



# CITY OF CONCORD

New Hampshire's Main Street™

## **PUBLIC SAFETY BOARD**

### **DRAFT MEETING MINUTES**

March 25, 2019

#### **Call to Order**

Councilor Grady Sexton called the meeting to order at 3:07 p.m.

Board Members Present: Councilor Grady Sexton, Councilor Candace Bouchard, Mr. Anthony Bourque, Ms. Lisa Brown, Mr. Donald Carter, Councilor Mark Coen (left at 4:50 p.m. for another meeting), Ms. Carol Hargrove (arrived 3:26 p.m.), Councilor Zandra Rice Hawkins, Councilor Alan Herschlag, and Councilor Fred Keach.

Members Excused: Mr. Michael Russell, Mr. Steve Edwards, Mr. Jim O'Neill

Guests: None

City Staff Present: Police Chief Brad Osgood, Parks and Recreation Director David Gill, City Solicitor James Kennedy, Fire Chief Dan Andrus, Deputy Fire Chief Sean Brown, Public Properties Superintendent Jay Burgess, Deputy General Services Director Jeff Hoadley, Everett Arena Properties Manager Jeff Bardwell

#### **Approval of Minutes**

Councilor Keach moved to approve the minutes of April 9, 2018. Councilor Coen seconded the motion. Councilor Herschlag commented that it was not appropriate for the Mayor to have chaired that meeting, based on City Code and Council Rules. Councilor Grady Sexton stated that this is an advisory body and that discussion would best be addressed in a City Council meeting. The motion for approval passed unanimously.

#### **Proposed Ordinance on Alcohol Use at the City Wide Community Center**

Councilor Grady Sexton invited Director Gill to address the Board.

Mr. Gill introduced a proposed ordinance relating to alcohol use at the CWCC. Councilor Coen asked if there were any existing restrictions on alcohol use in City parks. Mr. Gill said yes, alcohol is not permitted at White Park, Memorial Field, and Rolfe Park. Councilor Bouchard asked about existing policies. Mr. Gill said that there is a policy in the City Code that allows non profit groups to obtain a liquor license for one day events that are held in City buildings and certain parks. Councilor Grady Sexton asked who approves or denies the application. Mr. Gill said that the City Manager does that for indoor facilities and that he does it for City parks. Mr. Coen asked if any City department sells liquor. Mr. Gill said that there is a restaurant that is leased to a third party at the Beaver Meadow Golf Course. Mr Gill indicated there has been several events held at Rollins Park with non profit groups with no issues to date. Mr. Carter asked about a full liquor license. Mr. Gill said the proposed ordinance change would allow any group to rent space at the community center and to partner with a private licensed vendor for beer/wine at an event. Councilor Keach asked to clarify that the City, in no way, holds the license. Mr. Gill said that is correct, it does not. Mr. Bourque asked what advantage there is to the City? Mr. Gill said that it increases opportunities and may produce a small amount of revenue. There are people looking for a small venue. Ms. Brown asked if there is liquor allowed at the Black Ice Pond Hockey Tournament. Mr. Gill said no. Ms. Brown asked about applicability to other City properties. Mr. Gill said that the current ordinance was passed eight or nine years ago and that alcohol use must stop at 10:00 p.m. Mr. Carter asked if it was function specific. Mr. Gill said "Yes."

Councilor Herschlag asked how this was different for the proposal to the City Council. Mr. Gill said that it is a different building with a different scope. Councilor Grady Sexton asked if everyone was clear on this. Mr. Gill reviewed the ordinance. Councilor Grady Sexton said that currently, someone must partner with a nonprofit. The ordinance allows this to expand to for profit agencies. Councilor Bouchard talked about the auditorium and seating at the community center. Mr. Carter asked if this is for individuals or organizations. Mr. Gill said that it is for for profit businesses. Mr. Kennedy said that it is for for profit or any entity. Mr. Carter asked if there is a liability issue. Mr. Kennedy explained the insurance indemnification issues for anyone using the building. Councilor Herschlag asked if RPAC had reviewed this. Mr. Gill said yes. Councilor Rice Hawkins explained one day insurance coverage. Mr. Kennedy said that it may be a challenge on who may or may not do this-there must be a fair and equal basis for denial. Mr. Bourque asked what happens when a renter brings beer or wine. Mr. Gill said that they have to partner with a vendor. Mr. Bourque asked what happens if they don't tell you that they are bringing beer. Mr. Gill said that the lease is immediately terminated and they are asked to leave.

