

PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE

April 8, 2004

A meeting of the Personnel/Administrative Affairs Committee was held on Thursday, April 8, 2004 at 7:00 p.m. in the Aldermanic Chamber.

Chair James R. Tollner presided.

Members of the Committee present: Alderman-at-Large Steven A. Bolton
Alderman-at-Large David Rootovich
Alderman Richard D. LaRose

Members Not in Attendance: Alderman Kevin E. Gage, Vice Chair

Also in Attendance: Alderman-at-Large Paula I. Johnson
Alderman Robert A. Dion
Alderman David D. Lozeau
Alderman David W. Deane
Alderman Lori Cardin
Alderman Marc W. Plamondon
Paul Bergeron, City Clerk

COMMUNICATIONS

MOTION BY ALDERMAN LAROSE 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: Joseph Giuliano, Superintendent, Nashua School District
Re: Thanksgiving Day Football Game

MOTION BY ALDERMAN LAROSE TO ACCEPT AND PLACE ON FILE

ON THE QUESTION

Chairman Tollner

For the Board's information Superintendent Giuliano was not able to come tonight so I asked Sue and Dawn to e-mail the entire Board a copy of this memo that you see.
MOTION CARRIED

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

APPOINTMENTS BY THE MAYOR - None

UNFINISHED BUSINESS – None

NEW BUSINESS – RESOLUTIONS

R-04-27

Endorser: Alderman David D. Lozeau
Alderman Richard LaRose
Alderman Kevin E. Gage
Alderman-at-Large David W. Deane
Alderman-at-Large David Rootovich
Alderman Robert A. Dion

ENCOURAGING THE CITY OF NASHUA BOARD OF EDUCATION AND BISHOP
GUERTIN HIGH SCHOOL TO SCHEDULE AN ANNUAL “TURKEY BOWL”
GAME

MOTION BY ALDERMAN ROOTOVICH TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Chairman Tollner

I am sure there are a few people here tonight that would like to speak on this issue. Would the committee be comfortable allowing public comment on this particular piece of legislation prior to discussion?

Alderman LaRose

I think they should be allowed to speak.

Alderman Bolton

I have no problem with people being allowed to speak. I think they ought to understand that we had no part in making the original decision. We are going to have no part in making the ultimate decision although we can advise and recommend. Frankly some of the comments at our last Board of Aldermen meeting, which were critical of us, highly critical of us, were misplaced. I hope people will consider what has gone into the decision, who has made the decisions, and who they are speaking and not speaking to.

Chairman Tollner

I would agree with you.

Alderman Rootovich

I would ask maybe 1 or 3 members come up and speak rather than have 15 people repeat the same thing for the sake of time.

Chairman Tollner

Just for those people out in the audience, usually during committee meetings we do allow limited public comment so if anybody would like to come up what I would ask you to do is state your name and address for the record prior to you providing comments, and what we will try and do is entertain as many people as we possibly can.

Tony Johnson, Manchester

I am the head football coach. Rest assure that myself and one of my captains will be speaking not the entire team. We feel at Guertin that the process was all wrong. We want to express right now that we are so pleased with the Aldermen trying to get the School Board to discuss a new process and we appreciate anything that you possibly can do. We feel the whole process was done wrong. Even after reading that letter from the Superintendent the process was done wrong, because the discussions from the past two years from 1998 were all with Nashua. There was no discussion with Bishop Guertin. After 32 years you would think that the City of Nashua, the School Board of Nashua, the Superintendent of Nashua would have maybe the common courtesy to pick up the phone, call Bishop Guertin, and say hey we need to discuss this, we may be going in a different direction, and you should plan for it, but we never received that. They talk about equity. We have 364 families and kids that attend Bishop Guertin. What do we do with those 364 kids? They are part of the community too. They are families and students that pay taxes, 100% of their taxes in the City of Nashua.

Right now it is my understanding after doing my due diligence that it costs approximately \$8,075 to educate a high school student. When you are looking at it and I will go off on a little tangent but I want to get this on the record – when you really look at it and you understand that there are 364 kids from the City of Nashua that go to Bishop Guertin that really don't have a place to go where they should have a place to go, you put that aside, and then you talk about the financial aspect of it and the cost essentially. I sit there and say well this doesn't add up. If you multiply the 264 kids times the \$8000+ the City of Nashua receives almost a \$3 million financial windfall from those families that send their kids to Guertin and the School Board doesn't have to pay that \$3 million and they don't have to pay for those kids education.

I look at a couple of things – I sit there and say we need some equality for our kids and it is there. We have enough students to justify it. Then they discuss the financial aspect of it. In conclusion the net result or the net income from this game is approximately \$9,000 - \$10,000. If one student from Bishop Guertin High School decided to transfer to Nashua High that would mitigate almost the entire income from that game. There seems to be something wrong with this picture. I have gone over it in my mind a number of times. We deserve some type of equity in this game. The whole financial aspect to me is a mute point. Bishop Guertin is a huge financial windfall and a major economic

company to the City of Nashua. I appreciate the time. I appreciate everything that the Aldermen are doing trying to encourage this and trying to at least enact something to change the School Board's mind. Thank you for your time.

Brian Gayner, 42 Darby Lane, Bedford

I had my wisdom teeth out this morning so if I appear a little woozy that might be the reason why. I am not a resident of Nashua, but I would like to address as Coach Johnson did the equity issue as it is stated in the letter. Equity is an important concept and obviously the Superintendent of Schools feels it is important to address this in the Turkey Bowl. Now if we are going to talk about equity I think that you also have to consider that it may be hypocritical at some point to be denying the athletes to quote from the letter if one of the Nashua High Schools were not to participate in the Turkey Bowl game 80 athletes, band members, cheerleaders, would not be participating in this tradition. Now Bishop Guertin has the same number of athletes, cheerleaders, band members, family members all participating in this same thing. Therefore, if we are looking for equity and if that is the issues as stated it only makes logical sense that Bishop Guertin should have an equal chance to participate in the Turkey Bowl as well as both of the Nashua high schools.

I have heard people mention tradition. Tradition is something that is passed down from generation to generation and generation. You can imagine some of the family traditions that you have in your household for holidays and things like that if you are Jewish perhaps there are certain things that you do every year or Christmas – certain ornaments that you put on the tree together – it is like that for us with football. I am the Captain of the team for next year, and to me quite honest with you being Captain of the Bishop Guertin football team that is not playing in the Turkey Bowl feels like being Captain of a ship with no destination. That is how much this game means to us emotionally. The team itself is like a family. We have our traditions that we respect and we enjoy together. When we received a letter that told us that these traditions cease to exist we find it hard to believe that such things can just be written off and eliminated. This tradition with family is – people talked about it in kind of a superficial sense, but on Thanksgiving morning when I am sitting in the locker room of the school talking to members of Bishop Guertin football team who did the same thing that I am doing that morning 30 years previous then it really means a lot that someone can take the time and enjoy such a tradition for that long and have the same emotional feeling of security in that tradition that I have.

To be quite honest with you I come from Bedford and the reason I go to Bishop Guertin is because Bedford has no public high school. We tuition our kids into the Manchester public school system. The three Manchester schools all participate in divisional football as well as the Nashua High Schools and they have a Turkey Bowl tradition every year. They look at the records of the three teams who played each other during the regular season and in this example West, the school I would have attended, was beaten by both Memorial and Central this year so they were automatically out of the Turkey Bowl and therefore Memorial and Central play the Turley Bowl. I feel that a compromise, going back to the equity issue, if equity is what we are trying to achieve here a compromise such as that could be reached with Bishop Guertin High School and the two Nashua public schools. I do realize that to participate Nashua High School participates at Division 1 level, and Bishop Guertin Division 2, but if equity is the true reason that we are trying to achieve and the true reason why Bishop Guertin was cut out of this tradition then I feel that there is a possibility of a

compromise here where something could be done where Bishop Guertin High School could perhaps play whoever got each other in regular season contest between the two Nashua schools or something like that.

Just going back to what I said about tradition, it is an emotional factor that you can't really describe especially standing up speaking to a Board just because it is something that means a lot to me deep down, but I truly hope that you will be able to give some advice to the Superintendent or whoever makes that decision in favor of perhaps a compromise if equity is the real issue. Thank you.

Chairman Tollner

Is there anybody else out there that would like to comment on the legislation?

Chris Carmona, 5 Emerald Drive

I just want to give this topic a point of view from the fans. I don't play football, but I am President of the Tailgate Club that has had a very successful year this year supporting our football team. It all culminated with the Turkey Bowl where we all get out in the morning and have breakfast. This game means more than just money to people in Nashua, to the students of B.G. especially those that live in Nashua like myself. This game is a rivalry between B.G. and Nashua -- the private school kids versus the public school kids. Nashua kids most likely don't want to see public school versus public school -- Nashua vs. Nashua. There is no rivalry there. These kids are all friends. There is rivalry with B.G. and Nashua just liked Sox and Yankees. You have to have it. It is just something we all look forward to. Thank you.

