

Ordinance Oversight Committee Minutes

28th April 2021

Chairman Dumont opens meeting at 7:00 PM and hands off to Town Manager Fournier for electronic meeting announcement.

Roll call attendance, all three Councilor are in attendance and alone.

Chairman Dumont thanks the group for coming together for a last minute meeting, to discuss Ordinance No. 7.

Chairman Dumont asks for a motion to adopt meeting minutes 18th February 2021, moved by Councilor Weinstein, seconded by Councilor Brabec. Passed, 3-0-0. Chairman Dumont asks for motion to adopt meeting meeting 22nd March 2021, moved by Councilor Brabec, seconded by Councilor Weinstein. Chairman Dumont notes that during this meeting, there was a block of approximate 30 second that was not recorded, but that was noted in the minutes. Passed, 3-0-0.

Chairman Dumont moves onto committee business, reminds committee that the Town Council had comments on Ordinance No. 7, the topic of discussion this evening and notes that Councilors Sanders and Kiper sent separate emails with specific concerns and comments for Ordinance No. 7 was it was presented at the Town Council's previous meeting.

Chairman Dumont passes to Town Manager Fournier about how to proceed with the Ordinance. Town Manager says it is the wish of the committee. Chairman Dumont asks the group if they had a specific idea in mind for how they wanted to proceed. Town Manager Fournier asks if the correspondence listed specific paragraphs of concern. Minor discussion between Chairman and Town Manager, agreement to go through the Ordinance section by section.

Chairman Dumont starts with point one under section 130, Solicit funds for charitable purposes. Audio seems to be problematic between Town Manager and Chairman, Town Manager begins with section two, Erect Banners. Discussion continues on section two. Town Manager says he and Councilor Sanders agreed during a previous conversation that it seems the intent was to read, "*above public ways.*" Town Manager suggests adding that language in. Councilor Weinstein asks about banners on light poles. Town Manager clarifies that those banners are municipal and private organizations wouldn't expect to be using that.

Chairman Dumont says to the Town Manager that, per previous meetings that the aim seemed to be a licensing board for outdoor live events, and that feedback received from the Town Council directed toward an ordinance specifically for live events only, verses re-sending a similar document if it includes other items like soliciting funds, tag days, etc. Town Manager says that legal language seems specific and that tailoring this ordinance to be only for live events may force the matter through the Planning Board process. Town Manager using Dover as an example, closing the street, hosting a raffle, etc., every one of those events must go through the Dover City Council. The licensing board, being more nimble, may allow for a better response time. Councilor Weinstein weights in by saying she agrees that the licensing process is important, and

many of the items make sense, but the live or outdoor items make sense. Groups may not always seek a permit, but the language is important to have to create a process for groups and the government to use.

Discussion wains from previous point, Erect Banners Councilor Brabec chimes in to say that the committee should determine how we should address the document, whether line by line, or other. Town Manager states that the committee is moving onto point 3, Tag Days, with respect to adding aforementioned language on point 2 and bringing that discussion to a close. Councilor Brabec says yes, but asks if the committee skipped charitable purposes.

Town Manager Fournier explains why point 1, charitable purposes should be in the Ordinance. Chairman Dumont notes that Councilor Brabec's question was address by previous Town Council comments and Councilor correspondence. Chairman Dumont asks if we can add clarifying language but Town Manager Fournier mentioned what Chief True mention at the meeting, and that the more specific the committee gets with the ordinance, the more loopholes the committee opens.

Councilor Brabec asks what the consequences are for not obtaining a permit. Discussion seems to be centered around negatively affecting private citizens or groups who are not acting malicious. Town Manager Fournier clarifies that the organization would be called and told they need to come down for a permit. Lieutenant Jordan notes that there is a civil forfeiture statute in place, allowing police to officially ask the organization to stop going door to door, for example.

Town Manager Fournier says he doesn't know how to explain it other than by saying that other communities do not have issues with solicitation with ordinances in force. Using the example of a citizen or organization attempting to raise money for a community member with cancer, those individuals are not necessarily always going to seek out a permit, but the municipality is not trying to punish people. The Town is not seeking to punish legitimate causes. Councilor Brabec clarifies that she's not seeking to add more to the ordinance but thinks that we must go line by line today in order to avoid these issues or questions from being asked in the future.

Chairman Dumont hands off to Councilor Weinstein. Councilor Weinstein asks when the committee discusses soliciting for charitable purposes, what does the committee mean specifically? Councilor Weinstein says she's tripped by the difference between mailers, GoFund Me's and other items verses what this ordinance is attempting to target. Chairman Dumont talks about a community member who recently lost her life by the community raised a lot of money for her family, but mostly through online forums. That switch to digital solicitation allows for groups to better target their audience. Councilor Weinstein agrees and thinks that this is where the sticking point is for her, what specific acts is the Town attempting to regulate. Councilor Brabec says it seems like this is less about getting a permit but more about creating a process to inform the police about what is going on, protecting consumers, and allowing people to verify which solicitations are valid. Lieutenant Jordan chimes in the say that this is the idea, if specific groups are out there, the Town and Police should be able to point to which groups are legitimate and inform residents.

Chairman Dumont asks Town Manager Fournier if there's any language that the committee could craft to address physical acts of solicitation. Town Manager Fournier reiterates that if we craft

specific language, it creates too many loopholes that the ordinance may miss. Town Manager Fournier suggests door to door language. Councilor Brabec asks what counts as door to door. Town Manager Fournier states this is where the problem occurs, once you draw a box, you create more issues.