Councilor Grady Sexton asked Mr. Kennedy about liability and a clear process for denials. What if the gun club is hosting an event? Mr. Kennedy said that there must be a government interest to distinguish one group from the next, such as the heightening of risk. Councilor Grady Sexton asked if there are policies in place. Mr. Kennedy said that policies may need to be drafted. It is up to the board to recommend how to proceed. Councilor Grady Sexton asked how this works if the City Council enacts it. Mr. Kennedy

said that the ordinance could have an effective date and the City Council could require that policies be in place as of that date. Councilor Keach asked if, under the current ordinance, there could be a challenge to the City Manager's decision. Mr. Kennedy said no. Councilor Grady Sexton asked if there had been any denials. Mr. Kennedy said no. Ms. Hargrove asked if you serve alcohol in a City building and there is an accident, who is responsible? Councilor Grady Sexton said that insurance covers up to the \$2 million mark and then it is the City's responsibility. Ms. Hargrove asked if we would need to have a doctor on call. Mr. Kennedy said that the City must provide a certain level of reasonable care and that having access to 9-1-1 would be appropriate. He would not recommend having on site health care. Mr. Gill said that City staff are certified in AED and CPR. Councilor Rice Hawkins asked about licenses from the NH Liquor Commission. Mr. Gill explained some of the requirements for that and Mr. Kennedy said that there is a training course for servers. Councilor Rice Hawkins said that the training is good for 45 days. Councilor Coen said that he would like to see Council approval first. As far as the consumption of alcohol, he can't see a difference between for and non profit. He would like to see the council approve it.

Councilor Coen moved to recommend to the City Council that this item be approved with an extended enactment date upon approval. Councilor Bouchard seconded the motion. The motion passed unanimously.

### **Everett Arena Beer and Wine Service Initiative**

Councilor Grady Sexton invites Mr. Burgess to address the board. Mr. Burgess introduced himself and said that this is a similar proposal on a parallel track to the item just discussed. He said that there are several opportunities for day floor shows and that promoters are interested in alcohol service. It requires additional training and modifications to the facility. The Fiscal Policy Advisory Committee had moved it to the City Council and the City Council moved it to this board in February. The plan is to allow alcohol sales when the snack bar is open.

Councilor Bouchard asked about restrictions. Mr. Burgess said that the New Hampshire Interscholastic Athletic Association (NHIAA) prohibits alcohol for their events involving persons high school age or younger. Mr. Bourque asked for some clarification. Mr. Burgess said that there is interest from youth hockey organizations. Councilor Coen asked questions on the pro forma that was submitted with the referral. Mr. Burgess said that the way that the arena is actually used and that it is hard to say how much the City would lose without this. Councilor Coen said that he has never seen an instance of abuse at the golf courses and asked about hockey players. Mr. Burgess said that the staff would be trained, so that the arena would be like any other establishment, including Beaver Meadow. Ms. Hargrove asked questions about the pro forma. Mr. Burgess said that the City does not currently pay a meals and rent tax. The pro forma reflects the tax. He said that the City would be required to pay the tax but would still see a profit.

Ms. Hargrove asked if there is a liability from storing alcohol and people breaking in to get it. Councilor Grady Sexton invited Mr. Kennedy to comment. She said that the

council was concerned about events that could be problematic and that the question of liability is a concern. Mr. Kennedy said that, with another entity, you have the buffer of their insurance. In this case, the claim would be directly against the City's insurance. Councilor Grady Sexton asked why we would not allow another organization. Mr. Burgess said that they wanted continuity of service. The arena is a special revenue fund and they want the arena to be a sustainable resource. Councilor Herschlag said that the City Council is concerned about serving alcohol at gun shows. How do we tell the gun group? Mr. Kennedy said that it is up to the Administration to determine that there has to be a legitimate basis in law and they would see what guidance the liquor commission could provide.

