

PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE

NOVEMBER 6, 2003

A meeting of the Personnel/Administrative Affairs Committee was held on Thursday, November 6, 2003 at 7:07 p.m. in the Aldermanic Chamber.

Chair James R. Tollner presided.

Members of the Committee present: Alderman-at-Large Paula I. Johnson
 Alderman Robert A. Dion

Members Not in Attendance: Alderman Stephen C. Lamos, Vice Chair
 Alderman Timothy B. Nickerson

Also in Attendance: Alderman Kevin E. Gage
 David Connell, Corporation Counsel
 Chris Hodgdon, Nashua Chamber of Commerce
 Kevin Verville, Summit Packaging Systems, Manchester, NH
 Bob Hills, NCPD Anti-Graffiti Project, Edgewater, MD

Chair Tollner

Alderman Lamos called me last night. He is out of town on business. Alderman Nickerson called me this afternoon and wanted to make sure that we had a quorum as he had another engagement.

INTERVIEWS

Industrial Development Authority

- Kenneth M. Brown, Esquire (New Appointment) Term to Expire: September 13, 2005

Chair Tollner

If you would like to take a seat - if you could take a second and state your name and address for the record. Could you state for the committee your interest in serving on the Industrial Development Authority?

Kenneth Brown, 187 Main Street – business address

I have been practicing law in Nashua for 31 years now and feel a real interest in watching the city grow in a constructive and positive way. I think the Industrial Development Authority is a unique opportunity to help direct that growth in positive ways, and I would like to be a part of that.

Chair Tollner

Are you familiar with the group of business leaders that are participating in that?

Kenneth Brown

I know a few names. I do not know the whole committee.

Chair Tollner

How were you introduced to joining the Industrial Development Authority?

Kenneth Brown

Basically Mayor Streeter contacted me and asked if I would be interested in serving on that capacity, and I said yes.

Chair Tollner

When he asked you if you were interested in serving did he give you some information as far as the level of time commitment and the responsibilities that went along with the position?

Kenneth Brown

Not specifically. I assume that it would be a couple of days per month – maybe 10 hours worth of time on a monthly basis.

Chair Tollner

So he didn't tell you that the meetings start at 7:00 p.m. and ran to 2:00 a.m.?

Kenneth Brown

No he didn't, but I am a night owl.

Chair Tollner

Thank you very much. Are there questions from the committee members?

Alderman Dion

This is more of a statement – I respect your desire to want to serve the City of Nashua and I appreciate your comments. I hope you are instrumental and helpful in bringing more industry in the city here. Basically that is what we are looking for – more industry and more good paying jobs. I appreciate your efforts and thank you for devoting your time.

Kenneth Brown

Thank you Alderman. I certainly will hope to move things in that direction as best I can.

Alderman Johnson

I just want to state for the record because I spoke with Dory Clarke about this, that I did retain Attorney Brown at one time, but it wound up that he did not represent me in what I retained him for so I just want to let everybody know and have it on the record – if they would want me to reclude myself from voting I could do that. If not I would be happy to vote, but it is up to the committee.

Chair Tollner

I have no problem with it.

Alderman Dion

I have no problem.

Alderman Johnson

One of my concerns that I have had with the Industrial Development Authority is that the number of times that they have been meeting – I think they have only met about twice. Would you encourage them to meet more often to try to really start looking into how we can bring more industry into Nashua or would you like to meet like once every two or three months?

Kenneth Brown

It is hard for a rookie coming into a committee to have much clout. I would certainly be in favor of having at least monthly meetings. I don't know for example if there are sub-committees, which are active in doing investigation. I think that is certainly a means that could make the whole committee more effective and I would explore all sorts of avenues to make it as effective as possible.

Alderman Johnson

Thank you.

Chair Tollner

What we can probably do is vote on this right now, but before we do that I will explain to you the process – the committee will vote on your nomination then the result of that vote and your nomination will be forwarded to the Board of Aldermen meeting – given the fact that it is Thursday night tonight it probably won't be the next Board of Aldermen meeting. It will probably be the Board of Aldermen meeting after that. Then the Aldermanic office will get in touch with you and you have a choice – you could be sworn in at any time down in the City Clerk's office after the full Board

approves you or you could come during the full Board meeting the night that it is on the agenda and Attorney Connell will be more than happy to swear you in on TV.

