

## COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

**July 28, 1998**

**6:30PM**

Chairman Pariseau called the meeting to order.

The Clerk called the roll.

**Present:** Aldermen Pariseau, Rivard, Thibault, Girard (late), O'Neil

**Messrs:** Mark Campbell, Asst. Solicitor Arnold, Chief Driscoll,  
Deputy Chief Robinson

Chairman Pariseau advised that the purpose of the meeting is to discuss an appeal of restrictions placed on a business license.

Chairman Pariseau asked the Clerk to let us know why we are here.

Deputy Clerk Johnson answered, Mr. Chairman, the Clerk would advise that we had scheduled a meeting of the Committee because it was our understanding that there was going to be a request to appeal a license that we anticipated issuing on Monday. We did provide a copy of an appeal that was from the Riverfront Park Foundation signed by Kevin Provencher. They are appealing restrictions placed on a business license which was issued or was to be issued pursuant to Section 111.80 which is the performer's section of the business license. The hearing has been requested under Section 110.27. The Clerk's Office put the restrictions on the license based on the recommendations of the Police Department and it is my understanding that Mr. Mark Campbell is present to address the appeal.

Chairman Pariseau stated I will try and keep this civil. We will call on representatives of the stadium to present their case and then we will call on the Police Department to orate their concerns and the Committee will ask questions whether at the end of the presentation of each or during.

Mr. Campbell stated I am the President of the Riverfront Park Foundation. When we first set out to sign on with concert promoters, the immediate reaction that we received was that no one really wanted to promote a concert here. The basic attitude that we got from a number of people was that the political and the bureaucratic hassle wasn't worth the risk and the investment they were being

asked to make. We went to Don Law Productions. He was not interested. We went to Jim Jensen who lives here in Manchester and runs Harbor Lights in Boston. He was not interested. We went to Metropolitan Entertainment which is owned by Ogden. They were not interested. They simply did not want to deal with the political and bureaucratic realities of this City government. Sadly, this public fiasco only serves to fuel that attitude. What we think is an important public issue that should have been easily resolved has now become a political battle of personal agendas, bureaucratic log jams, turf battles and political muscle flexing. We can all sit around. We can point fingers at each other and worry about who is to blame and who is going to be the winner in all of this, but people on the outside look at this process and look at us like a bunch of nitwits who can't get anything done. If we put the politics aside, the harsh reality is this. Our venue is in direct competition with Harbor Lights, Great Woods, with the North Shore Music Circus and the South Shore Music Circus and a few other small venues for promoter interest and for concerts. All of these venues sell alcohol. If we don't sell alcohol, we simply don't have the available revenue to compete with these other venues and we are not going to have any concerts. Now it really doesn't matter what our personal attitudes are, the Park Foundation's personal attitudes are, it is the concert promoters that have to take the risks and it is the concert promoters that make the business decisions. We are not asking for anything extraordinary here. All we are asking for is the right to exercise the stadium license that has been lawfully granted to us by the State Liquor Commission who is the controlling authority over such affairs. The Commission fully and completely investigated the situation and determined that we were an appropriate venue for the license that we received. They have already determined, previously determined, that Holman Stadium was, likewise, an appropriate site for a stadium license and that entity has been having all kinds of events with thousands of people attending with beer being brought back to people's seats during baseball games and everything has gone without a hitch, no problems. We have only asked the Liquor Commission for the right to do the same and the State Commission granted that to us. Now the Police Chief wants to substitute his personal opinion into the mix and that is really not how the process is supposed to work. Our intention is to exercise our license in a manner that everyone here and everyone in this City should be familiar with. Anybody that has been to Harbor Lights, to Great Woods, to Fenway Park to the Fleet Center knows the drill. In our case, we have two points of distribution on the premises and you have to have an I.D. regardless of how old you are. There is a limit of two beers per customer at one time and after you get a beer you can take it back to your seat and enjoy the show. Everyone should know how that works. For some reason, the Police Chief feels that the citizens of this City can't be trusted to be responsible. We can trust Nashua, we can trust Boston, we can trust communities all over the country, but not us. We have asked again and again for a specific public safety concern that is

a problem that we need to address and basically we get a generic response along the lines of alcohol is bad, alcohol creates problems. I simply can't believe that 4,000, primarily middle-aged adults who will be attending this show, can't be trusted to purchase beer at a concert without causing a problem. Not only can we not get a straight answer as to public safety, we had a difficult time in getting a direct response as to the number of police needed for our shows. I guess that comes down to the essential issue is the uncertainty in the City process for licensing these events. Promoters have expressed concerns over two items. One is the status of alcohol and the second is the Police requirements because somebody has to pay for the Police and it is going to be us or the promoters or a combination of the two. Right now, the Police requirements seem to be at the whim of the Police Department. There is no regulation. There doesn't appear to be any standards. There is nothing that we can rely upon when we talk to a promoter who says how many Police do we need. How much is it going to cost? The letter received from the Police Department that was addressed to the City Clerk is almost a shot across the bow. It says you are going need 17 officers for about 4,000 people. That is if no alcohol is served. Right now, if you vote in favor of us, our proposition tonight to uphold our appeal, we don't know what we are going to be required to produce in terms of police officers. It could be 30, 40, 50 or 60. Who knows? I don't know how that process is set. Ultimately, we need to have some procedure for determination as to how many police officers...I would presume it would be numeric or at least certain officers have to be at certain places and ultimately a certain number of officers for the number of people that are there. What it comes down to is there is enough risk in this business without adding the City Hall factor as an additional uncertainty. We need the business certainty that comes from the liquor license that we have. We need the business certainty as to the cost of police officers. Otherwise, I guarantee you promoters are out of here. There is no need for them to deal with this kind of uncertainty and risk when they can go to other venues and not have those problems. It is not an accident that Manchester has gone 12 year without a concert. We need to get our act together and get things going again in this City. Now neither I nor Mr. Ramsey nor Mr. Provencher nor anybody else in our group has made a dime out of this park and we won't lose a dime out of it either. We don't have any money invested, but we are not making any money either. I think you need to hear from somebody who has a financial interest. I received a letter today from Jerome Duval who is the Singer Park designee to the Board of Trustees and I will provide you with copies.