Councilor Keach asked if Concord Youth Hockey has signed off on this. Mr. Burgess said yes. Councilor Keach said that it is up to the City to determine when. Mr. Burgess talked about the snack bar schedule and said that the decision remains with the City Manager. Councilor Bouchard asked if there is a group selling weapons, would we have the snack bar open. Mr. Burgess said that is a good question. The snack bar is now open during the gun show. Mr. Kennedy said that we would work with the promoter of the event. Mr. Burgess said that they did not ask the gun show but spoke with the promoters of other events. Councilor Bouchard asked if there are any other municipal venues that sell alcohol. Mr. Burgess said that he is not aware of municipal venues, but that there are some private ones.

Councilor Bouchard asked if we are creating an unfair playing field. Ms. Hargrove asked about having snack bar sales done by an outside vendor. She said that we should make a profit on both or neither. Mr. Burgess said that if we had an outside vendor, we would not see the sales revenue that we currently see on food. There used to be a concessionaire that ran the snack bar, and it did not do as well as the City has done. Councilor Coen asked if we are paralleling our earlier discussion. Mr. Burgess said that these are two different proposals. Councilor Grady Sexton said that we could move to include the arena, could use the model of having a third party vendor, and have the same opportunity for each venue. Councilor Coen asked who is allowed to have liquor served. Councilor Grady Sexton said that she supports the revenue, but the idea of the City selling at youth events is difficult. Councilor Herschlag said that the Board should have Administration come back with an opinion on when we would not serve alcohol. Ms. Hargrove said that we can not be arbitrary on who can have alcohol and who can't, we have to have rules written down. Ms. Brown asked for clarification that we are asking for the City to sell alcohol, not an outside vendor. Mr. Burgess said yes. Ms. Brown said that we can not pick and choose who is allowed. It is not a problem at Market Days. Beaver Meadow can make the choice if someone is being overserved. It is more of a moral decision. She said that she personally does not think that there should be gun shows in Concord. We want to make our community fair. It is not that big of a deal, although she is not diminishing that we do need a process.

Councilor Grady Sexton asked who wanted to continue to discuss this. Seven Board members indicated that they were in favor of continuing the discussion. Mr. Carter said that he has reservations about youth sports competition. Competition and alcohol do

not go together. He generally supports the theory of offering alcohol. Councilor Grady Sexton asked if we could pass this with an exception. Mr. Kennedy said that we could do it for every youth related event. Councilor Grady Sexton asked if that could include gun shows. Mr. Kennedy said that it could with an ordinance. Councilor Grady Sexton asked Chief Osgood if he had any concerns. Chief Osgood said that Beaver Meadow does it right. He said that he would be an opponent of having the City do it at all sorts of events. Councilor Herschlag asked how to move forward. Mr. Kennedy said that we can make a distinction across a class. Mr. Burgess said that there are fourteen days currently available for \$2,000 per day. Councilor Herschlag asked if we had looked at having an outside vendor come in for alcohol sales. Mr. Burgess said that would provide some separation for the City and would help to self select. Councilor Herschlag said think about a food vendor truck. Mr. Burgess said that there are different types of licenses and one is strictly for alcohol sales. Councilor Coen said that, after listening to this conversation, he would vote no on alcohol being served at youth events. Councilor Rice Hawkins said that options include restricting it to short term events. Mr. Burgess said that this is similar to what the Parks and Recreation Department has proposed. Councilor Rice Hawkins said that it is an opportunity to bring in revenue and she supports moving in that direction. Councilor Bouchard asked Councilor Rice Hawkins about some short term events. Councilor Grady Sexton said that we should treat the arena like the community center with the exclusion of any youth events. We could push the enactment date 60 days out. Ms. Brown asked about the model of a beer garden. Mr. Burgess said that the proposal was originally to have the server pour the alcohol into a plastic cup to keep people from bringing alcohol from the outside. Mr. Herschlag said that he understands that this means a single license for every rental group coming in and he has concerns about serving alcohol at youth events. He asked if there was any reason that the City could not go out for bid. Mr. Burgess said that would be governed by purchasing ordinances. Mr. Kennedy said that we could work with the liquor commission. Councilor Herschlag said that the intent was to encourage additional facility use. This would reduce the risk. Councilor Grady Sexton said that it keeps the City from entering into the sale of alcohol, which has significant risks and liability. Do the benefits outweigh that? Mr. Carter moved to table the issue and come back with two proposals, one involving an outside vendor. Councilor Bouchard seconded the motion. Mr. Bourque said that he recommends rejecting it outright. Councilor Keach said that he has several concerns with youth sports and would like to see a few different proposals. Ms. Hargrove said that we should think about paper cups and environmental impacts. Ms. Brown asked if we would lose revenue if we went to another vendor. Councilor Herschlag asked if we should table the issue or continue it. Councilor Grady Sexton said that we should continue it. Mr. Burgess requested clarification on the motion. The motion was amended to read that the Board recommends returning the issue to the General Services Department which is to come back to the City Council with some proposals to address the issues discussed here. Councilor Keach said that this should lay out the pros and cons. Councilor Grady Sexton said that there should be more work in exploring liability. The motion passed unanimously. Councilor Rice Hawkins asked if we should develop some policy for alcohol. Councilor Keach said that the minutes should reflect on the ways to go about this issue. Councilor Herschlag said that the City