Do you have any questions of us?

Kenneth Brown

I don't think I do no.

Chair Tollner

Thank you very much for coming tonight and for your willingness to serve – we do appreciate it.

Kenneth Brown

Thank you all.

MOTION BY ALDERMAN TOLLNER THAT THE RULES BE SO FAR SUSPENDED TO GO OUT OF THE REGULAR ORDER OF BUSINESS TO TAKE UP THE APPOINTMENT OF KENNETH M. BROWN, ESQUIRE
MOTION CARRIED

APPOINTMENTS BY THE MAYOR

Industrial Development Authority

-
Kenneth M. Brown, Esquire (New Appointment)
141 Main Street
Nashua, NH 03060

Term to Expire: September 13, 2005

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MOTION BY ALDERMAN TOLLNER TO RECOMMEND THE CONFIRMATION OF KENNETH M. BROWN TO THE INDUSTRIAL DEVELOPMENT AUTHORITY FOR A TERM TO EXPIRE SEPTEMBER 13, 2005
MOTION CARRIED

COMMUNICATIONS

From: David R. Connell, Esquire, Corporation Counsel
Re: HB 415 (RSA 159:26) and O-03-216

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

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

-
UNFINISHED BUSINESS - None

NEW BUSINESS – RESOLUTIONS – None

NEW BUSINESS – ORDINANCES

O-03-216

Endorser: Alderman Kevin E. Gage

REMOVING THE PROHIBITION ON CARRYING FIREARMS IN PARKS AND OTHER CITY RECREATIONAL FACILITIES

MOTION BY ALDERMAN JOHNSON TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Chair Tollner

Alderman Gage is here tonight and Attorney Connell is here tonight as well.

Alderman Gage

I received a call back in July from a constituent to let me know that there was State law – HB 415, was passed effective July 18th of this year regarding the prohibition of carrying firearms in parks and recreational facilities so when I looked into it what it basically does is it removes the prohibition from carrying a firearm in those city parks and any other city recreational facility. It is fairly simple – it is just a housekeeping measure on our part – the State has basically taken that authority and said cities and towns no longer have the authority to restrict a legally licensed individual from carrying a firearm in those areas. Basically what this is doing is just taking that section out of our ordinances. Thank you.

Chair Tollner

David I have a few questions because I did get a couple of phone calls on this one from some constituents that wanted to know why we would ever remove the prohibition of carrying firearms in the parks, and my response to them was similar to what Alderman Gage just stated that this past term this was passed and it now becomes state law, which would supercede any ordinances that we would have on the books. The one question I was asked to ask you at this meeting was is there anything that the city could do to change this or is this the only alternative we have to do some paperwork to clean up and make sure that our ordinances match the state regulations?

David Connell

At the current time the later alternative that you mentioned is what has to be done. Ordinances have to be changed to comply with the State Statute, which is intended to preempt local authority with only one exception that occurs tonight – this new law says that there will be no regulation of sale, possession, ownership, use, and so forth except as otherwise specifically provided by statute. In looking at the park ordinance and looking at the laws in general, we found the one statute in the

criminal code under breaches of peace that continues to be in play, which says that it is a violation to fire a firearm in a park. We wrote it to only prohibit discharging and to acknowledge that the State has now said that you can't prohibit possession and carrying.

On further reflection and this is in the very end of the memo I sent to the committee – there is a better way to state it. The legislature is not saying that you can have ordinances on the prohibition on discharge but merely that the State law already prohibits it except to the extent that the city wants to designate a public gathering place. We wrote a proposed amendment, which acknowledges that the State law is still in place and if there is any doubt about it, it would designate the parks as places where you can't discharge firearms under the State law. In other words you would be punishing this under the state law and not under the ordinances, but it is worth mentioning here it is worth designating the parks as places where you can't discharge firearms if that is the policy you want.

