

## PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

May 3, 2005

A meeting of the Planning and Economic Development Committee was held on Tuesday, May 3, 2005 at 6:30 p.m. in the Aldermanic Chamber.

Chairman David Rootovich presided.

Members of the Committee present: Alderman Kathryn D. Vitale  
Alderman Richard LaRose, Vice Chair  
Alderman David MacLaughlin  
Alderman Rob Shaw

Members Not in Attendance:

Also in Attendance: Alderman-at-Large David W. Deane  
Alderman-at-Large Steven A. Bolton (@ 6:43 p.m.)  
Mike Lowe, Nashua City Planning Board Liaison  
Larry Hersh, Chairman, Cable Television Advisory Board

### COMMUNICATIONS

From: J. Bradford Westgate, Esquire  
Re: Petition for Waiver of Public School Facilities Impact Fees  
Webster Lawn, LLC – 160 Daniel Webster Highway

MOTION BY ALDERMAN MACLAUGHLIN TO ACCEPT, PLACE ON FILE AND GRANT THE PETITION FOR WAIVER OF PUBLIC SCHOOL FACILITIES IMPACT FEES PENDING A FAVORABLE RECOMMENDATION FROM THE NASHUA CITY PLANNING BOARD AND THE PLANNING DIRECTOR

### ON THE QUESTION

Mike Lowe

We have been having some problems at the Planning Board because there is a federal regulation that says that they can still allow 20% of the people not to be senior citizens. I don't have the actual document from Mr. Westgate so I can't comment directly to it, but I know we have been having this problem. The Planning Department is aware of it. I think that the city should be charging the 20% because it is allowed. Ten years from now all of a sudden if the

building changes or whatever it is and you have instead of 100% senior citizens you only have 80% senior citizens and 20% young people and children. I think we should be charging for that.

Alderman Vitale

If on the Planning Board side they approve it with changes to be brought to the attention – if there are any people that are not senior citizens do you find that happens or is it better to air on the side that there will be 20% that are not senior citizens?

Mike Lowe

I think it is better to air on the side that there will be 20% - everything changes. The city is changing, its demographics are changing – that is going to change too. It might never change, but the probability says that it will change. We're built out and in a year or two you – we are already seeing it – tearing down one house to put up three houses. If they can get into senior citizen housing for whatever reason they are going to do it, and if they have children then whoever the younger people – whoever meet what the federal criteria is then they will do it. You will have a 20% increase in the population of senior citizen housing being parents with young children. You have to allow for that. Thank you.

Alderman LaRose

I would move to table it until we get the recommendation from the Planning Board.

AMENDED MOTION BY ALDERMAN LAROSE TO HOLD IN COMMITTEE UNTIL WE ARE IN RECEIPT OF A RECOMMENDATION OF BOTH THE NASHUA CITY PLANNING BOARD AND THE DIRECTOR

ON THE QUESTION

Chairman Rootovich

Would you like to have Mr. Westgate here at our next meeting as well?

Alderman LaRose

That is a good idea.

Chairman Rootovich

Then I will ask him to attend our next meeting. Is there any further discussion?

MOTION CARRIED

Chairman Rootovich

I will contact Mr. Brad Westgate and ask him to be at our next meeting.

UNFINISHED BUSINESS – None

NEW BUSINESS – RESOLUTIONS – None

NEW BUSINESS – ORDINANCES

Chairman Rootovich

It is very unusual to see anything on our agenda other than the zoning ordinances.

O-05-80

Endorser: Alderman-at-Large David W. Deane

Alderman-at-Large James R. Tollner

REGARDING MUNICIPAL CHANNEL PROGRAMMING

MOTION BY ALDERMAN LAROSE TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Chairman Rootovich

Mr. Hersh is here this evening. On your desk you have two communications. You have one with respect to the grading and the rankings of the different programs that are shown – I assume this is on Sunday Mr. Hersh.

Larry Hersh

This was a survey that was done on the web site that we had advertised on Channel 16 and newspaper articles.

Chairman Rootovich

Also we have a communication with respect to the Municipal Channel Programming Ordinance as well. I would encourage the committee members to read the communications as we are having discussions.

Alderman Deane

I wasn't quite aware when the cutoff date was, but Mr. Hersh told me that it was the end of April.

I stopped by – after I filed this legislation I was becoming more and more frustrated with the fact that the replay of these meetings – I wasn't quite sure how they were doing it because I was getting a number of different scenarios associated with how the meetings were chosen. I felt there was some politics that were falling into play here with what was chosen for replay and what was not chosen for replay. I think that should be taken out. I had spoken with Mr. Hersh. I stopped by the CTAB meeting one Friday morning – I just walked – in fact I walked in upon it – I didn't even know it was going on. I told the committee that I wanted their input to go over the process that is going on. Although the Administrative Services Division deal directly with the cable aspect of it with hiring the cameramen and scheduling the broadcasting is done through Maureen Lemieux's office, I have been told that on occasion the selection of replay goes through the Mayor's office – I believe Sue Lovering the Legislative Assistant, and one other, and they vote on what meetings to replay. In some cases that doesn't happen from what I have been lead to understand.