Dear Mayor Wieczorek and Aldermen:

I am the Singer Family's designee to The Board of Trustees for the Riverfront Park Foundation. As a Singer Family designee serving as just one of the Park's trustees I am writing to encourage you to support the Park's initiative to sell beer at concert events according to terms that have previously been approved by the New Hampshire's State Liquor Commission. I apologize for not being able to personally appeal to each of you this evening due to a prior, unchangeable obligation.

You are well aware that the Singer Family, owners of Merchants Automotive Group, have personally dedicated financial resources in order that this park could become the jewel of Manchester that it is on the way to being. The amount gifted The Foundation will go a long way in covering the debt pay back to the City of Manchester and it is no secret that other revenues generated by the sale of such items as beer are vital to enhancing the beauty of the park, its operations and to maintain it at such a level that will attract visitors for many years to come.

This park will only be a success if business is allowed to be conducted at least at the level that can produce revenues to equal operating costs and to satisfy promoters and performers who have an interest in coming to Manchester. As a trustee, I am genuinely concerned that a failure by City officials to recognize the significance of beer sales as it relates to the future of Singer Family Park will likely put the park at a distinct disadvantage in being able to successfully lure to its facility performers that could well take their acts some other place.

The request by the park to sell beer, allowing patrons to comfortably take their beer back to their seat during concerts, is a sound, reasonable request. Given that Manchester has its share of hard working people who will most likely be attending concerts, it is hard to imagine that any person will have the desire to drink excessively when the cost for each 16 oz. cup of beer will be \$4.00.

Aldermen, rather than hamstring the park's operation by disallowing the sale of beer, wouldn't it be better to allow the park to prove itself over time that these concerts can be managed responsibly without any troubling or serious consequence? If Nashua can operate in this manner, why can't Manchester?

Sponsors for this project have contributed nearly \$1M dollars in support of this park. Please provide every opportunity to the park that would make it a success and a credit to Manchester during the next decade and beyond.

Very truly yours,

s/Jerome B. Duval, Trustee  
Riverfront Park Foundation

Now as I have indicated, I am not making a dime out of this and as a consequence I didn't have the time to lobby any of you behind closed doors or by telephone calls or anything else as apparently the Chief has had time to do. I will do my lobbying in public. I have always felt that the best antiseptic is sunshine. We have done nothing wrong. We have nothing to hide. There is no reason for anyone in this room to feel that we have or will act irresponsibly in any way. We only ask that we be allowed to do what the law permits us to do. I just want all of you to realize what this vote means for the City in terms of concerts and in terms of the future. If you look at a civic center, I can guarantee you there will not be a civic center without alcohol revenues. As I understand it, and I am not part of the civic center crowd, as I understand it the budget includes the notion that there will be 20 concerts per year. Well there is going to be zero concerts per year without alcohol sales. It is just not going to happen. One thing is for sure, I think that all of you know the stakes that are here and I think the people who are out there that elected you know what the stakes are and I think if you talk to your constituents you will see that they are behind us in this. We ask only that you give us the chance to do what the law allows us to do. Thank you.

Chairman Pariseau stated thank you, Mr. Campbell. I am under the impression that you folks agreed back six months ago to the stipulations outlined by the Police Department. That is having a beer garden rather than being able to sell beer throughout the stands or have people walk to the bar and then walk back to their seats. Why did you agree then and now want to go against the agreement that you had with the Police Department and you had with the City when they allowed you to build on that land?

Mr. Campbell answered there is no such provision within the lease and that is what governs our contract with the City. That is our contract with the City. There is no provision in there for a beer garden. The discussion about a beer garden was...I was not a party to that. As I understand it, Mr. Provencher and Mr. Ramsey met with the Chief on numerous occasions. There was an initial discussion about going first as a beer garden and we agreed to do that and that was

strictly gratuitous. Our license does not require us to do that. We agreed to do that. We wanted to be responsible. We didn't want to start out at loggerheads with the Chief of Police. We needed the Police Department to make this thing go and we agreed to do that. While we were doing that, we had the people who were pouring beer and people who were running the show asking people how they felt about it. The beer garden concept does not work and the reason why it doesn't work is this is essentially a family park. People go there with their kids. If you go there with your 12 year old to watch a soccer game and you decide that you want to have a beer during the course of the game, the only option you have is to either take your kid into the beer garden and he has to hang around there with you while you drink your beer or you leave him unattended while you go get a beer and most people didn't like either of those options. It is not our intention to create a bar on the premises. It is our intention to allow people to have a beer and enjoy the show. As far as a concert goes, a beer garden is even a worse concept. If you have paid good money to get a good seat and watch the show and the show is going on and you want to have a beer, it doesn't make any sense that you are going to go to the other end of the stadium where you can't see anything and then be forced to hang around until you are done. It just doesn't work. We tried that. We wanted to see if...if that was something that made the Police happy and we could generate revenue from it, fine. But that is just not feasible. It doesn't work.

Chairman Pariseau stated parts of the position and agreements of the Park Foundation relative to stadium use and regarding liquor stated, and this was back way before you guys started, "a tent will be considered for some events, like the beer tent at Riverfest pending review and approval of appropriate City departments."

Mr. Campbell replied well appropriate City departments does not include the Police Department. The law is clear on that. I mean there are a lot of things said by a lot of different people.

Chairman Pariseau stated in order to get an entertainment license, you have got to go to Fire, you have got to go to Police and you have got to start at the City Clerk's Office so don't say that the Police Department is not part of the process in the City of Manchester because it is.

Mr. Campbell responded our contention is that the Police cannot withhold approval of the application simply because we intend to sell alcohol in a manner that has been approved by the State Liquor Commission. I think the law is clear that the State Liquor Commission governs completely and exclusively the sale and distribution of alcohol and manufacture alcohol. If the Police have a problem for

some other reason. If there is a traffic issue or some other problem, they have a legitimate bone of contention. That is our opinion.

Chairman Pariseau stated I will let the Police Department address that but I am under the impression that if you read the letter that we got from the Police Department that they met with you some time ago, 45 days ago, I guess.

Mr. Campbell replied I met once with the Chief. Our representatives met with him four times previously is my understanding.

Chairman Pariseau stated and it was always the Police Department or the Chief's position that apparently we don't allow beer at Veteran's Park concerts so why should we allow it there I guess. We will let the Police make their presentation.