Town Manager Fournier informs Chairman Dumont his connection is weakening

Chairman Dumont moves the discuss forward by suggesting that we continue with the less contentious issues.

Chairman Dumont circles back to point 2, no issues. Language “*above public ways*” is agreed to by the group.

Chairman Dumont asks about point 3, tag days. No concerns or changes proposed by the committee.

Chairman Dumont asks about point 4, parades and et. al. Town Manager Fournier says for everything but public demonstrations, this already happens. Councilor Weinstein says that she still has some concerns about regulating public demonstrations, but understands the importance of ensuring public notice and safety concerns. Town Manager Fournier says that if anyone in his position or future police chiefs are unable to understand what an impromptu vigil, protest, or demonstration is, then that person is in the wrong profession. Town Manager Fournier suggests that this is a way of ensuring things are orderly. Chairman Dumont offers the Boston, MA Straight Pride Rally as an example of the “good/bad” or “opposing side” demonstrations wherein giving the municipality notice allowed for City leaders and public safety officers to ensure that general safety measures where in place, whether or not the municipality supported the ideals offered by the organizers. Chairman Dumont says he can think of no language to offer for any changes on this point. No changes proposed.

Chairman Dumont asks about point 5, conduct a carnival, tent show, etc. Town Manager Fournier said this was already amended by the Town Council. No new changes proposed.

Chairman Dumont asks about point 6, movie theaters. Town Manager Fournier says that this is there to allow the Town to verify that safety features are in place. Chairman Dumont if movie theaters are radically different than something like the Stone Church, ballrooms, etc. Town Manager Fournier says many municipalities operate under a “how many complaints have we received” about the business to check in and ensure safety items are being properly implemented. No changes proposed.

Chairman Dumont asks about point 7, temporary closing of any Town street, etc. Chairman Dumont says this point had concerns. Town Manager Fournier said he saw and understands the concerns raised here regarding the possible requirement of a \$1,000,000 certificate of insurance. Chairman Dumont raises Councilor Kiper’s concerns about police or fire details and related. Town Manager Fournier suggests that we include an appeal process to the Town Council. Councilor Brabec says she agrees with including this. Lieutenant Jordan gives some examples as to instances when police details have been required and how that process looks. He says that the annual block party on Edwin lane informs and meets with the police department before they host

their party. He says that the police don't require a detail but do have some measure placed such as cones or barricades for when the street is shutdown. Lieutenant Jordan also has a disagreement with requiring a \$1,000,000 insurance binder. Town Manager Fournier says the committee can write the language to say may require an insurance binder. No disagreement and approved.

Chairman Dumont asks about point 8, any public canoe or ball to which admission may be had, etc. Town Manager Fournier says that the only reason this language would be included is if there was a dance where a police detail would be required. Town Manager Fournier says he has no issue if the language was removed. Chairman Dumont agrees, if the Town is already licensing a business for dances, why had a separate similar point. Councilor Weinstein says she can understand why it would be used, if there was such a large event where we needed a police detail. After some back and forth committee agrees to strike point 8.

Chairman Dumont circles back to point 1, solicit funds for charitable purposes. Town Manager Fournier again points out that it works in other municipalities, such as Dover where they have a City Council meeting with some thirty or so events on a consent calendar, but that is at the discretion of the City Council meetings being scheduled timely. Town Manager Fournier says the committee should either keep the language or strike it altogether. Councilor Brabec says that this point stands out as it deals with other peoples' financial security instead of physical public safety concerns. Chairman Dumont says to Councilor Brabec that she explained his feelings on this point well as he was having trouble articulating. Councilor Weinstein agrees she doesn't have an issue keeping this language in, but wants to be mindful that the ordinance does not place a burden on small town organizations. Chairman Dumont summarizes that the committee is okay keeping point 1 in the ordinance, but include an appeal directly to the Town Council. Chairman Dumont asks Town Manager Fournier where the appeal language would be inserted. Town Manager Fournier says section 18-29.

Chairman Dumont asks about section 131, fees. Town Manager Fournier suggests that this may be gone as the Ordinance was amended to only specifically target outdoor live events. Town Manager Fournier suggests we can amend this language to reflect changes made above. Councilor Brabec says she doesn't follow where the changes will be made. Town Manager Fournier says he will figure out the specific language, but more specifically could include "*for profit entity*" language. Councilor Weinstein says this change may resolve Councilor Kiper's concerns regarding events like weddings and related. Town Manager Fournier points out this wasn't specifically targeted at events like backyard weddings, but the larger scale entertainment and events. Town Manager Fournier uses an example from a previous municipality he served in. Councilor Weinstein asks about whether the power to waive the licensing fee would be included. Town Manager Fournier says the language is in there. No disagreement with Town Manager Fournier finalizing the language.

Chairman Dumont asks about section 132, expiration. Town Manager Fournier reiterates that this section is state law. No changes proposed..

Chairman Dumont asks about section 133, application and permits. No changes proposed.

Chairman Dumont asks about section 134, penalty.

Chairman Dumont suggests that section 135 and Takes Effect are not necessary to discussion.

Chairman Dumont says that he believes that the Ordinance as discussed during this meeting was a better document to re-submit to the Town Council. He hopes that, if it passes, the Town will better be able to address concerns in Town.

Chairman Dumont asks Town Manager Fournier about moving forward from this meeting. Pending changes from the Town Manager, the committee will submit the changes to the Town Council with a recommendation for passing.

Meeting Adjourns at 8:01 PM