Council can request the Board to meet again. Councilor Grady Sexton said that this has been a very useful exercise.

Councilor Rice Hawkins said that we should keep in mind the number of people. Mr. Bourque said that we should go to the NHIAA and clarify why they have the policy.

### **Annual Report of the Public Safety Board to the City Council**

Councilor Grady Sexton invited Chief Osgood to address the Board. Chief Osgood said that, in the interest of time, he would refer to his written report and asked if there were any questions. Councilor Bouchard asked him if he had any comments to share. Chief Osgood said that 55 people applied for a recent entry level police officer exam. Only 22 showed up and only 15 passed. Staffing remains a concern and it is not limited to Concord. Heroin/Fentanyl remains a problem. Methamphetamine use is up and people using it can be very volatile. Chief Osgood talked about the hub and spoke and doorway for addiction treatment, which is open on a part time basis. This should open up fulltime in May. Mr. Bourque asked if this is similar to Safe Station. Chief Osgood said that the doorway is very similar. Mr. Bourque asks who owns it. Chief Osgood replied Concord Hospital, through Riverbend. Mr. Bourque commented that he has Concord Hospital's annual report and that they say they are dedicating \$44 million to the opioid epidemic. Chief Osgood said that they want to divert people from the Emergency Department and have passed through the grant funds to Riverbend. Mr. Bourque said that the Manchester Police have a hands off policy.

Councilor Herschlag said that traffic accidents are up. Are there any special areas of the City? Chief Osgood said that Loudon Road is one area. Councilor Herschlag said that with more people having access to narcan, there could be as many or more people using drugs. Chief Osgood said that there have been the same number of fatalities over the last two years. Councilor Herschlag asked about a new Police Department Headquarters. Chief Osgood said that they have people working in hallways. A study committee is needed as they have outgrown the facility. Councilor Herschlag asked if it would be appropriate for a motion for the City Council to move forward on this. Councilor Grady Sexton said that recommending acceptance of this report would move this forward.

Councilor Keach asked about the number of officers eligible to retire. Chief Osgood said that number is 14 on June 30, 2019.

Councilor Keach asked about previously expressed concerns of bottlenecks in the process. Chief Osgood said that they have made modifications to the process so that they are identifying candidates earlier. This has helped with the bottleneck. Chief Osgood said that they are hiring four new officers this Friday. They will require 39 weeks of training. Ms. Brown asked about active shooter training in schools. Chief Osgood said that they have a grant for this and there should be a drill this Fall. Councilor Grady Sexton asked about requests for additional school resource officers. Chief Osgood said that they have requests from Rundlett Middle School and Merrimack

Valley High School. Mr. Carter commended the Police Department on an active shooter presentation in which he had been involved. Ms. Hargrove and Councilor Grady Sexton also commented on the very professional interactions each had recently had with the Police Department. Councilor Rice Hawkins asked about active shooters. Chief Osgood said that in his opinion it is inappropriate to bring a firearm to school. Councilor Keach said that he has heard some concerns about sex offenders and people with weapons using Broken Ground School for voting. Councilor Herschlag asked if the number of sworn officers should be expanded. Chief Osgood said that there will be two additional officers requested in the FY20 budget.