Chairman Tollner

Is there anybody else? I will open it up for comments from the committee members. Alderman Lozeau would you like to speak first as the primary sponsor?

Alderman Lozeau

Yes I would. I would like to speak on the tradition. The tradition is something that has been around for 32 years. Thanksgiving morning you wake up, if you are an alumnus of Bishop Guertin High School you come to Nashua and you go to a football game. If you are an alumnus of Nashua High School you get up and you go to a football game. Nashua's alumnus usually route for Nashua and B.G. alumnus usually rout for B.G. I wonder whom the alumnus from Nashua would rout for if it were Nashua vs. Nashua. I think 32 years is a long time. To stop a family tradition and I say family tradition because I have been on both sides of this. I went to school at Bishop Guertin High School and I graduated from Nashua High School. My brother is a coach at Bishop Guertin High School. I played football for B.G. High School. I think it is more than dollars and cents although if you want to discuss dollars and cents I would challenge the number of \$8,000 per student. To educate a high school student it is somewhere around \$12,000 or \$13,000. Eight thousand dollars is an average cost of an education from 1-12 in the City of Nashua. I think the dollar value could even be considered much high in value. The value of having Bishop Guertin high school as part of our family in Nashua means a lot to me, it means a lot to the people in this audience, and I think it means a lot

to the City of Nashua. Thank you.

Alderman Plamondon

I want to thank Alderman Lozeau. He kind of beat me to the punch on this legislation. I too wanted to, I was out of the Nashua area when this had its first reading, and I don't know if the President of the Board will allow me to co-endorse this, but I would like to co-endorse this legislation as well considering I was out of the Nashua area. I think I am the only 4-year alumnus from Bishop Guertin on the Board. Alderman Lozeau was there. I played football for Guertin too, and the speaker for next year's B.G. football team made we realize I am going on 29 years now that I have been out of the school. The memories are vivid, but especially the Turkey Bowl. I don't buy the economic arguments, I don't buy the arguments of equality or parity for the two Nashua high schools, and I don't buy that the Turkey Bowl should be a Nashua only event. I also don't buy any of the arguments with regard to issues of scheduling. I think this tradition is rich in history. I know it should continue, and I would hope that this committee would support moving it forward with a favorable recommendation so that we can move forward with this at the full Board level. Thank you.

Alderman Cardin

My husband played in the first two Turkey Bowl games for Nashua High. He actually tells me he scored a touchdown in the first Turkey Bowl game. I don't know if I believe it, but he said he did. I came in kind of with mixed feelings tonight about this legislation and now I think I support it.

Alderman Deane

I didn't go to either one of the schools. My wife grew up in the Holman Stadium area over on Manchester Street so the taking care of Thanksgiving morning when they played at Holman we would go over and our children weren't in the high schools yet, but we would go over and watch the game. It was interesting to see all the people that were there – it was more of a class reunion than anything. I don't think half of them even watched the game, but it was more of an atmosphere where they were all getting back together, people they hadn't seen for a long time. The way this came down, although we have no control over this as Alderman Bolton has stated, it seems like an important social event for the fans where the students and the players that spoke – it is a different scenario for them because they are actually out in the cold, banging heads, and you have the students from the both schools that are cheering on their teams, but it would just appear to me that if some scenario was brought up to allow the three to participate in some fashion whether they figure it head to head record or they just picked years in which teams would participate and just rotate through the 3 teams, I think that would be fair. I think pulling the plug on Bishop Guertin is not the right thing to do. I think they should have an opportunity to play in this game as the Nashua teams would. I think if they went through a format where they figured out how it would be – probably better just to rotate it so that you didn't have to worry about wining or losing that there was always a possibility that two of the teams would play in the year and the following year one of them would be the odd man out and just roll through it like that so they can keep this tradition alive because it means an awful lot to a lot of different people. Thank you.

Alderman Rootovich

Your husband did score a touchdown in the second game and that is because I was the one threw the block for him to score. I too am a co-endorser of the legislation and I too am one that believes in traditions. As the coach said what bothers me as well is the process that took place. If indeed what I hear of which the Board of Education or the Superintendent did not speak to the members of Bishop Guertin administration then that is a problem. I am not saying that happened, but nobody has come forward from the Nashua side to explain that indeed didn't happen so. Anyway I think that the legislation before us is fair and equitable. I think that everybody here is treated equitably and it is something that I truly support. Thank you.

Chairman Tollner

For the record, the Board of Education was not involved in the decision making process. The decision was made amongst the principals of Nashua North and Nashua South, the Athletic Director, and the Superintendent.

Alderman Bolton

Thank you Mr. Chairman. I wanted to make that point also that I understand that this decision was made administratively not by the Board of Education. I have heard conflicting stories about the amount of discussion that took place at the administrative level with people in administrative roles at Bishop Guertin so I am in no position to speak as to what happened with that, but I have heard different stories. It strikes me that no one ought to be left out particularly no public schools ought to be left out. It is the public system that has built the two high schools and it is the public system that built the stadium. The solution that I have heard over and over again from people who cite the tradition from frankly the Bishop Guertin supporters is that Bishop Guertin should play every year and then there should be a method of allocating and the most common cited is the winner of the game between Nashua North and South. I have heard that over and over and we have heard it tonight. I don't think that is fair. I don't even think a rotational system is proper. What I don't understand is why no one has come up with a 2 game solution. What we need to do is find a 4th school – Alvirne or Merrimack or Trinity from Manchester or some 4th school and then we can have 2 games, Thursday morning and Thursday afternoon or Thursday and Friday or Thursday and Saturday or something. Then develop a rotational system or some other method of allocating which team plays which team.

There ought to be the opportunity for every school and every football player to participate in the event. As has been said it is not really a Board of Aldermen issue. It is an issue that ought to be solved among the administrators of the public schools and Bishop Guertin and I think a little more creativity ought to go into working it out before there is a lot of hostility – there has been too much hostility already, too many accusations, too many bricks thrown this way and that way. I am skeptical of this legislation because I think if the Board of Aldermen weighs in on this it will dig the Nashua School Department into its position even more solidly, the Board of Education is asked to back its administrators and basically say the Board of Aldermen ought not to be interfering. I think a more creative solution is possible and ought to be worked out and ought to be brought forward. I would propose that we hold this because I think if we pass it, it will pour gasoline on the fire more

than it will do anything to promote a solution. I think the people who are not satisfied with the current plan ought to be looking to develop another plan, and I have suggested what that might be, and I think that would be much more satisfactory to everyone if that could be developed. Thank you.

Alderman LaRose

I don't see why tradition has to be broken at this point in time. I think that it has to change a little bit because now you have three teams. I don't have a problem with having a rotation system, but I think that this tradition has been built, and should continue into the future.

Alderman Johnson

The problem I see – I agree with Alderman Bolton that this piece of legislation does not belong with the Board of Aldermen, it belongs with the Board of Education. Everybody needs to go to the Board of Education meeting and voice their concerns to the Board of Education. There is nothing we can do about this. It is just like if the Board of Education passed something and people didn't like it and came to the Board of Aldermen and asked us to step in or visa versa. We can't do it. We have no control over the Board of Education. The biggest complaint is with the Board of Education and that is where you really need to take your concerns. Like Alderman Bolton said come up with a solution. Rather than saying there is a problem there always can be a solution to the situation. Bring it before them and ask them to consider it. Whether we agree with this or not, we can vote on this, send the resolution, a message to the Board of Education and they could still say we don't want to do this, you are sticking your nose into our affairs and it doesn't belong there. I really believe that what needs to be done is that you have to go to the Board of Education and their meetings, their full board meetings, and bring this to their attention and speak to them as a board and let them hear your voice. Thank you.

Alderman Dion

I was shocked when I heard about the end of the Nashua High and B.G. Turkey Bowl. It didn't seem right then, it doesn't seem right now, and it seems to me that some compromise could be reached. Alderman Bolton mentioned another team involved to make it a foursome. That possibly could work, but you still wouldn't be playing on Thanksgiving Day. Someone in the audience mentioned the best record of the two high schools would play B.G. on the Turkey Bowl. There are all kinds of variations that could be worked out. I feel as though the committee should pass this. What I would like to see happen is the administrations from both schools get together, discuss it in a civil manner instead of sending a letter, and not discussing it like they did, which angered me. I want to see some negotiations and a settlement reached on this issue. This idea of saying after 32 years this is over with, you are not playing in this bowl anymore I think is ridiculous. Thank you Mr. Chairman.

Alderman LaRose

One thing that I wanted to say and failed to say before when I spoke was that the tradition between North and South will really be during the regular season when they play one another. That is when the tradition between North and South will happen so why should we get rid of the tradition that we

have between a Nashua team and Bishop Guertin?

