

PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE

AUGUST 7, 2003

A meeting of the Personnel/Administrative Affairs Committee was held on Thursday, August 7, 2003 at 7:32 p.m. in the Aldermanic Chamber.

Alderman Timothy B. Nickerson presided.

Members of the Committee present: Chair James R. Tollner (arriving at 8:00 p.m.)
Alderman Robert A. Dion
Alderman-at-Large David W. Deane

Members Not in Attendance: Alderman Stephen C. Liamos, Vice Chair
Alderman-at-Large Paula I. Johnson

Also in Attendance: Maureen Lemieux, Division Director, Administrative Services

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Chair Nickerson

Alderman Tollner is running a little late, and I know Alderman Johnson is away on business right now.

INTERVIEWS

Ethnic Awareness Committee

Olga J. Tines (New Appointment) Term to Expire: December 31, 2005

Chair Nickerson

Ms. Tines is not present.

Hunt Building Board of Trustees

Donald R. Marquis (New Appointment) Term to Expire: December 31, 2004

Chair Nickerson

Please state for the record your name, address, and your desire for serving on the Hunt Building Board of Trustees.

Donald R. Marquis 23 Tenby Drive

I was an original member of the Board of Trustees of the Hunt when it was formed by Mayor Davidson back in 1995. I subsequently resigned after 5 years, and my place was taken by Alan Manoian who has been re-appointed. When Alan resigned from the board I was asked if I would like to come back and I would in order to finish some of the projects that we have initiated. For those of you who are not aware the Hunt Memorial Building was designed by one of America's foremost architects of the 19th Century. An architect by the name of Ralph Adams Cram. That building is really a spectacular testimony to his work. It was designed what we call the gothic American style, and as you probably know is 100 years old. One of the reasons why I look forward to completing my term on the board is to help commemorate the centennial of that magnificent building. We have a number of projects going on. I am interested in working on the long-range project for the building – what are we going to do with the building once we have completed the renovations of it. It is a great building. I am very excited to be a part of the renovation of that building, and I hope that everybody here in this room will come to visit the building at some point this year during our centennial year and see what we have done up to this particular point. Thank you very much.

Chair Nickerson

Are there any questions from the committee members?

Alderman Deane

I would like to thank him for his willingness to serve. It is an interesting building.

Donald R. Marquis

As you know I am a native of Nashua like many of you here, and always was impressed with that building. I worked for the school department for 32 years. I was the social studies supervisor and we held many meetings in that building over the years. I have affection for it. I was thrilled when it wasn't sold, and has now become really an important structure in the history of Nashua.

Alderman Deane

The Human Affairs Committee this year with the Community Development Block Grant applied some funds associated with the air conditioning as well as taking care of the water problems.

Donald R. Marquis

That is so important to the future of that particular building because ultimately of course as part of our long range plan we would like to make part of that building available for rent so that we can have income for continued maintenance of it. As you know we have had the windows replaced. That was a big thing. We have just recently painted the tower room and removed the cracked blisters on the

wall. It is just really fabulous. Thank you very much.

Chair Nickerson

Thank you very much. In just a moment we will – after we get through a couple of other items we will probably take a motion to recommend you to the full Board to begin that process.

COMMUNICATIONS

From: Alderman-at-Large Paula I. Johnson
Re: Charter Amendment Resolution R-03-205

MOTION BY ALDERMAN DION TO ACCEPT AND PLACE ON FILE
MOTION CARRIED

MOTION BY ALDERMAN DION THAT THE RULES BE SO FAR SUSPENDED AS TO ALLOW FOR THE INTRODUCTION OF A COMMUNICATION RECEIVED AFTER THE AGENDA WAS PREPARED
MOTION CARRIED

From: Brian S. McCarthy, Alderman, Ward 5
Re: Ordinance O-03-191, Establishing Noises from Animals as a Nuisance

MOTION BY ALDERMAN DION TO ACCEPT AND PLACE ON FILE
MOTION CARRIED

APPLICATION TO LICENSE HAWKER'S, PEDDLER'S, ITINERANT VENDOR'S LICENSE

Revocation of Hawker's & Peddler's License: Aaron Howell

MOTION BY ALDERMAN DION TO WITHDRAW AT THE REQUEST OF THE CITY CLERK
MOTION CARRIED

MOTION BY ALDERMAN DION TO SUSPEND TO CONSIDER AN APPLICATION FOR A HAWKER'S & PEDDLER'S LICENSE
MOTION CARRIED

Application for Hawker's & Peddler's License: Scott Vernon d/b/a Thomasville Classic Interiors

Paul Bergeron

This was actually before the committee last month, but we were unable to contact the applicant, Mr. Scott Vernon of James Court, High Point, NC, to appear before the committee. He is here this evening, however, and would be quite happy to explain his business and respond to any questions

that the committee might have about the activities of some of his sales representatives. To summarize the issues, the company that is requesting licensure goes under the business name if you will of Thomasville Classic Interiors. Last year during the summer our office received a number of complaints alleging certain behavior, which some of our residents took issue with. I say a number – I do need to indicate I am talking several here maybe 3-5. It is not like there were massive numbers, but still it was enough that our office felt it necessary to bring to the attention of this committee when the company came to apply for licensure this summer.

Those particular complaints fell into three categories; one that some of the people knocking on the door stated that they were in the city to deliver furniture that had been ordered by another party, but the party had refused to pay on delivery, therefore, they had a load of furniture in their truck that they were able to offer at a discount so that they could head back home, another point was that some of the sales representatives were promoting their furniture as the brand name Thomasville Furniture, which was not the case, and the third point was that some trucks were parked in residential areas for long periods of times while these individuals were going door-to-door in the neighborhood. Mr. Vernon did tell me that he felt that this was another company not his. To be honest with you it is quite possible that a company could be operating in the city without a license at all. Thomasville Classic Interiors was the only door-to-door furniture sales company in the city that obtained a license last year.

Those are our concerns. That is our history with the matter, and as I said Mr. Vernon is here to respond to any questions or to talk a little bit more about his company if the committee wishes to hear from him.

Chair Nickerson

Mr. Vernon if you would come up and take a seat please. Please state your name and address for the record.