That specific language is on the second page of that. In the draft ordinance you would add a little extra language – where it now says in subparagraph (2) discharge firearms or throw stones and so forth after the term discharge firearms you would put in some explanatory material and a clause that says “, which is hereby prohibited under authority of RSA 644:13 II(b)” so people would know that is in the criminal code.

Chair Tollner

That is the amendment you are recommending that we add?

David Connell

Yes.

Alderman Dion

I have a question of Attorney Connell – just so the viewing public will know what is going on here Attorney Connell we're not saying that people can go let's say for an example to Mine Falls Park with a shotgun going deer or bird hunting. We're saying hand guns - is that correct – like police officers or people that are licensed to carry guns?

David Connell

I think this is firearms in general. You are not allowed to shoot you are allowed to carry it around. To the extent someone wanted to ...

Alderman Dion

Basically we are talking about handguns is that correct?

David Connell

I think we are talking about long guns as well. In neither case can you fire them in the park. If it is otherwise allowed by law for you to possess them then you can.

Alderman Dion

Well I know there is a law Attorney Connell that says you cannot discharge firearms in city limits – I understand that. That is a city law is that correct?

David Connell

In the compact part of the city. That is a somewhat subjective issue in each municipality. There is a specific law that says you certainly can't do it in a park or any other place that the Aldermen designate as a public space, and that is what this amendment would get at.

Alderman Dion

Thank you.

Chair Tollner

So what we are saying is it is legal to carry a firearm in a public park, but it is against the law to discharge it?

David Connell

Alderman Gage would probably know the firearms laws better than me. I think it is pretty generally legal to carry firearms openly in a lot of places right?

Alderman Gage

In the State of New Hampshire, it is kind of like the old West. I have seen this on a few occasions where people have come up to me when I was with the Sheriff's office for the last almost 10 years – there is a guy walking down the street with a gun on his hip, has his coat off and he is just walking down the street – it reminds you of the old West movies – it is legal to do that. You can't carry it concealed without a specific permit and in this case in the State of New Hampshire you get that from your local Police Chief and it will specify on there what you have the license for. I believe – I am not extremely familiar with the long guns, but I believe you are carrying long guns there are certain regulations as to how you are carrying – shotguns are open and that sort of thing.

Alderman Dion

The chamber has to be open.

Alderman Gage

Right. Not that anybody is going to take that close a look if they see you walking down the street with it, but that is generally there are some regulations as to how you carry a long gun in the open.

Chair Tollner

I guess the question I have is you legally can carry a gun in a park – suppose there is a situation there that occurs that it is necessary for someone to for the safety of other individuals and they draw their gun and fire it in the park what would happen then?

David Connell

Then you would have what you already have, which is the need to reconcile this breach of the peace statute with the self-defense doctrine.

Alderman Gage

If anybody fires a gun in a park or anywhere on Main Street or anything when the police respond they are going to take that as a felony stop, they are going to take them down to make sure everything is safe, they will take them down on a felony position. Then they will find out what exactly happened, and more than likely the subject probably will be getting arrested for violating the firearms prohibition using the firearm, but also at the same time when that goes to court that is something that the lawyers will present to the Judge – the self defense issues and things like that.

MOTION BY ALDERMAN TOLLNER TO AMEND O-03-216 BY ADDING IN SUBPARAGRAPH (a)(2) AFTER “DISCHARGE FIREARMS” THE FOLLOWING: “... WHICH IS HEREBY PROHIBITED UNDER AUTHORITY OF RSA 644:13 II(b)”
MOTION CARRIED

MOTION BY ALDERMAN TOLLNER TO RECOMMEND FINAL PASSAGE OF O-03-216 AS AMENDED

O-03-217

Endorser: Alderman-at-Large David W. Deane
Alderman-at-Large James R. Tollner
Alderman Kevin E. Gage
Alderman Scott A. Cote
Alderman Timothy B. Nickerson
Alderman-at-Large David Rootovich

AMENDING THE WASTEWATER SYSTEM FUND WITH REGARD TO IDENTIFYING AND LIMITING THE SCOPE OF WORK AND CALLING FOR ANNUAL DETAILED SUMMARY REPORTS TO THE BOARD OF ALDERMEN

MOTION BY ALDERMAN JOHNSON TO HOLD O-03-217

MOTION CARRIED

O-03-218

Endorsers: Alderman Scott A. Cote

Alderman-at-Large David W. Deane
Alderman Brian S. McCarthy
Alderman Timothy B. Nickerson
Alderman-at-Large Paula I. Johnson
Alderman Marc W. Plamondon
Alderman-at-Large Fred Britton

AMENDING THE PORTION OF THE WELFARE GUIDELINES REGARDING RENT
PAYMENTS

MOTION BY ALDERMAN JOHNSON TO HOLD O-03-218

ON THE QUESTION

Alderman Dion

Why are we holding these two ordinances?

Chair Tollner

The ordinance O-03-217 the reason why we just held it was I spoke with Alderman Deane and he had a work commitment tonight and asked if we would hold that particular ordinance. He was fine with us passing it, but if we wanted to have some discussion Carol Anderson was going to come and a number of other people were going to come, but I felt it only fair to make sure that if one of the major endorsers wasn't here ...

Alderman Dion

That is reasonable Mr. Chairman.

Chair Tollner

As far as Ordinance O-03-218 I was talking to Alderman Cote at the polls on Tuesday, and he asked if we would hold that one in committee and take it up at our next meeting.

Alderman Dion

Thank you for the explanation.

Chair Tollner

You are very welcome.

MOTION CARRIED

O-03-221

Endorser: Alderman-at-Large Paula I. Johnson
RESTRICTING MAYORAL VEHICLE USE

MOTION BY ALDERMAN JOHNSON TO RECOMMEND FINAL PASSAGE

ON THE QUESTIONAlderman Johnson

This is my legislation restricting mayoral vehicle use. Basically what I would like to do is bring it down more in line with all the other city vehicles in the city. It would be used for related business purposes, and when the day is done, whenever he or she is done – whoever has the car, what would happen is that they will now put it in the garage and use their own vehicle to go home. I think it is a reasonable piece of legislation because I don't feel that we should be commuting – unless we are really out on business, being commuting people out in the car as I had seen unfortunately during the election time on the way to debates.

Alderman Dion

I will not support this legislation. To be honest with you I think it is kind of petty. I certainly don't want to tie the hands of the Mayor to have his city vehicle having to leave it in a garage when he is through with city business. Sometimes he works until 9:00 p.m. or 10:00 p.m. What if he is in a position where he is not far away from home why restrict him to have to come back to City Hall and put it in the garage and take his vehicle? I think it is unreasonable to pass this, and I will not vote for it period.

Alderman Johnson

The reason this came out was because on the way to a debate, the Rotary West debate, there was the Mayor, three of the people who are working on his campaign – unfortunately the vehicle is not supposed to be used for campaign purposes, it is just for city purposes. My biggest concern is that if you are on campaign purposes and you get into an accident and you have three people in that vehicle we are liable so it doesn't become petty it becomes very costly with insurance. That is where my biggest concern is. I don't mind people using vehicles, but when we restricted vehicles from the Public Works Department they couldn't take them home anymore and that is what my main concern is. It is fine to use it when you are on city business. If you need to take it home that is one thing, but that vehicle is not meant to go out for whether it is our current Mayor or the Mayors in the future to do any campaigning in it. That is a violation of the real use and intent of that vehicle. This is why I am putting it in so now and in the future it is just for city business and that is it.

Chair Tollner

I agree with the point that Alderman Johnson just made. I know it is a car, but I know that in other elections where Senators, Congressmen, Presidents were flying around their campaign does need to reimburse the government back for the usage of that vehicle. What I would like to do is to talk to H.R. a little bit and develop an amendment to this legislation. I am not comfortable with it in the form that it is in right now, however, if the endorser of the legislation would like to hold this in committee

and work on some amendments because I do think she brings up a valid point as far as driving around in one's campaign is probably not the appropriate use of a city vehicle.

MOTION BY ALDERMAN TOLLNER TO HOLD IN COMMITTEE

ON THE QUESTION

Alderman Johnson

I don't have a problem with sitting down with you and H.R. and even Legal to get better wording on this, but I felt that this had to come to the table. We needed to take a good look on how vehicles are being used and to make sure they are being used appropriately and that there is no liability issue in this vehicle.

MOTION CARRIED

Chair Tollner

There are two items held in committee. I don't have any interest in taking those items out, but there are representatives from the Nashua Chamber of Commerce that are here tonight with some guests that have come from out of town to kind of discuss the concern or help us through the concern that the city has with graffiti and what prompted O-03-189 prohibiting the sale to or possession of spray paint by a minor. While I don't want to pull that legislation out of committee because after having a conversation earlier this evening it needs a considerable amount of work, but I would like to ask Chris to come up and at least present the gentlemen that are here tonight and maybe they can provide us with some brief comments.

Alderman Johnson

Did you want me to make a motion to take it off the table for discussion purposes only?

Chair Tollner

Sure.

MOTION BY ALDERMAN JOHNSON TO TAKE FROM THE TABLE O-03-189 FOR DISCUSSION PURPOSES

MOTION CARRIED

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

Chris Hodgdon, President of Greater Nashua Chamber of Commerce

I appreciate the opportunity to speak to you about the ordinance. I have two gentlemen with me here tonight. Would it be appropriate to invite them up too?

Chair Tollner

Yes.

Chris Hodgdon

I have Kevin Verville from Summit Manufacturing, which is a manufacturing firm in Manchester that is a manufacturer of aerosol can implements and Bob Hills of the National Council to Prevent Delinquency, which is an organization that has an anti-graffiti project. I think that Mr. Hills'

organization offers some ideas that may be of use to you when you are considering how to attack the issue of graffiti in the community.

Chair Tollner

Before each of you gentlemen speak if you could just state your name and address for the record so when we transcribe the minutes the clerk will understand who is making those comments. Whoever wants to start can go ahead.

Kevin Verville, Summit Packaging Systems, 16 Ammon Drive, Manchester, NH

I have come here today for the record from Summit Packaging Systems. I am the Vice President of the technical department, and work very closely with sales and manufacturing in our entire industry. Our world headquarters are located in Manchester, NH. We have production facilities in Wisconsin, Buenos Aires, Argentina, and the Netherlands. Summit Packaging Systems is the largest U.S. producer of aerosol valves. We hold over 50% of the domestic market and of that we supply about 80% of the U.S. aerosol spray paint market. We are number 2 or number 3 as a worldwide supplier of aerosol valves. In Manchester alone, we have 360 employees, and at last count about 80-100 employees in Manchester who are actually residents of Nashua.

We heard about the legislation that you have pending. I am here to say that Summit Packaging does not support the current language of that legislation primarily the lock up provision in the legislation. Summit Packaging is not directly impacted by this legislation, however, if a consumer does not have ease of accessibility to a product they will generally shift to a different product that has a quicker and easier way to get at. Generally it is our experience that in communities where lock up of certain products has taken place there has been a decline in sales of at least 30%. Where we command 80% of that market a decline in retail sales results in a decline of sales for our business so that hurts our business, and, therefore, residents of New Hampshire.

Summit does believe that there are other options and other wording to the legislation that would allow Nashua to achieve its goals of trying to end if not drastically limit graffiti. Summit Packaging has been working on this problem for a great many years. In fact, we occasionally get calls from so called artists looking for the tips to go on spray cans so that they can get different textures and

patterns. In fact we will not supply that nor will any of the other major valve companies in the United States because we know that in certain major markets the product is sold with the actuator of the tip off and so this is a route that graffiti artists take to try to circumvent that little niche. Without corporate letterhead and a formal request we don't supply it. We have been working with several organizations to try to limit graffiti as a public problem.

On that I would pass the floor onto Bob who works with an organization that has been very successful in helping communities battle problems with graffiti.

