and charges \$75 per dwelling unit and \$50 per rooming unit. Their program was started in the late 1980's.

Councilor Shurtleff asked if there was a specific issue that was driving this referral. Mr. Baia explained that he did not want to speak for Councilor Herschlag who had made the referral but he believed that it was likely due to a fire death that occurred last December. He said that inspections in Concord have two components: Section 8 units are inspected regularly and the remaining inspections are triggered by complaints. Over the last five years, the highest annual total was 402 total inspections. Chief Andrus said that this has been the only fire death in the City in the last ten years. Deputy Chief Toomey added that the last fire death prior to that was in 2005, also in a multi residential occupancy. Mr. O'Neill asked if there were smoke alarms present in the most recent fatal incident. Deputy Chief Toomey replied that there were alarms in the building, but not in the victim's room. Mr. O'Neill asked if codes required hard wired detectors. Deputy Chief Toomey said yes.

Mr. Bourque asked if the Manchester program is successful. Mr. Baia stated that based on his conversations with the supervisor of the program in Manchester, they feel it is successful but that one has to understand that they are only looking at very basic items. Mr. Baia also added that there is a large difference in scale between Manchester and Concord. Manchester has an estimated 24,000 residential rental units while Concord has approximately 9,000. Mr. Carter asked if the fees covered the cost. Mr. Baia said that, based on Manchester's experience, the fees do not cover their costs. Mr. Baia estimated that if a similar program were to be contemplated in Concord, it would, at a minimum, require the hiring of one additional full-time inspector and one administrative support professional at the outset.

Mr. O'Neill asked if an owner occupied duplex would be subject to a certificate of compliance. Mr. Baia said that in his reading of the Manchester program, it appeared that there had been an exception that grandfathered existing owner-occupied duplexes in the 1980's but he didn't believe an exception existed for units built since then. Mr. O'Neill said that Manchester is very different from Concord. Mr. O'Neill asked if there were any obstacles in the recent fatal fire. Chief Andrus said no. Mr. O'Neill asked if there were other issues. Deputy Chief Toomey said that something comes up in most inspections. Mr. Carter asked for a clarification about Concord's program being complaint based. Mr. Baia said that it is complaint based and also includes Section 8 voucher units.

Councilor Shurtleff moved to thank Councilor Herschlag for bringing this forward and to recommend that no further action is required by the City Council based on a cost benefit analysis. Mr. O'Neill seconded the motion.

Mr. Bourque said that he does not support this. This idea deserves support. Many smoke alarms are not functioning. Councilor Shurtleff said that he could amend the motion to

ask the Fire Department and Code Administration to come back with more information on the staffing and costs of this program. Mr. Bourque said that the Fire Department had a program 20-25 years ago, but that there were no resources behind it. Mr. Carter said that he works as a safety director for a construction company. There are enormous costs for even random inspections. He mentioned liability issues. Mr. Baia said that random inspections wouldn't be feasible in this type of inspection as the City would need to have access to individual units and there would be issues with privacy rights for tenants. He would also be concerned that some property owners could interpret the random nature as targeting them specifically. He noted that in Manchester, they provide 6-8 weeks of notice to the property owners prior to a Certificate of Compliance inspection.

Mr. Bourque asked about what the Code says now. Mr. Baia said that the City inspect units receiving Section 8 housing vouchers as well as units for which complaints have been filed. Concord conducts between 160 and 270 Section 8 inspections per year. Mr. O'Neill asked about the housing code and Mr. Baia spoke to that. Mr. Bourque said that there is an obligation to assure that apartments are in compliance. The City needs to come up with a plan to enforce the codes. Mayor Bouley said that advisory boards should advance realistic and doable recommendations. He said that the needs for Fire Department services are related to emergency medical services. He talked about the great resistance that was encountered a few years ago with a vehicle for the Police Department. He also noted that the costs for this program would be borne by landlords who, in turn, would pass it onto their tenants' rent. Concord already has one of the tightest rental markets in the state and rents are, therefore, quite high. This type of program would likely make that situation worse. He foresaw resistance from housing advocates. Councilor Keach commented that based on the history of fire deaths in Concord's apartments, he feels that this proposal is a solution looking for a problem. Mr. O'Neill commented that the situation cited in the referral concerning the Remi's Block was an anomaly. Mr. O'Neill noted that insurance companies can also play a role in monitoring compliance with apartment buildings.

Councilor Shurtleff moved to recommend that the Board sees no need for an inspection program but to leave it open to the City departments to come back to the Board if there is a need. Mr. O'Neill seconded this motion. The motion passed on a 5-2 vote, with Councilors Grady Sexton and Shurtleff and Mr. O'Neill, Mr. Russell, and Mr. Carter voting "Aye" and Councilor Keach and Mr. Bourque voting in the negative.

### **Referral on Fireworks**

Councilor Shurtleff asked if it would be legal to ban fireworks within the urban growth boundary. Mr. Russell said that if you ban them in the city, you should ban them in the woods. Mr. O'Neill asked if Memorial Field is in the urban compact. Several people responded that it is. In response to a question, Mayor Bouley commented that there are different classes of fireworks. Many fireworks used in displays are actually categorized as consumer fireworks. Councilor Shurtleff asked about considering whether to ban

Class C fireworks unless an exception is granted by the City Council. Councilor Keach asked if cities and towns can be more restrictive than the state. Several people said yes. Deputy Chief Toomey explained the permit process for fireworks displays. Mr. Carter asked if we had already had this discussion and the police and fire chiefs had recommended not doing it. Chief Andrus said that there are, at most, a handful of incidents annually related to fireworks. Chief Osgood commented that the period from July 3-5 is the busiest period and that there is not a good track record on enforcement as there is often no one there when police arrive. Mr. O'Neill commented that this is a very trivial issue compared with the problems posed by opiate use and other concerns.

Councilor Shurtleff moved to recommend that no further action be taken on this matter. Mr. Carter seconded the motion. The motion passed unanimously.

### **Next Meeting**

The next meeting will be scheduled at the call of the Chair.

### **Adjournment**

Councilor Shurtleff moved to adjourn the meeting. Councilor Keach seconded the motion. The meeting was adjourned at 3:45 p.m.