Scott Vernon, 475 James Court, High Point, NH

Thank you guys for seeing me today. I apologize for not coming to the hearing on the 3rd. From my understanding the City of Nashua was supposed to give me a phone call back to let me know when the hearing would be because I went by the office a couple of times and what had happened in miscommunications was that they ended up sending a letter to my home. That is why the miscommunication there was in effect.

I do know that there were a couple of things that Paul had told me about. One issue here that I had was the as far as going up and telling the people at the doors that we had cancelled orders or whatever the thing here says – what I normally tell the people at the doors is that we are from North Carolina, we are from High Point North Carolina with two truck loads of furniture and what we are doing is selling to the public at discounted prices. What I can do is if you are all familiar – North Carolina is the furniture capital of the world. Two times a year High Point, NC has a furniture market. That furniture market incorporates about 100,000 people for that year and what happens is companies come in and buy furniture for the up and coming years for their businesses. What I can do, as an individual is we can buy the furniture and bring it to other states. This is not the only state

I work in. I work in about 12 different states throughout the whole United States. In the summer obviously you don't want to work down South because it is too hot so that is why we come up North.

Last year one of the things I just heard Paul say was that I was the only one issued a permit. I know that in all the towns – I have been working every town outside of the surrounding – I have worked Bedford, Amherst – that is where I am at right now I am working in Amherst, NH and Bedford, NH. That is where I have been working now for the past month. I have had a lot of phone calls in this town for people wanting to know when I was coming back. I do understand that there have probably been people that might – one person or two like you said not a lot of complaints, but if there are 3 or 4 complaints they need to be resolved so those complaints don't ever come up again. I understand that. I have a couple of things I would like to show you gentlemen if I could approach. Here is an example of all of the fabrics that I have, the manufacturer's tag on them, ... tape inaudible – speaker away from microphone... It does not say Thomasville Furniture on there. That is the information that is given on all sofas, all loveseats, all – anything that is a fabric we send that out to everyone and also here is a book. This book right here you can look through the book – I carry anywhere from – at times I carry anywhere from 7-15 different lines of furniture. That book there is a book that is at the door that we show to everyone that comes on the truck because the boxes that I have dining rooms and bedrooms and things like that in are obviously boxed up. We don't cut those up and things like that because it is new furniture and we don't want it to be scratched or in any way damaged. We have the pictures there, which plainly say – shows who the manufacturer is; Verncraft, American, Bassett – a lot of these manufacturers are manufacturers that you have likely here in your town. I just had a gentleman last night that bought a bedroom set from me and he bought the bedroom set and told me him and his wife had just got back from shopping and I saved him around \$900.

The savings are there and the people are enjoying the savings and I feel like that there have been other people – for instance I know at one time last year that there was another company in this area that was setting up. We do not set up in any places. We go door to door and talk to the people there. There was a company that was set up across from Jordan's Furniture that was sitting there selling furniture. That was not my company, not affiliated with my company, and I do not even know who it was because I was trying to find out so that I could get the police department to go down there and find out because if they had a permit because there are a lot of people that do this particular job that try to go around the laws and do it without a permit because some of these permits cost quite a bit of money. For instance your permit here in your local town costs me \$100 to purchase that permit for 1 year. There are other permits that I just purchased \$50, \$100 – before you know it, it adds up to quite a bit of money. A lot of people try to go around that and try not to get the permit to save money and once the police come out what they tell them is do you have a permit well you do not have a permit what they will do is make you leave. Well I think if you come out and you don't have a permit on them there should be a charge on that particular person because by letting that person off that is putting a bad name on me. With only one application filed last year and from my knowledge I do know of that one company that was up here last year that in itself right there was showing that company did not have a permit and was actually making sales inside of this town.

The other thing that it says here, which I had disclosed on that there showing you gentlemen what it says on the furniture and things like that the sales representative that was representing Thomasville Furniture that is fraud. Fraud is something that no one in my company would ever do because you

don't want to fraud someone and once you start into the fraud process that is getting in with the law. I am up here to make a living and to provide savings to the people in you'lls community. I think that you would go through like Paul said there might be a complaint or two but I think some of those complaints – I know for one instance A gentleman called and the complaint was he had no arm covers for his chair. Our company did finally get some arm covers sent to him, and he is a satisfied customer. Within those 2-3 weeks there he could have been one of those particular people that was complaining. I don't know that because I don't know if Paul do you by chance have any of the people's names?

Paul Bergeron

A couple.

Scott Vernon

Also another thing that I also issue to the customers – may I approach you guys – that there is a sales receipt invoice that is gave to everyone that buys anything from our company. It says at the top who our company is. It has a phone number that you can contact our offices back in High Point. What we do is we put on the actual bill what it is, who sold it, how you paid for it, so on and so on, and the customer signs at the bottom. If you will notice at the bottom we have the customer sign acknowledging that their product came to them in good condition. That is acknowledging that the customer received the product in good condition. Once they sign that we don't warrantee the work. As far as the warrantee that I give you gentlemen up there everything is manufactured – as far as the sofas, loveseats, and chairs all have a one year warrantee as far as the fabric and a life time warrantee as far as on your framework. Everything else that is sold; dining rooms, bedrooms, things like that the grandfather clock we set those up because we want to make sure that when it is put into someone's home it is right. I don't want to be 1,000 miles from home and find out that we put something in somebody's garage and it has a broke leg or a broken draw or something like that so that is why we set it up at that particular home so they can sign off on the bottom of the invoice saying that they did receive that in good condition.

Alderman Deane

I don't think this pertains to the sales price or the quality or installation or set up of your product. The thing that I am hearing – I understand your business practices and whatnot, but the complaints were people knocking on doors, going door to door stating that they were selling a brand name, Thomasville Furniture, which it is not, and parking for long periods of time in residential areas. Those were the complaints. Now the other question I had was you said that you wanted to clear up these issues that were brought forward that the City Clerk had.

Scott Vernon

Yes sir.

Alderman Deane

Now, I take it that if you are saying that to me then your company was associated with these complaints that were received by the City Clerk's office.

Scott Vernon

I am not saying that all those complaints were to me sir because I do know that there was another company in the area at the same time.

Alderman Deane

Why would you want to clear up complaints that might be against someone else?

Scott Vernon

No, I was wanting to know if those complaints were against me. That is what I asked him sir.

Alderman Deane

That is not what you said though. The other question I have for you is what is written on the side of your vehicle?