Mr. Carter moved to accept the Police Department report. Councilor Keach seconded the motion. The motion passed unanimously.

Councilor Keach moved to recommend exploring funding for a new Police Headquarters. Councilor Herschlag seconded the motion. The motion passed unanimously.

Councilor Grady Sexton invited Chief Andrus to review the Fire Department report. Chief Andrus also referred to the written report and asked that two corrections be made. He said that the Department generated 9,005 case numbers last year, but the incident report totals showed 8,999 calls. He pointed out that is a more than 9% increase over the previous year. Chief Andrus said that, since this meeting began, there had been seven emergency calls and for much of the time all three of the City's ambulances had been out of service.

Chief Andrus said that the Fire and Police Departments have worked with Riverbend Community Mental Health for over two years on a mobile integrated health program to channel patients experiencing mental health emergencies to the mobile crisis unit and Riverbend's residential treatment unit in downtown Concord. That partnership is taking a huge step forward as the City launches a new program to combat opioid addiction with funds from the federal Mental Health and Substance Abuse Administration, which has awarded the City a \$126,999 grant. Those funds will be used to hire a program director. Interviews were held last Wednesday and there are two excellent candidates. That position should be filled by April and will be responsible for working with fire and police responders to direct persons experiencing opioid use disorders to treatment, as well as providing support for their families and support systems with CPR training and naran administration training.

Chief Andrus commented that, following the preceding discussion on active shooters, that the Police and Fire Departments are working at the cutting edge of response to such incidents using a "Rescue Task Force" consisting of Fire/EMS and Police responders working together to get access to the "warm zone" of an active shooting incident to provide lifesaving care to gunshot wound victims. Chief Andrus said that this program was lead by Deputy Fire Chief Sean Brown, Police Lieutenant Mike Pearl, and former medical director, Dr. David Hirsch. Chief Andrus said that this is typical of the way that Concord works with other agencies to address community safety needs.

Chief Andrus said that there have been a number of excellent promotions in the past year, include two deputy chiefs, two battalion chiefs, a captain, and two lieutenants. One noteworthy process was the one to replace retiring Captain Ernest Petrin who has overseen the communications center for many years and has a phenomenal amount of institutional history and knowledge. The communications center serves over two dozen agencies and the director position is very critical to successful operations. The Department started several months ahead of time to identify and train a replacement for Captain Petrin, and Captain Elisa Folsom was able to transition to the position relatively seamlessly.

Councilor Bouchard said that Councilor Rice Hawkins (who had to step out of the meeting) wanted to ask about the increase in false alarms. Chief Andrus said that this is likely due to a surge of development activity in the City with many new fire alarm systems coming on line. New systems often have problems initially with false alarms and the City does not charge for the first three false alarms. Chief Andrus noted that false alarms have returned to previous levels in the first part of 2019.

Councilor Herschlag asked about the impact on emergency services of large residential developments for seniors, particularly the new one on Triangle Park Drive. Chief Andrus said that he did not know exact numbers, but that these types of developments do create additional demand, particularly for emergency medical services.

Mr. Bourque asked about the impact on the City's Insurance Services Office rating of not having a ladder truck at the Manor Station with the proposed high rise apartment development at the old Rivco site. Chief Andrus said that he did not know what the impact would be on the rating. He said that, since 2014, the City has had a Class 2 rating, placing it in the top 1.2% of cities nationwide. Mr. Bourque also asked about access for ladder trucks and emergency vehicles. Chief Andrus asked Deputy Chief Brown to explain the process for reviewing new construction. Chief Brown explained the development review process and the steps taken to assure compliance with the fire code regarding emergency vehicle access.

Councilor Coen moved to accept the Fire Department report. Councilor Bouchard seconded the motion. The motion passed unanimously.

### **Adjournment**

Councilor Keach made a motion to adjourn. Ms. Brown seconded the motion.

The meeting was adjourned at 5:22 p.m.