



## **Public Safety Board**

**December 15, 2014**

**3:00 p.m.**

### **Second Floor Conference Room, City Hall**

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

City Staff Present: City Solicitor James Kennedy, Police Chief Brad Osgood, Code Administrator Michael Santa, City Prosecutor Tracy Connolly, Fire Chief Dan Andrus (Staff Liaison)

Not Present: Councilor J. Allen Bennett, Councilor Rob Werner, Councilor Brent Todd, Ms. Lisa Brown, Ms. Carol Hargrove, Mr. Don Carter

Guests: Ms. Kathy Conners, Ms. Kim Wheeler

### **Call to Order**

Councilor Grady Sexton called the meeting to order at 3:08 p.m. Board members and City staff introduced themselves.

### **Approval of Meeting Minutes**

The board reviewed the minutes of September 8, 2014. Mr. O'Neill moved to approve the minutes as written. Mr. Cotsana seconded the motion. The motion passed unanimously.

### **Disruptive Properties**

Councilor Grady Sexton invited Mr. Kennedy to address the board. Mr. Kennedy gave a history of the matter involving 74 Rumford Street, including communications between neighbors and the City, the approximately 140 calls for service for the Police Department over the last several years, the council referral on the matter, the Public Safety Board meeting on September 8<sup>th</sup>, and a follow up meeting with key stakeholders that was held on November 25<sup>th</sup>. Mr. Kennedy cited several state statutes addressing domestic

violence, alcohol use, and illegal drugs. Mr. Kennedy stated that there is a “significant realm of criminal law statutes” available to address the situations that occur in the City. The City Code also has a nuisance abatement ordinance and property owners also have recourse to private nuisance in common law.

Mr. Kennedy said that he has reviewed the ordinances in Orono and Bangor, Maine, and spoken with some local officials. He stated that there are some unintended consequences arising from these ordinances when a tenant does not call for help when police assistance is needed. In Norristown, Pennsylvania, there was a case of a woman in a situation involving domestic violence. That municipality paid half a million dollars to settle the claim. The US Department of Housing and Urban Development (HUD) has also taken notice of these ordinances. Norristown has repealed its ordinance and Berlin, New Hampshire has just reached a conciliation agreement with HUD. The concern is that any person in need of assistance should not be deterred from calling the police department. Franklin, New Hampshire also has an ordinance. Another problem occurs when the landlord is involved in a criminal investigation. An ordinance could prove disruptive to the progress of such an investigation.

Mr. Kennedy said that the City of Concord receives from \$300-500 thousand each year in federal funds for City projects. A certificate that the City will not practice discrimination is required. The law could be construed as housing discrimination. The City may wish to look at this again in the future. This is a particularly volatile time for these types of ordinances. The Police Department has targeted disruptive properties and is working with Code, the Prosecutors Office, and the Fire Department for resolution.

Councilor Grady Sexton invited Chief Osgood to address the board.

Chief Osgood said that the late spring and early summer saw a surge in calls of this type. He has taken two officers from Patrol and placed them on special assignment for problems of this type. Other departments are involved. There have been no calls to the subject property since early September. The Police Department is in multi family dwellings constantly and Code Administration has been working with the Police to recognize violations.

Mr. O’Neill asked about how access is gained to these properties. The police get access on calls, but how do other departments get access. Mr. Santa said that they are often invited by the tenant. Ms. Connolly said that an administrative search warrant is also an option. Mr. Bourque asked about the situation where there are no code violations, but there is something like a loud music complaint. Chief Osgood said that those are handled on a case by case basis. Mr. O’Neill asked Chief Osgood if he has the tools in the bag to do the job. Chief Osgood replied “Yes.” Councilor Shurtleff asked if most calls come from tenants or neighbors. Chief Osgood said that most calls come from neighbors and from anonymous sources, many of whom are neighbors. The old model was to assign these to an officer patrolling a sector. Problems are now assigned to a team. Councilor

Grady Sexton asked about continuing that program. Chief Osgood said that he will be talking to the City Manager in the next budget season. Mr. Edwards asked how many properties have more than five calls. Chief Osgood said that there are many such properties. It is difficult to do searches to determine exactly how many. Mr. O'Neill commented that the Police Department is taking a more proactive stance. Mr. Cotsana asked if any people feel threatened in these cases. Chief Osgood said yes, there have been words exchanged.

Councilor Grady Sexton invited Ms. Kathy Connors to address the board.

Ms. Connors said that problems at 74 Rumford are ongoing. She appreciates all of the people on the board and especially the Police Department for all that they have done. Concord is not the Concord that she knew in 1980. There are now drugs and other problems. She called a Bangor city councilor and researched that ordinance and forwarded that information to Mr. Kennedy. There are hundreds of ordinances and many of them deal with domestic violence. Stevens Point, Wisconsin also passed an ordinance, after three tries, and victims of domestic violence are protected. She read from an article on Stevens Point. She described some of the threatening behavior that she has experienced. Matt Walsh sent her information on Norristown and Berlin. The city manager of Berlin called her to say that it had been very effective. She talked to the police chief in Franklin. That ordinance has been modified twice. Chief Goldstein described it as very tight and very effective.

She said that the situation in her neighborhood is better, but the problem has not stopped. She asked about how cases like 74 Rumford and the Vegas Block happen in our city.

Councilor Grady Sexton said that she appreciated her bringing this to our attention. Mr. O'Neill asked about Section 8 tenants. Mr. Santa said that the Concord Housing Authority places Section 8 tenants. The New Hampshire Housing Authority also places Section 8 tenants. Ms. Wheeler said that HUD contracts with the local housing authority for inspections.

Councilor Grady Sexton invited board members to move forward with the matter. Mr. O'Neill said that the whole problem has not been solved and that the whole thing is related to narcotics. The Police Department is doing a good job. Departments are working together. He believes that passing an ordinance will not solve the problem.

Councilor Keach moved to take six months to see if the coordinated effort continues to work. Mr. O'Neill seconded the motion and asked to add a sentence ask the City Council to request that the City Manager look at police resources in next fiscal year's budget to address the problem. Councilor Keach accepted this amendment to his motion.

Councilor Shurtleff said that he would like to talk to Chief Goldstein to see how the ordinance is working in Franklin. Councilor Keach said that it is a quality of life issue.

People flee neighborhoods and blight sets in. Mr. Kennedy commented that the motion is very much in line with his recommendation. Mr. Edwards asked if this should be two motions. Chief Andrus read the motion and it was agreed that a single motion would be appropriate.

**Motion: The Public Safety Board recommends taking six months to see if the coordinated effort continues to work. The Board further recommends that the City Council request the City Manager to look at Police resources in next fiscal year's budget to address this problem.**

**Next Meeting**

The next meeting to review this matter will be scheduled at the call of the Chair.

**Adjournment**

A motion to adjourn was made and duly seconded. The Board adjourned at 4:35 p.m.