Scott Vernon

Thomasville Classic Interiors, DOT number, and that is all.

Alderman Deane

Is Thomasville a large manufacturer?

Scott Vernon

Thomasville is just a manufacturer of furniture.

Alderman Deane

Quality furniture?

Scott Vernon

Yes sir. If you notice Thomasville is a town, High Point, Thomasville, Greensboro, Winston, Salem – all of those are affiliated right there in the area of North Carolina. There are probably about 500 and some different names that start with Thomasville. If you live in the Thomasville area – I know of Thomasville Interiors, Thomasville Classic Interiors, Thomasville Delivery Services – just because someone has the name – for instance if I had the name Lazyboy I wouldn't – Thomasville Classic Interiors is an interior division. I deal with a lot of interiors. I have a lot of interior decorators that I like to do business with because I would like to come into a town and find someone that I could do

business with that has a small company that I can come in and sell quality furniture at a quantity. I would rather come in and sell to one individual and sell them 30 living rooms groups then have to go out here and sell to 30 individuals myself, but the business is both ways. We sell to the public and we sell to companies also.

Alderman Deane

Your business is registered with the Internal Revenue Service?

Scott Vernon

No sir it is not I file my taxes individually. I don't think this has anything to do with my tax – I don't think so.

Alderman Deane

If you are selling things for profit I am sure the federal government would love to know about it.

Scott Vernon

I am individually incorporated. I work for myself. I don't have employees I work for myself.

Alderman Deane

So you are the only one in the truck?

Scott Vernon

No sir I have another gentleman that drives another truck. I have two trucks. The other gentleman that drives the other truck helps me move stuff. I can't move them by myself.

Alderman Deane

Thank you very much.

Scott Vernon

The other thing I would like to comment on is as far as that you asked about was the parking for long periods of time – you commented about that.

Alderman Deane

That was one of the complaints that was received by the City Clerk.

Scott Vernon

You had mentioned that. That there when a truck is parked somewhere and for instance the only time that a truck would be parked in front of someone's home – actually wouldn't even be parked in front of their home it could be across the street – is if we are unloading something to put in someone's house is the only time that it would be there for a long period of time.

Alderman Deane

Did you go door to door to sell your product?

Scott Vernon

Yes sir we do.

Alderman Deane

You park the truck on the side of the road?

Scott Vernon

I park my truck at the first of the subdivision and I run through the subdivision letting everybody know that we have two truckloads full of furniture that we are selling to the public over the weekend or over the week or whatever time that would be. Normally I work on the weekends because everyone is home on the weekends.

Alderman Deane

Thank you.

Scott Vernon

Yes sir.

Chair Nickerson

Are there any other questions or comments by committee members?

Alderman Tollner

I want to apologize first of all for being late. It took me 3 hours to get from Burlington, MA to here. I was maybe one of the lucky ones. There was a flood on Route 3. Again I am sorry I am late. I just have a question for the City Clerk. Has he had an opportunity to address his concerns?

Chair Nickerson

He has.

Alderman Tollner

Okay. I just have one question for this gentleman. When you go door to door the furniture that you sell how do you represent it? Do you let the individuals know you are selling Thomasville Furniture?

Scott Vernon

No sir. I tell them that what we are is we are from North Carolina with two truckloads of furniture that we are selling at discounted prices, and that is what we are doing. We are selling at discounted prices. A lot of these particular items that we do sell you can go for instance right on the internet. I have done that a bunch of times right in the individual's home – for instance an example we sell Howard Miller clocks if you are familiar with the grandfather clocks. I have had a bunch of individuals go in their home and ask if they could pull that particular clock up on the internet and they do, and we sell them \$1,100 for a grandfather clock and they are on the internet all day long for \$1,500, \$2,000, and \$2,100. They sell likely in your local furniture store for about \$2,000 for a clock like that. You as me as everybody that is sitting in this room right now always is looking for a deal. If you can go out and buy a Camry that is a \$32,000 car for \$25,000 and save \$7,000 on it and you are looking for a car and needing one that is a good deal. I am not trying to misrepresent anybody. Like I said we do tell them that we are selling at discounted prices and I give these gentlemen here before you came sir showed them copies of what the tags say on all my furniture – it says Hamilton House Furniture. It does not say Thomasville Furniture nowhere on that tag sir. Everything is displayed in the truck and is shown to the individuals as they get on that truck. I also have a brochure that if you open it up it shows all the dining rooms, bedrooms and things like that that are in there and boxed up because they are new furniture and it is boxed up – the dining rooms and bedrooms so we have pictures of it so we can show them and it says plainly on the pictures who the manufacturer is.

Alderman Tollner

I have one other question, and I am sorry if it has been asked already. Suppose you come to my house and I buy furniture and then I am not happy with it. What is my recourse?

Scott Vernon

Why would you not be happy?

Alderman Tollner

Say I use it for a while and something is wrong with the leg or something is wrong with the furniture.

Scott Vernon

If you have a problem there is a one-year on the fabric – fabric seams, all that has one-year warrantee. As far as the frame legs and things like that there is a limited lifetime warrantee on that. We would replace that. You would call the number or we would replace the problem if you have a problem. I have gotten individuals who have had problems with a drawer or something for instance in a nightstand break or whatever it shall be and they call the number and what we do is we will have

someone send it out to replace it. I am here to provide a consumer something that they need. We all need furniture to put in our homes. It is something that is used daily. You sit on a sofa everyday.

Alderman Tollner

You come you sell a piece of furniture and a month or two there is a problem so there is a warrantee so that individual that bought that furniture would call an 800 number or...

Scott Vernon

There is a number at the top of the invoice that they can call.

Alderman Tollner

Who would come with a replacement for that furniture?

Scott Vernon

Either me personally or what we do is we have different delivery companies where that is all they do – they are contracted out with different furniture companies throughout all of High Point and what we would probably do is if we were not coming back up in this area for a certain amount of time because I just did this back in November as a matter of fact – I sent a truck up here that only had 4 deliveries on it from North Carolina. It was a server and 4 chairs to be exact on one of them that I had to drop off to an individual before they wanted it for the Christmas holiday. I tried to do that for them as a favor. I hardly made any money off of that, but we just wanted to get it out and get it here because the next time we were going to be up in this area was going to be around May. That was going to be 5 months.