When Mr. Hersh had suggested this I thought it was a good idea, and I wanted the Cable Television Advisory Board's opinion on the data once it came in. Unfortunately there was only 28 responses. You can see what was put in here. My feeling is there are a lot of meetings that have significant importance to the citizens, and they are not re-shown. I think the Budget Committee meetings, the Finance Committee meetings, the full Board meetings – I am not saying that everything doesn't have importance, but when it comes down to the actions of this Board or the administration pertaining to expenditures I think that should definitely be on the top of the list for replay.

On numerous occasions when we had items that had a lot of significant importance to them the meetings weren't re-shown. I just became frustrated with the fact that this continued to go on. It almost seemed to me, and it is my opinion that there was some – a little censorship pertaining to some of the meetings that weren't replayed along with the fact that – I don't think the policy that is used to select the replay of meetings is used all the time. I am glad that Larry took the time to put this together. I wish more people had participated in it. Maybe it is not important to a lot of folks, but I think when it comes down to the Budget Committee along with the Planning Board, the Finance Committee, the full Board meetings, and Zoning Board issues a lot of those items right there affect expenditures as well as people's neighborhoods and decisions that are being made by the Planning and the Zoning Boards and I think they are worthy of replay. I would kind of like the Cable Television Advisory Board to look at this.

The other item that is going to be helpful to all of this is whatever the camera folks do for taping it is my understanding that we have a server that we will be able to place the tapes in once the server is on line, which I am told is going to be very shortly, and they can just run an open reel of everything and we won't have to be too concerned about what was being shown. Obviously the times – you wouldn't want to be showing important Finance or Budget or any real important meeting that has a significant impact to the citizenry at 2:00 a.m., but we could actually set something – I believe the server would be able to set something up so that it would be – wouldn't have to be operated manually and a lot of these meetings could be replayed.

I would ask that one of the members of the committee hold this – I believe Alderman McCarthy at the time when this came in I believe he did refer it to the Cable Television Advisory Board. My question through you Mr. Chairman to Mr. Hersh is has the Cable Television Advisory Board had any discussion on this yet?

Larry Hersh

Yes. The memo that was sent in March I believe and that I copied to everybody again tonight was the results of the discussion that we had at the Cable Television Advisory Board with the four recommendations – first of which was to do the questionnaire/survey that we just finished.

Alderman Deane

You haven't had discussions on the results of the survey?

Larry Hersh

We have not had discussions on the results of the survey no. I am not sure that the discussion on the results of the survey would provide much more information to this board. I think that what we have is enough information for if you want to update the list that you had. I think the rest of the information that – the discussion we had was relative to the procedures and the policy around it. I think if anything I would like to really focus on that because I think that really would be the difference maker is how the decisions are made more than what the order of them are in any specific order. I think the board was very strong in its feelings on that.

Chairman Rootovich

I have to agree with that. I think now, and when I look at the second paragraph you said currently Sue Lovering, Maureen Lemieux, and Larry Hersh fulfill those roles although the Mayor sometimes weighs in as well and has final say.

Larry Hersh

One other part that I think David was that maybe you are a little mistaken on and it is probably my fault that you were – on a monthly basis the three of us get together and determine the priority of those things that will be shown, which ones are shown on TV and which ones are taped, and that we do that regularly on a monthly basis. We don't often have conflicts on those. We don't do the same thing for the replays. The replays I believe are done through Administrative Services and the Mayor's Office so if there is a policy you want to put in I think it might be targeted towards the whole thing, but you want to get the replays in there as well.

Alderman MacLaughlin

My question would be then in those rare moments – to address Alderman Deane's concern that

sometimes there is a politicizing in the decision making regarding what meeting might be aired and which ones may not be, what in the rare occasions when they are conflicts amongst yourselves – how is that finally hashed out? Is that done by a vote of the group of you or is it really falling upon the Mayor to make that call?

Larry Hersh

I would say that the vast majority of the time it is done within the three of us. The way it is worked is that we have had the administration on one side and you have the Aldermanic representative, Sue Lovering on the other side, and then what I try to do is go by the previous survey that we did in '98, which was the last bit of data that we had and sort of try to be in essence an impartial – try to be and I think for the most part I was, and still am, but that is the way that the scheduling decisions are made. Now again, the replays were done in a very different manner and still are.

Mike Lowe

Has anybody considered doing any of the NRPC meetings? There are a lot of good things that come on there. They don't have to be shown the next day or the next week or so forth. They had one on invasive species, they had one on what a planning board can do – those are two things that were recent, and nothing was every done about them.

Chairman Rootovich

We have the Chairman of the Cable Television Advisory Board here this evening, and I am sure he will take that under advisement.

Mike Lowe

There are good things – things that the people of Nashua should learn about.

Chairman Rootovich

Alderman LaRose are you willing to amend your motion at this time and hold in committee?

Alderman LaRose

Yes. The reason I made the motion for final passage was to get the discussion going.

MOTION BY ALDERMAN LAROSE TO HOLD IN COMMITTEE O-05-80

ON THE QUESTION

Alderman Shaw

It is not really to that motion – I had just wanted to ask to the numbers that are here because I wasn't clear on what they actually mean. I understand there are the two listings. I guess if you could explain a little bit what is meant by the rating and ranking and how that came about.

Larry Hersh

I was hoping to be able to do that. It is confusing and I apologize I only had this morning to put it together. We actually had on the survey – there were two sections of the survey; the first section had a list of meetings and asked everybody to rate each meeting in its importance to them on a scale of 1-10 with 10 being the most important and 1 being the least important. What you see on the rating column and on the first sheet it is sorted in order by that rating. It is the average of all of those responses divided by the total value of those responses if you will. That is how we calculated the rating. The other sheet is in the order of ranking, and the way the ranking was done – that was the second part of the survey on the web site – again I apologize it could have been much clearer. We asked them to rank in priority order their top five meetings. This is the weighted average of scores. In other words if somebody said this is my first choice that got 5 points, second choice 4 points, etc. That is kind of a weighted ranking if you will based upon the top 5 priorities of the people that responded. It is just two different data if you will – ways of looking at the prioritization.

Alderman Shaw

As far as the survey went was there any input for whoever filled out the survey what they representative or was it completely anonymous?

Larry Hersh

It wasn't anonymous. People were asked to put in their e-mail address and most of them did. There were some that were anonymous, but most people put in their – we asked for their e-mail address and they included that. By doing that actually we were able to remove a number of duplicates from people that responded 5-7 times – from the list of responses.

Alderman Shaw

Okay that was my next question. Thank you.

Alderman Deane

Although I think the process – what I have to understand is that it falls under the privy of the Mayor's Office to make the final decision. It states here that he does have final say. I think a policy should be put in place so that there can't be censoring of replays. I think that needs to be done. I am going to spend a little time trying to work on some sort of policy to stop what I feel is on occasions – because there have been a number of meetings that were taped, that were played live that could have been replayed that for some reason were not. A lot of it had a lot of

pertinent issues that affect the citizenry and for those that didn't have the opportunity to see it they weren't granted an opportunity again because for some reason unbeknown to me or probably anybody else it wasn't replayed. I think that practice – we should get a handle on that practice and stop it. Thank you.

Larry Hersh

I see that the policy that we use for the current – the schedule is that became the rule – the more of the hard and fast rule as opposed to the recommendation if you will now. That same process was put on the replay – that would be a process I think that would work for you and allow the – it certainly doesn't have to be me, but would have one person that is impartial and then one in administration and one Aldermanic representative. I think you will get a decision that is much less biased and that could be a fairly straightforward policy to implement, and you could do that for both the monthly schedule as well as the weekly replays. Again it would become less of an issue – even when we go to the video server it will help determine which gets prime time spots and which don't get prime time spots. I think it is important to set the process for determining that, and I think you also want the flexibility, which was a big discussion at CTAB to as you say to be able to show the hot meeting even if it wasn't number one on this list.

Alderman Deane

Correct.

Larry Hersh

And we think it is important that we leave that as an option.

Alderman Deane

We will look at the way the selection policy and the replay is set up. I don't really have any issues with the current process of what is broadcast live and what is not. My issues are the way replays are selected for Sunday. Thank you. Thanks for your work on all of this as well.

Chairman Rootovich

Is there any further discussion? The current motion on the floor is to hold O-05-80 in committee.  
Tim Glenday, 7 Lucier Street

I endorse the ordinance that Larry and them have worked on, which might surprise you on the surface because I will probably lose about 20% of my pay once the video server is on line, and I am not needed at 38 Lake Street. As you now hold I would like to just think about how the judgment of what goes on is scheduled and pick up why there would be the inclusion of that sentence that the Mayor has the final say. I think maybe we use the word re-play incorrectly. We started out 8 years ago with just myself doing some meetings. At various times we have

grown to the point of three videographers, maybe even borrowing a videographer from TV 13. The first thing that has always been considered in replay decisions as I have understood it is what has not even been on the air. Take this present week for example – the other night Tom, the young videographer you have all met in the last few months, taped the railway committee upstairs. Well that clearly has to be shown so it is sort of like #1 on the list regardless of its newsworthiness because it is something we paid a videographer to come and record. Clearly we want to show it to the public, and it is scheduled to be shown tomorrow night because it is a blank night in this room – we don't have a live meeting that would take priority.

The second thing that has always been considered for replay if it is not something that the public hasn't already seen is the citywide boards meaning the Planning Board, the full Board of Aldermen – something that has a citywide nature to it. The system that I had the first few years when I was either by myself or just had a second videographer part time didn't involve a monthly schedule. What I used to do was post on approximately Thursday in the Aldermanic Office as well as to the Mayor's Office a list of what I planned to show the next week. That allowed people to either put it in the mailbox or give me a phone call or something they liked it, they didn't like it, whatever, and as sort of a neutral I could either change it or not change it.

I don't think all that frequently that Mr. Deane's charge is true as far as politics being involved, but I will put my neck on the line and say I do know there have been examples of it. There have clearly been changes in that second showing that have had to have been because one party or another just didn't want something to air again. Replays are really most of the time material that has not been seen yet. There isn't a lot of live meetings like tonight's that is actually shown again. Our Sunday replays at noon for about 4 hours or when we take a blank night like this Wednesday night – it is usually showing not a "replay" it is showing something that the public hasn't seen yet. Think of it as compared to the other broadcast channel. You either watch Judging Amy Tuesday night at 10:00 p.m. or you don't. You either recorded for yourself or you didn't. I think the idea that we must show the big meeting 5 times well the people could have seen it the first time or made arrangements to see it. The video server is going to be a great tool in that there can be morning and afternoon replays and it can be unmanned. It is going to be more hours of programming and less hours of the so-called two traffic cameras.

On the line about the Mayor having final authority, having gone through both the negotiations in 1987 for our current contract, which started in 1990, but we signed it in December of '87 as well as the various transfers we had with TimeWarner Cable – if you remember they had changes internally then dealt with MediaOne – we have been AT&T now we are Comcast – we have been alphabet soup in the last four years – one thing that is clear in the exhibits that they have prepared is under the FCC rules, because of our particular form of government here in Nashua the FCC as far as they are concerned the franchise authority, the person that enters into a contract or the body that enters into a contract with a cable provider in the City of Nashua is the Mayor. In fact, you really wouldn't need to look at it as the Mayor and Aldermen if you look at their exhibits or as other towns it might be the head of their Selectmen. It is a license. Our own City Charter requires that it go through you people, but the Mayor has always kind of had this ability. In fact, the municipal channel part itself was created merely under a Memorandum of

Understanding between the cable company. We didn't actually go in and amend our current Franchise Agreement. The Davidson administration simply came to a Memorandum of Understanding with the then TimeWarner to create the live capability to do the original about \$30,000 investment.

I encourage something where the programming is more of a neutral decision that doesn't fall on any administration and where you folks, the Board of Aldermen, kind of step up and say a little bit more about what you want or don't want on the air. I encourage the use of the video server when we get to that point. The word replay particularly maybe the way we have used it on the crawling text is a misnomer. Most of the air time that is pre-recorded is not so much a replay as it is material that has been recorded by one or the other videographers and we are just getting around to finally showing it to you. The full Board of Aldermen meetings – maybe twice a year we don't replay a full Board of Aldermen meeting because we have something huge like the budget hearing or something like that. We try to use the spare nights, which are not that many – you people know how many committees you have – we try to use the spare nights because of the more viewers in prime time to show the things that are on tape. This Wednesday we are running a tape, this Friday after we go out to the school and tape Alderman Bolton and the rest of you with the re-hearing if you will on the municipal budget for FY '06 we are showing that Friday night not that people won't see it Sunday afternoon, but more people will see it if we put it on prime time. Thank you.

Chairman Rootovich

Is there any further discussion? Once again the motion is to hold O-05-80 in committee.

MOTION CARRIED

Chairman Rootovich

Just to give the committee a real brief update on the Zoning Ordinance – the Nashua Regional Planning Commission has had some personnel issues – they have hired a new individual to concentrate on the documents that the City of Nashua has given them with respect to the spreadsheet that is supposed to come back to this committee with all of the issues and concerns that we had over the last year. They do have the over 1,500 pages of testimony and all of the other communications that have come in over the past year. There is a contract coming to the Finance Committee in two weeks to vote on. We should start having something back within the next 3-4 weeks so the committee can start going through those issues and concerns.

Is there any further discussion?

ADJOURNMENT

MOTION BY ALDERMAN SHAW TO ADJOURN

MOTION CARRIED

The meeting was declared adjourned at 7:00 p.m.

Alderman Kathryn D. Vitale  
Committee Clerk