

Public Hearing
7:00 p.m., Monday, January 9, 2008
Durham Public Library

Re: Proposed Ordinances

Minutes

Laura Francis called the meeting to order at 7:05 and thanked everyone for attending. She read the hearing notice and stated that the proposed ordinances were reviewed by town counsel; this meeting serving as an opportunity for comment. She introduced Bill Witecki, Deputy Fire Marshall; Harry Hall, Fire Chief; and Scott Wright, Chief of Service Durham Volunteer Ambulance Corps.

The first ordinance to be discussed was an ***ordinance requiring structures to have a key lock box installed on the exterior of the structure for fire safety purpose.***

Bill Witecki gave an overview of what a Knox box is and how this ordinance would work. A Knox box is a tamper proof, secured box mounted outside the facility that houses the master key. Additional master keys are housed in a secured box on both Fire Department and EMS apparatus that are released through a secured radio tone or manual security code from Valley Shore Emergency dispatch center. Valley Shore will only release this information for a legitimate incident, over radio and electronic line code which is taped and can be traced.

He stated that in an emergency situation the Knox box serves emergency management personnel with rapid non destructive access to the building while the owner is en-route versus waiting for the owner wasting valuable time and/or doing damage to the building to gain access.

The cost of a typical Knox box is \$199.00 - \$239.00; a one time expense to the business owner along with the responsibility of installation.

Bill then opened the meeting up for discussion:

Laura Francis: Can the box be tampered with? B. Witecki answered that the Knox box is tamper proof but a tamper switch that ties into the facilities alarm system could be purchased. He noted that the ordinance would only require those businesses to purchase a Knox box that have an alarm system which notifies both Valley Shore for release of the key and the property owner that there is an emergency situation. He further stated that the use of the Knox box key does not disable the alarm system.

Resident: Would the "key codes" or "tone releases" from Valley Shore be changed when Durham emergency department officers change? Harry Hall stated that the ordinance is new and this question would be addressed.

L. Francis stated that she received correspondence from a local business owner who expressed concern over the ordinance after he contacted his insurance carrier who brought up issues with it.

Resident: If the ordinance passes would business owners be forced to put this in place? What if their insurance company does not consent? Have similar towns been contacted to see if they have such an ordinance? What would happen if emergency personnel responded to an emergency and misplaced or lost the key? L. Francis commented that over 9,000 communities across the country have a Knox box program and are very successful but she hadn't personally called any. H. Hall stated that there are a lot of "what if's" but this is why it was brought to a public hearing.

Frank DeFelice: Supports the proposed ordinance but suggested the language be modified from Durham Fire Department to Durham Emergency Services. He also questioned what insurance companies may say and what impact this would have on business owners. He also suggested that it

may be appropriate to make a recommendation to Planning & Zoning to make this a requirement upon the application process alleviating the ordinance.

Resident: Why does the Ambulance Corps require a key when the building is closed and no employees are in the building? Scott Wright responded by stating that the ordinance covers nursing care facilities, government buildings and schools all examples of businesses that would benefit from quicker access to medical treatment.

Resident: Why couldn't this be on a volunteer basis? As a business owner, this is my property and I am willing to take the risk of damage to my building. Why are businesses being singled out, why not homes also? H. Hall responded by stating that the original intent was for new construction but it was decided to take it one step further to add all businesses and give them two years to comply.

John Szewczyk said that he did not like forcing any business owner to absorb the cost of a Knox box and was unaware of the implications that this ordinance may have on some businesses such as the pharmacy. He was uncomfortable with making it mandatory.

L. Francis closed this part of the meeting stating that this would be on the Board of Selectmen's agenda Monday night for discussion where it would be determined if the ordinance would go to special town meeting. A resident asked if a business owner did not reside in town, could they vote. L. Francis responded that they could if they were on Durham's grand list with property of more than \$1,000.

Frank DeFelice commented that the Public Safety Committee would be putting together a presentation for business owners along with the Resident State Trooper who would talk about security in their buildings. The committee will also be offering to do an onsite safety audit.

The next ordinance up for discussion was ***deposit of snow, ice, leaves or other debris on public roadways or sidewalks ordinance***.

L. Francis started the discussion by saying that this ordinance was recommended by the Public Safety Committee. She then introduced Frank DeFelice, Chairman of the Public Safety Committee.

Frank DeFelice read the ordinance.

Resident: Stated that he felt the town had other pressing issues; snow on Main Street sidewalks and non compliant crosswalks. He asked if there are other laws on the books that would cover this, stating that he does not support it.

L. Francis commented that an ordinance is on books for the "removal of" such items and said that she personally has seen this happen and the public works department has been called out to remove leaves and snow that became a safety issue.

John Szewczyk stated that the key word with this ordinance would be discretion, that this ordinance would be a tool for the resident state trooper against a gross violation.

L. Francis stated that this would also be on Monday nights Board of Selectmen's meeting for discussion and invited everyone to attend.

Meeting adjourned: 8:15

Respectfully submitted: Beth Moncata