Alderman Tollner

Thank you.

Chair Nickerson

Are there any other questions by the committee members? Is there a motion?

Alderman Tollner

I have one question. If we didn't want to make a motion tonight we could take this up at our next meeting and it wouldn't affect business that he may want to do. One of the reasons why we wanted him here was to have some testimony, ask some questions, etc.

Paul Bergeron

We have not issued the license yet. It is pending action of this committee, which has the authority to grant licenses. If that is the wish of the committee I might make the following suggestion that the committee issue a temporary license until its next meeting with certain conditions. The ordinance

does allow for example this committee to set certain procedures, regulations, and guidelines for the issuance of license and by discussing it here today we can take that action. I would ask the committee to consider making those conditions the following; that the applicant provide us with photos of all trucks being used in the area so that if our office gets complaints we can ask them to describe the trucks and in that manner determine whether or not it is this company that we are receiving complaints about or an unknown second company that is in the neighborhoods. Secondly I would like the names and addresses of all salesmen that are representing this company in the area. Again we require that for magazine salesmen anyway, but again if there is a complaint perhaps we can pin down whether it is an employee of this company or another. Third I would ask for the authority to immediately suspend this company's license if we receive multiple complaints, and I am not talking anonymous complaints, but multiple complaints about any of the business practices of this company. The ordinance as it is currently written doesn't allow our office the authority to suspend a license pending a hearing before the committee. If we had enough complaints I would have to wait perhaps 3 or 4 weeks before any action could be taken. If the Aldermen were comfortable with those conditions I think our office would be comfortable in granting a temporary license to the firm.

Alderman Tollner

I will make that my motion.

MOTION BY ALDERMAN TOLLNER TO ACCEPT, PLACE ON FILE AND GRANT A 60 DAY TEMPORARY APPLICATION FOR HAWKER'S & PEDDLER'S LICENSE WITH THE CONDITIONS THAT THE APPLICANT PROVIDE THE CITY CLERK WITH PHOTOS OF ALL TRUCKS BEING USED IN THE AREA, THAT THE APPLICANT PROVIDE THE CITY CLERK WITH THE NAMES AND ADDRESSES OF ALL SALESMEN THAT ARE REPRESENTING THIS COMPANY IN THE AREA, AND THAT THE CITY CLERK BE AUTHORIZED TO IMMEDIATELY SUSPEND THE LICENSE IF IN RECEIPT OF MULTIPLE COMPLAINTS ABOUT ANY OF THE BUSINESS PRACTICES OF THIS COMPANY

ON THE QUESTION

Alderman Tollner

How often are you up here?

Scott Vernon

I have been up here since the end of May.

Alderman Tollner

When does your selling season end or would it end?

Scott Vernon

Just whenever. I was telling these gentlemen before you got in sir that I have been up here like I said since – all of June, part of July – went home for a couple of weeks of vacation, came back. I will probably be here like I was telling the gentlemen here that in the summer it is hot down south so we try to come up here where it is cool and in the winter where it is very cold up here try to go to where it is warmer at – Florida, Georgia, Texas, somewhere like that.

Alderman Tollner

If I could ask the City Clerk a question. Paul when you talk about temporary you are talking about 60, 90 days?

Paul Bergeron

I think that would be reasonable 60 days. The licenses for hawker's and peddler's run during the calendar year so if we issued a permanent license it would carry through the last day of December. Certainly within 60 days we would have a pretty good feel for what is happening out in the neighborhoods.

Alderman Tollner

I hope we don't get any further complaints, and I think the onus is on you and the people that represent you to make sure that we don't get any complaints. We will take a look at it again in 60 days. In the meantime, if you have any questions feel free to contact the City Clerk's office. I think the City Clerk's office is very reasonable group to work with. That would be my motion.

Scott Vernon

I only have one question. This license that I am trying to get that you guys are getting ready to issue is a license that is 3 stages – you can get it weekly, monthly or yearly. If you are issuing it to me for a 60-day period – it is cheaper for me to get it for a year at \$100 then pay every week at \$25.

Alderman Tollner

How much a month?

Scott Vernon

Fifty dollars a month?

Paul Bergeron

I am not sure there is a monthly license, but ...

Scott Vernon

I know it is weekly at \$25 and yearly \$100. My only concern is if I get this permit and you issue it for 60 days you see that there are no problems and then you are going to issue it again for the rest of the year what do I pay? I don't want to have to pay for 2 weeks and then have to pay for another year.

Chair Nickerson

Is this a State law that determines the pricing for this license or is it a city ordinance?

Paul Bergeron

City ordinance. I would just say that it would be our intent to issue the \$100 license not to try and have him pay us \$25 every week because that is the most economical way to process this.

Chair Nickerson

Then if it were extended obviously the charge would just carry through.

Paul Bergeron

Correct. The license would be paid for through the end of the year.

Chair Nickerson

I know several years back or at least I know from hearing from Alderman Cote who is not here this evening when the initial round of complaints came in about this he received a good number of phone calls – probably over a dozen or so and I am sure all of them weren't reported to the City Clerk's office about similar things as the City Clerk had mentioned. I am somewhat reluctant to support this at this point due to the concerns that were had by the residents at that point. At this point there really isn't any clear distinction that it was another group that was operating under that name so I am actually reluctant to support it at this point, but obviously if the majority of the committee acts then so be it. Is there any other discussion?

MOTION CARRIED

APPOINTMENTS BY THE MAYOR

Ethnic Awareness Committee

Olga J. Tines (New Appointment)
83 Ledgewood Hills Drive
Nashua, NH 03062

Term to Expire: December 31, 2005

MOTION BY ALDERMAN DEANE TO HOLD IN COMMITTEE THE APPOINTMENT OF OLGA J. TINES TO THE ETHNIC AWARENESS COMMITTEE FOR A TERM TO EXPIRE DECEMBER 31, 2005
MOTION CARRIED

Hunt Building Board of Trustees

-
Donald R. Marquis (New Appointment)
23 Tenby Drive
Nashua, NH 03062

Term to Expire: December 31, 2004

MOTION BY ALDERMAN DEANE TO RECOMMEND THE CONFIRMATION OF DONALD R. MARQUIS TO THE HUNT BUILDING BOARD OF TRUSTEES FOR A TERM TO EXPIRE DECEMBER 31, 2004
MOTION CARRIED

PETITIONS

Voter Petition proposing an Amendment to the City Charter relative to Charter Sec. 56-d, Exception to Budget Limitation

-
MOTION BY ALDERMAN DEANE TO SEND THE PETITION TO THE BOARD SO IT MAY BE ORDERED TO THE BALLOT
MOTION CARRIED

UNFINISHED BUSINESS – RESOLUTIONS

-
R-03-205

Endorser: Alderman-at-Large Paula I. Johnson

PROPOSING AN AMENDMENT TO THE CITY CHARTER RELATIVE TO THE MAYOR'S REPORTS AND RECOMMENDATIONS

MOTION BY ALDERMAN DION TO RECOMMEND INDEFINITE POSTPONEMENT
ON THE QUESTION

Alderman Deane

I would like to ask why the maker of the motion wishes to indefinitely postpone.