Alderman Girard stated I have several questions. Most of which I will wait to ask until after I have heard the presentation from the Police Department, but I will ask you since you brought up Mr. Jensen and Don Law Company, whether or not at any of the concerts they ever staged in Manchester either at Veteran's Park or at Arms Park, whether or not there was ever any on-site sale of alcohol at those concerts.

Mr. Campbell replied it is my understanding there wasn't. It is also my understanding that the nature of the business has changed to a great degree. These days, artists get more and more of the ticket revenue and promoters and the park owners and the site owners get more and more of the revenue related to concessions and beer sales.

Alderman Girard asked just so we are clear though, the reticence of Don Law Company and Jim Jensen to have any involvement with Manchester is not a function of restriction on alcohol so much as it is probably still the bad taste they have in their mouth after the last time they had dealings with the City.

Mr. Campbell answered well I didn't speak to Mr. Law personally so I won't speak for him. What I can tell you is that again we are in competition with other venues that sell alcohol and when you have an additional revenue stream that another entity does not have, you know it is like the small market baseball teams and the large market baseball teams. When you have that additional source of revenue, you have a big leg up on the competition and it doesn't make any sense for a promoter to come to us and make less money when they can go somewhere else and make more money.

Alderman Girard asked has the Foundation looked to alternative sources of revenue. In other words, many times the beer that is poured at these concerts for example has got corporate sponsorship or corporate sponsorship dollars from the company that provides the beer. I am just curious to see if you have investigated any so-called non-alcohol opportunities because I am sure Pepsi, Coke, Snapple and many of the others that I have seen would be more than willing to underwrite some of these acts and provide beverages and provide a revenue stream via corporate sponsorship and sales of their product.

Mr. Campbell answered we already have that as revenue that we receive. Coca-Cola is served at our stadium. They pay money for that and they get money from the sale of it. They have a sign there. It is my understanding that various acts are generally already underwritten so that if Pepsi is sponsoring George Strait for example, you can't get Coke to come in and give extra money for Pepsi presents George Strait so those kind of things are already locked up.

Alderman Girard asked would you be able to get Pepsi to come in and do that. Does your agreement with Coca-Cola prohibit any other corporate sponsorship of specific events or of specific acts at the park?

Mr. Campbell answered my recollection is that it does. I suppose there are other ways to get revenue. The question then becomes whether or not it is going to be attractive to promoters. I guess my main concern here and the focus is what is the public safety concern. I don't know why the City of Manchester is so different from any number of other places that we have all attended, where we have all had a beer and sat in the seats and not had a riot break out. I don't know why we are any different. That is my concern. It seems like it is the easiest revenue source.

Alderman Girard stated I will certainly give the Police Chief the opportunity to respond to those concerns but I would like to say that at issue here really is what is the nature of the agreement between the City and Riverfront Park. The arguments that you make are certainly persuasive. I am somewhat troubled by the idea that beer is probably the only way to have a viable concert series, but my focus is going to be what is the nature of the agreement that the City and the Park Foundation had from the outset and I am sure that the Chief will explain the public safety concerns he has.

Mr. Campbell replied the lease is pretty clear on that issue.

Chairman Pariseau stated before I turn it over to the Police Department, I do want the letter that we received from Chief Driscoll read into the record. The letter was read as follows:

Your Honors, Ladies and Gentlemen:

On May 13, 1997, the City entered into an agreement with Riverfront Park Foundation, a newly formed non-profit group that allowed this group to build and manage a sports facility in the old hobo jungle area. Negotiation between city representatives and individuals representing the Foundation resulted in a lengthy agreement covering a variety of issues and conditions. One of these issues identified is liquor. The agreement clearly states that: "Tents will be considered for some events, like the beer tent at Riverfest, pending review and approval of appropriate City departments". The agreement also states "The Foundation shall not maintain an on premises liquor license (for the premises) without appropriate liquor liability insurance approved by the City's Risk manager and such consents of other City departments as may be necessary. The agreement does not surrender, nor was it ever intended to surrender, the City's right to give or deny such consent.

Upon the completion of construction, I was approached by a group that, while part of the Riverfront Park Foundation, are an offshoot known as "Stadium Management, Inc.", and asked about the department's position on alcohol at the stadium. After discussions, a verbal understanding was reached which would allow a "Beer Tent" to be set-up during certain athletic events. There was no misunderstanding. We were not talking about concerts or any large public gatherings. We were assured that should there be any type of problem during this initial period that all alcohol sales would be discontinued. A written agreement was offered. Based upon these conditions and assurances, the Police Department committed to and followed through with the NH Liquor Commission supporting the concept of licensing a "Beer Tent".

Within a short time, the department was advised that a "Stadium License" had been issued by the Liquor Commission. This license would allow beer sales throughout the entire facility regardless of the event or the concerns of the City or Police Department. Shortly thereafter, the Police Department received a letter from the Riverfront Park Association advising of their intent to implement sales as allowed by the stadium license. The Riverfront Park Foundation acknowledges but now dismisses previous commitments.

The position of the Police Department has not changed. We are opposed to the unbridled sale of alcohol at large public gatherings for public safety reasons. We have attempted to build a relationship and thereby have a

continued dialogue with this group. These attempts on our part have been met with the implied threats and most recently a promise of court action should the City place any type of restrictions on the pending entertainment license. It is also interesting to note that the Foundation has waited until the 11th hour to inform the Police Department of their decision and to bring the issue before the Committee on Administration, having had full knowledge of our position for approximately 45 days. This strategy effectively eliminates the City's ability to be heard at a hearing before the Liquor Commission relative to the type of license issued.

This disagreement is not only about alcohol, it is about the City's ability to have some control over what occurs on City land. Most importantly, the issue is public safety. It is also about integrity, being responsible to the community and the City's liability. Please ask yourself who stands to benefit because this is surely about money! Ask yourself who is "Stadium Management, Inc.", and what is their role? Ask yourself who stands to lose if there is a problem? Finally, ask yourself if the sale of alcohol is necessary for a successful concert series? Our community has hosted over 40 successful concerts in the past. None of which have permitted the sale of alcohol to the public.