Bob Hills, Exec. Director of NCPD Anti-Graffiti Project, 25 Shadow Point Court, Edgewater, MD

Very briefly the NCPD is a non-profit that is industry funded. We since 1994 have been providing information and research services to communities that are planning or improving their anti-graffiti programs. We help with networking, putting together a successful program personnel with people who are just starting to attack the problem. We have an extensive retail anti-theft program called responsible retailing, which is in place in a number of cities; Milwaukee, Albuquerque, Miami, and San Diego and just legislation that was passed in the last two weeks in Reno, Nevada and Santa Fe, New Mexico to take in this program. They are about 10 million consumers out of the top 100 cities who now live under that program. We provide a number of other services including neighborhood paint banks for volunteers who want to keep up their neighborhoods, and we are currently developing a values curriculum for middle school to reduce the number of kids who go into the graffiti taggers stream. All of our services are provided free of charge to communities who are attempting to develop a comprehensive anti-graffiti program.

In our conversations here with the Chairman and with the Chamber we have discussed some of the things that we would like to have considered in terms of participation. The first thing we would do I think would be in cooperation with the police department conduct a graffiti audit – finding out where extensively this problem exists, what type of graffiti it is, who the perpetrators are, the degree to which we have gang involvement – things of that nature. We have professional personnel who work with police departments to do that. If we did that we would report back to the Chair as to those results. We also would take a look at retail display and sales practices. A rough count shows 29 outlets for spray paint in the City of Nashua. We would check on display practices and on any levels of theft that might be occurring in those stores to see if prudent loss prevention practices are being conducted. That information would be collected confidentially and we would convey no specific store information to the government. We would give you the total picture and situations numerically rather than identifying stores.

We also would be happy to work with you in doing kind of an overview of your total anti-graffiti package not just the supply side controls, but penalties, abatement procedures, clean up costs – things of that nature. We have I think the largest library in the country of local anti-graffiti ordinances and local anti-graffiti programs, and it is very current so we would not certainly not create anything to hoist if you will onto the City of Nashua, but we would show you what other cities have done and you could evaluate and speak with them about how those components are working if they look like they might improve your situation here.

When that was finished after we look at abatement, law enforcement, and education, we would

report again to the Chair and after you have decided what you want to do we would assist you in implementation. If you decide that it is appropriate to have some display standards or to have some supply sight controls in regard to potential graffiti instruments our response for retailing program has been very successful. We have been implementing that since 1995 and we have a couple of dozen cities that are in that program. From '95 to today no one has come back to us and said it is not enough. We think it is pretty good in that area. That is pretty much a summary of what we offer. We have talked with the Chamber. The Chamber has committed to have the business community participate with us in this activity, and should we initiate this we would reach out to the retailers who are not Chamber members as well.

Chris Hodgdon

I think that beginning to have a dialogue about the issue of graffiti is an important one because there are a lot of ways to tackle the issue and to try to throw up roadblocks if you will to the tagging and the graffiti that goes on in the community – as frustrating as it is for public policy makers to see those tagging on the public buildings it is equally expensive and frustrating for the private sector to have to deal with those issues. It is a problem that I think everyone recognizes needs to be dealt with and I think we have a good opportunity to do that assessment and determine a direction to go in a comprehensive manner and hopefully the end result will be a product and a set of policies that will result in less tagging and graffiti in the community.

Bob Hills

From what I have learned from you and from Chris and from my own observations I think that for me personally it is extremely attractive to be able to get in on the research, the evaluation, and the planning at the front end of a problem. This city does not in comparison with other cities have a serious graffiti problem, but we know that the graffiti subculture is growing, we know that the young population is very mobile, and I think to pre-empt this if you will could be very good public policy.

Chair Tollner

I think the intent of the legislation – I was one of the endorsers – I think one of the first things I said to Chris was to get some dialogue around this topic. While it may not be a major problem in comparison to some of the cities that you have seen if you go down by Exit 2 where the State spent a fortune on redoing the ramp over to Hudson; the bridge and underneath the bridges – we have invested a considerable amount of money on this rail trail out here when I walked in the crop walk a couple of weeks ago to Chris' point the private businesses the backs of the walls were just littered with graffiti. I think the other thing that brought this legislation to the forefront in my mind was on Route 3 where the wooden sound barriers. If you look there on the East side there was graffiti there, which the State does come in relatively short order and covers it up, but right now it is a white type color. You look at the railroad bridge over Route 3 – you could have a camera there and there is a different art display every week on that bridge, and we have called the railroad and asked them to put a cyclone type fence in front of the metal bridge.

