

Child Care Advisory Commission

Louise B. Mermer (New Appointment)

Term to Expire: October 13, 2004

Beth Todgham (New Appointment)

Term to Expire: October 13, 2004

Clara Levesque (New Appointment)

Term to Expire: October 13, 2005

I also received a memo from Sue Lovering stating that after the agenda was prepared stating that Clara Levesque and Louise Mermer are also unable to attend this meeting and that Mr. Gendreau's appointment, which does not appear on your agenda this evening – the Mayor has withdrawn his appointment to the Board of Assessors.

Also attached – if you did get it in your mailbox are two resumes of the candidates that we are interviewing tonight.

Beth Todgham, 14 Alice Drive, Nashua

Childcare is an important part of the job I do. I am editor of Parenting New Hampshire. Childcare issues are always almost number one in what we try to cover while making information available. It just seemed like a good match for me to be part of the Child Care Commission so I can bring whatever expertise I have to the committee and also take it back and share it with our readers.

Chair Tollner

Are there any questions from the committee members?

Alderman Nickerson

What do you see as one of the areas of child care that you can add to or one of the biggest issues in the greater Nashua area for child care, and how can you help solve that as a member of the commission?

Beth Todgham

I don't know if I can solve the problems, but certainly the need for quality childcare to meet whatever need a parent has in the area of childcare be it home based child care or center based child care – even to support the moms and dads who choose to stay at home with their children just to make sure that within that environment they have the best tools possible to raise healthy and happy children.

Chair Tollner

Are there any other questions from the committee members? On behalf of the committee I would like to thank you for your willingness to serve and for giving up your time. Thanks very much for

coming.

Zoning Board of Adjustment

J. Conrad Coffey (New Appointment)
(*Replacing Malkasian's Full Membership*)

Term to Expire: September 11, 2005

Chair Tollner

Mr. Coffey could you state for the committee why you have interest in serving on the Zoning Board of Adjustment? For the committee's information Mr. Coffey is here as a new appointment for a full membership.

J. Coffey, 5 Horizon Circle, Nashua

I am interested in serving. I have lived in Nashua all of my life and am familiar with the community. I would like to make a contribution to the city.

Chair Tollner

Have you had an opportunity to attend a ZBA meeting?

J. Coffey

Yes I have.

Chair Tollner

You have probably also had the opportunity to watch a few of them on television as well right?

J. Coffey

Yes.

Chair Tollner

Have you had the opportunity to have a conversation with some of the ZBA members?

J. Coffey

Yes I have.

Chair Tollner

Have you had an opportunity to speak with city staff?

J. Coffey

No.

Chair Tollner

What we have recommended especially for the Zoning Board members and the Planning Board members – this came up about 6-10 months ago – for the new members after they are appointed to sit down with city staff and get a better understanding of the inner workings of the rules and regulations of the city. I know Director Hersh would be more than happy to provide you with that information and time to sit down with her staff.

Alderman Johnson

Good evening. Thank you for coming tonight. What do you feel that you could bring to the Zoning Board?

J. Coffey

A fairness. Each case that does come before the board has a uniqueness and I would take a look at it to see if it meets the criteria and judge it on its merits and either support or opposition of the abutters.

Alderman Johnson

What made you become interested in wanting to be on the Zoning Board? What sparked that interest for you?

J. Coffey

As I said I have lived here in Nashua all of my life. I have a business here. I just think it is important that everybody contributes to the community. It was an area that I've seen on television, attended meetings, and it just sparked my interest.

Alderman Johnson

Thank you.

Alderman McCarthy

Did you ask to serve or were you asked by the administration?

J. Coffey

I was asked by a current member on the Board.

Alderman McCarthy

What is your understanding of what the role of the Zoning Board of Adjustment is?

J. Coffey

To take a look at the requests that come before the committee, and to see if the property still fits the uniqueness of the area – if what a person is asking for whether it be a setback or any exemption – how it fits in with the character of the area and has merit.

Alderman McCarthy

Thank you.

Chair Tollner

Are there any other questions? Thank you very much for your willingness to serve and donate your time, which for your particular board you will donate considerable time – not just the time that people see on T.V. and the nights that you meet at City Hall. I appreciate that and the committee appreciates that. Thank you very much.

Clara Levesque (New Appointment)

Term to Expire: October 13, 2005

Chair Tollner

Clara I apologize for bypassing you. We had a memo here today that said that they didn't think you were going to be able to make it. Please take a seat. I want to thank Alderman Nickerson for his identification of you out there in the audience. If you could take a second to state your name and address for the record, and why you have interest in serving on the Child Care Advisory Commission.

Clara Levesque, 38 Jessica Drive, Nashua

The reason why I am interested in the Child Care Advisory Commission is I have worked in childcare in the past, and I have also worked in the school system in the past. I have noticed in working with child care wanting to make sure that the children that are involved in child care are able to have a pleasant child rearing time of being able to be away from Mom and Dad in a pleasant atmosphere.

Chair Tollner

Have you had an opportunity to attend any of the meetings?

Clara Levesque

Yes.

Chair Tollner

You fully understand what you are signing up for?

Clara Levesque

I'm still learning. I sat in on one of the meetings and it was a little overwhelming, but I am sure I can grasp it.

Chair Tollner

Are there any other questions from the committee members?

Alderman Britton

Clara what do you think are some of the challenges that you have to deal with in providing childcare in this city – some of the biggest challenges?

Clara Levesque

Making sure that the ratio of adult childcare workers to the children is adequate. Also that the facilities where the child care is being done whether it is in a home or in a public facility is up to code. Making sure that it is a safe environment for the children. I am sure that there aren't a lot of little childcare security guard type of things on going out and checking on led and all of that, but making sure that the personnel that work at these places have some training, an interest in children, and that they are not just there to take up space, but to be involved with the children.

Alderman Britton

Thank you.

Chair Tollner

Are there any other questions from the committee members or members of the Board? Thank you very much for your willingness to serve.

Nashua Housing Authority

Paul Deschenes (New Appointment)

Term to Expire: October 14, 2003

Chair Tollner

Paul I apologize for keeping you waiting. Everybody should have in a communication Mr. Deschenes' resume. Paul could you state your name and address for the record, and convey to the

committee your interest in serving.

Paul Deschenes, 57 Tyler Street, Nashua

My interest in the Housing Authority – I think I would bring a different voice to the Authority being that I am also handicapped, which gives another angle for them to work with.

Chair Tollner

Have you had an opportunity to attend a Housing Authority meeting in the past?

Paul Deschenes

I am on the Resident Advisory Board.

Alderman Johnson

Good evening. Thank you for coming tonight. How did you find out about this position being open?

Paul Deschenes

The previous resident commissioner had resigned, and after talking with her she thought I would be a good candidate. I applied.

Alderman Johnson

Is there any vision you see for where you would like to see the board in 1-2 years from now – anything different from what they are doing now that you would like to see it head?

Paul Deschenes

I think as we grow older we are going to need more services for the elderly and also for the handicapped as well. I think getting better myself as I get older hopefully to bring ideas and such forward for that.

Alderman Johnson

May I continue please?

Chair Tollner

Yes you may.

Alderman Johnson

I know that there have been problems I guess at Sullivan Terrace regarding the elevators.

Paul Deschenes

Yes.

Alderman Johnson

How do you foresee being on the commission trying to help to get those situations resolved with HUD and Nashua Housing?

Paul Deschenes

Being there I think I would have first hand knowledge as to what is – I don't want to say that I would have first hand knowledge of what is wrong with them, but also give them a feeling that -- I think just being there and seeing things happening or not happening – I think that would give an added voice for the community to get people motivated to fix the problem.

Alderman Johnson

May I continue?

Chair Tollner

Yes you may.

Alderman Johnson

Do you find where there is a problem right now that when you voice your concern that things don't happen in a timely fashion, and that you feel that you can kind of get the process to move maybe a little bit better?

Paul Deschenes

I think sometimes people are in a hurry to get things done, and when they don't see things being done in a timely manner then they start to complain. I think if they were given the right information and in a timeline that is adequate then I think they wouldn't complain as much.

Alderman Johnson

Thank you very much for coming tonight.

Paul Deschenes

Thank you.

Alderman Britton

Mr. Deschenes you would have a unique perspective as well as the lady prior to you as a resident member of the Housing Authority. They are an award winning authority several times over the last 5-6 years. It is almost yearly it seems they come up with some award for their service. Do you have any ideas in terms of improvements that you may like to see universally across all the housing authority properties – some thoughts in that area?

Paul Deschenes

I'm not sure that I'm going to expand a lot on what they have already been doing, but certainly put forth some ideas to better them a little bit more.

Alderman Britton

Do you intend to have representatives – people you can call for from each complex to get some of the other residents ...

Paul Deschenes

I certainly would like to yes.

Alderman Britton

On the Brownstein property, do you have any ideas there on how to improve that? I know it is being looked at, at this time by the authority.

Paul Deschenes

I am not sure about Brownstein. I don't have enough information about that.

Alderman Britton

Thank you.

Chair Tollner

Are there any other questions from the committee? Paul thank you for coming. I appreciate your time and willingness to serve.

Paul Deschenes

Thank you.

COMMUNICATIONS - None

APPLICATION TO LICENSE HAWKER'S, PEDDLER'S, ITINERANT VENDOR'S - None

-
APPOINTMENTS BY THE MAYOR

Airport Authority

Allan Fuller (New Appointment)
93 Taylor Street
Nashua, NH 03060

Term to Expire: August 31, 2007

MOTION BY ALDERMAN NICKERSON TO HOLD IN COMMITTEE THE
APPOINTMENT OF ALLAN FULLER

ON THE QUESTION

Chair Tollner

He will attend our next Personnel/Administrative Affairs Committee meeting. He did contact the office as well as trying to contact me this week.

MOTION CARRIED

Child Care Advisory Commission

-
Louise B. Mermer (New Appointment)
277 East Dunstable Road
Nashua, NH 03062

Term to Expire: October 13, 2004

MOTION BY ALDERMAN NICKERSON TO HOLD IN COMMITTEE THE
APPOINTMENT OF LOUISE B. MERMER
MOTION CARRIED

Beth Todgham (New Appointment)
14 Alice Drive
Nashua, NH 03063

Term to Expire: October 13, 2004

Clara Levesque (New Appointment)
5 Coliseum Avenue
Nashua, NH 03063

Term to Expire: October 13, 2005

MOTION BY ALDERMAN NICKERSON TO RECOMMEND THE CONFIRMATION OF
BETH TODGHAM TO THE CHILD CARE ADVISORY COMMISSION FOR A TERM TO
EXPIRE OCTOBER 13, 2004 AND CLARA LEVESQUE FOR A TERM TO EXPIRE
OCTOBER 13, 2005
MOTION CARRIED

Hunt Building Board of Trustees

-
Elaine Griffiths (Re-Appointment)
14 Michael Avenue
Nashua, NH 03062

Term to Expire: December 31, 2006

Larry Szetela (Re-Appointment)
74 Northeastern Boulevard
Nashua, NH 03062

Term to Expire: December 31, 2006

MOTION BY ALDERMAN NICKERSON TO RECOMMEND THE CONFIRMATION OF ELAINE GRIFFITHS AND LARRY SZETELA TO THE HUNT BUILDING BOARD OF TRUSTEES FOR TERMS TO EXPIRE DECEMBER 31, 2006

ON THE QUESTION

Chair Tollner

For the committee's information – as you can see these are re-appointments. I didn't get any communication requesting that we re-interview these candidates, which is why they haven't appeared.