Many have asked, "What about Fenway Park or Foxboro Stadium or other concert venues which sell beer?" The reason for that is that they are privately owned and must make a profit. I would speculate that owners would pass on revenue generated on alcohol sales if they had a choice. We have all attended events at these facilities and have had our intention distracted by the antics of a few impaired individuals. Already, one of the leading tenants at the stadium questions the methods of proposed beer sales, suggesting that it detracts from the family atmosphere of the facility.

Manchester is a unique place. Our image as a first class, family-oriented City must be considered. The reality is that this facility must be a safe and responsible venue which creates a family atmosphere for all ages to enjoy. A facility whose cornerstone is dependent upon the sale of alcohol is not in the best interest of our community and its citizens.

Our community was recently voted the "Best Small City in the East". This achievement did not come easily, but came as a result of some tough decisions. There is little to be gained and much to be lost with the sale of alcohol during large public gatherings at the Singer Family Park. Please support your Police Department in our efforts to ensure public safety at community concerts this summer.

Sincerely,

s/Mark Driscoll  
Chief of Police

Chairman Pariseau asked what is the difference between Stadium Management and Riverfront Park Foundation.

Mr. Campbell answered the Riverfront Park Foundation is a non-profit that signed the agreement with the City for the lease and development of the property. Stadium Management Inc. is the company that we have hired to do the day-to-day business of the stadium.

Chairman Pariseau asked which is headed by whom.

Mr. Campbell answered the two principals in that are Peter Ramsey and Kevin Provencher.

Chairman Pariseau stated so Stadium Management manages the Riverfront Park Foundation.

Mr. Campbell replied right. Those of us that are on the Board of Directors don't have enough time to spend the afternoon worrying about who is going to cut the lawn, who is going to turn on the lights. They are the ones that are responsible for hiring people who do that kind of work, for negotiating with promoters, for purchasing equipment. The day-to-day operation is run by Stadium Management, Inc.

Alderman O'Neil stated it is a fact though that they are for the most part the Singer people.

Mr. Campbell replied yes. Technically they answer to us. They are not a member of the Board because they can't be. By law we cannot contract...the members of the Board of a non-profit cannot contract with themselves.

Alderman O'Neil asked Peter Ramsey and Kevin Provencher are not members of the Foundation.

Mr. Campbell answered they are not members of the Foundation. They were initially and they resigned in order to run it from day-to-day.

Alderman Girard asked is Stadium Management, Inc. a for profit or non-profit.

Mr. Campbell answered it is for profit, but they are not making any money. The agreement that we have with them only allows them to make any profits in the event that we have excessive profits and it is an incentive arrangement. What we want to get away from is the problem that the Palace Theater had which was a non-profit hires an Executive Director at a set salary and they can be free to sit and do nothing and collect their salary. We did not want that to happen so the deal that we have with Mr. Ramsey and Mr. Provencher is one that only allows them to make any money in the event that there is substantial profit. That information is readily available to you guys, the contract that we have. Our development agreement allows you to review our contracts so our situation is not a closed book here.

Alderman Thibault asked has the City Risk Manager been involved with these negotiations at all as to what liabilities the City would have if anything did happen at these facilities.

Mr. Campbell answered we have liability insurance. The City would not approve it unless we had sufficient liability insurance to govern the sale of alcohol and that is one of the things that the Liquor Commission looks at too. They would not give us a license to just distribute alcohol without having substantial liability insurance and I can tell you that it is very expensive too. We spend a lot of money on that.

Alderman Thibault stated I would want that verification from Harry Ntapolis to make sure that we are on the right footing here if we do go into that route.

Mr. Campbell replied it has been reviewed by the City.

Chief Driscoll stated I have spoken to Harry Ntapalis on this and that is one of the first thing that we checked. To make sure that they had the proper liquor license and I was notified by Harry that they, in fact, had the proper liquor liability insurance.

Alderman Girard asked did you say they do or they do not.

Chief Driscoll answered they do.

Chief Driscoll stated I would like to start by advising the Committee that I strongly support the concerts here in Manchester and have for a long time. We, as indicated in the letter, have worked with and supported as many as 40 concerts in the past, all of which have been a challenge for the Police Department, a challenge for the community, but something very, very positive for the community. We would like to see that continue. I would also tell you that the Police Department is very much committed to continue a relationship with the Riverfront Park Foundation to work with them to successfully resolve the issues and have a successful, prosperous venue down there that works for the City and works for the Riverfront Park Foundation and works for the Police Department. That is absolutely our goal. We have tried to do that since day one. It is our belief that we have made a number of concessions to them, but our responsibility, Mr. Campbell said that it was my personal opinion. It is not my personal opinion at all but it is my personal responsibility to make sure that the public safety of the community is viewed and I try very hard to be conscientious in doing that. We have sat down with these folks a number of times. We tried to resolve some issues. In some cases, they want more than the Police Department feels is appropriate for the community. We certainly do trust the members of our committee of our community but having hosted these concerts in the past, we know that the potential problems are there and we have to be very cognizant of them. It is too late to address these issues. I have tried to convey my thoughts in the letter that the Clerk read to you. I would ask you if you would briefly turn to the last two or three pages, this is part of the agreement that was referred to and I guess if everybody has the same packet and they are in the same order I would ask you to turn to the third to the last page where it says Letter I, Liquor. Now this is a position paper that was agreed to by both parties, Kevin Clougherty and Tom Clark some time ago and it talks about liquor. It says as indicated in the letter a tent will be considered for some events like the beer tent at Riverfest pending review and approval of the appropriate City departments. It is our position, and it has been for long time, that those individuals as a result of this and City ordinances need to come to the Police Department for an entertainment license. Certainly the intent of this document was to provide the Police Department and the