I would be remiss if I thought a piece of legislation to this extent would be passed this term. I do

think -- I can't speak on behalf of the city, but I do think that if additional correspondence is sent through you two gentlemen, through the Chamber, and then maybe Chris if you could send it to the Board of Aldermen, the Board of Public Works, and the Mayor I think every member of this Board would like to see us to something and to your point to do it right and not to penalize the merchants or the distributors, but to get to the problem. The problem is to end tagging. There is a way to do it and there is a way to make sure that once you do it it doesn't come back. I would urge the Chamber to maybe set up a working committee, and I would be more than happy to participate on that and I will ask some of my colleagues if there is 1 or 2 other Aldermen that would want to participate on that as well as some business leaders in the community with the promise that we are going to get something done because there was legislation submitted last term and it didn't do anywhere. There were a lot of things going around -- we had CSO and a number of other things. I would like to see something done to address the graffiti issue and to take serious effort to curtailing it if not eliminating it.

Kevin Verville

I would echo that sentiment and that is one of the things we noticed in this legislation is because you are targeting a particular product we are afraid that even if this legislation passed you would be trading one problem for another because clearly if just spray paint is taken off the market taggers and graffiti artists will find another medium to do what they want to do. We would strongly recommend a more comprehensive package to eliminate this problem.

Chair Tollner

I have had conversation with a number of people -- if we eliminate aerosols then they would go with large markers, and if we eliminated large markers you could -- there are a number of things we could do, but I think what we want to do is attack it the right way and make sure we resolve it. I would be more than happy Chris to work with you and to spearhead this and to try to move forward with something that eliminates the graffiti, but at the same time doesn't penalize a particular product or sector.

Alderman Johnson

Thank both of you for coming tonight. I think in New York or some other large city don't they have an area dedicated for graffiti for the talent of all of these young artists that like to go around and making beautiful portraits on the sides of buildings and railroads? I remember seeing it on 20/20 or another program, and they really brought some of these wonderful artists out to do graffiti in a designated area. Have you heard of any?

Bob Hills

Alderman there are two types of programs; there are mural programs where young people who want to do the street art do it in an organized fashion and then there are other programs which are frequently confused with the former, which are called dedicated walls where they tell the taggers you can use this, but stay away from the other parts of the city. The mural programs are quite successful

and Philadelphia in particular has a very active mural program where kids in the neighborhood get together and with the artists and put things together. We have a mural component in our middle school curriculum that we are just piloting this year, but the dedicated wall aspect – in other words giving them a place to go has not turned out well. They started it – the one I remember best is Huntington Beach, CA where the kids not only tagged the wall they tagged the neighborhood on the way in and on the way out. The reason being that tagging is not an art form – there are probably 5% of graffiti practitioners are what you would call artists or piecers short for masterpiece. Ten to fifteen percent more the graffiti you will see will be gang graffiti, which is communications – it is not art it is marking turf and making threats and setting up drug deals and things of that nature. The other 80% plus is tagging and that is for fame it is not for art. The status of the subculture comes from getting up as many times as you can in the most dangerous or most visible places that you can. The mural programs work, but the mural programs don't attract the kids who do per capita the most property damage. I would say in terms of abatement costs tagging is a multiple of any of these other ones.

Alderman Johnson

Thank you.

Alderman Dion

I share Chairman Tollner's concerns about the graffiti that is going on in the City of Nashua. I would like to work with him and try to get the proper legislation amendments so that we can be fair to everybody. I want to thank Chris from the Chamber of Commerce and Kevin is all the way from Maryland for volunteering to help us out on this. Bob I think if you can furnish us with information and legislation in other cities that would be a big help to us in adopting something that is fair to everyone. We do have and I am sure cities of 100,000 all have the same problem with graffiti. It is unfortunate that we have to face this, but those are the facts. Chairman Tollner is absolutely correct. In the areas where he observed graffiti I have seen it also and I have seen it in public parks and these weren't artists by the way. These were just vandalism – plain old vandalism that is all it was.