Alderman Dion

The reason is I feel as though this legislation is certainly not needed. The Mayor attends our Board of Aldermen meetings at every meeting and addresses the Board at every meeting. Anything important he brings up. I think forcing his hand in a Charter change is not the way to go about this. I think it is being done already, and I think it is unnecessary.

Alderman Deane

Thank you.

Chair Nickerson

I am actually not going to support that. I actually think it is probably a good thing to do so that if there is something that this Board wants as far as information purposes I think we should be able to request it. Whether it is forcing someone's hand or not that is certainly to be judged upon the actions, but I think at least at this point it is probably a worthwhile piece so that the Board of Aldermen can also request information from the Mayor if that ever is needed. Obviously it would require an action by the Board and not just a single member so it would certainly need to go through the proper channels as far as an official motion of the Board so I am actually not going to support the motion for indefinite postponement, but support it for final passage.

Alderman Deane

I just wanted to chime in with a comment if I may. I asked for information and I am given the runaround most of the time – I am sent from one person to another person and back to the Mayor and back to a department head and back to the Mayor, and the amount of time associated with the runarounds with city staff because now they are confused – I don't understand it. I can't support indefinitely postponing it either. I think if we ask for information as elected officials or citizens that we are entitled to the information in a timeframe which is set forth. I am now requesting information under RSA 91(a). It has gotten to the point where I cannot get information without using the Right to Know Law. It is not a good situation. I will not support indefinitely postponing it either.

MOTION FAILED

MOTION BY ALDERMAN DION TO HOLD R-03-205 IN COMMITTEE

MOTION CARRIED

Alderman Nickerson stepped down and Alderman Tollner presided.

R-03-207

Endorser: Mayor Bernard A. Streeter

PROPOSING AN AMENDMENT TO THE CITY CHARTER RELATIVE TO
CONFIDENTIALITY
OF VOTER REGISTRATION INFORMATION

MOTION BY ALDERMAN NICKERSON TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Alderman Nickerson

This was basically just to bring our city Charter in line with what new federal laws and state laws has required for capturing – there are new state and federal laws that require additional information on being captured such as partials of socials and birth dates and so forth and things of that nature that are considered rather confidential so we are just exempting those from the voter registration list.

Chair Tollner

Paul do you want to add anything or are you all set with that?

-
Paul Bergeron

I think the Alderman summarized it pretty well. It is effective September 1st we will not be able to release certain information under state law, and I think if we don't change our Charter we are asking for a court challenge at some point. I would like to do it the easy way and just do the housekeeping.
MOTION CARRIED

UNFINISHED BUSINESS – ORDINANCES - None

NEW BUSINESS – RESOLUTIONS

Alderman Nickerson

The next one is dealing with proposing an amendment to the City Charter and those typically require a public hearing, although tonight we didn't have one for that. I am not sure why we had missed that or if there will be one scheduled at our next meeting and if so would that actually allow us enough time to get it on the ballot if it ends up passing.

Paul Bergeron

Is this the one dealing with the budget for the Mayor's proposed budget?

Chair Tollner

I got a little e-mail myself this morning from Sue Lovering, but you may want to add to it.

Paul Bergeron

In order for a Charter amendment to appear on the ballot it has to be ordered there by the Board of Aldermen at least 60 days prior to the election, which really means by September 3rd or 4th this question would have to be ordered to the ballot. The only way that is going to happen is if this is sent back to the Board for next Tuesday's meeting, the Board schedules a public hearing, and then there is a special meeting of the Board to order it onto the ballot, and all of this has to happen by September 3rd.

Alderman Nickerson

I remember making the motion to actually refer it to committee without finding that it be necessary. I neglected to remember that. Thank you.

Alderman Deane

I don't know what the overall intent is, and I was kind of hoping for an explanation. I for one, as an Alderman, don't want to give us my vote. I don't think any Alderman would want to give up their vote. Basically I looked at this as time constraints with final passage of a city operating budget. Well we can run on resolution if we have not and if we revert back and give the Mayor full charge with whatever budget was originally presented would be in order. We're elected by the citizens to oversee the best interests of their tax dollars and if that had happened this year and this Board didn't make those reductions our tax increase would have been about 5.5%. That is one issue I take with it. I respect the fact that you put it in, and I understand some of the reasoning. The other thing that I don't understand this would be placed on the ballot and voted on by the citizens correct?

Chair Tollner

Yes.

Alderman Deane

Now we have another referendum question that is in the same part of the Charter 56 – it is not a b it is a d, and to me I think it would be confusing to the general public. When they went to vote I don't think they would understand it number one. I think the initiative on the spending cap language that was being put forth by members of the community although we have the right to file legislation and put things on the ballot I think this will confuse the citizens when they go to the ballot box to vote. As far as the time constraints that we have now and what we have to do with the public hearing and what has to be done by the 3rd of September I would just like to fully understand the reasoning behind this piece of legislation. I know we had budget issues this year and they were resolved at the end. The budget passed, the cap was overwritten and taxes are going up about 3.8%, but the city still operated, and if we had to operate by resolution, which is what I believe the State is currently doing it can be done. Essential services – nothing stopped. You are always going to agree to disagree especially when it comes to budget time. When you come into a mayoral election year at times I would imagine it is worse. I will never give my vote up for time constraints for the final passage of a city budget. I couldn't do that. Hopefully people vote for you to look out for the best interest of their tax dollars and be part of a 15-person team to either vote something up or down, and I believe that is why they put us here. To have one man have total control over the finances that are put forward by his administration and have that revert back to him I just can't support doing. Thank you.

Chair Tollner

One of the reasons why I proposed this particular piece of legislation in retrospect probably should have started this a little earlier because we are going to run into a time crunch is I had a conversation with one of the Aldermen from Manchester and one of the regulations or part of their Charter up there is that they have to come up – the Board of Aldermen has to come up with a budget by a certain date. If they do not then the budget will revert to the budget that has been proposed and presented by the Mayor. You have mentioned a couple of times that you don't want to give up your vote. Never was it the intent of this legislation for any member any single or any 15

members of this Board to give up their vote. If they voted in an appropriate way nor conducted themselves in an appropriate way and were willing to compromise and work together as a Board then this particular piece of legislation would never go into affect. I am not sure there has been any time in the last – I will even say 10 years 20 years up in Manchester where the budget has automatically reverted to the Mayor's budget. As I think it was stated by the Mayor when we had a discussion on this particular piece of legislation there was never any intent at all to circumvent the cap whatsoever. I felt that bringing it to committee we could do some work on it, make sure that we had change in text or whatever – that we try to find some way to deal with the cap situation.

I thought about this back I guess about 2 or so months ago when we were going through numerous difficult deliberations on the Budget Committee where we really weren't going anywhere and we need 10 votes to override the cap and the bottom line was I looked at this as a mechanism to push the Board of Aldermen to come to a consensus together and hopefully this would never have to be used and no one would use the budget as a political tool whether they would approve it or not approve it or extend it for any period of time. After listening to Mr. Bergeron that such a complicated time schedule – a limited time schedule. I think it is a good idea. I think this is something that we should continue to discuss. Given the calendar and the time constraints I am not sure whether it will work out this year if I want to look at this reasonably. Maybe if I still have interest in doing it next year I will bring this legislation back up again, but again I don't view this legislation as taking anybody's vote away – really to push this Board basically to a reasonable compromise that would benefit the public, the budget, the programs and the city at large. That is why I decided to introduce it.

Alderman Nickerson

Even though the intent may not have been to take someone's vote away I think this in a way somewhat does. It does force the hand of the Board to agree on a budget by the time and if not then the Mayor's budget will go into affect. As Alderman Deane had stated this year there would be a 5.5% increase as opposed to the 3.8% that bantered around. Other things that also could happen is there have been situations this year where we have decided and throughout the budget deliberation process it was determined there were additional funds needed in one area and maybe less in another – those types of alterations couldn't have been made – any of the amendments that were made during the budget deliberation process wouldn't have gone into affect. The Mayor's presented budget would become law and it would cause those issues. Certainly there could be transfers done after the fact and those adjustments could be made, however, the bottom line increase or decrease couldn't be made. There are certainly some issues with that. I don't feel as though this would be appropriate.

Somewhere along the lines of Alderman Deane as well is the issue of having the Charter amendment on the ballot this year relative to section 56b as well as this could certainly provide some confusion for the voters, and even if they were both to pass what would actually be the end result? There is certainly that big area of ambiguity that we can't answer tonight. Even at the last Board meeting there was some discussion as far as whether there should be something in there as far as section d or e or g or z included in there so I think certainly some more thought needs to be put into this. I am not willing to support this to go for final passage.

R-03-232

Endorsers: Mayor Bernard A. Streeter
Alderman-at-Large James R. Tollner

PROPOSING AN AMENDMENT TO THE CITY CHARTER RELATIVE TO 56-b
[Changes in budget items]

MOTION BY ALDERMAN NICKERSON TO RECOMMEND INDEFINITE
POSTPONEMENT

ON THE QUESTION

Alderman Deane

I just wanted to comment on a couple of things that were said. One of the things that were frustrating for me during the budget season was the lack of attendance by Budget Committee members. It appeared to me that we had deadlocked even numbered amounts of people at those meetings more often than not. The point of compromise was gone. We sat there for 2 or 3 hours – I think there were 3 or 4 meetings that were like that where nothing got done. The compromise factor in that scenario – that is where I feel most of the problem – obviously people had other things to be doing or whatnot, but that is where a lot of the problem I thought started was in the

Budget Committee itself. Alderman Britton did a great job running the meetings, but when you have an even amount of people there and there were 3-3 votes, 2-2 votes the whole night – nothing got done, nothing got moved, nothing got cut – it was kind of pretty much a waste of time.

The other compromise factor – if there are things that I see – some things you can compromise on and some things you can't. You can't always compromise on something. Some things to me are just plain wrong and some things I can compromise on. In the vote scenario, what this does is it forces a vote, it forces a compromise whether you want to support it or not. I don't think forcing somebody to vote on something – you are given an ultimatum – either you vote for it or it reverts back to the original budget. I don't think we should be given an ultimatum as elected officials. I think we are elected, we vote, and an ultimatum basically I think should be out of the question. I just wanted to hit on a couple of those points. Thank you.

Chair Tollner

Are there any other comments? Even though it is my legislation I will support the motion to indefinitely postpone only because of the time constraints. I think this piece of legislation could have gone somewhere if we had 2-3 meetings to work on it. The motion is to indefinitely postpone.

Alderman Nickerson

I hope that more work is put into this so we can see if this actually is something that actually would work well in our city. Although it appears as if it has worked in Manchester it may not work here or it may so I think that we need to spend more time looking at that. I think even if we were to continue throughout the rest of this year to look at it and have a piece to put in for even next year.

Chair Tollner

The one thing that is different – for the public – up in Manchester if I am not mistaken the Mayor is a voting member of the Board of Aldermen whereas our form of city government the Mayor doesn't have a vote as part of the Board of Aldermen. I want to thank my colleagues up in Manchester for conversing with me and giving me some language to put into the legislation. Saying that the motion is to indefinitely postpone.