City with some ability to review what type of event, under what circumstances, the number of people and make some type of a decision as to how that license would be granted and what, if any, conditions would be placed upon this license. As a result of our concerns and as a result of the past practice here in Manchester of not allowing alcohol at concerts, it was our decision that it was in the best interest of the community to look at public safety first, to look at how the City would address not only this issue but other issues. Would the City have any ability at all to review and sign off on the different types of activities that happen at that park in the future and we feel that that is a very, very important issue. There needs to be someone, and I think it is the role of the Police Department, that can say hey we are not supportive of this. This is not what the intent of that document initially was. I think if you turn to the next page it says and I will just read it, the Foundation shall not maintain an on-premises liquor license for the premises without the appropriate liquor liability insurance approved by the City Risk Manager and such consent of other City departments as may be necessary. It is our belief, in good conscious and in good faith, that we have tried very hard to work with these individuals to meet them halfway. We suggested and we considered alcohol. I am not personally opposed to alcohol. We have spoken with them about doing a dry concert. These folks have never run a concert. That is a huge task. We asked them to consider doing a dry concert, maybe one or two, and see how that works. Work the bugs out of it and then come back to us and lets talk a little further. Maybe at that point we will talk about a beer tent. Maybe after that we will talk about what they consider to be their right under their liquor license, to have alcohol in the seats. We might not be opposed to that down the road but we are very opposed to it now. We entered into a good faith agreement with them, a gentlemen's agreement if you will, and we found...we supported them at the Liquor Commission to get a license. When we did we found out that the Liquor Commission granted them broader authority than we believed we had agreed to. Had we known that, we would have been up at the Liquor Commission asking for a hearing. That was not our agreement. We didn't support a stadium license to have unbridled alcohol throughout the venue. We didn't and it is our position that that is inappropriate now. I would try to answer any questions that the Committee may have.

Alderman Rivard stated first of all, talking about liability insurance which is a requirement, you are saying they meet that requirement, that you have investigated and they meet the requirement.

Chief Driscoll replied yes they do.

Alderman Rivard asked so insurance is not an issue.

Chief Driscoll replied correct.

Alderman Rivard asked I wonder why they can do this in Nashua and why they can do it in Lowell and why we can't do it here. Why do you think we can't do it and they can?

Chief Driscoll answered I don't say that we can't do it.

Alderman Rivard replied well you are telling us that we shouldn't do it.

Chief Driscoll stated I would like to back up and speak about liability, financial liability.

Alderman Rivard stated I would like you to answer that question. Why do you think they can do it in Lowell at their new arena, they can do it in Nashua at their baseball stadium and we can't do it here? I am having a hard time dealing with that.

Chief Driscoll replied I am not saying that we can't do it here. What I am saying is those other arenas or venues are for profit. Without that profit, Fenway Park or Foxboro Stadium, which are private organizations, probably would not survive.

Alderman Rivard asked so the Police Department is involved in whether profits should be made or not is that what they are asking you. Does that enter into your decision? Why should that enter into your decision?

Chief Driscoll answered I am saying this is simply a public safety issue.

Alderman Rivard asked give me a couple of examples. Give me a couple of examples of what you are concerned about.

Chief Driscoll answered well a variety of things. I think that any individual who is impaired as a result of that they are, from time to time their behavior is altered. I would feel very badly if an individual at any type of facility was involved in any type of a confrontation with another individual. We have seen that happen in the past at large gatherings. You know we spoke a little bit about liability. Certainly there is insurance but heaven forbid somebody leave there and be involved in an accident. You know there are all kinds of potential if, in fact, alcohol is served and abused.

Alderman Rivard asked but when do we stop being a baby-sitter for these people. I mean don't you give some credit to the people who live in the City of

Manchester that they are responsible people and they can react to these things, these social events. I am just kind of concerned that Manchester, either we are unable or we are not trained or we don't have this confidence. When you see Portland, ME...

Alderman O'Neil stated I am going to try to stay with the Police and then I have a couple of issues with Mr. Campbell but first of all, Mark, I take some exception to the use of the word unbridled sale of alcohol. Isn't that what is taking place at the Brewfest on August 29?

Chief Driscoll replied I don't know. That event hasn't happened yet.

Alderman O'Neil asked of which this Committee has already approved.

Chief Driscoll answered they did, in fact, approve Brewfest. That is a situation where you go around and buy tickets and get a small cup of beer I believe.

Alderman O'Neil stated I somewhat agree with Alderman Rivard that, you know you can go to any event and you don't necessarily have to have the sale of alcohol to have somebody act up.

Chief Driscoll replied you are right but it would be our position that that is compounded by the sale of alcohol.

Alderman O'Neil responded and I respect that opinion. I also take some exception in the letter to the statement "support the Police Department". I don't think we are either supporting the Police Department or not supporting the Police Department with whatever the vote is tonight and I take a little bit of exception with regards to that statement.

Chief Driscoll replied perhaps that was a poor choice of words. What maybe I would say is please support the position of the Police Department in our efforts. Maybe there is a word missing there.

Alderman O'Neil stated I somewhat agree with Mr. Campbell. There is a reason why we haven't had concerts here in, I didn't realize it was 12 years, but it was the last time I served on the Board and the City made a fiasco out of it with Don Law and he, within a two year period, opened Harbor Lights and the gentleman that was going to run the concert series for him here is a Manchester resident, Jim Jensen, and now does in fact run Harbor Lights for Don Law. It is very common at public events, Holman Stadium is a great example, our neighbors right to the South that they sell alcohol at these stadiums. I do believe that with regards to

whether it is alcohol or any other issue with regards to this park that it doesn't belong within one single department making a decision whether or not something is going to happen. I would have strong exceptions to the Health Department holding something up because of a certain issue or the Fire Department holding something up because of a certain issue. I would, and this would be for Mr. Campbell, I did get a little, it raised my temperature a little bit talking about the lobbying effort and you seemed to indicate that the Chief was the only one making phone calls. I did, in fact, receive a call from a member of Stadium Management so I just want that for the record.

Mr. Campbell replied it wasn't me.

Alderman O'Neil stated there were calls made from both sides. I think it maybe is important that this Committee might review the contract, the contract between the City and Riverfront Foundation, as well as the contract between the Foundation and Stadium Management and I have had a discussion with both Mr. Provencher and Chief Driscoll with regards to whether or not we do need to draw up a policy with regards to the hiring of Police, the hiring of Fire, the hiring of a Health Officer and I know there are two different positions on that.

Mr. Campbell stated if I could just speak to one thing about agreements. I think there is some, there is an attempt or at least an indication here that all of these things that were presented are agreements. The only thing that constitutes an agreement here are the last two documents, page number 16 and 18. Those are part of the Lease & Development Agreement that was executed by all parties and these are elements that were negotiated by the various parties. The other documents that were referred to are all proposition papers that were sent...there was a lot of paperwork going back and forth when all of this was being proposed to the Board of Mayor and Aldermen. Ultimately though, what controls our relationship with the City is the negotiated Lease & Development Agreement that was executed by all the parties with substantial give and take on a number of issues. That is what the agreement is. It is not simply a letter that was sent to the Finance Department outlining what we thought was going to happen at the park. That is not an agreement. I think you should all be aware of that fact.

Alderman O'Neil stated in closing, both of you talked about the lateness of some agreements. This goes out to both of you. I am disappointed that less than a week before this concert that we have to have a meeting to discuss this issue and make a decision. This should have been handled earlier and I ask both parties in the future to try to sit down and get together and with that I will close, Mr. Chairman.

Chairman Pariseau asked the whole purpose of this beer/alcohol sales is to generate additional revenues.

Mr. Campbell answered well it is not only that. I think the patrons of these concerts want it. There was a discussion before about well you know they sell beer at Fenway Park because they are for profit. Well, that is true but they also respond to the needs of their people. I mean the customers want beer sales at these events. This is not a matter of they sell beer and you have got to take it or lump it. People want to be able to purchase beer and you can see that with the revenues generated by beer sales. People aren't buying beer to be good citizens. They are buying beer because they want a beer.

Chairman Pariseau stated but you guys entered into an agreement with the City to lease that land. It is still City land. What would happen if whoever is sponsoring the concerts at Veteran's Park comes in and wants to sell beer throughout the park? How is this Committee or any Committee going to say no if it is granted over at Singer Park? How do you control it? You know we can't even smoke in Gill Stadium. A lot of people don't go to Gill Stadium because they can't smoke and yet we are going to turn around and allow the free sale of alcoholic beverages in Singer Park. It just doesn't make any sense to me. I wish that you would have went along with the beer garden.

Mr. Campbell replied as I explained before, the beer garden really isn't a feasible, it isn't feasible.

Chairman Pariseau responded but that was the gentlemen's agreement that you had with the Police Department.

Mr. Campbell replied everyone keeps talking about this gentlemen's agreement. That was something that the Police asked us to do and we said okay. We didn't get anything in return for that.

Chairman Pariseau responded you said okay. Is that an agreement or is it not?

Mr. Campbell replied that is not an agreement. An agreement is...it is not the contract. They asked us would you please do it this way and we said sure.

Chairman Pariseau asked would you call it a gentlemen's agreement.

Mr. Campbell answered no and the reason why I wouldn't is because an agreement means that both sides got something.

Chairman Pariseau asked you just wanted the assistance of the Police Department to obtain a liquor license from Concord so you would agree to anything.

Mr. Campbell answered we wanted to start off on the right foot with them. It didn't matter to us at that point. We were willing to give it a shot. If it mattered to the Police, we said fine. We didn't want to start off on the wrong foot with the Police Department so we said sure we will do it that way but we didn't get anything out of that deal. We have a license to do much more than that and we agreed to curb it. What we are asking for now is still less than what we could do with a stadium license.

Alderman Girard stated you have a license Mr. Campbell that says that you can do a lot more than what you have agreed to but if I understand the presentation that the Police Chief has made tonight, you have that license in part, if not in whole, because the Police Department supported your application based on representations that were made to them. Is that a fair statement?

Mr. Campbell replied no. My understanding and I wasn't involved until the very end of the permitting process but we applied for a liquor license because we had to have some kind of license from the Commission. The Liquor Commission representative said well we have this, it's a new, this stadium licensing is new. It is in the pocket parts of the statutes. This is a new thing that hasn't been around for awhile. The guy who was dealing with our liquor application said geez this is what you guys ought to go for because this speaks to what you are trying to do so we said okay. I didn't make any representations to the Police.

Alderman Girard stated Mr. Campbell, whether it was you personally or someone from the Foundation, Mr. Chairman, I would like to ask the Police Department if my understanding of the situation which is that you supported their application for a liquor license based on various representations is an accurate and fair statement.

Chief Driscoll replied it is an accurate and fair representation. I was the one that was involved at the very beginning and had several meetings. I met with both Kevin Provencher and Peter Ramsey and referenced this. I was the one that was contacted by the State Liquor Commission. They wanted to know if we had any problems with this. At this time we were in constant dialogue. They had made representation to us as to what they were going to do and what they wanted to do there. We talked about no sales in the stadiums. We talked about not an open sales. We talked about athletic events. I told them from day one on the very first meeting we had that concerts were going to be an extremely hard sale, that it was something we had never done before. We went to the State Liquor Commission and I personally spoke to them and said we had no problems with this license

because we had, not only an agreement with them verbally, but they had told us that they would put it in writing. Almost a day after they had got their license, I had another meeting with both Mr. Provencher and Mr. Ramsey. At that meeting, they presented me with a letter signed by Mr. Campbell that simply stated that this is what we are going to do and they presented to me verbally that what the Board had said was we are not going to give up any rights that are allowed by law. At that point, I told them that they were going back on everything that we had already worked out and everything we said and that I was extremely upset with them for going back on their word because that is why they got their license. We had the opportunity to go up there and as far as I am concerned and I have said this in my written paperwork that they misrepresented their position to us and they got that license under false pretenses period but what they told us was under false pretense and that is why we didn't object to them getting that license.

Mr. Campbell stated I have to respond to that.

Alderman Girard stated, Mr. Campbell, I am sure you will have your opportunity to respond but I want to get back to as I said I would before the Police spoke, the issue of the agreement between the City and the Foundation first. You pointed out that the only items in the Police Chief's package to us that constituted an agreement were the last two pages, pages 16 and 18.

Mr. Campbell replied that is correct.

Alderman Girard stated I would point out that in that language reads the following "the Foundation shall not maintain an on-premises liquor license for the premises without appropriate liquor liability insurance approved by the City Risk Manager and consents of other City departments as may be necessary" and then under number 17 on page 18 it says "the Foundation shall not permit any use of the premises which shall be unlawful or which is contrary to any law, rule, regulation or requirement of any governmental authority...". So I guess if we are back on the idea of the agreement that the City and the Foundation have, it would seem to me that the City's ability to restrict the sale of alcohol here is pretty well stated and while you dismissed Item I in the Positions and Agreements of the Park Foundation relative to stadium analysis by the Finance Department, Item I would clearly indicate that maybe that is not part of the agreement but I would hazard a guess that the agreement was predicated on these statements of agreement.

