

**COMMITTEE ON ADMINISTRATION/  
INFORMATION SYSTEMS**

**August 27, 1996**

**5:15 PM**

Chairman Pariseau called the meeting to order.

The Clerk called the roll.

**Present:** Ald. Pariseau, Elise, Sysyn, Shea, Hirschmann

**Messrs.:** Chief Driscoll, Asst. Solicitor Arnold, Mr.  
Steven Eliason-Parrot

Chairman Pariseau addressed item 3 of the agenda:

Ratify and confirm poll conducted August 20-21 relative to a request from the Muscular Dystrophy Association for a carnival license for August 30th through September 2nd at Stark Landing.

On motion of Alderman Sysyn, duly seconded by Alderman Shea, it was voted to ratify and confirm poll.

Chairman Pariseau addressed item 4 of the agenda:

Communication from Alderman Reiniger requesting the Committee review the matter relative to numerous complaints from residents of River Road regarding disturbances created by outdoor entertainment at the Inn at Amoskeag Falls.

Chairman Pariseau suggested the Committee send a letter to the facility telling them that if any more complaints were received relative to noise, their entertainment license would be revoked.

Chief Driscoll advised that the facility had been cited three previous times for the same complaint.

Mr. Eliason-Parrot stated I am one of the corporate holders of Nina's Restaurant, and I own a bar, a restaurant and function space. I am here today because obviously from what you said you would threaten to pull my license. I took over back in December of 1995, a restaurant that was not operating, nothing was going on. I operate what I think is a successful restaurant and business space. I built a deck at the end of May intending on operating and doing light entertainment outside. I filed for the proper license which I was told I already had, and my entertainment during the week goes until 9:00 p.m. and on weekends until 10:00. Now the hotel is asking me to back it off until 9:00 which I have, and on Sunday until 7:00 p.m. I am a businessman in Manchester, I have sunk my life savings in here, I have invested my time, my energy to help the City bring in profits.

Chairman Pariseau stated if your entertainment is offending your abutters, and I will give you an example. I have a family that is in a situation where the son has ambitions to be a concert pianist. He is practicing in his own home with the window open. That bugs the heck out of the neighbor, who calls the police and the police tell the kid his has to stop practicing, so you are in the same situation.

Mr. Eliason-Parrot stated the people who I am told are making the complaints are a half mile away on the other side of the river, I just want to make it clear, I have people who abut the property that don't complain.

Chairman Pariseau stated they abut the property but they don't mind. Those people that are a half mile away, are offended by your entertainment and the police have to enforce that.

Mr. Eliason-Parrot stated the police have come down and summonsed me four times, my point is, it doesn't matter what the level is, I am not going against the City ordinance for noise, because the noise ordinance goes from 11:00 p.m. to 7:00 a.m., at least in my understanding. I am willing to do whatever it takes to compromise, but for you to pull a license from a businessman in Manchester, when a business is starving for business, I employ forty five employees...

Chairman Pariseau stated we have to worry about our residents.

Mr. Eliason-Parrot asked do we get complaints from airplanes that go over?

Chairman Pariseau answered of course.

Mr. Eliason-Parrot stated okay, but you can't do anything about them because they are Federal. Do we get complaints about Riverfest? My point is that you are picking my establishment...

Chairman Pariseau stated that was only a suggestion, no motion was taken.

Mr. Eliason-Parrot stated I know but...

Alderman Sysyn stated I have the same problem with complaints about the Derryfield, are we still getting complaints about the Derryfield?

Chief Driscoll answered not to the best of my knowledge.

Alderman Sysyn stated I had complaints last year because the noise from the Derryfield would carry down the hill. They enclosed their deck this year.

Alderman Sysyn asked what is the time on that?

Chairman Pariseau answered it doesn't make any difference.

Chief Driscoll stated it doesn't make any difference, he was charged once under City ordinance and three times under State law of disorderly conduct. I think the difference is that someone went and asked you to turn it down and then later in the day it was turned up again, and the police officer went there at my request, and at the request of the City Fathers in that area, and at the request of many, many residents, and in his judgment, he agreed that it was unreasonable. I personally

have called you and asked you to do something about it, and it is a situation that has not been rectified. We don't want you to go to court, we don't want your business to go out of business, but there are a lot of people that are upset by the way that noise crosses the river. People actually leave their homes in the afternoon on Sunday into the evening because they are so upset about it.

Mr. Eliason-Parrot stated the suggestion from the Aldermen to me was to build an amphitheater dome. I don't have fifty or a hundred thousand dollars to build a dome for three months worth of business. For me, I am willing to compromise, whatever the City... I just think that there has to be something, we never measured the noise, we hear traffic go over the bridge all day long.

Chief Driscoll stated I sent a police officer there, all of the windows and shades were closed in this woman's apartment, it was on West Webster Street I believe, the air conditioner I think was on, and the officer said that he could not hear the television because it was so loud. It was, in his opinion, unreasonable.

Mr. Eliason-Parrot stated the officers also, every time they come in to the building and stand in my restaurant which faces the music coming at them, can't hear it through the glass.