MOTION CARRIED

Nashua Housing Authority

-
Paul Deschenes (New Appointment)
57 Tyler Street
Nashua, NH 03060

Term to Expire: October 14, 2003

MOTION BY ALDERMAN NICKERSON TO RECOMMEND THE CONFIRMATION OF PAUL DESCHENES TO THE NASHUA HOUSING AUTHORITY FOR A TERM TO EXPIRE OCTOBER 14, 2003

MOTION CARRIED

Zoning Board of Adjustment

-
Mark Malkasian, Alternate
(Moving from full Member to Alternate Member)
48 Taylor Street
Nashua, NH

Term to Expire: September 11, 2005

J. Conrad Coffey (New Appointment)
(Replacing Malkasian's Full Membership)
5 Bailey Street
Nashua, NH 03063

Term to Expire: September 11, 2005

MOTION BY ALDERMAN NICKERSON TO RECOMMEND THE CONFIRMATION THE FOLLOWING INDIVIDUALS TO THE ZONING BOARD OF ADJUSTMENT FOR TERMS TO EXPIRE SEPTEMBER 11, 2005: ALTERNATE MARK MALKASIAN AND J. CONRAD COFFEY

ON THE QUESTION

Chair Tollner

As a new appointment for both of those terms to expire September 11, 2005 – with Mr. Malkasian moving from a full member to an alternate member.

MOTION CARRIED

Chair Tollner

Just before we move into the legislation, for those interviewees that are still here your candidacy will go to the full Board of Aldermen. It should go at the next Board of Aldermen meeting, but you will get a call from the Aldermanic Office letting you know. After the full Board approves you – that night if you wanted to attend the full Board of Aldermen meeting you can and will be sworn in during the Board of Aldermen meeting. If you can't make it that is not a problem – after you are approved by the full Board of Aldermen then you can go down to the City Clerk's office, and somebody in the City Clerk's office will swear you in. Thanks very much for coming.

UNFINISHED BUSINESS – RESOLUTIONS – None

UNFINISHED BUSINESS – ORDINANCES – None

-
NEW BUSINESS – RESOLUTIONS – None

NEW BUSINESS – ORDINANCES

-
O-02-94

Endorser: Alderman Brian S. McCarthy

Alderman-at-Large Paula I. Johnson

Alderman-at-Large Fred Britton

Alderman-at-Large James R. Tollner

Establishing usage regulations for Stellos Stadium

DISCUSSION

-
Chair Tollner

-
This is in committee right now, and has also been referred to the Board of Public Works. Before we start discussing this if I could just ask Alderman Deane has the Board of Public Works discussed this yet?

Alderman Deane

No they haven't. Some time ago I sat on this little ADHOC committee that was set up by the Mayor I believe that included Marc Conrad, John Andrick, George Crombie, myself, and there was one other member – it was a long time ago, I can't remember. We sat down and looked at the setting up usage regulations for Stellos' Stadium. We had one meeting and basically it didn't involve the discharge of cannons and noises and things of that nature. It basically involved the priority of usage of the facility through the high school and the way it was going to be prioritized for usage. I still have a copy of what was proposed. That has basically been dead in the water for quite a while.

Alderman Rootovich

The document I believe that Alderman Deane is referring to is called a Memorandum of Understanding between the three boards, which are the Board of Public Works, the Board of Education, and the Board of Aldermen. There have been ongoing meetings. I am the one from the Board of Aldermen as a representative that attends those meetings. Mr. Dowd was the selection that was made with the Board of Education. There is a final document that has been drafted. It was voted upon I believe by the Board of Education at their last meeting. Don't quote me on that, but I believe it was on their agenda. It is going to the Board of Public Works at their next meeting, and it will come before the Finance Committee for this Board of Aldermen meeting during the 15th if those two boards were to concur. There would be a letter coming from those two boards.

Alderman Johnson

I'm really surprised because that meeting that was held neither myself nor Alderman McCarthy on that latest memorandum were invited to that meeting. Alderman McCarthy is the Ward Alderman. I happen to be one of the neighbors in the neighborhood. Maybe these phone calls on the noise and the usage should start going out to the rest of the Aldermen and to the Mayor as to what is going on with the noise there. Also Monday night Mr. Motta had a meeting of the neighborhood because he wants to bring in the Phantoms into the stadium now. The people of the neighborhood were a little bit outraged because when this stadium was built it was built for the youth of Nashua. That is what the intent was. Now it seems like the playing field and rules are changing. I don't want people to think it is just that neighborhood that hears the noise. The noise hooks around to Cheyenne because of the river. We've got an open field there and behind that is the river. The noise carries. It is not just this neighborhood that hears it. I even spoke with Mr. Andrick last night, and he said he can even hear it up at Parish Hills at times. I don't think it is fair that we have meetings and you don't invite everybody that should be around the roundtable. I think it is unfair that the meeting was held and they never even invited the neighbors who tried from the beginning to be good neighbors and tried to work with the committees at the beginning – so that everyone can live in harmony here. I am sad that Mr. Motta didn't invite everybody because one of my constituents said at the end of the meeting "we were saps once, we're not going to be saps again with this." They are still outraged over what is going on there. I am in complete support of Alderman McCarthy's ordinance, and I hope the rest of the Board members will be in complete support because things are being done that is not fair to everybody else in the city. Thank you.

Alderman McCarthy

I have to agree. I don't know the makeup of the committees that have looked at that, but I guess I would point out that if they are in fact committees appointed by the Mayor I believe they may well be subject to the Right to Know Law and require public noticing of the meetings. I am also a little surprised that I was not asked to participate in that process given that it is in my Ward. We certainly would never put together a task force to decide what to do with the wastewater treatment plant and not include representation from the Ward in which it lies. We wouldn't try to deal with the parking problems at the High School without involving the people whose ward it is in. I guess I am a little concerned with that. I have not read the latest draft of the Memorandum of Understanding, but I have seen it at times in the past, and I guess I am concerned that the last I saw of it contained provisions that were not in keeping with the stipulations from the site plan that were approved by the Planning Board. It anticipates the possibility of activities at the stadium that are not allowed there at the moment. I guess the purpose of the legislation that is in front of you is simply to address some aspects of the noise problems.

I know Alderman Tollner you were there the night the cannon language got drafted at the Spaulding game last year, and we have had numerous complaints about some of those things. Even if this ordinance passes it will not much to my dismay have any affect on the activities that take place during football games. It is my intention to refer it to the Board of Education for the adoption of a policy that would include these rules in the use of the stadium for school events. We can only regulate it when it is used by Parks & Recreation for other events. I guess while it is an asset to the city and while we need to determine what should be done with it and reach those kinds of understandings I honestly believe that has to be done by a much larger group of individuals because the group that sits around here went through a very long and painstaking debate before deciding A to fund that stadium and B where to acquire a site for it, and had we had different understandings about what the intended usage was we would have done things differently I suspect in terms of funding and sighting.

Alderman Rootovich

Thank you Mr. Chairman. I would like to address a few things. First of all I apologize. Just so that you understand this was not a committee, it was not appointed by the Mayor, it was requested by Mr. Conrad of the School Department to make sure there was an understanding with respect to who had authority over the stadium with respect to the scheduling times between the athletic directors and Mr. Crombie and maintenance issues. That is the understanding, that is the agreement. It has nothing to do with cannons, noise, there was an agreement between those two divisions. I merely attended because I was asked to attend because my name is on there as signing off on the Board of Aldermen. One of my first comments was I don't know what I am doing here because it has nothing to do with the Board of Aldermen, it is merely an agreement between the school department who has control over that facility – they own charge of it since it is a school facility and they wanted to make sure that they had an agreement with Public Works that they would have first choice of the use of that stadium for athletic events from both high schools, junior high schools, etc., and some language with respect to the language of it, and for future capital improvements. That is the agreement. Just so you understand it is not anything more than that.

Chair Tollner

I would agree with Alderman Johnson and Alderman McCarthy's frustration that – the stadium first of all is a beautiful stadium and it has taken us more than the three years to build it because we dealt with it a good year and a half or two years before we decided to build it, and I do remember sitting in this Chamber and I think Alderman McCarthy and I were the only two voting to put it against the highway. After we lost that vote then we decided to purchase the land that the stadium resides on right now. I do think and maybe the Mayor's office will send a memo that any committee, commission, group, anything that meets on the stadium that has dramatic impact as far as scheduling who uses the stadium, anything to do with the stadium would have the courtesy of copying the Ward Alderman and the Alderman-at-Large that lives in that neighborhood. I would also go as far as saying even maybe the entire Board of Aldermen – there are two members sitting here tonight that were on the Stadium Committee – Alderman Britton and myself – still on the stadium committee – we were involved in that stadium right from the time the first shovel went in the ground. I do think that we should have a say in the adjustments made in the Memorandum of Understanding.

To this day I am frustrated with how the Planning Board meeting went when we tried to get a temporary CO for the stadium, and I think there are a number of us both pro and con on the stadium where if we had to do some things over again we wouldn't have agreed to some of the stipulations that we did. This is a very sensitive issue with the neighborhood. I think it was very clear even to the residents of Ward 1 at the High School meeting last week – a couple of people got up and said that they clearly hear the noise from the stadium. A good part of me says we live in a city and we need to work with the neighborhood and the neighborhood needs to work with the city, but I do think that the Ward Alderman and the people living in that neighborhood should be communicated to as far as when we are having a meeting and what is on the agenda. I for one in looking at this Memorandum of Understanding do think we need to do something about the cannons. When that cannon went off I just looked down the stands and Alderman McCarthy and I turned and looked at each other and said we will get some calls on that tomorrow.

There is another piece in this particular Memorandum of Understanding that I do think – it is bullet number 4 – for those of you out there that don't have a copy of it, this is under the scheduling and utilization section where there are five bullets. It stipulates that the utilization of the stadium or usage of the stadium will occur in the following priority, and the first priority is ...

Alderman Deane

Excuse me sir, is this the rough draft that they are working on or is this the one from a year and a half ago?

Alderman Johnson

It is the rough draft that they are working on.

Chair Tollner

It was faced to me on September 20th. It was faxed I think to Alderman Johnson.

Alderman Johnson

Alderman Tollner may I interrupt for one second? May we get a copy of this to go around so that everybody on the Board has an idea of what you are reading here? I left mine in my car because I didn't think I was going to need it tonight.

Chair Tollner

Sure thing.

Alderman Rootovich

There is another copy after that so that might be irrelevant.

Chair Tollner

Let me just read the five bullets and we will have somebody make a copy. The School district youth athletic teams have the first priority. High Scholl and teams sponsored by the Nashua Park & Recreation is the second priority. Other non-profit youth teams are the third. The fourth would be other city or non-profit adult teams as allowed by city ordinances. The last would be other for-profit youth teams as allowed by city ordinances. The one bullet in there that may be a tweak to the agreement up at the Planning Board was adult. I don't know how – I know I can't, but how someone could say to a taxpayer in the city if they were a member of say an adult soccer or whatever they might play there – if there is time open you are not allowed to play there when they are a taxpayer in the city, living in the city and wanting to use the stadium. We'll finish the comments. We will not get a lot done tonight, but maybe Alderman Rootovich if you could provide the Board of Aldermen with the most recent copy of this so we could take a look at it. Maybe you could tell us how much it has changed.

Alderman Rootovich

I have no problem doing that. I would probably take it one step further at this point and then probably have once again a joint meeting between the Public Works, the School Board, and the Board of Aldermen. The only reason I would do that is because my understanding was that Mr. Crombie felt comfortable that would be somewhat accepted by the Board of Public Works and Mr. Dowd indicated that was fine with the Board of Education. I would hate to see that document come before the Board of Aldermen at the Finance Committee and the Finance Committee not support it – if any language was changed it clearly would have to go back again to both boards. It was pretty clear to me from that last meeting that if any language was changed – primarily from the Board of Education – that they would not support that. I'm just telling that is fine – again I have no problem – if Alderman McCarthy and Alderman Johnson want to attend the meeting and participate or anybody else I have absolutely no problem with that. I want you to understand that the Memorandum is clearly a document in which two divisions are coming to an understanding with respect to the

scheduling and the maintenance of the facility. That is what it is all about. If any other language wants to be added in there I am sure there will be some lengthy discussion, and much more time added on with finally having an understanding. If that is what the Board wants that is fine with me. I have no problem with that.

Alderman Johnson

I need to respond to this. First of all to say we can come to any meetings is all well and good, but there was a press conference this week, and the Mayor never.

Alderman Rootovich

Point of Order Mr. Chairman, we're getting off the – let's stick to the ordinance that is before us. We are getting now about something that has nothing to do with the ordinance before us.

Alderman Johnson

I'm going to lead up to it Alderman Rootovich. Thank you for interrupting me. I hope to go to meetings.

Alderman Rootovich

I called for Point of Order.

Chair Tollner

What I would like to do is listen to the comments of the people that have asked to comment, and then instead of having a conversation on this particular piece of legislation for the next 45 minutes why don't we hold this in committee until we get the revised version, and then we will discuss it at the next meeting.

Alderman Johnson

The issue is here I would love to go to some meetings, but I am not invited. To also say about taxpayers – adults playing at the stadium. I guess people in this neighborhood pay taxes too. Their rights have been violated over and over again. This was the latest copy that I got with the revisions. If there are new copies it would be nice if the Mayor's office would keep everybody informed of what is going on here. Unfortunately it is not. I can't believe that everybody on the Board of Education has gone along with this. As a matter of fact I sent a copy of this to the Planning Board so they got a heads up on what is going on here. There were stipulations that were made when this stadium was built. A lot of things have not been followed in the stipulations. To blatantly say taxpayers – the adult teams are taxpayers – we are all taxpayers in the city. If this facility is built for the youth of Nashua – I guarantee you what will happen is the rumblings are going to come again because the issue is going to be that kids got thrown out of Holman, this is their stadium, and now the kids are going to be thrown out again. I have heard it from people, and you will hear it again. The stadium was built for the youth. Whether it is down time – down time isn't their time here because it gives the

neighborhood a time to recoup from the noise that goes on. They said Monday night – Alderman McCarthy was present – they enjoyed the time that it wasn't being used because in the summer time that it would be used people are sitting outside and they like the idea that it is quiet now. To not listen to what they feel again then the city isn't working in harmony. Whether it is this neighborhood or any other neighborhood you need to listen to the residents when you build something in the neighborhood and then they have to live with it. Thank you.

Alderman McCarthy

I want to thank Alderman Rootovich for his explanation of the origins of that Memorandum of Understanding, and I would retract my comments about the noticing of the meetings. If indeed it was a meeting that was requested by the School Department to clarify the interpretation of those things then it is in fact I believe not subject to the Right to Know Law. Having said that, it is also not subject in making policy between the two boards. Where that memo intersects with the Board of Aldermen would be the Finance Committee's acceptance of our obligations through the Park & Recreation Department to the School Department for maintenance of the facility. The other authority of this Board over that property is its general authority to establish rules for the use of the park system, which is done by legislation through the full Board of Aldermen and through this committee. Regardless of the outcome of the Memorandum of Understanding it is entirely appropriate for this committee to take up the legislation regarding the changes to the Park & Recreation regulations. I guess I still think what started out to be a fairly easy process got probably sidetracked somewhat into policy debate during the development of that Memorandum and that is where some of the problem comes from. Were I drafting such a Memorandum I wouldn't even touch the topics that we're not allowed by the Planning Board unless I anticipated relaxation of those stipulations to be close at hand, and I don't think that is the case. I believe that we should go forward with the legislation on the noise controls because I think regardless of what we may come up with for a Memorandum of Understanding that is our regulatory authority over the Parks Department and we should exert it in this case to fix that.

With respect to the Chair's comment about telling taxpayers that they can't use the stadium when there is time available, I guess it would come under the same heading where we tell the taxpayers they can't go dancing after 2:00 a.m.

Alderman Deane

I just wanted to ask a question through you to President Rootovich.

Chair Tollner

Go ahead.

Alderman Deane

Maybe President Rootovich can't answer these questions, but when did they disband the original committee?

Alderman Rootovich

I have absolutely no idea. I just want to say your language being a committee, but my understanding is that it was never a committee – it was an agreement between Mr. Crombie and Mr. Conrad from the School Department with respect to scheduling and maintenance. I received a call because Alderman Bolton at the time – this started during the last term when Alderman Bolton was President – Alderman Bolton had some language changes. When I took over as President I was then asked by Mr. Conrad who sent an e-mail saying would you like to attend because your signature is on it. That is when I attended the meeting. I was asked to attend by a member of the board because I was a signatory on the document. My participation was minimal.

Alderman Deane

I was on the Board of Public Works when this came down the pike, and there was good reason for adding the Board of Aldermen. I felt the President of the Board of Aldermen communicates with the rest of his Board members through memos on items like this so that everybody understood what was going on. When I sat through that one meeting – I think we had one maybe two – I think it was just one meeting that we had at the old high school, we discussed a lot of this and we did some changes. Now there has been – the Park & Recreation Advisory Committee has been added to this, which I know we don't have a say on this, but I just can't understand this. If you read the language in this -- I don't know who wrote this document. I would like to know that too. I forget where this came from whether Mr. Crombie wrote it or ...

Alderman Rootovich

It actually came from the School Department.

Alderman Deane

The School Department added in the Park & Recreation Advisory Committee?

Alderman Rootovich

Alderman Deane that was a discussion among Mr. Crombie and Mr. Conrad.

Chair Tollner

Alderman Deane do you have any other questions?

Alderman Deane

I would just like to thank whoever was in charge of this in setting this meeting up and disbanding the original group of people that worked on this – I would like to thank them for letting me know that my services were no longer needed to be involved with this process. Thank you.

Alderman Rootovich

These are my final comments because I don't want to beat a dead horse, but I want the Board to know that in no way was this gong to be circumvented from the Board. The original intent was for me to sign it. I said to those gentlemen in that room that this needs to go before the Finance Committee. The document would have been before you. Nobody is trying to circumvent any member of this Board. I expect it would go to the Finance Committee, which it will – its intention was to go on the 15th after the other two boards have made a decision. The reason why I suggested that was so the other boards could sign up on it before it came here, and then any language or anything that this Board felt it should change that is fine – I have no problem with it – it will go through the normal process. It was not the intent to circumvent this Board either before, during, or after the process.

Alderman Dion

Mr. Chairman my intent is to hold this in committee, but before I make that motion I want to yield to Alderman Britton whom I believe has got questions on the ordinance.

Alderman Britton

Of course this memo is separate and distinct from the ordinance that is before this committee. I just wanted to speak as the Vice Chair of the Stellos' Stadium Committee. We have been meeting – Vin Capasso and myself and Marc Plamondon now for a year and a half since the new Board was sworn in. We are going to be going back before the – I just want to give a quick update because it is related to this – before the Planning Board either this month or next month to try to extend – try to get a permanent Certificate of Occupancy or extend the temporary one. We have put in the emergency access road as requested. We have made changes to the stands for emergency exit as requested. We have completed the footbridge over the wetland area. We are constantly working on the noise issue in that the speakers are being turned in a different direction now, they are facing down, there are new poles, etc. We are continuing more than a year after the opening to try to improve and help the neighbors with less noise. I did bring up the issue of some cigarette butts and trash to the School Department and the Public Works Department. I just want you to know that the committee hasn't forgotten about these issues, and we will continue to work them. Thank you.

Alderman Johnson

I'm going to comment to my colleague who just spoke. I'm glad you sent a memo and let the School Department know because I sent them a big memo about the RSA about smoking on school facilities, which should have been signed last year and about the trash all over the place – under the bleachers, left in the parking lot – on games on Friday nights nobody cleans up until Monday. As a matter of fact I got a memo from Nick saying that they can't put anybody on overtime – it will cost money to clean up over the weekend. I think it is a sad state of affairs – a brand new facility and it will look like an old facility by next year because it is not being taken care of properly over the weekend because it is overtime. We should have made sure those things were done. I guess my concern is that the Planning Board should have been sent a copy even of the draft because this has to go before them again—in October I believe it was because the last Planning Board meeting when they had it I happened to flip on the TV around midnight and Chairman Lasky was kind enough to mention my name about my last memo that they got. I made sure that they got this memo – the new

one with the draft of the understanding because they need to see what is going on here because when they approved this site there were stipulations in place. Now we are starting to work around. Eventually what will happen is nobody will be minding the store, nobody will be seeing what is going on here, and we will just slide this one in and slide that one in. Again, it will be on deaf ears. Then we will want to know why our constituents get so upset with government. It is because nobody is listening to what they are saying. When I was on the Board of Education I thought the understanding was that this was just a school facility, and that was it. Although I did not vote for this facility – I was the one that brought in over 200 people each time because of the location of it. I thought and I am pretty sure a lot of them thought it was just school youths and that was it. Thank you.

Alderman Deane

I just wanted to make a comment through you to our President. I'm not questioning your integrity or your role in this, and I understand that they just need your signature. I was involved with this original document when the Board of Aldermen wasn't even included in this. I thought that was not right. The Board of Aldermen should have been included and they weren't even though the Memorandum we added the Board of Aldermen throughout this so that the Board of Aldermen was involved because of the reasons you have stated. I am a little perplexed at the process that this just went through and it doesn't reflect on your job or the information that you supply us. I don't

believe that is your job to a certain extent. You keep the Board well informed on most everything that goes on, and I appreciate the job that you have done for me while I have sat on this Board for the short period of time. This is just something that – this Memorandum has just run a muck again. It is just another example.

Chair Tollner

I will make a comment and then it will be Alderman McCarthy's turn. I will take Alderman Rootovich up on his offer to have a joint meeting between the Board of Aldermen, the Board of Education, and the Board of Public Works, the elected officials in Nashua, to work towards an agreement here especially on the Memorandum of Understanding. To my esteemed colleague from Ward 5 who used the analogy of people dancing after a certain period of time – I am not aware of any taxpayer in the City of Nashua paying for those facilities where they may or may not decide to dance. I do support the ordinance – O-02-94. I support the second bullet and the third bullet. The first bullet where it states the use of Stellos' Stadium shall be restricted to events of non-professional nature serving directly the youth of the City of Nashua – I have no problem, but I would ask him if he would be willing to make an amendment there to put some particular piece as far as non-professional, non-profit, adult activity. The reason why I say that is because over the summer we just happened to go by – Alderman Deane and I were just driving by a couple of different facilities and looking at them when we went by Stellos' Stadium and there were maybe 8 cars there. We didn't even think anybody was playing. At that time there was an adult league, but there was no speaker system, there was nothing.

Alderman Deane

The place had only been open for a week. Remember when we went in there and the first thing I said was “oh my God”.

Chair Tollner

Okay so maybe not this past summer, but the fall before that. Now that I have tweaked Alderman McCarthy's interest I will give him the microphone.

Alderman McCarthy

First to go back to the other horse and beat it for a while, I think the point I was making is that if we believe that we can regulate private activities because they are annoying to the neighbors or they in gender behavior that we don't find in the best interests of the community we can probably do that with public activities as well. In this particular case, it annoys the neighbors and it may well generate activities we don't want to see, and in fact my experience with our adult programs through the Parks & Recreation programs is they always do that. There is no end of trouble with the neighbors when we put an adult program in any facility in the city, and that is why I am reluctant to even think about that.

To go back to the piece of legislation that is in front of us, I just want to reiterate what the responsibilities are of the various parties involved here with regard to the Memorandum of Understanding because now that I understand where it came from in the first place I can articulate what my problem is with the text of it that was just put in front of me. We built a facility, which belongs to the School Department based on the way we built it. The responsibility of the Stadium Committee was to build it, to obtain a Certificate of Occupancy, which has been a process that has been a lot more painstaking than we would have liked, and to turn it over to the School Department. The operational responsibility for it at that point belongs to the School Department. We have in place a program where the School Department has decided to attempt to work with the Public Works Department to farm out the maintenance of this facility. I applaud them for that. This is a step in the direction I think we have to go to with facilities' maintenance. What do you do? You get together and you put together a contract between the two divisions, which reflects an exchange of consideration – consideration on the city's part is to maintain the stadium – consideration on the School Department's part is to allow the Park & Recreation Department to use that asset when it is not being used by the School Department. Control over that contractual obligation on the part of Public Works belongs rightly with the Finance Committee, which is where this Memorandum of Understanding was heading for.

What gets cloudy is what the Public Works Department does with it after the School Department allows them to use it belongs to the full Board of Aldermen and specifically to this committee in its authority over regulation of the parks. That is where I get problematic with things that – the first words in the memo are governing policy. The policy needs to be made by the two boards operating in conjunction. I read through it, and there are things in there that anticipate activities that are currently not lawful at Stellos' Stadium because of the stipulations from the Planning Board in its approval of the site plan. For that same reason I would not, at this time, entertain changing the language of the ordinance to deal with adult programs because if we were running them we are violating the law. We have just taken a business in this city to task at great length for violating the

provisions of its site plan, and yet we are doing exactly the same thing in a place where we are supposed to behave the same way we expect the citizens to behave. The ordinance should reflect what is allowed in the stadium. We don't need to anticipate adult activities at this point because they are not allowed. ... tape flipped ...

I heard a member of the committee say a few minutes ago that they were going to move to hold it, and I guess I would ask what the purpose of that is. Is that an anticipation of a joint meeting with the Board of Education or is there information that we are lacking?

Chair Tollner

I think Alderman Dion's comments were just to allow Alderman Britton some comments and then he didn't really think we were going to get anywhere with this.

Alderman Dion

Yes, my intention Mr. Chairman was to let Alderman Britton speak on the ordinance. Now to answer the question of the Alderman from Ward 5 – to hold in committee pending a new set of understandings from the School Board and the Board of Public Works pertaining to the usage. I don't see where we can vote on this ordinance without first of all sitting down with these two bodies and agreeing to the language.

Alderman Nickerson

I actually see this ordinance and the Memorandum of Understanding – the joint meeting of the Board of Education, the Board of Public Works, and the full Board of Aldermen as two different issues as many people here have said. This is more just putting in our ordinances and officiating what the Planning Board has tried to do. I don't see a problem of trying to get this out of this committee pending a favorable recommendation from the Board of Public Works as it seems as though that Board has not yet acted upon it.

motion by alderman NICKERSON to recommend FINAL PASSAGE PENDING A FAVORABLE RECOMMENDATION FROM THE BOARD OF PUBLIC WORKS

ON THE QUESTION

Alderman McCarthy

I guess I would comment that regardless of what we think the eventual policy ramifications of the Memorandum of Understanding are I can't see us going back and rethinking basics questions like do we believe that the discharge of cannons and air horns at the stadium is something that we want to debate further in a forum of 24 people.

Chair Tollner

I would agree with you Alderman McCarthy. After listening to your comments regarding the youth of the City of Nashua. If we removed, and didn't add adult, if we removed item number 1 it would not change anything.

Alderman McCarthy

I don't have it in front of me. Can you read the paragraph again?

Chair Tollner

Item #1 says the use of Stellos' Stadium shall be restricted to events of non-professional nature serving directly the youth of the City of Nashua. If we remove that particular piece it doesn't change anything that we agreed with the Planning Board because those stipulations are presently in the agreement that the Planning Board approved.

Alderman McCarthy

I guess to be perfectly honest I am not sure that was even in the draft I had originally submitted. The history of the piece of legislation that is in front of you is that I had submitted it last year and Corporation Counsel's office had to make significant changes to it because of their belief that we cannot regulate the School Department activities. When I had re-submitted it this year I had sent them a modified version of it that I think actually removed that – it removed some of the provisions, and I don't remember whether that was one of them or not, and then they had made the same set of corresponding changes to it. I know that I ...

Chair Tollner

I guess the question that I have for you is since as we sit right now that we know that the stipulation – because I was there at the Planning Board meeting – the stipulations are that only youth, non-professionals, schools, not-for-profits, Park & Recreation teams are allowed to play there, if we were to for the purpose of getting this passed tonight and sent to the full Board by removing that you are not changing anything. I think that item #1 is just confirming. I absolutely support your concerns, Alderman Johnson's concerns, the Stadium Committee's concerns – that is why I am an endorser of this legislation. The primary objective I think that you had was public address system – before certain period of times – cannons, horns, everything that we have talked about – so I can support that. I do think by removing item #1 we are not changing anything that has not already been agreed upon and is more or less law.

Alderman McCarthy

My major goal is to get basically provision 3 and parts of provision 2 into law so if you see fit to delete 1 at this point, I would agree with you that it does not in any way dilute the strength of the ordinance because we don't – we cannot do that at this point anyway under the terms of the Planning Board agreement. On the other side of that, it doesn't do any harm to leave it in there either for the same reason.

Chair Tollner

I understand that, but if we are trying to get it approved, and out of committee tonight, and that would change one vote to get a majority vote, and I don't know how the committee is going to vote on it, but I would support it if we could – I will make an amendment and then the committee will tell me how they feel.

MOTION BY ALDERMAN TOLLNER TO AMEND O-02-94 BY REMOVING ITEM #1

ON THE QUESTIONAlderman Britton

I am a little bit concerned and confused here about the usage part. I don't have a copy of the Planning Board's restrictions with me that was passed for the temporary occupancy. I remember most of them. They have stipulations about the use of Stellos' Stadium, and I believe some of the wording is for the youth – something like the youth of Nashua – whether it is the school youth or not I am not quite sure – they have some control. Now we are thinking about passing an ordinance that talks about the use of Stellos' Stadium when it is under the control of the Park & Recreation Department, but it is under the control of the School Department. That is my understanding. The back of this from attorney's advise is that Stellos' Stadium is primarily under the control of the Nashua Board of Education, which makes the facility available for certain other activities including some controlled by the city Park & Recreation Department. That is probably the activity that Alderman McCarthy is talking about. Evidently we will have restrictions by the Planning Board, restrictions by Ordinance, and I know that we can override decisions of the Planning Board I believe by a 2/3 vote of the ... Board of Aldermen.

Alderman McCarthy

No we cannot. We have no authority to override the Planning Board. The only authority we have is that we currently require our city departments to meet the provisions of the Planning Ordinance, and that requires them to go before the Planning Board. Were this a private site plan there is no way that we can override provisions and stipulations that are placed on it by the Planning Board. In fact, we wouldn't want that authority.

Alderman Britton

Through the Chair to Alderman Rootovich, I guess we will have several conversations about this.

Chair Tollner

Alderman McCarthy I think was trying to respond to your comment.

Alderman McCarthy

I think the provision you are talking about is that when we refer – by statute we are required to refer

changes to the zoning regulations to the Planning Board and changes to the city map for the plotting of streets, etc. When we refer them to the Planning Board and the Planning Board gives us a recommendation, if their recommendation is favorable then we can pass those amendments to the Zoning code with a majority vote. If their recommendation is unfavorable we can pass those amendments with a 2/3 majority vote, but we have no authority over the site plan and subdivision plan approvals that are made by the Planning Board.

Alderman Britton

Thank you. Mr. Chairman we have some direction being provided here by the Planning Department, we have some direction by Ordinance or we apparently want that here by ordinance about the use of Stellos' Stadium, and maybe this memo as Alderman Rootovich said is just for maintenance and ... I guess maybe we can be all right. The proposal now is to take #1 out? That is the amendment before this committee now is to eliminate #1?

Chair Tollner

Right.

Alderman Britton

Number 2 would be come number 1, etc.

Chair Tollner

By taking #1 out right now it does not change a single thing.

Alderman Britton

I understand that thank you. There will be no operating of cannon, air horns, or other noise making devices. What do we mean by other noise making devices? Can you come with the little plastic things to make some noise? What are we going to do? They are going to come to a football game and we are asking them to sit on their hands? I think we need to explain a little further what other noise making devices are. I don't mean to be ...

Chair Tollner

I will let Alderman McCarthy answer that.

Alderman McCarthy

I want to go back first of all to the regulating authorities. The site has overriding regulations from the Planning Board in the stipulation that we can't do anything about. The School Board regulates when the site is in use as a school facility, what the policy is for usage of that facility – we can't change that. We are anticipating that there will be a contract between the city and the School Department that allows us usage of the stadium for non-school events, and that is what we regulate by

ordinance, and that is what these ordinances will be put on.

With regard to noise making devices the answer is I don't know. If I regulate air horns and cannons someone will find some other offensive device to bring in, and we will have no authority to tell them not to. I would much rather have that over regulated and ignore the things that are not problems then have it under regulated and have people drag something in for the purpose of simply annoying the neighbors and not be able to deal with it. Personally I think the biggest problem that we have out there that I would like to see solved is the noise the bleachers make when people stamp on them. It is a very difficult problem to deal with, but when you add on top of that – and I have gone out and stood in the neighborhood and listened to the crowd noise to see what it is like – it is the quality of the sound that is the problem. You can stand out there on Shore Drive and hear the crowd and it comes up and goes down – it is not an unpleasant noise, it is a little loud from time to time, you can hear the bleachers quite plainly. When anybody sets off an air horn you can hear that quite plainly, and that is a disturbing quality of sound. Those are the things that I think are the most important to remove from that.

Chair Tollner

And the cannon.

Alderman McCarthy

And the cannon. I got to hear that from the stadium and not over on Shore Drive, but I can pretty much picture what that was like.

Chair Tollner

Did you have a follow-up Alderman Britton?

Alderman Britton

I have some additional comments I would like to make. I am concerned about that statement other noise making devices, that if such a device can be heard in surrounding homes. That is so broad. I am very concerned about how we will handle that. Are we going to stop someone from coming in with a whistle, smaller devices?

Chair Tollner

I understand your concerns. I think that we can start with this. I don't think if someone brings in a whistle people aren't going to have a problem with it. I don't know how we can get down to the detail that you are looking for. I think this is a good start. After going to a number of games I do think that we owe the neighborhood to make some of these changes here. At least it shows them that we are moving in a direction where we are willing to work with them. I really would like to try and move this particular piece of legislation along.

Alderman Johnson

I'm not going to support removing #1 because for the simple reason that if it is already in the stipulations to begin with then it will not make a difference over here. It is just that we have it on another piece of paper stating no non-professional nature will be in that stadium. I don't see a reason why we should have to remove this. If you want to look back on the history of Stellos', Stellos became a school facility for the 40% reimbursement so that we got money back from the state. Let's not all forget why it came under the School Department. The memorandum for the School Department and the Board of Public Works to work conjointly here was so the School Department focused on learning not on cleaning because the focus should be teaching your kids and not cleaning a stadium. I will not support removing #1. I guess I sit here and I listen to some of my colleagues say #1 is such an important number here, but you are not thinking about the neighborhood next to the stadium or across the river that they are important. You are only looking at this non-professional as two important words. Why don't you think about the importance of these people who pay taxes, the taxpayers in this city, and think about them and work with them already rather than working against them? Thank you.

Chair Tollner

I think the primary reason for this legislation is working with the neighbors first of all. Second of all I have no problem leaving non-professional in there. If we weren't working with the neighborhood this legislation wouldn't even have come about. I do think despite what some people think – I was on the Stadium Committee. I don't think there was a committee or close to a committee in this city that asked for neighborhood involvement, comment, let them know when the meetings were as much as Chairman Densberger did.

Alderman Nickerson

Thank you. I think that some of the comments that we have been discussing have kind of gotten off the motion at hand, but to respond to a couple of those details and then to get back on the motion, with the issue that Alderman Britton has about the sounds and the noise making devices, there is a stipulation at the end of that section that says if such device can be heard in the surrounding homes. I think that is really the clarifier and provision in there that specifies whether something will be allowed or not allowed. Certainly that is a judgment call and I think it will have to play itself out and people will have to get use to that. A different issue is the percent of funding – just more of a clarification – the city will get 30% of the school construction – in essence that is what we are supposed to get even though it is around the 27 or 26% mark as opposed to the 40%. On the question that we have before us, I will support it only because I feel as if I don't support it then it won't get out of committee with the amendment or without so I will be supporting the amendment in order to get this moving forward so the residents in that neighborhood will have some type of protection in our ordinances. Thank you.

Alderman McCarthy

With regard to the noise making devices, I think that the language that is in there is actually perfectly sufficient given that it says if they can be heard in the surrounding homes. Bear in mind in that stadium the surrounding homes are hundreds of feet away through the woods. It takes a significant noise to be heard across that distance.

Alderman Britton

I am still on this point of other noise making devices – if the device can be heard in the surrounding homes. Who will be the enforcing person? Who will actually tell someone that their device can be heard in the neighborhood and that because of this ordinance that is illegal and you have to not use it? Who will do that?

Chair Tollner

I can give you an example. The night that the cannon went off, when this legislation goes into effect, there will be a police officer there, and that police officer will tell that individual you cannot shoot that cannon off or if there is a horn or whatever the device is it is the responsibility of the authorities there that night to go up to those individuals or individual and tell them they can't use their device, and if they continue to use the device they will be asked to leave the stadium.

Alderman Britton

I was there at the game when the cannon went off, but I think we are opening a real bucket of worms here – evidently there will have to be at least one policeman there all the time, we will have to be aware of this ordinance and the enforcement parts of it. They could be all over the stadium taking things away from people. Maybe that is what it will take, but I am concerned about this general statement. I understand why it is in there, and we have done and continue to do a lot of work to help the community and the neighbors, but I think this one is unclear and I don't know how it will be enforced. Thank you.

Alderman Dion

I don't see any reason to take Item #1 out of there. I totally agree with the phrase "will be restricted to the events of non-professional nature". I see no use in taking this item out of there even though the Planning Board agreed to certain perimeters here. I would still like to see it in this ordinance.

Chair Tollner

Would you like to see the non-professional or the whole thing?

Alderman Dion

Non-professional – I like those words. The whole thing. Just for city schools and city sports.

A Viva Voce Roll Call was requested, which resulted as follows:

Yea: Alderman Tollner

1

Nay: Alderman Johnson, Alderman Nickerson, Alderman Dion

MOTION FAILED

MOTION BY ALDERMAN DION TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Alderman Britton

Mr. Chairman discussion?

Chair Tollner

Alderman Britton do you have comments that are additional that we haven't discussed already?

Alderman Britton

Mr. Chairman I am an Alderman-at-Large in the City of Nashua. I am here to attend this committee, and I want to comment on this Ordinance.

Chair Tollner

I appreciate that, and I respect that. The comments that you are about to make is it adding anything that we have not already discussed?

Alderman Britton

I have a question concerning the Ordinance that is before this committee.

Chair Tollner

Go ahead.

Alderman Britton

When we talked about #1 – serving directly the youth of Nashua – how do we define that? Where do we stop in age? Do we go to 21 or 22 years old? I think this is important because is the youth of Nashua the Spartans Drum & Bugle Corp? Is it other groups like that? It could very well be so I am concerned about the statement directly serving the youth of Nashua and how we will define that.

Chair Tollner

What I would like to do is maybe Alderman McCarthy and I before the Board of Aldermen meeting will get a definition that we can pass out to people. I would assume that the definition of youth is the definition of youth that was stipulated by the Planning Board when they approved the temporary CO.

Alderman Britton

There was nothing in there that I saw at the time.

Chair Tollner

Yes, I think it is 18 or 19 years of age. It was stipulated by matching up the oldest senior in High School would be at the time of graduation, but we will find out.

Alderman Rootovich

One further comment – not to throw an extra wrench in the gears – you talk about definitions – something that came up during the conversation with the Memorandum of Understanding was we talked about other noise making devices somebody may take that to mean bands at half time. Those are horns. Some of those are loud – there are drums. Somebody may say there is an ordinance on the book, but there are noise-making devices. I understand the difference, but there are individuals out there that it may become an issue with. Keep it in mind.

Chair Tollner

Thank you.

A Viva Voce Roll Call was requested, which resulted as follows:

Yea: Alderman Tollner, Alderman Johnson, Alderman Nickerson, Alderman Dion
4

Nay: 0
motion carried

Chair Tollner

Before we move onto the next piece of legislation I would ask Alderman Rootovich as we mentioned earlier if he we could get the most recent Memorandum of Understanding in it s amended form – maybe talk to Mr. Conrad and whoever has it...

Alderman Rootovich

I will request Sue to send that out in tomorrow's packets.

Chair Tollner

Great. Thank you very much.

O-02-96

Endorser: Alderman Brian S. McCarthy
Alderman-at-Large David Rootovich
Alderman-at-Large James R. Tollner
Alderman-at-Large Steven A. Bolton
Alderman-at-Large Fred Britton
Alderman-at-Large David W. Deane
Alderman-at-Large Paula I. Johnson
Alderman Kevin McAfee
Alderman Timothy B. Nickerson
Alderman Kevin E. Gage
Alderman Robert A. Dion
Alderman Lori Cardin
Alderman Scott A. Cote

ADJUSTING THE PROVISIONS OF THE ELDERLY PROPERTY TAX
EXEMPTION

motion by alderman TOLLNER to recommend FINAL PASSAGE

ON THE QUESTION

Alderman Dion

I'm glad you made the motion Mr. Chairman because I was prepared to make that motion also. I want to commend Alderman McCarthy for bringing this legislation in. I think every 2-3 years or every year, whichever way, things have to be adjusted because of the cost of living, etc. I totally agree with this legislation, and I will support it.

Alderman Rootovich

I just want to follow up that I appreciate Alderman McCarthy taking the time. I wish I would have thought of it. I think it is important to adjust that, and I am glad that his incredible mind worked once again and he took care of it. We thank you Alderman McCarthy. We appreciate it.

Chair Tollner

I will echo the comments of Alderman Dion and Alderman Rootovich. I think this Board of Aldermen deserves a tremendous amount of credit. I have been on the Board now for 9 years, and if I am not mistaken this is either the 3rd or 4th time that this Board has taken action to amend the elderly property tax exemption. I remember I think it was in '97 it was Alderman Fredette, myself, and some other Aldermen that made some pretty serious adjustments based upon the changes that were made in Concord. I think every Board after that realizes the struggle that the elderly are going through. If I am not mistaken I think – we probably don't need to get into a deep discussion – the impact on the overall tax base is somewhere between \$100,000 if this legislation is passed and maybe \$200,000, which I think the city can live with. All I need is a nod from Angelo – are we in the right range?

Alderman McCarthy

I believe he gave me a number of \$137,000.

Angelo Marino

The immediate impact of the individuals who are on this program now will be roughly \$150,000. That does not include any new applicants who might qualify based on the new limits. I can't tell you what those are. All I know is that there will be more. I can tell you that communities that have changed their asset limits and their income limits have had an increase, and it can be considerable, but I do not have any indication as to what that might be.

Chair Tollner

Thank you. So that is a ballpark figure on your part?

Angelo Marino

Yes, the immediate – at today's tax rate – at \$22.50, the immediate impact would be roughly \$150,000.

Chair Tollner

I think this is a good piece of legislation. I think maybe what we want to do is if we do pass it, which I think we will as there are a number of endorsers on it, pass it and see how it works then we can go back and take a look a year from now and get a snapshot of its impact on the overall budget.

Alderman Dion

Mr. Marino how many people qualify now for tax abatements in the elderly?

Angelo Marino

Eight hundred and ninety three.

Alderman Dion

In your opening statements you said that increasing the \$75,000 to \$100,000 and the other changes it is hard for you to predict how many new people you would get into the program is that correct?

Angelo Marino

Correct. It is very difficult to project because we don't carry those kinds of statistics. I can tell you there will be more. I don't know how many, but there will be more. One of the reasons we don't

carry that type of statistic is that many people will come to the office asking for applications and when they see the requirements will leave and not even bother applying.

Alderman Dion

Because they don't qualify.

Angelo Marino

It is a very big unknown.

Alderman Dion

Thank you.

Alderman McCarthy

Mr. Marino do you have any suggestion for how we can get some data on the sensitivity of qualifications to the asset limit?

Angelo Marino

We can do exactly what we did the last time the limits were changed. That is we can do some intake on applicants. We have a program that we can utilize to track it. In the same fashion that we change the limits prior to the first time when we changed them we can give you an indication as to how many people will fall out and what that limit is and allow the Board to make a decision for next year. This will not allow any new applicants this year because the time for filing has already passed, but for next year we will be able to give you that information.

-
Alderman McCarthy

To follow up on that one and then I have a statement. What I am trying to figure out is that gives us two data points on where it was with the previous asset limit and the new one. I guess I would like to figure out if we could start collecting data from those people who come in and take a look at the guidelines and don't fill out the form. I would really like to understand ...

Angelo Marino

If we can do that we would be happy to do that. Many of the people who file are reluctant to give us information anyway – they feel it is an infringement, but we have to collect that information. We can certainly make that part of the procedure and ask people to file anyway. I don't want to put them through an exercise so that they can be rejected, but it would serve a purpose for us to get some kind of indication.

Alderman McCarthy

I am concerned about the fact that here are people who fall into that category of they have an asset which is where they get their income from, they receive only a modest income, and because of the terms of the legislation they are not entitled to the same exemption that the person next to them in an identical financial situation is in because they have pension instead of an annuity. I would like to try and understand that. I think one of the other things that we have to try to deal with at the state level is right now the exemption is essentially black and white – you either qualify or you don't for a particular level. If you make a dollar more you may not qualify for the exemption at all. It would seem like a sliding scale that prorates the exemption up to a certain level where it is essentially removed would be much fairer to the people in that age group.

Angelo Marino

There are other states that have sliding schedules like that. Again, that would require a legislation change, but it does function like that in other locations.

Chair Tollner

Are there any other questions?

motion carried

O-02-97

Endorsers: Alderman-at-Large Paula I. Johnson

Alderman Timothy B. Nickerson

Alderman Brian S. McCarthy

Alderman-at-Large James R. Tollner

REQUIRING THE MAYOR TO DELIVER AN ANNUAL STATE-OF-THE-CITY
ADDRESS TO THE BOARD OF ALDERMEN

motion by alderman NICKERSON to recommend FINAL PASSAGE

ON the QUESTION

Alderman Nickerson

This legislation has gone through a couple of different revisions. Initially the thought of Alderman Johnson, through a different procedure, however, it is now back as an ordinance. Just to address a couple of questions that have come up by a couple of members of this Board, there were some questions as to why it would be a special meeting. My thinking on that was that way we could have it as more of a – it makes it more of an official event where the Mayor can provide his or her comments and predictions for the future as to what initiative that office wants to undertake for the coming year, and what the success or failures have been. I think it makes it more of an event by having it on a special meeting as opposed to having it before a regular meeting in addition to his or her regular comments. Just as it is noted here, this would be the only item on the agenda for that meeting – there would be nothing else applying to that meeting.

Chair Tollner

I think this is a good idea. I think the Mayor has been very clear that he has no problems addressing the Board of Aldermen first. I think his comment to me a month or so ago was all we have to do is ask, so I think that is basically what this legislation is doing, is asking him. I can't speak for the Mayor, but I don't think the Mayor will have a problem with it.

Alderman Johnson

Thank you, I would like to take the floor now. The reason I put this before the Board and I will be very excited if we pass another one of my legislations here, was because after I got on the Board it came to my attention that with the Chamber nobody got an invitation. For whoever forgot about us, you should never forget about your Board of Aldermen. We need to know what is going on in the city. We are the important body of this city where we sit. I would like to thank Alderman Nickerson for making a few changes although I wasn't very happy with them – I prefer them to be all in one night – I will take it as a positive step in moving the Board and the Mayor forward in communication. This is the first step in communication, and now we can get another step in communications. Thank you very much.

motion carried

O-02-105

Endorser: Alderman-at-Large David Rootovich

Alderman Kevin E. Gage

Alderman-at-Large James R. Tollner

Alderman-at-Large Fred Britton

Alderman Marc W. Plamondon

Alderman Stephen C. Lamos

Alderman Brian S. McCarthy

Alderman Robert A. Dion

BOARD OF ALDERMEN'S CODE OF CONDUCT

motion by alderman TOLLNER to recommend FINAL PASSAGE

ON THE QUESTION

Alderman Johnson

I think that this is basically a good piece of legislation. I have heard from my constituents about what goes on in the Board. I think people have a can of Pepsi and a bag of popcorn and sit back and watch the fireworks though sometimes on the Board. What concerns me, and I have spoken with Alderman Rootovich basically, is that-- and I know it has been the practice of the Board because I guess it is in Masons and I finally got my book of Masons tonight, and I haven't had a chance to review everything – is that when our constituent or ourselves address each other we say the Alderman from Ward 3, well that is fine, but when you address an Alderman-at-Large, I guess you can say the only woman who is an Alderman-at-Large you can address her, but do I say the Alderman-at-Large who is sitting next to Ward 4 who is next to 3 and the Alderman-at-Large who sits next to another Alderman-at-Large who sits next to the Mayor? You can't address your Alderman-at-

Large. I think it needs to be amended. I am throwing this out before I make the official amendment. It is that the Alderman shall address each other by the ward and by their last name, and our constituents should have the right to address us as Alderman Johnson, Alderman Tollner, and Alderman Britton because they need to be familiar with our faces, our names, and who we represent in the city. To take that right away from them is like saying we don't want to be known amongst our constituents here in this city.

MOTION BY ALDERMAN JOHNSON TO AMEND O-02-105 BY ADDING “(7) MEMBERS SHALL ADDRESS HIS OR HER COLLEAGUE BY TITLE FOLLOWED BY SURNAME OR TITLE AND THE DISTRICT/WARD HE OR SHE REPRESENTS”

ON THE QUESTION

Alderman Rootovich

Thank you Mr. Chairman.

Chair Tollner

You're welcome Mr. President, sir.

Alderman Rootovich

The reason why I drafted this ordinance, and I am going to speak probably more frank than anybody has ever heard me speak before – since taking over as President in the last nine months, the decorum during meetings has been deplorable, the lack of professionalism before and after the meeting has been unacceptable, and the constant bickering between certain personalities needs to stop. I can tell you that being President of the Board I have heard from colleagues sitting around this Chamber on numerous occasions – you know who you are – that have called me after meetings, the next morning, and Sunday evenings complaining to me about how certain people act. I have gotten calls from business leaders, former Mayors, former Aldermen, and constituents that we all service thinking that what goes on in this Chamber is absolutely deplorable. If you look at the 6 paragraphs on this ordinance they are all specifically geared to instances that have happened during the last 9 months. I am not going to read them, you have it in front of you. I think something needs to be done, there needs to be a message given that we need to act more professional in this Board. Saying all of that it doesn't mean that anybody needs to retract being as feverish or as passionate about legislation pro, con/for it, against it, indifferent. That should always continue, but it should not go into personalities and nobody here should question ones integrity or ones self motivation for signing on to or enacting a piece of legislation.

We're all equals here. We have all decided to take an awful lot of our time away from our families to serve the City of Nashua. That in itself deserves respect for each other before, during, and after a meeting. It means that we are in the public light that we speak well about each other and not derogatory comments. Again, I want to separate the fact that when we come into this Chamber and we have a piece of legislation before us I would expect everybody to speak very feverishly and very passionately, but leave the personalities away from it. We should be helping each other. When a

fellow Alderman doesn't understand something or is having a hard time with Masons rules or has a hard time remembering something that happened two meetings ago and you know the answer I would expect an individual to help his fellow colleague and not intentionally omit.

I must say that in the last 9 months I have been somewhat embarrassed. Many individuals including members of this Board have questioned my leadership with respect to keeping proper decorum and why I haven't used my mallet more. I don't think that is necessary. There are 15 professional people here. Each of us needs to act properly – again before, during, and after the meetings. My intention is to get this passed. My intention is to have this document framed and placed somewhere either in the Aldermanic Chamber or the anty room out back as a reminder that we need to treat each other with respect, integrity honesty, and act properly. It is very, very important. I would ask your support in passing this ordinance.

Alderman Johnson

Excuse me Mr. Chairman, I made an amendment to this piece of legislation. You never took the amendment up – never acknowledged it.

Chair Tollner

Your amendment is on the table. I will allow everybody to comment on the overall piece of legislation.

Alderman Johnson

Okay.

Alderman McCarthy

Point of Order – It would really be appropriate to take up commentary on the amendment first since that is the motion that is before the board at this time.

Chair Tollner

That is true. Comments on the amendment? Thank you to my esteemed colleague from Ward 5.

Alderman Dion

Mr. Chairman, on the amendment, I was going to speak about the reasons behind Alderman Rootovich's legislation, but I want to speak strictly on the amendment because that is the protocol we are following. I was going to bring this up myself because Alderman Johnson is correct. If I wanted to address you Mr. Chairman while you are sitting in your regular chair what would I say? Alderman-at-Large I want to talk to – I would say Alderman-at-Large that one right there? I believe that – I know the intentions when it was drafted were proper, but I think that we have to amend this. I don't see any reasons why you can't say Alderman McCarthy, Alderman Nickerson, Alderman Johnson... I see nothing wrong with that.

Chair Tollner

I don't think the intent of the legislation is – if you address it in that tone I don't think anybody would have a problem with it. I think we are concerned – I think it is the tone.

Alderman Deane

On the amendment, I agree with Alderman Dion as well. I brought that up when we had initially discussed some of this. I would support that as well.

Alderman Rootovich

My only comment is that the Board of Aldermen adopted an ordinance with respect to adopting Masons rules, and that is part of Mason's Rules, and that is that you not address an individual by his name, but merely by his title or the previous speaker or something of that nature so it is part of Mason's Rules. Again I have no problem with it, but be aware that you are being very selective – now you are taking out very specific Mason's rules and not following those things.

Alderman McCarthy

I guess I would encourage the committee to vote favorably on the motion of the Alderman from over by the stadium. We do adopt Mason's Rules and we also do override some other provisions of Mason's Rules such as a majority is required for suspension of the rules and motions for reconsideration, etc. It is fairly common practice for legislative bodies to adapt some rules that superseded the general set of rules they operate under. From my perspective I don't think I have even seen us having a problem with the use of the names of the people around the horseshoe. It is when they are used in violation of the rule that says you address remarks to the Chair that we have the problem – if someone sits here and says Alderman so and so you are ... that is out of line, and that is not allowed under the – I referred to Alderman Johnson that way to show that it is a lot harder to use those names in some cases than to refer to our Aldermen by name. I think it is a perfectly reasonable thing to do. In some respects it is harder not to do it here than it is in places where Masons is used such as the Congress. Ironically given that the Congress has over 400 members there are still very few places where the representative from Texas isn't sufficient to identify which person in the room is being addressed. In this room that is not the case. The At-Large's are very difficult to distinguishing conversation. I would encourage us to do that, and if there are other changes that we need to make somewhere to make that clear -- I would essentially rather have the Board address each other as Alderman and last name than some of the creative descriptions we come up with, which can be every bit as pejorative as any other remark that is made.

Chair Tollner

Alderman Johnson could you repeat for me the motion – it was item #7

Alderman Johnson

We would address each other by our title, our ward, and the last name.

Chair Tollner

Would it be sufficient to be the title and the last name?

Alderman Johnson

What I mean is if you want to address the Alderman from Ward 3, Mr. Gage.

Chair Tollner

The Ward or Alderman and last name would be sufficient, is that what you are getting at?

Alderman Johnson

Right, if somebody wants to address them by his ward, this way you are getting the constituents familiar with the Aldermen from different wards and who is At-Large. Also since you called on me for something – it says in here on page 65 – local bodies not held strictly to technical rules – we're a local body so we do have the right to make modifications.

Alderman Nickerson

My question is would it be appropriate to have it here in our Code of Conduct or would it be more appropriate to have it in the section of our ordinances that pertains to us adopting Masons and then provide that as an exclusion in that section. This is more, in my viewpoint, treating the 6 provisions that are existing here at the moment, excluding the 7th proposed one, are dealing more with our demeanor and our presentation to one another as opposed to what we are actually calling one another. I am wondering if this is the appropriate place or would it be best served elsewhere.

Chair Tollner

I guess my response to that would be let me find out from Corporation Counsel – or as a matter of fact we do have an expert on every rule – Alderman McCarthy.

Alderman McCarthy

I guess I would encourage you to leave it here for the moment. We adopt Masons, but there is a general provision in Masons that the rules that are in it can be overridden if there is no Charter or statutory regulation to the opposite. Simply the process of the body defines what the rules really are. I think it actually is addressing an issue of conduct, which is how do you address other members of the Board. I think establishing that it is appropriate to address them by the honorific and their name is the right thing to do.

Chair Tollner

Thank you Alderman McCarthy.

Alderman Nickerson

Just so that I can make sure what the actual motion is...

Chair Tollner

The motion is Item #7 – a Board members should address fellow colleagues by either Alderman from Ward whatever the number is or Alderman and the last name.

Alderman Nickerson

We probably need to clean that up a little bit as far as the language before we submit it, but that is the intent.

motion carried

-
Alderman Deane

I just have a comment on this. After sitting through numerous meetings where we have watched a lot of this arguing and other sort of things where people were sort of hung out to dry, and watching it come from Alderman to Alderman as well as Alderman to Mayor and as well as Mayor to Aldermen – I've seen the fire lit over here from both sides. I hope in reading this morning's edition of the Telegraph and the Mayor's comment, I've seen it come from both sides. I would hope that when this goes into place I think the Mayor should be included in this as well. If he is going to sit there and throw rocks and not expect rocks thrown back at him then he has another thought coming. It would be nice to make sure that – if they want to try to calm down the inside of this Chamber at times by passing this and expecting the Aldermen to abide by this and allow the Mayor to carry on – as he chairs a committee where Aldermen sit here I don't think that is right.

Chair Tollner

I am going to move to Aldermen Rootovich because I know that Alderman Rootovich has had some conversations with the Mayor so maybe he can comment on that.

Alderman Rootovich

Before I introduced this to Corporation Counsel I ran this by the Mayor. I assure you the Mayor – my discussion with the Mayor was that he would follow this, and anybody who comes in this honorable institution would follow these rules. I would be the first to call the Mayor out of line if he would act inappropriately – so yes.

Alderman Deane

Then let's put his name on it.

Alderman Nickerson

I have a couple of different comments here. Overall I think that the theory of this and the thought that has gone into this proposed ordinance is certainly worthwhile. The first 9 months that I have served on this Board have certainly been more contentious than any of the other times that I have served on any other boards in any organization. The last few months that I served on the Board of Education were rather contentious dealing with several different issues – the block scheduling issue, there was a time when we were dealing with the student athletic contract, actually the student extra-curricular activities policy, those times certainly got rather heated, however, there were times that I served on this Board in the first 9 months that certainly have overshadowed those other times that I have served on other boards. I certainly think that this is a worthwhile piece of legislation, however, I do think that there are some things that can be altered to it. One of them is the issue of the Mayor not being included in this.

Although I trust your recollection of the conversation you had with the Mayor Alderman Rootovich that he says that he will abide by this, in my past experience there have been times where he may have stated that, however, the opposite has come true so I would like to see something in here that mentions the Mayor – that legally obligates him to follow this Code of Conduct as opposed to him just saying that he will. Not only just the Mayor, but I would also like to see this implemented for our other boards and commissions for the city. As far as the legal perspective as to whether we have the authority to do that or not I am not sure. I actually have a call into Attorney Bennett today in order to discuss this with him, but we weren't able to connect over the phone so I don't have any proposed revisions to this. I would like to see this further amended to include that if possible and not just the language of the Mayor, but also for other boards and commissions. At this point, I don't feel comfortable with acting on it in the committee. Although I would like to see this implemented quickly I think that in order for us to do a thorough job of this I think that we need to keep it here in committee and work out all of the kinks and all of the details and make sure that everything is ironed out.

Alderman Johnson

I agree with my two colleagues here that as well as decorum and the Code of Conduct has to be among us the Mayor sits in this Chamber with us. When he is working with us he needs to have that same respect to us. Respect and courtesy is a two way street. If you don't get it you don't give it back. There have been many times in this Chamber even with myself trying to make comments where I have been cut off rudely. It can't go on like this. Whether or not – this is what this whole thing is about – our passion for our subject and what we believe in. We all ran for what we feel and what we believed was the best for the city. We might not agree with everybody, but this is us – if we were all the same then nobody would want to vote for us because we all have different opinions and the way that we would like to see things changed in the city. If he does not agree with us he has no right to be rude to us and cut us off. I agree with Alderman Nickerson that there needs to be language even if it just says that the Mayor will abide by these 7 points in this piece of legislation.

The other issue is that we could pass it tonight, and maybe Tuesday night ... tape ended ... It is a two way street, and if he would like me to respect him then I deserve the same respect when I am

commenting on issues and so does every other Board member in this Chamber. Thank you.

Alderman McCarthy

I want to thank the President of the Board for bringing the legislation in. I think I commented on a couple of occasions with the concern that I have had with the proceedings inside the Chamber, and I tend when we get into debates to try at least not to allow myself into slip into behaving that way and I tend to ignore it when other people do, but at a point, it gets to the point where it interferes with our ability to govern. When we have members of this Board or members or persons who work with this Board on a regular basis who do things differently because of the way the events are taking place in this Chamber then the decorum that is there has no place because it is destructive to the ends of the Board and ultimately the service to the citizens, which is why we are here. I think the public's opinion of this Board can't be very good from having watched these proceedings over the past couple of months. It is something we simply have to get past and we have to start addressing our issues instead of our personalities. It is likely to get worse before it gets better over the next year and about 2 months, which is my guess, but we've got to rise above that.

I have been on this Board a long time. I have had what I consider to be a fairly good success rate with things I have tried to achieve. I have basically done that by backing up the positions I take with information that proves them to be wise. That is a good recipe for success. You almost never get someone to voluntarily agree with you by screaming at them. That is good advice for people around this horseshoe to understand, and even better advice for the people who stand at the microphone behind me and address the Board. This is an issue that we have long had to address and I certainly hope that this takes care of it. At some point we will have to address that other issue as well. I am tired of people coming in here and blanketly – not accusing, but stating, that this Board has undertaken illegal or unlawful activities. If they know about them and they are things that are illegal there are two methods that they should use to fix them; if they believe that a criminal act has been committed go to the police department and give them the information that you have about it. If they believe that a civil wrong has been committed against them go to the Superior Court and seek relief. You don't just come in here and attack this Board by innuendo and expect that the Board should sit still and take that simply because we are elected representatives of the people. There is an issue of just general respect for each other that we see in this Chamber and in front of television in this Chamber, but it is my no means restricted to what goes on in here. You can see it anywhere. I would like to hope that by the actions that we are taking now this Board will set a better example for the community in how people ought to interact with each other in the conduct of their daily lives. Once again, I thank the President for bringing this in, and I certainly hope that it passes.

Alderman Dion

Before my remarks I would like to thank Alderman Rootovich who I know has been in the hot seat as far as President of the Board with regard to these outbursts that are getting more and more frequent. I was completely appalled with the last one. There have been so many of them that it seems as though it is old hat. It is something that has to stop. The legislation before us, I co-sponsored because I really believe it is necessary. I think there are three ways we can act upon it; we can vote on it tonight, we can hold it in committee, which is the easy way out, or we can amend it at the Board of Aldermen meeting if it is found that we have legal grounds to incorporate the Mayor's

name in there. I will support this legislation being passed tonight and if anyone wants to change the legislation providing it is legal at our next Board of Aldermen meeting I would be glad to consider it.

Alderman Rootovich

Two comments with respect to Alderman Nickerson's comments about other boards and commissions – I appreciate that concern, however, I don't think this Board has the authority to amend or place rules and regulations and change other board's bylaws with respect to the way they act. I would think that they would do that on their own and police themselves. This is clearly meant for this Board here, which we have control over.

With respect to the Mayor, I thought when I put paragraph 6 together that pretty much addressed that. It says "Each member is responsible for the behavior of his or her fellow members, since inappropriate behavior which goes unchallenged reflects badly on the entire board." If you deem or any member of this Board deems that the Mayor's comments are inappropriate I would expect that individual to call Point of Order at that point then I would call the Mayor out of order as I would anybody else on this Board, however, the issue is when you do something like that, we have done that in the past, you need the support of the Board. If the support of the Board was there I assure you if everyone was treated equal including the Mayor or anybody that came to the microphone as Alderman McCarthy said, and the support was there, it would stop. Many times, and again I will not mention names, but I have talked to individual Aldermen saying that if this person acts out of line tonight, and I call this person out of order will you support me – I didn't really want to get involved – well, that is why I put paragraph 6 in. I would expect that the Board would act accordingly – anybody in this Chamber whether it is the Mayor, Corporation Counsel, a member of the administration, a constituent, or a visitor from out of town. In they act inappropriately then myself or a member of this Board would call that to order and the Board would support that action. It is a team effort.

Chair Tollner

I'm going to support this. As I have mentioned numerous times as I look at the now 7 items there is nothing there that is special, it is just treating people with the courtesy and dignity that we would usually. We are all going to disagree at times during the term. I can remember a few years ago I really disagreed on a particular piece of legislation at the start of the new term because I really felt that I was misled. I've said this before, I remember Alderman Kelley about ten years ago during the orientation of the Board of Aldermen and he said that there will be times here where you will be furious with a fellow Board member, but you have to treat your colleagues with respect and dignity, and when that particular vote is over and you leave this room and this building you have to forget about it because you have to come back and it could be the very next night and deal with other issues where you will have to work together. That is what this is all about. I will support it. I think it is a reminder of how we need to conduct ourselves, and from time to time we should discuss it.

Alderman Nickerson

I do support this, and I actually think that the easy way out on this piece of legislation is not to hold

it. I actually think the easy way is to pass it on, and to get it off of this committee's plate. Not to suggest that the people that are supporting this are trying to take the easy way out. I think that a more difficult and challenging way is to keep it on the committee's plate and to have the continued light placed on it and try to continue that work in the committee as opposed to moving it onto the full Board and continue it there. I do think that some things do need to change on this. I do think that number 6 does need to change, but my initial read on this, and I do appreciate Alderman Rootovich's interpretation at least his view point on it, but the key words in here that I see are member or members and Board. The Mayor is not, even though he does work very closely with this Board at times, he is not – that position is not officially a member of this Board. That is where I did not initially see the viewpoint of having the Mayor being included in this. I also would like to see and I know there has been some difficult interchange between some members of this Board and city staff or participants and the public so I would also like to include some of the items in there as far as participants in meetings of the Board of Aldermen that they are to follow this Code of Conduct as well. I don't see that language in here. Having that said I would actually like to see this stay in committee.

MOTION BY ALDERMAN NICKERSON TO RECOMMEND TO HOLD O-02-105 IN COMMITTEE

ON THE QUESTION

Alderman McCarthy

You may hear differently from Corporation Counsel, but my opinion on that issue would be that when people are participating with the Board – for example in the full Board of Aldermen meeting where the Mayor essentially has no right to speak unless it is extended to him by the President of the Board that all of the people who address the Board are subject to those rules that are set by the Board for them, and would be bound by that code. The only issue where there may be a problem with that is the Finance Committee, which is called out separately in the Charter. If that is an issue then we probably have no way to make a rule that is binding on the Finance Committee anyway. I'm not sure there is anything that we will do to this legislation that will make it any stronger than it would have been to begin with.

That actually gets me to the second point, which is the only thing that is necessary here and the only reason to pass the ordinance is for the 15 people that are on this Board to agree on what the conduct ought to be. Ultimately the fact that it is in the ordinance does nothing to make it enforced, and I want to go back to the President's comments before because that has been the problem this Board has had for three terms now, which is we will occasionally get upset about the conduct of a member of the Board or a member of the public, and bring it up to the President of the Board and when an almost identical situation comes up involving different personalities later on the President is often left hanging out to dry when they take the same action we asked for on another person and if you do this every member of this Board has to understand that in order to make this work you have to delegate that authority to the President of the Board, and when the President of the Board exercises it you have to live with it whether you like it or not when applied in that particular situation.

I would encourage us to go ahead and pass the amended language that we have, and to allow it to

be applied and let's see what we can do with it.

A Viva Voce Roll Call was requested, which resulted as follows:

Yea: Alderman Nickerson

1

Nay: Alderman Tollner, Alderman Johnson, Alderman Dion

3

MOTION FAILED

MOTION BY ALDERMAN TOLLNER TO RECOMMEND FINAL PASSAGE OF O-02-105
AS AMENDED

MOTION CARRIED

MOTION BY ALDERMAN TOLLNER TO TAKE FROM THE TABLE O-02-78

MOTION CARRIED

O-02-78

Endorser: Alderman-at-Large Paula Johnson

REMOVING THE POSITIONS OF THE ADMINISTRATIVE STAFF TO THE
MAYOR FROM

THE PERSONNEL ADMINISTRATION MERIT SYSTEM FOR PURPOSES OF
DETERMINING SALARY AND PROVIDING FOR SALARY TO BE SET BY
SEPARATE ORDINANCE

MOTION BY ALDERMAN DION TO RECOMMEND INDEFINITE POSTPONEMENT

ON THE QUESTION

Alderman Johnson

I'm not going to vote to indefinitely postpone this. There was a reason why I wrote this legislation, and it had to do with what came out of the Budget Committee because I felt that although the Mayor has people working in his office the amount of salary increases were higher than our unionized workers here in the city. Although they only work for the pleasure of the Mayor so if the Mayor is here for four years they got a nice cost of living increase, a step, and grade. How can you put them in the same category as the rest of the workers in City Hall? This is why I wrote this legislation so they are looked at separately. You can't give them a grade increase or a step increase. Where are these steps going to? In four years if the Mayor is not longer here new people come in and they need to start from ground zero. They will not come into a position where the salary is maybe up at \$70,000 now. There is no need for this. This is why I think that the Mayor's personnel need to be outside of the step and grade increase. Thank you.

Alderman Dion

Mr. Chairman I must rebut the statement that these people don't belong. These people in the Mayor's office were put in the merit system about two years ago -- in 1998 or 1999, and now we're going to draft legislation after we put them in there to take them out? It just doesn't make sense.

Chair Tollner

The reason why they were put in – you are correct it was a couple of years ago – is to ensure everybody that it wasn't going to be a political situation where we would put people's salaries in there and give them raises for the most part pretty much at will. They perform similar responsibilities, and the Board of Aldermen were very concerned about it. I think it was in 1998. There are two members of city staff right now that are out in the audience that were Aldermen at the time. If the committee would like to hear some comments from them we could. Would the committee like to hear some comments from them?

Alderman Dion

Yes, I would.

Alderman Nickerson

They have been waiting a very long time.

Chair Tollner

I think that if we were to act on the legislation and they could go home and not comment they would also like to do that too.

Alderman Deane

I just have a question – why did these people come here? Who asked these people to? Did the Mayor?

Chair Tollner

At the last Personnel/Administrative Affairs meeting it was a request of the committee that Maureen Lemieux and the H.R. Department to come to the meeting.

Alderman Deane

It was requested by the committee?

Chair Tollner

Yes it was.

Alderman Deane

Thank you.

Maureen Lemieux

Given the hour, I will be very brief. I would like to make a comment. I think probably of anyone in the city I have probably the most unique perspective on this piece of legislation. I sat for a number of years here with all of you as a member of the Board of Aldermen, I then moved and actually worked in the Mayor's office, and now have moved to the Director of Administrative Services with H. R. being one of our departments so I think I have a very unique perspective here. I think once you have been an Alderman you are always an Alderman and that part of you is very difficult to ever separate from again. When I was on this Board I personally worked very strongly to move this group of people into the merit system.

I'm sure Alderman Rootovich, Alderman McCarthy, Alderman Tollner, Alderman Britton, and Alderman Dion – you can remember the all sorts of different ways that the people in the Mayor's office use to get their increases. We had a Mayor who gave his staff increases when all of the people in the merit system got zero, but the Mayor's office got raises because they weren't part of the merit system. We had another time when we sat here and the Mayor was giving his staff round numbers for increase – big round numbers like \$5,000 to a couple of them and \$10,000 to somebody else when the merit people were getting 2 or 3%. For myself I thought that was extremely unfair, and I was very much against that. What I honestly believe from the bottom of my heart is that what we need to do each time that a Mayor comes in is have him tell us exactly what he thinks each member of his staff is going to do, write the PDFs because they don't all have their people doing exactly the same things, write the PDFs, categorize them on the appropriate grade level objectively, without politics being involved, and then establish a salary. That salary for some of those positions you would think if there is a turnover here that those salaries may not be the same amounts that they are right now, but my biggest problem with this piece of legislation is that if you legislate how much those people are going to get they will automatically get that money whether or not they deserve it, and then they will automatically get an increase because you will legislate that too or you may, but if you don't – if you pass legislation that has some increase for them in there for each one of the four years what if we decide as a city that we are not giving the merit people an increase that year? The people in that Mayor's office still get the increase and we go right back to the unfairness that we had in the '90s. I am personally – I think you can tell by the tone of my voice – I am very, very concerned about this and very passionate about this. I fought this years ago when I sat – I think it was when I sat over where Alderman McCarthy is at the moment – that I got myself into loads of trouble over this, but it didn't matter because what we were doing at the time was terribly unfair to all of the good merit people. The other thing is these people who work in the Mayor's office if they are here for 4 or 8 years whatever the case may be they shouldn't be treated any better, but they shouldn't be treated any worse than anybody else either. They are here, they are working hard, and doing a good job. They are here either for 4 or 8 years, and they need to be treated the same as some group of individuals. Thank you.

Chair Tollner

Very well put.

Alderman Johnson

Again I will say the reason why – you understood at that end – I will tell you why at my end. When I sat and looked through that budget at some of the increases and then you saw what some of the merit people got it is not even close to some of it. Then you have to take a look at your union contracts. Some of the people who are the front line people and deal with the public all the time don't even get this amount of money. To put them in a grade and step increase – I guess that is what really got me the most because those grades and those step increases were big time increases. I think some of them were about \$4,000 - \$5,000. It was quite a bit of money. That is what I had questioned during the Budget Committee. It is not fair to some of the other people who work for the city for 30 years and never make money like this. How do we justify that – people who are here 30 years and never see money like this. I don't know that it is 100% right, but yes you can have guidelines in H.R. on how to regulate the Mayor's office. There can be rules and regulations in there, but it does not have to be a step increase because again like I said if they are here 4 years and the Mayor decides not to run again you have a high salary level. How do you then drop the next set of people down and start from scratch again? You can't. You've already set the stage for a level of where they are at. I don't think it is fair.

Alderman Deane

I would like Jane Joyce to come up and explain the step increases and the salary levels and what the consequences are when the administration changes so that we get a better idea on what the increases were for this year in the department and in his office.

Alderman Johnson

Mr. Chairman can we also add in there was a big in the middle cost of living increase, there was a salary increase from the budget before, and then at the end of the year where they got another increase.

Chair Tollner

Before you do that I want to set some parameters on what this legislation is all about. The legislation stipulates or requests that the employees in the Mayor's office are removed or taken out of the merit system. That is what the legislation is dealing with. What we are saying is either they are in or out of the merit system. Just so we understand what the legislation is directing itself towards.

Jane Joyce

Just for point of clarification, the positions in the Mayor's office receive the same raises as all merit employees did during the prior fiscal year. There was a step raise that was awarded to all merit employees on July 1st and a cost of living adjustment on January 1st. They were treated the exact same way as any other merit employee was.

Maureen Lemieux

I know we are not supposed to be debating what we have done with the merit system for the last couple of years, but I want to make sure everyone is clear – I know we certainly discussed this many nights in Budget, but it bares repeating. When the merit employees got that cost of living raise we bought back the sick time. Now if you started working here after I believe it was 1995 that we ended up settling on you would only retire with 20% of whatever you had accumulated for sick time as opposed to what it use to be so we bought something back for that cost of living.

Alderman McCarthy

I understand the frustration that leads to the legislation that is in front of us because as Mrs. Lemieux pointed out we have gone through this over and over again, but ultimately I think I would conclude that the merit system is the solution and not the problem. I think the piece that has been missing is one that Mrs. Lemieux brought up a few minutes ago, which is at the beginning of the term when you change the people in those positions and you change the responsibilities of the positions essentially to do new PDFs for them and to reclassify them at that point so that you don't wind up with the somebody had someone really good in that position and the next Mayor brings in a really junior person and redefines the role a little bit, and yet that position is still making a tremendous amount of money. If we go and adjust those at the start of the terms to reflect the duties that are being given to that person and the kind of person that we are bringing into that job I think that resolves for the most part the issue that has come up over the years.

Chair Tollner

Are there any other questions?

MOTION CARRIED

HELD IN COMMITTEE

R-02-71

Endorser: Alderman-at-Large Paula I. Johnson

SUBMITTING TO THE VOTERS AT REFERENDUM THE QUESTION OF

WHETHER

THE CITY SHALL USE ALL AVAILABLE MEANS TO TERMINATE THE BROAD

STREET

PARKWAY PROJECT

DISCUSSION

ADJOURNMENT

MOTION BY ALDERMAN DION TO ADJOURN

MOTION CARRIED

The meeting was declared closed at 10:03 p.m.

Alderman Timothy B. Nickerson
Committee Clerk