Mr. Campbell replied well for starters this is an agreement regarding real estate and if you want to get legal about it and talk to Mr. Clark's office they will tell you that the governing language is the one that is in the Lease & Development Agreement.

Alderman Girard asked does anyone have a copy of that lease by the way. We have heard reference to it all over the place tonight.

Mr. Campbell answered with respect to what is listed as page 16, it says "consents of other City departments as may be necessary." It is our position that the consent of the Police Department is not necessary regarding the sale of alcohol because that is what the NH Supreme Court says. With respect to paragraph 17, Use of Premises, the ... that you referred to includes the language "having jurisdiction" and again we take the position that the Police Department does not have jurisdiction when it comes to the distribution of alcohol.

Alderman Girard stated Mr. Campbell, as Chairman Pariseau pointed out at one point in discussion with you, the process for the granting of an entertainment license in the City of Manchester has always included a sign-off by the Police Department.

Mr. Campbell replied and our contention is like the City ordinance that was struck down by the NH Supreme Court, an aspect of this licensing process that allows the Police to exercise veto power solely on the basis of alcohol consumption violates the law that gives the State Liquor Commission exclusive licensing authority. That is our position legally.

Alderman Girard stated so I guess we would come back to the question of if the Police Department supported this license under allegedly false pretenses, how are we left to deal with this.

Alderman Thibault stated I just want to go back to the safety issue, Mark, if I could. If this is one of the great problems of this, would more police be the answer to that problem. Notwithstanding these other things that have just come up. You know what I mean, if in fact is it more police that you would need in order to run this type of facility? Is that what we are saying here?

Chief Driscoll replied certainly if there was alcohol sales throughout the stadium we would recommend and I probably need to address this also, but we would recommend to the Foundation that they hire more police officers. Mr. Campbell indicated that there was a concern about the number of police officers and the uncertainty of that. We have met with his people and tried very hard to meet their needs. They are really working very closely with us. Kevin Provencher has met with Dale and I think they are both very satisfied that they have an agreement now based on the facts and circumstances as we believe them to be that would meet the needs of that facility for this concert. I would suggest to you that if it was a

concert at Arms Park during the week or at Derryfield Park or a different band there are so many variables that that formula may change. All we can do is try to meet their needs and work with them to insure a safe venue for people to go and have family entertainment and enjoy. That is our goal.

Alderman Thibault responded I understand your concerns, Mark, I just wanted to clarify if more police officers would maybe offshoot that problem.

Chief Driscoll replied no. I guess basically our position is that we, in good faith, have tried to work with these folks. As we go along, things continue to change. We would never have supported their license with the NH Liquor Commission and, in fact, would have fought it had we understood where they were going and what their intent was. We are still willing and want to work with them. We want to make that facility work, but it needs to work for everybody and public safety is a real concern. We can never turn back time. If someone is hurt there, we have a responsibility, the Police Department has a responsibility and we certainly want to see that done in a safe, efficient manner.

Chairman Pariseau asked what would your position be for future athletic events and the sale of alcohol.

Chief Driscoll answered for athletic events we have spoken with them based on what we believe to be a commitment by the City under that I item that says liquor that it will be considered for some events. They came and sat down with us and said we would like to do this. We said good we will try it, lets talk about the facts and circumstances of how we will do it. It is upon those conversations that this agreement was born. From our prospective, they have worked very hard to make that work, but within a very short time were back and said it is not working for us, we want to expand it. We want sales throughout the park, we are entitled to that, we now have a license that allows that. Once again, we said hey if, in fact, we had known that that was your intent we would not have supported your license.

Mr. Campbell stated first of all the liquor commission license that we have and the statute that governs it does not permit the sale of alcohol at any interscholastic or collegiate events so that is a non-issue. It has never been our intention and we can't do that anyway. As far as there is a lot of discussion here about they would have requested a hearing before the Liquor Commission. In my reading of the criteria, and it is in the statutes and Mr. Clark's office again can refer you to that, in my reading of the criteria that is involved there leaves very little room for the Liquor Commission to have denied us this license based upon the considerations that are in the law that they are obliged to consider.

Chairman Pariseau asked but if you didn't have the support of the Police Department, do you think the Liquor Commission would have given you what you asked for.

Mr. Campbell answered yes.

Alderman O'Neil stated I just want to make sure I am clear on this because this is my understanding of this situation. You folks applied for a liquor license, whatever classification it was. The Police Department supported that. It was after the application process with the recommendation of the Police Department that a representative of the Liquor Commission...

Mr. Campbell interjected pointed out the stadium liquor license.

Alderman O'Neil stated so there was no misleading done here. That is my understanding.

Mr. Campbell replied I got a little hot and bothered when their representation is that we were trying to mislead, it was false pretenses. That is not the case.

Alderman O'Neil stated it was the Liquor Commission that recommended this type of license.

Mr. Campbell stated I am no liquor expert. When we applied for the license, the Liquor Commission said you know we have this new type of licensing available to you. I think the Whittemore Center has it and Holman Stadium has it. They pointed out to our representatives that this is available and we should go for it so we did.

Alderman O'Neil asked this was after the actual application process took place and there was a recommendation from the Police Department.

Mr. Campbell answered that is my understanding. I wasn't part of that process.

Alderman O'Neil stated I just want to make sure we are clear on that. That is my understanding of it.

Chief Driscoll stated I think that I would agree with that, but that was after we had clearly stated our position that we would agree with certain conditions and certain types of events in return for our support of granting a license. Within a short time, as Deputy Robinson indicated, once that license was granted the facts and circumstances changed and we received the letter from Mr. Campbell that

basically said we now have a stadium license and intend to implement all parts of that.

Alderman O'Neil asked but Chief I want to be clear. There seems to be some, it is implied that they mislead. I don't believe...do you believe they mislead you? When they asked for your support with regards to the application, do you believe they mislead you?

Chief Driscoll answered I think that they were well intentioned right up until that point. I think that they saw an opportunity when they spoke with the people at the Liquor Commission. That opportunity was something that they decided to seize and that...

Chairman Pariseau interjected you weren't aware that they were going to go for the stadium license.

Chief Driscoll replied no, absolutely not. We believed that they were going to apply for a license that would allow them to do what we had agreed with them, certain athletic events.