Chief Driscoll stated that is true, but what happens close and what happens far away are two different things.

Mr. Eliason-Parrot stated I understand that. When you ask me to turn it down, I don't disobey you, the River is an amphitheater, there is nothing I can do about the way the River carries music down it, I think that if you even go over there and turn on a radio at a certain decibel you are going to hear it on the River. Truly I have compassion for these people and compassion for what their lives are but I would like to come up with...

Chairman Pariseau stated understand please that we are not here to put you out of business, but we have to address a concern from Alderman Reiniger to address the complaints that he has been getting from his constituents. I don't know how you are going to come up with a compromise or how we are going to force you to keep the noise down other than take your entertainment license away during the summer months.

Alderman Elise stated I think we have to be careful here because I know that we have looked at other businesses that have gambling, drug trafficking, fighting, etc., and we have tried to do something about that. This is a totally different situation, there is none of that going on here. There is a problem with noise; it is a great restaurant with great food, the entertainment time is one of the only places in Manchester where you can go and enjoy this type of thing. I think some steps should be taken and they may already have been taken to come to a compromise. I don't know which group should sit down and do this.

Chairman Pariseau stated I read this prior to the start of the meeting and I asked the Deputy City Clerk what are we going to do with this? Send it back to Public Safety, pull the license, or refer it to Bills on Second Reading.

Alderman Elise stated in terms of, this man has invested in this business and really upgraded that whole area, the hotel and restaurant have both been upgraded, and it is an asset to the City. If there is anything that the City and this gentleman can do work together, I think we should do this.

Chairman Pariseau stated Alderman, I agree, we have to come up with a solution to eliminate the problems. We can't do that without his cooperation, and if he refuses to cooperate then the other procedure that we have is to send him a letter and revoke the entertainment license.

Alderman Sysyn asked can't you go inside with it?

Mr. Eliason-Parrot stated yes, but the whole purpose of having an outdoor deck and dining area, I mean, if I didn't have the outdoor entertainment we would have gone out of business this summer. The City closes down in the summer. I have had people tell me that people in the high-rises are complaining. I know people who live in the high-rises and it all comes down to a personal opinion. Some people say it is too loud, some people say they don't even hear it, some people say it is just background stuff.

Chairman Pariseau stated I know, if I lived near that kid that practices piano, that would not bother me. But it bothers the neighbor that's there.

Chief Driscoll asked how long are you going to continue this?

Mr. Eliason-Parrot stated it is all weather related, if it gets cold soon, we will not have anything outside. I spoke to people in the music business and they say the problem is, you can contain it right there, but what will happen is you will tunnel it like a gun if you put a wooden structure around it, now it's going to come out in one force, and what happens is, it is not the music right there, it is up over the building. I speak with a woman named Judith on a daily basis who owns property at the bottom of the hill, and she let's me know when it is disturbing to her, and I want to know so that I can try to adjust it. I think that there are certain people, whether they be older or younger, who do not want to hear entertainment.

On motion of Alderman Shea, duly seconded by Alderman Sysyn, it was voted to table the item.

Chairman Pariseau addressed item 5 of the agenda:

Communication from Alderman Robert submitting proposed amendments to Chapter 14 of the Code of Ordinances relating to Amusement Games of Chance.

Deputy City Clerk Bergeron stated I was involved in assisting Alderman Robert to prepare this and in talking to Asst. City Solicitor Arnold, he felt that this may be a zoning matter because you are really prohibiting the machines in certain areas of the city, in fact almost all the streets in the City are class four roads so you would be limiting poker machines to just certain sections of the City.

Chairman Pariseau stated I thought he was making reference to the poker machines in apartments on the west side in Ward 11.

Mr. Arnold stated what my concern is that the ordinance seeks to limit the placement of poker machines to certain classes of highways here in the City and once you talk about limiting to certain districts you are probably dealing with zoning. Unless you go through the necessary enactment procedures contained in the RSA'0s we could end up with an invalid ordinance. I would proceed as if it were a zoning amendment.

On motion of Alderman Shea, duly seconded by Alderman Sysyn, it was voted to refer the matter to the Planning and Building Departments.

Chairman Pariseau addressed item 6 of the agenda:

Communication from Paul Bergeron, Deputy City Clerk, requesting authorization to dispose of certain federal, state, and municipal books.

On motion of Alderman Shea, duly seconded by Alderman Sysyn, it was voted to approve the request.

Chairman Pariseau addressed item 7 of the agenda:

Communication from Attorney Robert Ciandella, submitting an article summarizing the impacts of the Telecommunications Act of 1996 on New Hampshire municipalities.

On motion of Alderman Sysyn, duly seconded by Alderman Shea, it was voted to receive and file the communication.

## **TABLED ITEM**

Discussion relative to the establishment of a Board of Directors for Channel 40 as governed by the Continental Cablevision contract.  
(Tabled 4/16/96)

This item remained on the table.

There being no further business to come before the Committee, on motion of Alderman Shea, duly seconded by Alderman Sysyn, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee