

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

JULY 17, 2007

A meeting of the Planning and Economic Development Committee was held on Tuesday, July 17, 2007 at 8:52 p.m. in the Aldermanic Chamber.

Chairman Brian S. McCarthy presided.

Members of the Committee present: Alderman-at-Large Steven A. Bolton, Vice Chair  
Alderman Richard LaRose  
Alderman Mark S. Cookson  
Alderman Michael Tabacsko

Members Not in Attendance:

Also in Attendance: Alderman-at-Large James R. Tollner  
Alderman Daniel L. Richardson

**MOTION BY ALDERMAN BOLTON TO GO OUT OF THE REGULAR ORDER OF BUSINESS  
TO TAKE FROM THE TABLE O-07-120  
MOTION CARRIED**

**O-07-120**

Endorser: Alderman Marc W. Plamondon

**AMENDING THE "LAND USE CODE" BY AMENDING THE PROVISIONS PERMITTING  
GAMES OF CHANCE IN CERTAIN ZONING DISTRICTS**

Chairman McCarthy

Alderman Plamondon, who is the sponsor of the legislation, could not be here this evening due to family commitments, and actually asked that we do hold it until the next meeting when he can attend.

**MOTION BY ALDERMAN LAROSE TO TABLE**

ON THE QUESTION

Alderman LaRose

We haven't heard from the city Planning Board yet either.

Alderman Richardson

Is that motion, in committee, a debatable ...

Chairman McCarthy

What was offered was a motion to table, and I believe that should be interpreted as a motion to postpone definitely to our next meeting, which is a debatable motion.

Alderman Bolton

Point of Order – even if that were the motion, which it wasn't, but if you interpret it as that being the motion, the only thing that is debatable is when it should be postponed to not whether it should be postponed at all.

Alderman Richardson

So I may discuss it?

Chairman McCarthy

Yes.

Alderman Richardson

When I am looking at this ordinance I had kind of tried to prime the pump in asking certain questions of Mr. Raferty because I frankly don't understand the changes being made. When I look at the ordinance the instructions are to delete struck through language and add underlined language, and when I am looking at this the first row has the text lined out...

Alderman Bolton

Point of Order – this has nothing to do – even under your interpretation Mr. Chairman of what the motion is, this has nothing to do with whether it ought to be tabled or not this has to do with whether it ought to be passed or not.

Chairman McCarthy

That is true, and I would ask that be held until our discussion of the ordinance.

Alderman Richardson

May I continue?

Chairman McCarthy

I would prefer that you not because it is ...

Alderman Richardson

It is a different line of thought.

Chairman McCarthy

... of the substance of the ordinance and not...

Alderman Richardson

I would like to do that.

Chairman McCarthy

Sure.

Alderman Richardson

Thank you. The thought is that by tabling it that we can hopefully get an interpretation from the maker of the ordinance as to what his intentions were because it does not come through in the text of the ordinance itself. It is not readily apparent exactly what is being added and what is being deleted. I would like to support the motion to table because I would like to hear from Alderman Plamondon.

Chairman McCarthy

In the interests of disclosure, if the committee has no objection I will try to explain that because I had the same problem with it when I looked at it, and I think I have figured out what the difference is that it proposes to make, which is that the existing legislation grouped games of chance into a single bin, and allowed them by right in certain zones. When the change was made to allow charitable gaming under RSA 287 what this ordinance sets out to do is to change games of chance into those that are allowed by RSA 287(d) and those that are allowed by RSA 287(e), and changes where they are allowed so that bingo and lucky 7 are not disallowed in the GB, D, and HB zones, but that there is stronger restriction on those games that are defined in RSA 287(d), which would be the poker parlors, which would then be allowed by conditional use permit in HB and GB and not allowed in D1 and D3.

Alderman Richardson

I believe you are correct in that was the intention, but I do believe that the underlines and cross outs are not quite correct. I hope to hear more in the future from the ...

Chairman McCarthy

I think you are actually correct. I think that the entirety of line 210 should have been crossed out if that was the intent. The motion then is to hold. Is there any further discussion?

**MOTION CARRIED**

**MOTION BY ALDERMAN LAROSE TO RETURN TO THE REGULAR ORDER OF BUSINESS  
MOTION CARRIED**

COMMUNICATIONS – None

UNFINISHED BUSINESS – None

NEW BUSINESS – RESOLUTIONS - None

NEW BUSINESS – ORDINANCES

**O-07-122**

Endorsers: Alderman-at-Large Brian S. McCarthy  
Alderman Richard LaRose

**AMENDING THE “LAND USE CODE” SIGN REGULATIONS**

**MOTION BY ALDERMAN BOLTON TO LAY ON THE TABLE ORDINANCE  
O-07-122 PENDING THE PUBLIC HEARING SCHEDULED FOR AUGUST 7, 2007 AT 7:00  
PM IN THE ALDERMANIC CHAMBER  
MOTION CARRIED**

**MOTION BY ALDERMAN BOLTON TO TAKE FROM THE TABLE O-07-222  
MOTION CARRIED**

**R-07-222**

Endorsers: Mayor Bernard A. Streeter  
Alderman-at-Large James R. Tollner  
Alderman Michael J. Tabacsko  
Alderman David MacLaughlin  
Alderman-at-Large Steven A. Bolton

**DESIGNATION OF WESTWOOD INDUSTRIAL PARK, TAX LOTS H-575, H-576,  
H-633, H-634 AND H-645 AS A “COMMUNITY REINVESTMENT AND OPPORTUNITY  
ZONE”**

**MOTION BY ALDERMAN BOLTON TO RECOMMEND FINAL PASSAGE**

ON THE QUESTION

Chairman McCarthy

It was my understanding that Mr. Dalianis would be here to discuss this ordinance with us, but I don't see him in the Chamber.

**MOTION BY ALDERMAN COOKSON TO TABLE**

ON THE QUESTION

Alderman Tabacsko

It seems to me that this area is an industrial area correct?

Chairman McCarthy

Yes.

Alderman Cookson

Point of Order – is this on the motion to table?

Chairman McCarthy

I guess we don't know yet.

Alderman Tabacsko

It is because I am opposed to tabling it because I think that this is an issue that we probably ought to go ahead and deal with. I am not sure that waiting to hear from Mr. Dalianis is going to be any great influence on the outcome, and I think this is something that would make sense, and, therefore, I will not be voting to support holding.

Alderman Cookson

I am befuddled as to how you can make that comment when you don't know what Mr. Dalianis may present to you. It may be some information that may be pertinent that would allow you to make a better decision on this particular resolution.

Chairman McCarthy

I had a list of questions I wanted to ask about this particular piece of legislation. My feel is that if simply because our acting Economic Development Director chose not to show up for a meeting he committed to attend, that we will do harm to the business environment in Nashua. I don't know if there are deadlines that we need to meet in order to file these applications. I guess I am sympathetic to the desire for information. I have read all the information that was given to us regarding the last CROP zone. I think there are questions around this one that are different.

I guess in the interests of not doing damage, what I would propose is that we in fact dispose of it from the committee, get answers from the Mayor's Office as to the questions we would have asked had Mr. Dalianis chosen to attend, and we can always send it back from the Full Board if it turns out that we don't have good answers, but since one of the questions I have is is there some urgency to it, I would like to see us pass it back to the Full Board at this point.

Alderman Cookson

Seeing that the next Full Board of Aldermen is not until I believe it is August 14<sup>th</sup>, we actually have a meeting scheduled prior to that so it would absolutely do no harm in holding it in committee, discussing it, and then disposing of it at our next meeting.

Chairman McCarthy

You are quite correct.

Alderman Tabacsko

I just wanted to comment that my understanding of what Mr. Dalianis was going to just give us the basic overview of the CROP zones, the basic presentation that has been duplicated here. That there is additional information and given the timing of the meetings, I would withdraw my objection stated earlier. I think we can manage this.

Chairman McCarthy

The motion is to table R-07-222.

**MOTION CARRIED**

**MOTION BY ALDERMAN LAROSE TO TAKE FROM THE TABLE O-07-108**

**MOTION CARRIED**

**O-07-108**

Endorsers: Mayor Bernard A. Streeter  
Alderman-at-Large James R. Tollner  
Alderman-at-Large Brian S. McCarthy  
Alderman Daniel L. Richardson  
Alderman Marc W. Plamondon  
Alderman David MacLaughlin  
Alderman Michael J. Tabacsko  
Alderman-at-Large David Rootovich

**AMENDING THE “LAND USE CODE” PERMIT AND FEE SCHEDULES****MOTION BY ALDERMAN LAROSE TO RECOMMEND FINAL PASSAGE**ON THE QUESTIONAlderman Cookson

Through you to Alderman LaRose; Alderman LaRose the Nashua City Planning Board minutes from the 12<sup>th</sup> of July aren't available on line; the audio minutes nor the text minutes. Would you be so kind as to try to summarize the discussion that took place during that meeting with regard to this particular ordinance?

Alderman LaRose

The recommendation of the Planning Board was unanimous. I can't remember the exact date that the fees had been raised, but it is in line with the cost of living. The amounts that have been raised are in line with the cost of living as time has gone on, and committee felt that periodically we need to increase our fees or we get so far behind that when you finally raise them that it is such a jump that people are up in arms.

Our fees are comparable to what the fees are in other cities in New Hampshire – will be.

Alderman Cookson

Were there any issues or concerns raised by the Planning Board in this discussion?

Alderman LaRose

No.

Alderman Cookson

Thank you.

Alderman Richardson

It is my understanding that the purpose of the fees is to make whole the city's costs of providing individualized service to particular citizens such as making a copy of a document or whatever it is. It is not to be a revenue generator it is to make whole the city's costs and maintain the amount of money that was raised in taxes for the purpose of the operation of the city. That was my understanding as provided to me. I actually have never seen that in writing so perhaps I could be informed differently if that is a misunderstanding.

In light of that, there are several items in the fee schedules that have been changed from an old number to a new number, and in doing so there must be some rationale that was used in doing this. I am a supported of increasing those fees. It is my understanding that the fees have not been raised for many, many years, and it is one of those things that I had actually presented to the Budget Committee to consider doing in tandem with the budgeting process to have the departments come in and talk about their individual fees.

I am a supported in general of adjusting the fees, but also I am interested in the rationale. I wouldn't want to under charge, I wouldn't want to over charge for services. I believe it is the Mayor and Alderman Tollner who are the primary sponsors of the legislation. I was hoping that perhaps a representative of the Mayor or Alderman Tollner would be here tonight to talk about that, but I see that he has now left the room.

Perhaps Alderman LaRose might have some insight into the methodology that was used to adjust the fees?

Chairman McCarthy

I don't know that Alderman LaRose has any more insight than the rest of us.

Alderman LaRose

I believe it has to do with what the cost of living has increased over the years. I think the last time they increased it was 1994 I think it was.

Chairman McCarthy

Probably a little later than that. Within the last decade we have done it at least once.

Alderman LaRose

I can't tell you exactly how they, the method they used. I guess the Planning Department looked at what other city's prices are, and we were charging – they came up with some sort of a balance.

Chairman McCarthy

I can try to shed some light on that from the discussions we had the last time it was done. I don't think there is intent in the current fee structure to actually break even on those. They offset the costs of the permitting process. There is some rationale that says not all of what we do is entirely regulatory, some of it is proactive on the city's part to try and get things that the city wants, and, therefore, some of that should be born as a city expense, and I think there is some attempt to figure out what those are.

Given that we have had that fee structure, the uplift by the cost of living increase – the rationale to that is this is essentially a salary issue with regard to the amount of time that it takes, and, therefore, inflates at approximately the cost of living since that is where our salary numbers are generally based on. Uplifting them by the cost of living occasionally makes sense. At some point, it may make sense to go do a more detailed investigation of what those real costs are and try to adjust them differently.

I know that Mr. Houston has looked at those fees, and I know that he was heavily involved when they were reset some years ago, and I think those were, at that point, set to numbers that ... **audio inaudible**... were at least proportionally the same for each of the services. If we have something the fee for which is \$250 that is approximately 2 ½ times as hard as something that the fee is \$100 for so that while we are not attempting to set the fees so that we entirely break even, they are distributed proportionally to the expense.

Alderman Richardson

Interesting. While you are speaking I am thinking of several different methodologies that could be incorporated talking about escalation due to the cost of living, talking about going out and doing a survey of other communities to find out how much they charge for similar services. I am a little unsure of exactly how we arrived at the new numbers that we are at given that there certainly are different possibilities that the speakers have talked about.

In voting on it at the Full Board, I would like to be assured that I am comfortable with the fact that we are going to be doing something that is not out of line. I would suggest that the committee might want to request that very information as to its rationale.

Chairman McCarthy

I can ask that some additional information be forwarded to the Board. The motion before us is to recommend final passage. Is there any further discussion?

Alderman Cookson

For the same motion that I made prior to making sure that we have the appropriate information, again, if we are going to be meeting on the 7<sup>th</sup> of August prior to the next Board of Aldermen

meeting, if we could get that information for this committee, and discuss it in committee I think that would be appropriate.

**MOTION BY ALDERMAN COOKSON TO TABLE  
MOTION FAILED**

Chairman McCarthy

The motion is to recommend final passage. Is there further discussion?

**MOTION CARRIED**

DISCUSSION

ADJOURNMENT

**MOTION BY ALDERMAN BOLTON TO ADJOURN  
MOTION CARRIED**

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

Alderman Michael J. Tabacsko  
Committee Clerk