MOTION CARRIED

R-03-233

Endorser: Mayor Bernard A. Streeter

PROPOSING AN AMENDMENT TO THE CITY CHARTER RELATIVE TO
REVISION
OF THE BOUNDARIES OF WARDS 4 AND 7

MOTION BY ALDERMAN NICKERSON TO RECOMMEND FINAL PASSAGE

MOTION CARRIED

NEW BUSINESS – ORDINANCES

O-03-189

Endorser: Alderman-at-Large James R. Tollner

Alderman Marc W. Plamondon

PROHIBITING THE SALE TO OR POSSESSION OF SPRAY PAINT BY A MINOR

Chair Tollner

Is there anybody here tonight to comment on this legislation? I will make a motion to hold this. I did speak with the Chamber of Commerce last Friday. They have a couple of people that would like to come to the Personnel committee to have a discussion with us on this. I think they are in favor of the legislation. They have some ideas as far as making some changes. Without delaying this meeting any further I will make a motion to hold it in committee. ... tape flipped ...

MOTION BY ALDERMAN TOLLNER TO HOLD O-03-189 IN COMMITTEE

MOTION CARRIED

Chair Tollner

I did speak with Alderman McCarthy today. He is up at the Water District meeting tonight. He sent a communication. Do we want to have any discussion? He asked if we could hold it – if we were going to indefinitely postpone it he would appreciate it if we would hold it. I didn't tell him whether we would have discussion or not.

Alderman Nickerson

I am actually in favor of recommending passage to this tonight. I have spoken to him and he has made reference to the situation a number of times in discussions that I have had that there is a noisy bird in a neighborhood that he represents. Under our current ordinances there isn't – the police force doesn't have the ability to enforce that. They have the ability to enforce noisy dogs and so forth, but animals other than dogs they don't have it. I am actually willing to support this to go forward to the full Board.

O-03-191

Endorser: Alderman Brian S. McCarthy
ESTABLISHING NOISES FROM ANIMALS AS A NUISANCE

MOTION BY ALDERMAN NICKERSON TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Alderman Dion

I was going to make a motion to hold this in committee waiting for Alderman McCarthy to be able to be with us and discuss it. I don't have a copy of the ordinance and what it entails. Does anyone have a copy?

Alderman Nickerson

I have one right here.

Alderman Dion

I assume this is putting more teeth into the law that we now have is that correct?

Alderman Nickerson

It is just basically extending the same language of what we have for dogs to all other animals.

Alderman Dion

To all other animals.

Alderman Nickerson

Pets and so forth.

Alderman Dion

I have no problems with this legislation.

MOTION CARRIED

O-03-192

Endorser: Alderman Marc W. Plamondon
Alderman Kevin E. Gage

PROHIBITING URINATING AND DEFECATING IN PUBLIC

MOTION BY ALDERMAN TOLLNER TO HOLD O-03-192 IN COMMITTEE
MOTION CARRIED

Maureen Lemieux

I apologize for my casual attire. I had no intentions of coming here tonight. However, I was watching this at home on TV and did not realize when the person's name was listed under the revocation of Hawker & peddler's licenses I didn't realize that it was Thomasville whatever they call themselves at this point in time.

Alderman Nickerson

Classic Interiors.

Maureen Lemieux

Whatever. I am here – I drove down to speak to this committee as one of the complainants. They drove through my neighborhood last summer. There were two trucks. I am assuming from everything that I watched that it is this company. I could be wrong. It may not be this company, however, I absolutely believe that it was this company. They rang my doorbell clearly represented to me that they were selling Thomasville furniture. I own Thomasville furniture – I own several pieces of it. I don't think Thomasville Furniture goes door to door. I asked to see their license and of course they had their permit. I told them that the City Clerk's office was one of my departments, and then they were very quick to get in their trucks and drive away. They didn't sit in our neighborhood for an hour with their two trucks out in front of my house.

I say all of this because I am very concerned that we may continue to allow them to sell their furniture in this city and misrepresent themselves to our citizens. I know that I spoke with Paul when I first walked in. I know that you had a number of stipulations. I would either ask that you reconsider the entire license, and I have never come here asking for anything like that or and you can take your pick between the two of them – my other possibility would be that every Monday morning they go to the City Clerk's office, give us a list of exactly what streets they are going to hit that day for the 5 days of that week, and that we then as a city go out and follow up on them. I don't want to give them a license for 60 days for them to go around and misrepresent themselves to our citizens. Either I would ask that you reconsider your vote and that we deny their license or that we require that they come in every Monday morning and tell us exactly what streets they are going to on the five days of that week and that we be allowed to follow up on them and make sure if the City Clerk has the right to revoke their license at any point in time that if we think they are misrepresenting themselves that we would do that.

MOTION BY ALDERMAN TOLLNER TO RECONSIDER THE HAWKER'S &

PEDDLER'S LICENSE FOR SCOTT VERNON D/B/A THOMASVILLE CLASSIC INTERIORS
MOTION CARRIED

Application for Hawker's & Peddler's License: Scott Vernon d/b/a Thomasville Classic Interiors

Chair Tollner

Paul would it be appropriate for us to as part of the requirements have these individuals or this business change their name?

Paul Bergeron

I don't believe we can do that. I think if they have obtained a trade name through either our Secretary of State's office or the Secretary where they are doing business that they are entitled to it although it does raise the question perhaps we should check with North Carolina and see if they do own the trade name.

Chair Tollner

Would it be legally okay if we made a requirement of when they went and knocked on the doors to tell people as part of their pitch to be up front and we are not selling Thomasville Furniture? I don't have any problem with the request that Mrs. Lemieux has made already as far as the stipulation. I am trying to think of a few more.

Paul Bergeron

I honestly don't believe we can force them to state those kinds of disclaimers in their sales pitch. That is just my opinion.

Alderman Deane

If we don't want this type of activity going on in the city then why put stipulations on it at all? I would just put one stipulation on it and not give them a license to hawk or peddle – end of discussion. I've heard what Maureen had been saying. It is awful convenient to name your company Thomasville Interiors. Thomasville is probably some of the nicest and most expensive furniture – he is correct where it is made. I was interested. I should have got the phone number off that slip and called it to see where it went to. I would just assume not – we made a motion to reconsider and I would just assume not issue a permit to peddle or hawk his products period.

Alderman Nickerson

I have a couple of different things. Obviously I voted against granting the license, however, having been to the North Carolina region several times I am familiar with the Thomasville name is relatively common down there. If you somewhat liken it to something that would be up here we have a company here called Nashua and they make packaging tapes and duct tapes and so forth it could

be something as similar to having another company say somewhere else in the region where it could be associated as say Nashua Packaging Tapes that certainly is probably a legal name that they could take and still sell other types of products similar to that. I am not one to defend them really, but I think it is important to make that comment.

As far as stipulations that could be put on this if this were to go through I think that one would be appropriate to have the vendor state what regions or streets of the city they plan to visit over the next 7 days and maybe to make them report back as well the following week. Another one that may be appropriate it to maybe have the hawkers or peddlers have them state who they are actually representing. I know from the previous – one of the current occupants of the Nashua Mall, Burlington Coat Factory, they actually have an indicator on their sign that says not affiliated with Burlington Industries. There could be that type of indicator as well not representing Thomasville Furniture. With all that being said regardless of that I am actually not going to support a license. I still feel as if the concerns that have been raised by a number of residents and people in the city are certainly ones that are very valid. I don't think it is appropriate to grant licenses to groups such as that. I am not willing to support the license even with those stipulations. I am willing to let other people make a motion, but if certainly a motion to grant the license fails again or fails then I certainly will make a motion to deny the license.

Alderman Dion

Through the Chair I would like to ask the City Clerk a question please.

Chair Tollner

Go ahead.

Alderman Dion

Paul in the past this gentleman that appeared here this evening for the license have you even met him before? Did he ever have a license from the city to sell furniture?

Paul Bergeron

Yes Alderman. In fact, he is the one that has been coming up in past years. In the packet that I presented to the Board I provided copies of the license we issued last year, same person, same company name.

Alderman Dion

How long has this been going on?

Paul Bergeron

He has been up here the 4 years I have been here and prior to that I assume he has been coming as well.

Alderman Dion

Have you received many complaints pertaining to his sales methods and quality of his material, etc. high pressuring people or anything like that?

Paul Bergeron

Last year was probably the peak. We received quite a few last year. I say quite a few, and if I get 5 or 6 calls about any vendor that is out there I consider that quite a few.

Alderman Dion

Can you recall what the gripes were?

Paul Bergeron

Just the ones that I itemized for the committee that trucks were parked for long periods of time in the neighborhood, that they were representing themselves as Thomasville Furniture, that the reason they gave for having a lot of the furniture is that they couldn't make a delivery and wanted to get rid of their loads before they returned home. Those were the three major points that I recall the complaints pertained to.

Alderman Dion

I didn't hear him say that this evening. Discount prices is the only pitch I heard him say. Something about having over abundance of furniture on the truck and willing to give you a good deal – he didn't say anything about that.

Paul Bergeron

Alderman I agree. Those were the complaints against them and I am sure he wouldn't confirm that they were true if they were.

Alderman Dion

Four years?

Paul Bergeron

At least.

Maureen Lemieux

I don't know if any of you remember this or not, but last summer there was one of the Board of

Aldermen meetings Alderman Cote started talking about this company, and in fact when he finished I had already called his home and asked his wife to have him call me because we live in the same end of town and this company was traveling around our end of town. I can only tell you what they said to me when I answered my door not having a clue of who I was – they certainly represented to me that they were Thomasville Furniture that they were up here on a delivery, that they could not make their deliver because the people didn't have the money to pay for the furniture when it arrived, and so they didn't want to go back to North Carolina without an empty truck. It was very clear to me what happened at my doorstep. If I were somebody else maybe I would have believed them, and that is what my concern is now. That is what my concern was last summer. I filed a formal complaint with our City Clerk. I spoke with Alderman Cote. This is not something – I wasn't watching this tonight and came up with this complaint. I filed a formal complaint last year, and I am very concerned for our citizens that we have this company traveling around. I honestly believe this is the same company. I could be wrong – maybe there is somebody else driving around with two white trucks with Thomasville written on the side that travel together in your neighborhood and pull up at your door. I highly doubt that is true. That is why I ran down here tonight.

MOTION BY ALDERMAN NICKERSON TO DENY THE LICENSE TO MR. SCOTT VERNON

ON THE QUESTION

Chair Tollner

Paul you are going to have to get in touch with him because he left here and thought he had a 60-day license.

Paul Bergeron

He will show up at my office tomorrow and I am sure I will have an opportunity to talk to him.

Alderman Nickerson

He has to pick up the permit in order to do the selling.

Chair Tollner

Are you comfortable in handling that?

Paul Bergeron

Absolutely Alderman. I was not comfortable in allowing that company to operate under the same cart blanche they had last year and I will have no problems working with this gentleman.

Alderman Nickerson

Is there a way that a vendor could protest the denial of a license other than just re-applying for one?

Paul Bergeron

Not in our ordinances. I believe any appeal to be made would have to go to the full Board. We are actually in the process of re-drafting the hawker's & peddler's license extensively and there would be a two-step appeal process where it could go to the committee and then to the full Board. That seems to be the logical step.

MOTION CARRIED

HELD IN COMMITTEE

Resolutions

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

O-03-173

Endorser: Alderman-at-Large David W. Deane
Alderman-at-Large Paula I. Johnson
Alderman Stephen C. Lamos
Alderman Kevin E. Gage
Alderman Scott A. Cote

REDUCING THE FLOW CHARGE RATE FOR THE CALCULATION OF THE
SEWER
USE FEE FROM \$1.67 TO \$1.22 PER ONE HUNDRED CUBIC FEET

DISCUSSION

Dennis Ryder

I would like to caution the Board that perhaps that young man might act with the impression that he had a license and he might be somewhat upset in a legal sense with your ruling – reconsideration. I am not at all sure that you acted totally legally in doing what you have done. You made a decision and now you are rescinding it.

Chair Tollner

Again Paul you will be able to explain this situation to him tomorrow or whenever he comes in.

Paul Bergeron

Yes Alderman. I'm comfortable and the Board did act in accordance with parliamentary procedure. I am sure the gentleman will be a little bit upset tomorrow, but I deal with people in the whole spectrum during the course of the day. I am sure we will handle the situation fine.

Chair Tollner

Just before we close I do want to apologize to Mr. Sullivan for missing his presentation this evening. It was again beyond my control. I do have a copy of it here though, and I want to thank him for taking the time and putting that together, and for being willing to come and present it to the committee. I appreciate that.

ADJOURNMENT

MOTION BY ALDERMAN DION TO ADJOURN
MOTION CARRIED

The meeting was declared closed at 8:55 p.m.

Alderman-at-Large David W. Deane
Committee Clerk Pro Tem