It is a shame to have buildings and have them spray-painted with graffiti. It is awful. In fact the new high school – we spent over \$75 million building that high school and we had a graffiti incident there already. It had to be repainted – that area. It is a money-costing situation. That is something we don't want to have and hopefully we can try to hold it down to a minimum. With your help I am sure that we can come up with something that will be fair and equitable.

Bob Hills

I don't want to give the impression that you haven't made good law so far because you have. I think your penalties language is really state of the art with parental liability and victim restitution in serious numbers. Cities like Albuquerque have had great success with that and I think that your law is as good as anybody's in that section.

Alderman Dion

Thank you for coming.

Chair Tollner

Chris as we start this group – probably after the first of the year – I want to make sure again that we invite someone from the police department and the Board of Public Works. Hopefully we will see the three of you again. Do you have any last comments before you go?

Kevin Verville

Thank you for your time.

Chair Tollner

I want to thank both of you for making an appearance here tonight. We do appreciate it. I think this is just the start of some legitimate legislation to address this. Chris I also want to thank you and the Chamber for staying with this. I know we have had some phone calls back and forth trying to get something together, but I do appreciate the Chamber's effort on this as well. Thank you very much.

MOTION BY ALDERMAN JOHNSON TO TABLE O-03-189
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

R-03-266

Endorsers: Alderman-at-Large David W. Deane

Alderman-at-Large James R. Tollner

Alderman-at-Large Paula I. Johnson

Alderman Stephen C. Lamos

Alderman Scott A. Cote

Alderman Kevin E. Gage

Alderman-at-Large Steven A. Bolton

Alderman-at-Large David Rootovich

OPPOSING A WATER RESOURCES EDUCATIONAL CENTER PAID FOR BY
SEWER

USER FEES AND REQUESTING THAT THE MAYOR INFORM THE EPA OF THE CITY'S WITHDRAWAL OF ANY PROPOSAL TO DEVELOP A WATER RESOURCES EDUCATIONAL CENTER AS PART OF A CONSENT DECREE

Ordinances

O-03-204

Endorser: Alderman Marc W. Plamondon

AMENDING THE LICENSING REQUIREMENTS FOR OPEN AIR CAFÉS THAT ENCUMBER SIDEWALKS

DISCUSSION

Alderman Dion

Ordinance O-03-204 – endorser Marc Plamondon, was supposed to come up with more information pertaining to the ordinance and this here was held in committee on the 30th of September. We are now in November. I haven't seen any progress on this. I am very much in favor of strengthening the laws here because I have seen sidewalks blocked. That is intolerable.

Chair Tollner

I did speak with Alderman Plamondon and he is in the process of setting up an appointment to meet with some of the additional downtown restaurants. As a matter of fact he spoke to me about it just last week. He is still trying to set up some meeting with them and we will discuss it at our next meeting.

Alderman Dion

Doesn't the rules state that if ordinances or resolutions aren't passed by the first of the year that they become null and void?

Chair Tollner

Right. We will have either one or possible two more Personnel meetings before the end of the year.

Alderman Dion

Thank you.

Alderman Johnson

After we had the meeting I had a constituent call me up and she said the easiest way to shut down the outside café is when the restaurant closes there is no more drinking outside you move them right

into the bar because when the restaurant closes outside everybody goes into the bar. I thought that was a very good suggestion. This way there is no more drinking on the streets. Everybody is now inside.

Alderman Dion

You mean when they stop serving food?

Alderman Johnson

When they stop serving food outside so when they stop serving food outside and the restaurant basically closes you can no longer serve drinks outside. That might be a good way of looking at it. She called me up the next day and I said good point.

ADJOURNMENT

MOTION BY ALDERMAN DION TO ADJOURN
MOTION CARRIED

The meeting was declared closed at 8:00 p.m.

Alderman-at-Large Paula I. Johnson
Committee Clerk Pro Tem