Alderman Lozeau

I don't have the opportunity to vote on this issue tonight. I wish I did, but I don't. I would like to remind the Board that the legislation reads to encourage the city to open the dialogue. I spoke with Jimmy Stellos; actually Jimmy Stellos called me up. He is one of the sponsors of Stellos' Stadium. He was appalled by the fact that Bishop Guertin High School was taken out of this, and he asked me whatever I can do I will be there to stop this or to use my influence in any way to keep the Bishop Guertin High School in this tradition. I would also like to remind the Board that Bishop Guertin High School did donate a certain amount of money to the construction of Stellos' Stadium. This legislation is to encourage – I believe that is to open a dialogue. I realize we don't have the authority to tell the Board of Education what to do, but I believe if we pass this legislation through a resolution it is the duty of the Mayor of the City of Nashua as a resolution from the Board of Aldermen to work this issue out with the school board. Thank you.

Chairman Tollner

What I would like to do tonight, and I will make a motion to amend the legislation. I concur with some of the comments that Alderman Bolton made. What I don't want to see is for this legislation to be passed because I think everybody that will vote for it has an interest in seeing Bishop Guertin playing in some way, shape or form in the Turkey Bowl game – I would like to see if we can get some dialogue between both schools. I think the idea of bringing in a 4th school is a good one. I wouldn't want to see any kid sitting on the sidelines on Thanksgiving Day when they would have an opportunity to play. I also don't think that Bishop Guertin should be allowed to play every single Turkey Bowl game and the North and South alternate. I don't think that is fair as well. I did have a conversation with the Athletic Director at Nashua High today, a very limited conversation. I think he was concerned about this topic. I did have an opportunity to speak with Joe Giuliano, and I concur with pretty much all the comments that were made by my colleagues as well as some of the people that spoke tonight. What I would like to see is for the schools to get together and have a conversation to come up with a solution that works for all the kids. In turn if it works for all the kids then it will work for Nashua. That is what I think this whole game has been all about. Understanding that this Board doesn't have any authority on who plays at the Turkey Bowl on Thanksgiving, I would like to make a motion to amend the resolution...

Alderman Rootovich

Point of Order – there is already a motion on the floor to recommend final passage.

Alderman Tollner

I will amend that.

MOTION BY ALDERMAN TOLLNER TO AMEND R-04-27 BY DELETING THE LAST SENTENCE WHERE IT SAYS “BE IT RESOLVED” AND EVERYTHING THAT IS BENEATH THAT

ON THE QUESTION

Chairman Tollner

In doing so we will allow all the parties to have some open dialogue and come up with a solution. I think the intent of the legislation is to get people back to the table and have a conversation to make it work. As Alderman Bolton said earlier I don't want to pigeonhole people into an arrangement where maybe they will come up with a better arrangement that works well for everybody.

Alderman LaRose

I am not sure that I would favor that amendment. All it does underneath is give an idea of a solution, and that is what we are looking for. Alderman Bolton is giving an idea on a solution. I am not sure that eliminating that sentence and the Turkey Bowl schedule that is a possibility – I am not sure that it is worth taking it out.

Chairman Tollner

If this resolution is passed in this form and say the Board of Education doesn't like it in any way, shape or form – of course they can reject anything. It is their decision and the school department's decision on who plays where. What I am saying is I think the intent of the resolution was to get everybody back to the table and have a conversation to make sure that we do something, something occurs that whether it is every other year or a different arrangement that involves the three schools that are in Nashua. That was purely my intent is to eliminate a suggestion and allow them to start their own dialogue and come up with their own solutions.

Alderman Dion

I am not on the committee Mr. Chairman, but I would like to comment about the amendment. I think maybe in the amendment you should direct the Mayor, who is running this city, to get both parties together and participate in this discussion and come up with a solution that will be satisfactory to both parties. I think the Mayor has to get involved in this and sort of be the arbitrator so to speak.
MOTION CARRIED

Alderman Bolton

You have said a lot that I would have said. I think that maybe we ought to amend the title so that it would read "Encouraging the City of Nashua Board of Education and Bishop Guertin High School to Discuss issues surrounding the annual Turkey Bowl Game and make a similar alteration in the body to refer to the fact that we are encouraging discussion because I think that is apt to be better received.

MOTION BY ALDERMAN BOLTON TO AMEND IN THE TITLE AND BODY TO READ
"ENCOURAGING THE CITY OF NASHUA BOARD OF EDUCATION AND BISHOP

GUERTIN HIGH SCHOOL TO DISCUSS ISSUES SURROUNDING THE ANNUAL TURKEY BOWL GAME”

ON THE QUESTION

Alderman Bolton

In the body in the same way so it would have -- be it resolved the Board of Aldermen encourages the Nashua Board of Education and Bishop Guertin High School to discuss issues surrounding the annual football game, the annual Turkey Bowl game.

Alderman Lozeau

Does that automatically involve the Mayor – as a resolution coming from this Board does that automatically involve the Mayor?

Chairman Tollner

No it doesn't.

Alderman Bolton

If I could speak to that – frankly I would be opposed to – nothing is stopping the Mayor from going to the Board of Education meetings and putting his own position forward, nothing is stopping the Mayor from talking to the people from Bishop Guertin and trying to devise a solution, but for us to tell the Board of Education that the Mayor is going to somehow play a role in their decision making I think will be antagonistic to them. I don't think we ought to be telling the Mayor to do it, I don't think we ought to be telling the Board of Education to do it. I think encouraging the Board of Education to enter into discussions with Bishop Guertin High School I think is a fair way to express the fact that the current solution does not take into consideration all things it ought to. I would prefer leaving it to that. As I say nothing is stopping the Mayor if when he gets back from wherever he is he can do what he decides he wants to do.

Alderman LaRose

Should we make a motion to amend before we continue to discuss this?

Alderman Deane

I am confused. From what Alderman Bolton stated first we hear that the administration made the decision to stop the annual tradition of the two schools and I do realize that the administration has the authority to do that and the Board of Education did not weigh in on the decision made by the administration so now we are amending the legislation to encourage the Board of Education when in fact the decision was made by the administration although the administration does answer to the board, but there must be a certain privy that the administration has. I don't know how often the

administration makes a decision and then the board turns around and makes the administration renege on what they said. I am just wondering whether we should somehow amend that to add the administration. Maybe Alderman Bolton could weigh in on that.

MOTION BY ALDERMAN BOLTON TO FURTHER AMEND TO REPLACE “NASHUA BOARD OF EDUCATION” WITH “NASHUA SCHOOL DISTRICT” IN THE TITLE AND BODY

ON THE QUESTION

Alderman Bolton

In doing so it could be whatever the appropriate decision making authority is.

Alderman Deane

Would we have to identify the issues?

Chairman Tollner

I don't think that we need to identify the issues. What we are doing is encouraging them to get together to discuss the issues. I think that if I am on the Bishop Guertin side of the field so to speak I will have my issues all lined up ready to discuss with whomever I sit down with. I would also underscore what Alderman Bolton said earlier – some of the comments that we listened to at the last Board of Aldermen meeting were very good. I think they got better as the presentations went along. I just want to remind people when they do jump into those discussions that they are of course done with patience and respectfulness. To tell you the truth I am not embarrassed by anything that the school administration did. They made decisions and what we are asking them to do is to take another look at it. I wouldn't categorize it as being embarrassed I would just say I wish they would take another look at it. If you want the different parties to come back to the table and reconsider their decisions you have to ask them and go about it in an appropriate manner.

MOTION CARRIED

Chairman Tollner

Before we pass this, because as soon as we pass it if I am following the comments that have been made tonight, just so the public knows we pass it in committee, it will be sent back to the full Board. The full Board of Aldermen meets the 2nd and 4th Tuesday of the month so we will probably be discussing this at the 27th of April. Usually the minutes don't get typed and sent over – if we have a meeting on Thursday night they won't make it into the packets tomorrow for the meeting on Tuesday night.

MOTION BY ALDERMAN ROOTOVICH TO RECOMMEND FINAL PASSAGE AS AMENDED

MOTION CARRIED

NEW BUSINESS – ORDINANCES

O-04-05

Endorser: Alderman-at-Large Paula I. Johnson

DEFINING THE SCOPE OF THE STATE-OF-THE-CITY ADDRESS

MOTION BY ALDERMAN TOLLNER TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Alderman Johnson

The reason I have updated this ordinance was because of what happened this year at the State-of-the-City Address. Alderman Nickerson and I when we first got on the Board we wrote the legislation because of the fact that none of the Aldermen were invited to the Chamber of Commerce breakfast. We wrote this with the sole purpose so that we would find out the health, welfare and finances of all city divisions and departments on the third Tuesday of February. This year I am sad to say that the Mayor has deliberately violated the spirit of this ordinance for the simple reason is we had a two-part story. We had it on the 13th and we took time out of our busy schedule at an Aldermanic meeting for 45 minutes to give us the remainder of the State-of-the-City Address. This is why I had it re-written to define what it is supposed to be. It is supposed to be the 3rd Tuesday of the month of February for the sole purpose to give us this information. This way next year we don't get part 1 and then part 2 of the State-of-the-City, and so he does not interfere with our night of doing business.

Alderman Bolton

I am not in favor of this. I understand the spirit in which it is introduced, and I agree with that. I agree with the sentiment that the way the Board of Aldermen was treated this year was a height of discourtesy that I have never seen exhibited by any Mayor in the last 20 years and maybe not beyond that, but that is about as far back as I go. If someone is going to be rude and inconsiderate we can't write enough things in here to define what that person should or should not do. We all came down here to a special meeting giving our time with the understanding that the Mayor of this city would inform the governing body of this city of critical issues facing us in the year to come, of the state our city was in. He did not do that that night. He made no real attempt to do that that night, and he told us he didn't have to. Then a week later when we had a full agenda the agenda that was going to and did take us beyond midnight that evening, he interrupted us and took the better part, the well better part of an hour to give us what ought to have been given us the week before. There is nothing we can do to reform this individual, to make this individual respect this body, to be courteous to this body, and I despair that passage of this will do anything other than inspire him to greater heights of discourtesy and lack of consideration. Thank you.

Alderman Johnson

I understand what Alderman Bolton is saying, but unfortunately this kind of spells out just in case he

needs some guidance on how to do the State-of-the-City before the Board of Aldermen. This clearly spells out what it needs to be. I sat through that night. I did the Point of Order and asked him to be put at the end of the agenda. It did not happen. It will continue for the next three years I think unless we spell it out. It was rude, it was discourteous to us – this is our Chamber – I just felt – I went home that night and just felt that the rudeness of not understanding that we had a full night of business that had to take place. That is why I asked please define it again so this way there is no misunderstanding of what the State-of-the-City is supposed to be and what it is supposed to entail. That is why I have it before everybody. When Alderman Nickerson and I wrote this it was the clear intent that this was supposed to be the body of the legislation and this is what was supposed to be presented to the Board. It is done in Congress, it is done at the State level and it should be done here with respect to this body of elected officials. I am asking that it please be passed so next year we won't go through what we went through this year again. Thank you.

Alderman Deane

I just wanted to – I had a little discussion about this last evening. I just wanted to – page 16 of the Charter states the general duties of administrative assistant, compensation and whatnot – it states here “He shall supervise the administrative affairs of the city and shall carry out the policies enacted by the Board of Aldermen. He shall enforce the ordinances of the city, this Charter, and all general laws applicable to the city.” Thank you.

MOTION FAILED

MOTION BY ALDERMAN BOLTON TO HOLD O-04-05 IN COMMITTEE
MOTION FAILED

MOTION BY ALDERMAN ROOTOVICH TO RECOMMEND INDEFINITE
POSTPONEMENT
MOTION CARRIED

O-04-07

Endorser: Alderman Kevin E. Gage

UPDATING THE ORDINANCES RELATED TO HAWKERS AND PEDDLERS

MOTION BY ALDERMAN ROOTOVICH TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Chairman Tollner

I think we all received a fairly length detailed package from City Clerk Bergeron. Paul would you like to come up and take a minute to give us an overview of the legislation?

Paul Bergeron

Thank you Mr. Chairman. I have extra copies of the packet I distributed to the Aldermen if there are any members of the Board that don't have it this evening. I would be glad to share that with you.

This particular ordinance actually began being drafted last spring. Alderman Gage had some concerns about what was happening at Greeley Park. In particular where there were situations where vendors were pulling up and their vehicle was occupying one space, their vendor's cart a second space, their coolers a third space, and even saw some who were setting up temporary furniture on the lawn so that when people were purchasing their food products they could sit comfortably under a canopy. We also have problems where the vendors were clustering too close to some of the crosswalks trying to get that pedestrian traffic and then that became public safety issues there as well. At the same time some of the Aldermen; Alderman Deane and I believe Alderman Plamondon was another, had issues and concerns about the newspaper boxes that were sprouting up around the downtown area and asked what could be done about those. That kind of triggered ... tape flipped ... for example there are no insurance requirements anywhere in the current ordinances for hawkers and peddlers, and we had one fellow show up with a two-seater ferris wheel at Greeley Park one time. We had no way to make sure that they had insurance for that contraption.

There are a number of other issues – there have been events, city sponsored programs where there has been no notice to police and fire when the streets have been closed or to Risk Management when there were activities like skateboard competitions going on at the skateboard park. It is not the intent of the ordinance to raise monies from other city departments, but police and fire and Risk Management felt there had to be some mechanism to ensure that all these departments were being notified when events were occurring. Some of those issues are what is being addressed here in the ordinance.

If I may I will just summarize real quickly the 6 major changes that are occurring; most of the language that is in the proposed draft and I am asking the committee to amend the ordinance that was sent to them, is already in current ordinances. We are looking first to limit the vendor's sprawl around Greeley Park. We want to put the street fair rules, which this committee in a previous forum created in 1983 – they are rules that are dealing with block parties for example – we want to move those right into the code of ordinances. Now that we are on line and a lot of this information is available electronically we would like to get it out of the office drawers if you will and put it right into the code itself. We want to simplify the forms. I have 6 different application forms being used now for different activities, photographers, vendors, hawkers and peddlers – we just want to call it a vendor's license and have that encompass all the different types of sales and solicitation activities going on. We want to ensure that Risk Management can review any applications to make sure that there is adequate insurance coverage if necessary. We want to make sure that any kind of city-sponsored program that is going to include vendor activity go through the review process so that police, fire, environmental health, and Risk can see what is being proposed.

Finally we wanted to create what we are calling downtown district so the community development in cooperation with the Great American Downtown or similar organizations could start developing a marketplace atmosphere in the downtown if they so choose. This comes back to the matter of the newspaper boxes that are around downtown. Corporation Counsel had advised us that we can't just prohibit or control those without first having some kind of study done addressing issues of aesthetics and public and pedestrian safety. Once there is a defined downtown district that can become the vehicle to do that type of study and then move forward with some kind of control over the newspaper boxes. Those are the major points of the proposed changes to the Hawkers' and Peddlers' ordinance. I guess I would be happy to answer any questions any of the committee members might

have on it.

Alderman Deane

I just wanted to – it is not the point of getting rid of the vending and newspaper boxes it is that now all of a sudden there are 20-25 feet of them – some of them are dispensing free material. As I came north on Main Street the other day through the old Eyehawk building is they put all these yellow vending boxes there and that stuff was thrown all over the place. Whether the kids were just unloading them and throwing them – I just think it needs to be looked at. From what I understood that fell under the jurisdiction of the Board of Public Works and they were supposed to be licensed and insured and I had asked the former Director about that, but never got a response.

The other issue – the prohibited acts – no vendor shall on 12-60 – operated within 40 feet of driveways, intersections, bus stops, or crosswalks – one of the biggest problems I see with this and I don't know how the 40 feet will work but the site distance especially at Greeley Park is – with their vehicles where most of them are truck type vehicles that park there and the people are coming out of the softball/soccer field area down by the gardens – when they come up there and those vehicles are parked there the site distance is gone and it is really, really dangerous. I don't know what we can do about that one side because that is where I would say probably on both sides of the park land I would say that probably 80% of the vehicles come out of that side especially on a Saturday when the kids are having soccer down there or softball games. I don't know how that should be looked at.

The other issue that Paul brought up was the street closure. When I sat on the Board of Public Works we turned that over to the administration and the administration – it was a Board of Public Works function they bring in an issue with some event downtown where they want to close the street from this time to that time, and the Board would have to approve it. At that point in time we turned a lot of those daily administrative type functions – a lot of the language was archaic and it was up to the division director to forward any and all communications associated with street closures to the other departments so they all knew about it and I guess that from what I am hearing from Paul is that was not done or at times there might have been problems where the fire or police weren't notified. I would check with Rick Seymour and see – I might forget some of the functions that the board had to be turned over to be done administratively just for the ease of getting things done so the events wouldn't be waiting for a meeting to happen and for the board to discuss closing a street for 3 hours.

The other thing I wanted to ask about was the downtown district. It states that the district shall apply to the downtown outdoor vending district map filed with the City Clerk's office – I believe it stated here that you can get this on line, but the map shall include a master list of all sites within downtown district that should be available to street vendors. This seems like it restricts – does it restrict businesses if they are – like Martha's would set up a tent. Is it going to restrict those people that actually have businesses on Main Street from going out onto the sidewalk?

Paul Bergeron

To answer that question no because there is a separate ordinance called open-air café license,

which is issued with environmental health and public works so the business can block part of the sidewalk in front of their establishment. The downtown district is intended to identify certain locations within the downtown area that could be used at certain times of the year for vendor activity. The word MAY is put in there so it can be as restrictive or as open ended as community development might decide to do.

Alderman Deane

When they have say the block party for instance Main Street is basically lined with vendors and I'm just wondering about who will put the restrictions on – that is a big event and I don't know whether it will turn into a tug of war between – some of the shops open for the evening and Main Street is closed and these vendors are out on Main Street – you see them lined all the way down. I don't know how that worked in the past – how it was approved or how they were given spots. It just seemed that Main Street was ..

Alderman Bergeron

This has its roots back in '83 because of the downtown block party. I think Alderman LaRose was President of the association in '83. The street fair rules actually were developed by members of the Heart of Nashua along with Jay Leonard, former Alderman/President of the Board. He came to this committee and developed the street fair rules. Essentially what that did was allow an organization or a group of the merchants within that geographic area to apply for a street fair license. They could define the boundaries of where the street fair would occur and then they could sublease if you will the vending spots within that geographical area so if the merchants were filling up maybe 5/10 of West Pearl Street they could lease spaces to outside vendors for the remaining half of that space. That is how it is managed. Whoever gets the street fair license can manage the placement of vendors within the area that has been defined by the terms of that license. If there is no street fair license then essentially it is almost a free for all, any vendor who has a license from the City can come in and set up wherever he or she wishes to.

Alderman Deane

Thank you.

Paul Bergeron

Mr. Chairman if I may just address the other two points – the 40 feet distance asked for to keep clear near driveways and pedestrian walks and so on – the average size of a parking space I understand is 9 x 23 so this is essentially 2 parking spaces. That is not a set rules it is something that I found being used as a standard in other cities so we just modeled our rules after that. The street closure requirement – the street fair language in here was changed a little bit so that anybody that applies for a street fair meaning that there will be street closures has to do so within 14 days of the event. We have run into problems with street closures. We had an art fair here last summer or the summer before and initially it was just going to be set up on the sidewalks, but at 3:00 p.m. on a Friday afternoon the organizers of that event went over to Public Works and pulled a permit to block West Pearl Street. It caused a lot of friction with the merchants because there had been no notice. I don't

think there was any way that we could have responded in time to notify everybody that needed to be notified within an hour and a half or two hours.

The other piece of this in requiring the street fair permits be applied for at least 14 days in advance of the event – once a major marketing event is being advertised whether it is the Taste of Downtown or some other block party event outside vendors start wanting to pull licenses so they can sell. It is very difficult for our office to say well we think the Great American Downtown is going to come in and pull the street fair permit and they don't get around to doing it until a day or two before the event – we want to create this window of opportunity. They can do it up until 14 days and after that we no longer will be telling merchants sit and wait until a day or two before the event to find out if they are blocking off the territory.

Alderman Plamondon

I had a question to make sure I am clear – what Alderman Deane was questioning – I understand the sidewalk café permits, but what about the retail establishments that would not pull a permit of that nature because there is no food involved, i.e. Alec's wants to put some shoes out in front of the store, etc. I didn't think this would restrict that, but looking through it again I think it might. I would like your opinion on that.

Paul Bergeron

No I don't think it restricts it at all. A merchant if he wants to pull a table out onto the sidewalk would go and get a sidewalk encumbrance permit just like essentially the restaurants are doing. If there is a street fair license pulled then even then the merchants, the ground floor merchants, have the right to get what this committee some 20 years ago called a non-exclusive street fair license and then it goes back to Carter's actually who wasn't part of the Heart of Nashua – when they had the block party Veto would want to put his tables out so he would go get a street encumbrance permit so he could still set up in front of his own business even though he wasn't part of the street fair organization. That is the way the Aldermen kind of got around that.

Alderman Plamondon

That is what I thought, but I wanted to, for the record, make sure that the businesses were aware. The other point that I wanted to make that I think needs consideration if not now at some future date, is currently those permits can only be drawn by ground floor businesses so if we have businesses on 2nd or 3rd floor they do not have the ability to pull a permit. Just so people know.

My other question is on 12-56A, in this section it is my understanding one of my intents of trying to support this would that this would also require a charitable solicitation permit for any say individuals downtown panhandling – would this in fact require permits from a panhandling perspective?

Paul Bergeron

No. If it is a true panhandler there is a whole separate set of model ordinances and rules and regulations to deal with panhandling. We are talking here about legitimate charities, non-profits who

are going out soliciting. There is no fee for it; it is just essentially a registration vehicle where these people are registering with us. We verify with the Attorney General's Office that they are a legitimate charitable organization and then if they are going on the streets and people are calling us we can say yes they are registered with us and so on.

Chairman Tollner

Is there any other discussion?

Paul Bergeron

Mr. Chairman can I ask if the amended proposal was approved by the committee or if it was the one sent to the committee?

Chairman Tollner

The one that I was looking at was with the red print in it.

Paul Bergeron

That would have been the amended.

Chairman Tollner

I will give that to Alderman LaRose for the file.

MOTION CARRIED

O-04-08

Endorsers: Alderman-at-Large Paula I. Johnson

Alderman Marc W. Plamondon

Alderman David MacLaughlin

ESTABLISHING DRUG-FREE ZONES AROUND NASHUA HOUSING AUTHORITY
PROPERTIES

MOTION BY ALDERMAN ROOTOVICH TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Alderman Cardin

This ordinance came about as a result of some legislation at the State level that was proposed, and also as many of you probably read in the paper about 6 weeks ago about some issues involving suspected or I am not sure if it was suspected or confirmed drug activity at Temple Street Manor. The residents over there were very concerned for their quality of life. There were a lot of issues that they worked with the Housing Authority on. Part of the problem when you have activity like that is it

is not an easy process for the Housing Authority to evict someone. There is a lengthy process that involves tenant rights, and I am sure that was part of the frustration of the residents living there that they didn't think things were happening quickly enough and they probably weren't happening quickly enough, and the Housing Authority wasn't able to discuss any type of action they were taking with other tenants to protect tenant rights. This came about as I believe a result of that. We have representative Casey Crane here and some residents from Temple Street Manor who I am sure would like to address the committee briefly on this.

Before that happens what I would like to recommend – I would like to recommend that someone might amend this ordinance to try making it as the Temple Street Pilot Project. We don't have this anywhere. It has not been brought forward in this city. I don't think there have been issues at the other developments. The Housing Authority has not come forward and had anyone here, and speaking with the representatives and the police department thought it might be a good area to test this. I would like that kind of amendment.

Alderman Plamondon

From my perspective for sponsoring this legislation, my concerns revolve around years of complaints and concerns at Sullivan Terrace, both towers. When I looked into this legislation with Alderman Johnson from my perspective I wasn't really even looking at Temple Place. I was trying to address the series of annual problems at the two towers and the constant complaints that I have gotten. Even during my last re-election my opponent this was one of his main themes was to try to put something on the books to grant the residents of Sullivan Terrace additional protection. Currently State law only allows around federally subsidized housing districts. Last I heard there was legislation pending in Concord that would expand this to other housing projects, but for now again from my perspective it was to try to assist the residents at Sullivan Terrace. Thank you.

Alderman Johnson

I hope this isn't going to get killed because my name is on it. It seems like everything I do gets killed. I wrote this with Alderman Plamondon because I read the paper, but it is not just about Temple Street Manor it is about every housing that the federal government has left co-mingling of disabled people with a lot of the drug attics and alcoholics under the federal law that you can now do. It is a shame that we do have the elderly with some disabled people that really do not belong in elderly housing, but that is the federal government. I have called Charlie Bass' office and said before they voted on this they really should have taken a good look at how you co-mingle people. I put this legislation in because it is not just about Sullivan Terrace, not about Temple Street – you have also activities down on Forge Drive and other parts of the city where this goes on continuously. I think it is about time that we really start taking a look at our drug free zones. We have drug free zones at schools. We should have it around the elderly housing. It is about time that we really start taking a look at what is going on in this city. If we think that this city does not have drug problems – it does. We read about it everyday in the paper. I hope this legislation gets passed and I hope that we can move forward in trying to keep the elderly in our city who live in housing, any of the Nashua housing, but especially with the elderly because they are the ones that get intimidated the most.

Another one is the voice is not really heard in the city because a lot of them don't know where to go to and who to turn to and they are afraid. I think it is very important to get this passed and we keep this are free of drugs. Thank you.

Alderman Cardin

I guess my concern with that is that there are other elderly housing developments and other apartment complexes where people co-mingle or live together that should probably be protected just as much as someone in public housing. I know that Rochester ten years ago applied for the designated, but was turned down by their city council because some of the councilors thought it was inappropriate to have some of the areas of the city drug free and others not. It kind of felt like they were targeting certain populations to live in drug free zones and the rest of us could live in drug dealer heaven if that is the way it was. Keene doesn't have this. I know Dover does because they have a Head Start program in one of their family developments. Salem does not. However, they only have elderly housing. Manchester does have it. I just thought I would share that information.

Alderman Johnson

My biggest concern is with Nashua. It is great what other cities or towns do or do not have it. My concern is Nashua. Our drug population has grown. It is not that I am trying to target one area. This is city housing. Some of it involves elderly housing too, which is HUD money. My concern is again I think the whole city should be drug free, but unfortunately we are not going to be able to get into every neighborhood. You have it even in the best neighborhoods and the worst neighborhoods. The issue is here that my main concern especially the area where the elderly are housed. They are the ones in the population that are preyed on the most. It is an unfortunate thing, but this is the way society is today. I know that if my mother was living in the City of Nashua in elderly housing I would want to make sure that she was 100% safe. I think we all want to make sure the elderly are safe. I know Forge Drive and some of the other areas what goes on. We have a real drug problem in this city. Unfortunately we do put drug attics and alcoholics in city housing because the feds say it is okay now to co-mingle, which it really is not okay to do. You have with some of the elderly housing on certain federal housing policies under HUD – some do and some don't. I think it is a big issue here in the city. Thank you.

Alderman Plamondon

Again I just want to reiterate when I was working with Corporation Counsel to draft this it was clear that we only have jurisdiction under federally subsidized housing at this point. Now at the time of drafting this legislation there was legislation pending in Concord, and it was expected to pass. In fact it may have already passed. I concur that when that passes that we should definitely look at all of the housing areas, but for right now or at least at the time that the legislation was drafted our only jurisdiction was under federally subsidized – HUD funded. To concur with Alderman Johnson we have some serious problems. I can tell you there are times I have sat at Sullivan Terrace on a bench with a senior and granted I haven't done it in a year or so, but they told me stories of some seniors that don't leave their apartment at all. They get food delivered to them and they live in fear because of those around them. I can tell you stories of apartments being broken into while the seniors are there on and on and on. This is an attempt to try to protect them more by increasing the

finances as so allowed by state and federal law that grants us this ability. This is just an attempt to try to help our seniors. Thank you.

Chairman Tollner

I have one question. What did the Nashua Housing Authority say about this legislation? What type of feedback did you get from their board? I just want to make sure that we consulted with them.

Alderman Johnson

We did.

Alderman Plamondon

It has been some time, but I believe it was through Dory Clarke. I was told through Corporation Counsel that the person they contacted was supportive.

Chairman Tollner

What about the board members like Tom Monahan, Eric Wilson, etc.?

Alderman Johnson

Dory told us and I think it was also Jackie who did the research on all this information because they had to find out which properties were part of the city so we were told that Grace Hicks I believe her name is, worked with her to get this information. We didn't do this on our own we gave it to Corporation Counsel. We told them what we were looking for and they did the research. I haven't heard anything from anybody opposing it from their board.

Alderman Plamondon

I haven't either. Since this had its first reading I have spoken to Eric Wilson on other issues and this wasn't brought up. To be honest the legislation isn't intended to target Nashua housing. It is intended to protect individuals that live in those areas. It is not pointing the finger at any organization or anything.

Chairman Tollner

I know that. I am just reading the title and wanted to see if we had any input from the board members.

Alderman Cardin

My understanding is that the Housing Authority may have had some conversation with Casey Crane regarding legislation at the State level, but not much input or conversation with anyone about this ordinance. Also it is my understanding that the legislation in Concord did not pass. I am not

opposed to this I just don't know if we have enough information to support what is intended and enough input. That is why I thought maybe targeting Temple Street as a pilot project might be a good idea. They have legitimate concerns at Temple Street. What happened was I would say probably 8-10 years ago HUD gave the Housing Authority some drug elimination money. It was a grant they had been getting year after year and what that did was paid for police overtime to go into these developments, patrol the developments on a regular basis. People were feeling pretty safe when they knew the police were coming through every now and again. The grant ran out. It wasn't renewed after so many years of having the police there on a regular basis.

After attending the last meeting of the Housing Authority this was talked about and the police department have continued even though they are not getting paid by that drug elimination grant to go into these developments and continue to patrol them. There may have been a lapse where they didn't and I am sure the officer that is here can give us a little more information on that, but it is my understanding that the police are once again even without that drug elimination money going through the developments and patrolling.

Alderman Deane

I just had a comment on the way the legislation is written. If the concerns are that you don't want to feel that areas are targeted then what if you amended the title and what parts of the body pertain to this – if you took the Nashua – If you amended it to establishing a drug free zone around public housing properties?

Alderman Plamondon

It has to be federally subsidized.

Alderman Deane

I understand that you don't want to be targeting an area where there is a problem. I have spoken with these people here that came this evening, and we have heard about the problems over there I think during an Infrastructure meeting and now we are hearing the problems over at Sullivan Terrace. If there is an issue then I think it should be addressed, but I agree that you don't want to be just targeting one spot and now I am hearing there are two different areas that have been brought to the attention of the people here anyway.

Alderman Bolton

I think the issue is what this establishing these drug free zones is all about is State law that if we establish drug free zones as permitted under the law then people who commit drug crimes within these zones are subject to increased penalties. I would caution against sort of AD HOC amendments here without consulting with the legal department because we have to be tracking the state law and doing only what we are allowed to do under state law or else we will create something that may sound good, but will have no impact.

Alderman Johnson

This was written by Legal so I have to say that they did their research under all the different RSAs as to being able to put the drug free zones.

Alderman Bolton

That is why we shouldn't change it.

Alderman Johnson

The issue is again we could do a pilot program at Temple Street and we could do a pilot program at Sullivan Terrace. The issue is we have people in these buildings that are living with the elderly because the feds say under HUD you can put alcoholics and drug addicts in the buildings with them. They amended it many years ago. My issue is we could just scrap this and hold this in committee and I look at these seniors who live in these buildings and it is not fair to them. It is not fair to them that we have police coming from time to time. We can't guarantee they will be there all the time, we can't guarantee that this is going to work, but at least we have something more to go on. I don't think it is fair for any senior citizen to have to become a prisoner in their own home. This is what it is all about. I wouldn't want to be a prisoner in my own home because I have drug addicts running around in my neighborhood. This city if you read the papers going on in everybody's neighborhood. I am just not targeting one area. It is the people who need the help the most and that is what this is addressing especially where the seniors are living. We could take out some of the other streets but you know what that will infiltrate over there.

You go down to some of the neighborhoods and unfortunately these are the areas that have the Nashua Housing properties. That is why we are targeting it. If you want to put it in my neighborhood then – I have a housing project in my neighborhood – then we could put this in my neighborhood also. Why are we squabbling over something that is important like this?

Alderman LaRose

I think that we should not be using it as a pilot program somewhere. I think it should be throughout the Nashua Housing Authority's system. What this really does is allow law enforcement that if they catch somebody in these areas doing or selling drugs this is what the fine can be. It is not something that well if it works here let's see if we can do it somewhere else. Put it everywhere that we are allowed to do it, and it gives the police department some authority to do something. It would seem kind of ludicrous that if I am on Temple Street and I do something there at that Housing Authority's building I am subject to a \$1,000 fine, but I go to another one that is not a drug free zone and I am not subject to the same thing.

Alderman Cardin

I guess my question to you Alderman LaRose, through the Chair if I might, is what do you do at Davidson Landing or what do you do at some of the elderly housing. I am not saying I don't support this I just don't think we have enough information to pass it. I am sorry I don't. How do we tell

people at Davidson Landing your development isn't included because there is no federal guidelines that include that?

Alderman Bolton

They probably are included because they are close enough to Ledge Street School.

Chairman Tollner

Is there anybody out there that would like to provide some comments?

Casey Crane, Representative for Ward 2

Basically I actually have the answers to a lot of these questions because they are the same things that came up in the Criminal Justice Committee when we were discussing a bill extremely similar to this one. This all started last summer. Last summer my Dad came home from rehab, he said Norm Ferguson at Temple Street has been telling me that there is a guy running up and down our hallway and says he wants to kill everybody. As a matter of fact he has a list of names. The guy got caught, the police got rid of him, and two weeks later he was back. I started asking more questions. Everyday he would come home with a different horror story. It was absolutely horrendous. Finally I said well why don't we call a meeting and we called a meeting and got all these good folks together and we have met many, many times since then. We drafted the legislation together. Basically it was one attempt at trying to do something to help them out. Drug free senior housing homes are something I had heard of before from other states from conferences I had gone to – what other states had done. We put the bill forward.

I even called Channel 9 and the Telegraph and I had Channel 9 down there – this really bothers me – I had Channel 9 down there showing the door that was absolutely completely unlocked, the door wasn't even working – it was on TV – there was another door downstairs where they had been threatened, people had been cornered and they just said if we could just have a window in this door so we could see when people are coming, that is all we want is this one window. This was on Channel 9 in February. The door was put in today.

I did talk to T.J. Grogan. I approached her and I also approached the Housing Authorities across the state about my state bill and I did get a very positive response. We talked about a lot of these issues and the place you are mentioning in Dover, I talked to the Housing Director in Dover and you know what he said to me – I had to put a head start place in my building just to get it called a drug free housing zone for the state law is so difficult to work with. I had said the heck with it I couldn't get named a drug free housing zone, I couldn't get through the Dover Council, I just put a head start place in there and then I could call it a school zone.

My bill would simplify the process for areas to become drug free housing zones. It also would have increased the penalties. I do think you need to check with Corporation Counsel because current laws states increase of criminal penalties, but it does not state that on a state level you can increase fines, which my bill was going to correct that. It was going to also increase the fines and create a pool of money then that the city police would share with the housing to replace the signs and that kind of stuff. I had all the Nashua police favor it. We had a lot of people favor it. I heard all kinds of

horrible stores from all over the state. Unfortunately the mental health lobbyists and some of the people got a hold of some of the criminal justice members and their question to me was when you raise the penalties and increase the fines these people, that is X-drug addicts, people who are off their medication are going to get thrown out, and I said that is right that is the purpose of it. They said but we are the criminal justice committee and now we are endangering people on the streets. We can't do that. I said are you kidding me? Unfortunately that is really why it didn't pass because they had no solution for that. They had no solution for what happens to those people. We had a bug argument about that and I didn't feel as though we had to be responsible for those people I wanted to protect the people that are in the housing.

When we get into the private that area was also brought up. The private housing issue came into play a couple of things – on the state level we don't have any authority right now to do the private – maybe we should. I am also the author of the other bill you talked about, which would expand that. I think that one of the things that is different is private housing you go there, you are paying for certain amount of services – a lot of those people hire private security guards, they hire private companies to come in and do security, they have cameras. These people have asked since January to pay for their own cameras and haven't even gotten an answer from the housing department. Now in the beginning when I started with these people and this is months and months ago, before we got everything in the papers and everything you see now, I asked the Director of Housing Department who I have been working with through this whole process to please look into they want to pay for a camera, let them pay for a camera, they want to replace a door – frankly in the beginning I thought as the Aldermen have stated there are processes and we certainly understand that, and you have to sometimes understand you can't do things, but you know what there is a real lack of communication from this housing department, a real lack of communication. I have seen many times where they could have interceded. I have seen many times where they have been asked point questions and have no answered them. I have seen many times where direct issues have been brought up to them and they have not done anything about it. It is at the point now where it has now become an excuse that there are processes and things in place because we have worked through the system and we are still not getting answers for these people.

Things have improved because of the article in the paper, which is why I asked them to write the article in the paper, why I went to the Telegraph. I think that since unfortunately my bill did not pass on the state level that the next thing to do and I commend the Aldermen for bringing this before you and Dave MacLaughlin I had invited him to many of our meetings, he attends many of our meetings to talk with these good people, and I am hoping that at least if you can't get one level of government to work for you then you can get another. Our next track here is to try to get this passed on the city level. I would check on the fines. The last thing I want to mention is I do have a lot of information and probably a lot of answers to all these questions that will come up because we have already been through it once, and there is a huge potential for grant money – huge potential. There is a whole division of HUD that just deals with housing areas that are already marked drug free housing zones. You can only get those grants; you can only access them if you are already a drug free housing zone.

My goal is to make every housing in the state a drug free housing zone – just part of unfortunately why I think also it didn't pass. The housing directors I spoke to in Dover, in Rochester, all over the state were in favor of it including Manchester. They were going to come and testify in favor of it – I

don't know what happened to them – they didn't make it so I kind of wonder there, but definitely the gentleman in Dover was in favor of it and I mentioned the head start remark. He had wanted to be a drug free housing zone for years and had found so much difficulty getting through the state law. That is about all. Hopefully we will be able to do something at the local level that we were unable to accomplish at the state level.

Alderman Cardin

I would like to ask Representative Crane a question. You had stated that other housing authorities were invited to speak, but when I spoke to you earlier the Nashua Housing Authority hadn't been invited, and I guess I would ask why that is.

Casey Crane

They were all invited to speak. Are you talking about at my hearing? I am talking about my hearing in Concord with my bill. They were all invited to speak and what they decided to do was they said that the head of their association of directors who was the gentleman from Concord was going to come and speak for them and he was supposed to get letters from all them and unfortunately he did not show up the day of the hearing.

Alderman Cardin

I was under the impression you invited them here this evening.

Case Crane

No I did not invite them here this evening. I was invited here myself by Alderman MacLaughlin who told me that you had some similar legislation to the piece I had filed here on the city level. I don't know if they were invited. I do know that they have been invited to multiple meetings that I have organized and these people have organized and I was with these people, and they have not been at one of them that I have been in attendance to. I am frankly very upset with their lack of responsiveness and have made that known to our State Senators as well.

Bob Henderson, Nashua Police Department

Just a couple of points that might answer a few of your questions – we are in support of this obviously. It is not a solution. It is definitely a step in the right direction. Alderman Plamondon has his facts straight it has to be federally funded facilities that we are dealing with. Davidson Landing has all seniors. There are no problems there. The only time we ever go there is for ambulance calls. Wagner Court is strictly seniors. The problem seems to be in the mixed intergenerational facilities where they are having the problems where they intermingle the younger disabled people with the senior citizens. That seems to be where the problems are occurring. Unfortunately the bulk of that is the Nashua Housing Authority property. That is what we are dealing with. I have worked very closely with the residents here at 41 Temple. Through the police department we have done a lot to try to help them and I think we have made some great improvements in the last couple of

months. It is not completely solved, but we have helped them a lot and we have gotten a lot of input from them. I handed out some surveys to them to find out what their safety concerns were and so forth. I think this will definitely be a step in the right direction and we support it. Thank you.

Chairman Tollner

Is there anybody else that would like to comment?

Betty Narris, Temple Manor

We have had quite serious problems with these people. As this lady over here said it is terrible to be a prisoner in your own home. I never go out in the halls after dark. I only go to my car if I have to, and it seems that we should have help. We have talked to housing they say they don't have to give us any information about these people. They have young people coming in there buzzing our doorbells all hours of the day and night trying to get in. My granddaughter came from Florida a week ago Sunday. This guy came and tried to push his way in. I said no. He said well I have friends in here. I said I am sorry you buzz them in. Then they went out and got my grandson and wanted him to let them in. Then this guy came again. I said who is your friend. He said oh I don't know - I don't know his apartment number. I said well I don't think you have a friend. In the end I called the police. The police officer came, but he was gone. Then I came back in the building again and he is out there at the buzzers again and I said you better get going. I went back to my apartment and then Mrs. Ferguson that lives in the front came back to my apartment because he was out there giving her problems. She wanted me to call the police and I said you call the police. It was two times in that night so the police finally picked him up because we saw them out the window. They searched him, they talked to him, and they let him go, but apparently he is one of their friends.

Sometimes there will be 5-6 come in at a time. Some of them have those pass keys, which they shouldn't have – you know the little gray thing that we use to open the door now. As Casey said there are times the doors are not closed, they don't work – we report it and they don't do anything about it. We have that right on camera from Channel 9. Like Officer Henderson said we did finally get the window in the laundry door because I had a problem in there about a year ago where I was scared to death with one of the fellows that live over there. He was doing drugs at the time. At that point I was afraid. I didn't know what to say. When I met Casey she kind of urged us on and now we are all going to fight until we get something accomplished. Thank you.

Alderman Johnson

I just wanted to talk about what Representative Crane was saying. I think it is a shame that it takes so long that they can't get a camera even when the residents are willing to purchase it. That is federal dollars. It should be done immediately. I have had many complaints regarding Sullivan Terrace where the elevator was down for months and they only have one working elevator and I am on the phone with Charlie Bass' office all the time telling them to get somebody out there to get that elevator fixed. There is no excuse for this – doors where they need windows. Again we are talking about the elderly and the co-mingling. My personal opinion I think everybody should start calling the Congressmen and the Senators because they are the ones who allowed this to happen – to co-mingle people who have disabilities/the younger generation and a lot of them are drug addicts and alcoholics that are co-mingled into the building and they don't belong there. They really need

treatment centers, not elderly housing centers. Our seniors are entitled to have peace and quiet and safety in their homes. I am hoping tonight that this piece of legislation will be recommended for final passage to the full Board. Thank you.

Alderman Plamondon

I want to thank the lady for coming up and stating those points. I just want to state that all the stories she just shared in that one situation I have heard at Sullivan Terrace dozens of times through the years, same exact thing – pushing the buzzers, forcing their way in the doors, more than one coming through, pass keys – the only thing is the doors at Sullivan Terrace the locks work or typically are fine there – other than that and living in fear it is the same exact theme, same exact story. The underlying goal here is we have individuals that are abusing the system that is set up to help those in need while they are abusing drugs, and as a net result they are abusing the senior neighbors who just want to live peacefully and enjoy life. They have put in their time, they have paid their dues, they don't need to put up with this type of B.S. from individuals who are abusing the system from A-Z. As Representative Crane had mentioned one of the arguments for why the other legislation apparently failed is now what do you do with these individuals well my answer is that is why we have jails. Thank you.

Chairman Tollner

Are there any last comments?

MOTION CARRIED

Chairman Tollner

What I would recommend – I think it will probably be about 2 ½ weeks before it goes to the full Board, maybe one of the endorsers contact Mr. Wilson or Tommy Monahan to see how they feel about it. The other thing would be I know when the legislation first came out I had contacted Alderman Cardin to see where she was at with it. She was not aware and she is the liaison to the Housing Authority. It might be a good idea to let her know.

O-04-10

Endorser: Alderman-at-Large Paula I. Johnson
Alderman Robert A. Dion

INCREASING THE SERVICE-CONNECTED TOTAL DISABILITY TAX

CREDIT FROM

\$1,400 TO \$2,000

Chairman Tollner

I have received some phone calls on this and I did tell those individuals that we would be taking it up at our May meeting.

Alderman Johnson

So this is going to be taken up in May with the other piece of legislation that I have on the Veteran's Tax Credit?

Chairman Tollner

Yes it is, and I did have a conversation with Treasurer Fredette to ask him what the impact might be to the budget. I didn't know whether either of you had a conversation with him. That would be good information to have when we take it up in May.

Alderman Dion

I can't see the rationale in holding this because the tax bills go out I believe some time in June and if you wait too long it won't be applicable until January. What I am getting at is that I filed this legislation along with Paula Johnson and I can give you a cost analysis since you mentioned it. There are 30 disabled American Veterans in the City of Nashua. Presently the \$1,400 is not \$1,400 it is \$1,500. It is \$1,400 plus \$100 for being a Veteran so it is actually \$1,500. There is a differential of \$500. If you do your math and multiply \$500 by 30 you will see it comes to \$15,000. That is chump change to help disabled American Veterans.

Chairman Tollner

I would agree with you Alderman Dion. I didn't know what the number was.

Alderman Dion

Compared to \$185 million I would say that is pretty small potatoes.

Chairman Tollner

I would agree with you.

MOTION BY ALDERMAN ROOTOVICH TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Chairman Tollner

Alderman Dion are you sure the number is 30?

Alderman Dion

Yes – positive.

Chairman Tollner

Are there any further comments?

MOTION CARRIED

MOTION BY ALDERMAN BOLTON TO TAKE FROM THE TABLE O-04-04

MOTION CARRIED

O-04-04

Endorsers: Alderman-at-Large Paula I. Johnson

REQUIRING CELL PHONE RINGERS TO BE TURNED OFF DURING MEETINGS
AND HEARINGS

Alderman Johnson

This will probably be a kiss of death now, but the reason I – I have also spoken to some state reps. regarding this piece of legislation because in their chamber and even members of the audience are not allowed to have cell phones on and ring during the meetings. The reason I wrote this and it doesn't bear on anybody, sitting members, even pertains to members of the audience – that we will be in the middle of a meeting, a cell phone might ring in the audience, and it distracts you. The question is people say we might have emergencies, I understand that. What did we do before cell phones were invented? We can put it on silence, we can put it on vibrate. That is all I am asking. When we are in the middle of a meeting any members of the Board or in the audience shuts off the phone. It doesn't need to be turned off just shut off the ringer. I don't think that is a lot to ask.

Like I have said I have spoken to members who are state reps. This is not allowed when they are having their meetings. It is just courtesy. That is all it is. I have been in meetings with the Planning Board, the Zoning Board – the cell phone goes off and people start talking. If you are conducting business – I don't think Mr. Trump in his boardroom would allow the cell phone to go off. If it did they probably would be fired. It is just again common courtesy when we are conducting a meeting that the cell phone ringers are shut off. I guess when you go into a hospital you can't even have your phone on. You have to shut it off otherwise you will mess up all their equipment there. That is the only reason I want this ordinance is just for courtesy so when we are conducting business people are not interrupted by telephones ringing.

Alderman LaRose

While I agree with Alderman Johnson the problem with this is all it says is keep your cell phone off. There is nothing to enforce this. It would seem to me that it would be better off that when we start a meeting like this evening and you have people in the audience I think the Chairman should ask that people shut their cell phone off. I can remember one time when I was in church and the Pastor is giving a sermon and the cell phone went off. If I had been the Pastor I would have said hello God. Some guy grabbed it and he walked out. I agree with you it is very insulting. I can remember being – when I was in Concord on the Finance Committee and I know the Chairman, Neil Kirk boy he was really adamant about no cell phones. When one would go off he would give you the dirtiest look and you never did it a second time. I understand what you are driving at the problem is there is no enforcement mechanism on this and I think we would be better off if the chairmen of every

committee would be instructed to tell to the general public, when there is a general public here, please keep your cell phones off.

... tape ended ...

Alderman Plamondon

... those sitting on boards they are basically here as volunteers. I know if I had the money I would get a cell phone that would vibrate. Basically here every night and I could not afford to not have communication to my family. I have an elderly mother. There are times where I need to know and I am sure speaking for the bulk of us it might be good as Alderman LaRose says as a reminder for those of you who don't need your cell phone on shut them off because we tend to forget. For those of us that are here that dedicate long hours to the city basically on a volunteer basis a form of communication is important. If the city bought my cell phone and the city gave me one with a vibrating feature then I would be more than happy to exercise that. Until that date comes I can't afford it.

Alderman Deane

Alderman Plamondon when did you buy that 1970?

Alderman Plamondon

It was about '84.

Alderman Johnson

I don't have a phone that vibrates I just shut off the ringer and from time to time I take a look because I have family, I have an elderly mother also, but I don't care if we even amend this to say at the beginning of each meeting the President and/or the Chairs will instruct the Board and the audience to shut off the ringer of their cell phone. I don't care it is just that we are at the point now where we all live by cell phones. I agree I live by my cell phone 100% also. There is no reason why when we are having a meeting and the members of the audience as well – that you can't turn off the ringer so you can conduct the meeting and really not even have a conversation in this room. It is called common courtesy that is what it is. Even on the road common courtesy and that is all I am looking for is a little bit of common courtesy that is it. You can indefinitely postpone it, you can hold it in committee, but I am just trying to get common courtesy among the horseshoe and in the audience. Thank you.

Alderman Dion

This is just a suggestion – wouldn't it be just as easy to spend about \$30 and put a sign on each door – shut off cell phone when you enter the Chambers – something to that affect. Wouldn't it be just as easy to do that instead of going through the whole polapalu or ordinances, etc. and who will enforce them – upstairs in the auditorium too Mr. Chairman on the door?

Alderman Plamondon

Mr. Chairman maybe during budget season we can install hospital equipment here so we have to shut them off, you know respirators and so forth.

MOTION BY ALDERMAN LAROSE TO RECOMMEND INDEFINITE POSTPONEMENT
MOTION CARRIED

-
Alderman Plamondon

I was wondering if the committee would entertain removing from the Table R-04-18.

Chairman Tollner

Could I ask you the intent of that – do you have someone that will be coming to speak to that at a later date?

Alderman Plamondon

I don't even know why it is being held.

Chairman Tollner

The reason why it was held the last time is there were no endorsers that came to the Personnel Committee.

Alderman Plamondon

I am here.

Chairman Tollner

Okay.

MOTION BY ALDERMAN BOLTON TO TAKE FROM THE TABLE R-04-18
MOTION CARRIED

R-04-18

Endorsers: Alderman Marc W. Plamondon
Alderman-at-Large Paula I. Johnson
Alderman Kevin E. Gage
Alderman David MacLaughlin

EXPRESSING SUPPORT FOR RESTORING THE SUPERFUND “POLLUTER
PAYS” TAX

MOTION BY ALDERMAN BOLTON TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Chairman Tollner

Alderman Plamondon do you happen to have a copy of the legislation with you?

Alderman Plamondon

Yes I do Mr. Chair.

Chairman Tollner

Would you like to update the committee very briefly?

Alderman Plamondon

Just very briefly and then if there are questions I can elaborate further – there is municipality, state government – various organizations are asking for support for reinstatement of the polluters tax. You don't have to look far beyond Nashua's Mohawk Tannery to understand the need for the reinstatement of the polluters tax. Currently there is no money in Superfund. The only monies that go into Superfund are those allocated by Congress.

MOTION CARRIED

HELD IN COMMITTEE

O-04-02

Endorser: Alderman-at-Large Paula I. Johnson

INCREASING THE VETERANS' TAX CREDIT FROM \$100 TO \$200

DISCUSSION

ADJOURNMENT

MOTION BY ALDERMAN BOLTON TO ADJOURN

MOTION CARRIED

The meeting was declared closed at 9:15 p.m.

Alderman Richard D. LaRose
Committee Clerk