Alderman O'Neil stated I have exception with a comment you (Chairman Pariseau) made earlier about Gill Stadium. The Backroom doesn't allow smoking, but they sell beer.

Chairman Pariseau stated that wasn't my...it is just that you can't smoke at Gill Stadium. I got a phone call today about it.

Mr. Campbell stated there has been reference to a letter that I supposedly wrote saying we have a stadium license and we are going to exercise it. I have heard reference to that a couple of times and I know what letter they are referring to and I know that there is no such language in there. So, it was not a matter of me sending a letter saying this is it pal, we have got a license, take it or leave it. There was never any such discussion. We indicated what our intention was in the process and I didn't put any language in there about we have got a stadium license and we intend to go forward.

Chief Driscoll replied I would agree with that, but what it does is it outlines beyond the scope of our agreement which took us by surprise.

Alderman Rivard stated obviously the Police Department does not support the sale of beer at the concerts at this time. Is there a plan of action or is there a time-frame or some kind of a qualification that these folks have to meet that would get

your support or is there no plan of action that would ever allow beer to be considered at that particular facility?

Chief Driscoll replied that is a very hard question to answer. We have no plan at this moment. We started out and I thought we had a very strong relationship with the Riverfront Park Foundation. As I said, we are committed to work with them and to continue to work with them. I don't, at this moment, support any alcohol sales at a park for concert purposes. I am not saying that a year from now, after they have done one, two or three concerts successfully and learned how to run a concert that our position would be the same, but it would be hard for me to project or hard for me to say based on doing two concerts or three concerts or four concerts that our position would change.

Alderman Rivard stated it bothers me when we say learn how to run a concert. The vendors play a small role in distributing the beer. It is the Police Department that is the enforcing agency there and I would expect that they are well trained and have experience in handling those types of events. So, I am confused as to what one or two or three concerts is going to do for the people who are running these concerts in qualifying or getting educated to distribute beer because they don't distribute the beer and they don't control the problem of public safety. I guess I am confused.

Chief Driscoll replied I guess I am trying to talk about the totality of a concert. As I said previously, a concert with four or five or ten thousand people in a small area in a new venue challenges the City tremendously. It challenges not only Police and Fire, but the individuals running the concert. It is our belief that we learned how to do concerts successfully in the past. I think that that process needs to unfold here in a new venue and see how things go. Perhaps we can be very successful within a short time. I am not sure.

Alderman Girard asked, Chief, as the discussions with the Riverfront Park took place were you dealing mostly with Mr. Campbell or with other individuals.

Chief Driscoll answered we were dealing with...basically Deputy Robinson attended most of the meetings with Peter Ramsey and Kevin Provencher. At the last meeting, Mr. Campbell attended.

Chairman Pariseau asked how come Mr. Ramsey and Mr. Provencher aren't here.

Mr. Campbell answered Mr. Provencher is working and Mr. Ramsey has an opening show tonight at the theater he runs in Meredith.

Chairman Pariseau asked don't you think that they have to set their priorities. They are the ones under the gun.

Mr. Campbell answered I think they did set their priorities, Sir. Those are the entities they run to support their families. I don't understand the look.

Alderman Girard stated, Mr. Campbell, the last question that I have for you is when I was asking you or when you were being asked about agreements, you said that your definition of an agreement is something where both parties benefit. My question to you is, given that the agreement you came to with the Police Department doesn't seem to be having the benefit that you were looking for, are we now trying to change the arrangements so that it can be more beneficial to the Foundation?

Mr. Campbell replied we were willing to give it a try and it didn't work out. We were not locked into this for the rest of our lives.

Alderman Girard stated but the fact of the matter is that you had an agreement which didn't work for you, but because it didn't work for you that doesn't mean you didn't have an agreement.

Mr. Campbell replied well it is an agreement that didn't have any force from the beginning. There was no benefit to us by agreeing to a beer garden.

Alderman Girard responded but you did agree.

Mr. Campbell replied without any legal effect.

Alderman Girard asked, Mr. Campbell, it is a simple question, you did agree.

Mr. Campbell answered we consented to it.

Alderman Girard stated I just have one final comment and then I won't say anything the rest of the night unless you call for a vote. To me at this point, it appears that there was an agreement that for whatever reason, and I am not going to question the legitimacy of the reason, the Riverfront Park Foundation did not feel was to its benefit and now wishes to change the agreements and the arrangements. They may very well be right as to whether or not they can under law and I would, at some point, like the Solicitor to address the Police Department's rights and responsibilities as it pertains to this matter, but in as much as there as an agreement that a lease and a contract was drawn up between the City and the Riverfront Park Foundation governing the activities there, I wonder if it

wouldn't be more appropriate rather than trying to approve a license that apparently violates the agreement, whether it might not be to our benefit as a community to amend the lease we have and address it at the Board through the governing covenant rather than at this Committee because at this point it would appear that the Police Department is trying to hold the management of the Riverfront Park Foundation to the agreements it had with the City and I am not at all comfortable and I am not saying it happened intentionally, but I am not at all comfortable with the Police Department sitting here and saying that what they agreed to and supported at the Liquor Commission is not in fact what they got. That is the problem that I have. I would be willing to address the lease at the Board.

Chairman Pariseau stated tonight it is either to uphold the appeal or deny the appeal.

Alderman Girard asked can the Solicitor tell us what is or is not...we could say we don't want alcohol and the Solicitor could say well you can't do that or we could...I would like to know what we can do legally or what we can't.

Asst. Solicitor Arnold stated this particular situation involves City land which is leased to the Riverfront Park Foundation so my comments are limited to that particular situation. As Mr. Campbell has noted, there is a State Supreme Court decision overturning the City's attempt at a bar license ordinance but that involved attempts to regulate the sale of liquor at private premises and that is not what we have here. I would agree with Mr. Campbell that the lease that the City has with the Riverfront Park Foundation governs the relationship between the City and the Riverfront Park Foundation. I, unfortunately, do not have that lease in front of me. I apologize for not having brought my copy. My recollection is that there is in the lease language dealing with the sale of alcohol subject to the approval of various City departments.

Alderman Girard asked, Mr. Arnold, does that regulation or does that stipulation in the contract have the force of law in face of the Liquor Commission's ability to regulate the sale of alcohol. Does the State's authority preempt that contractual obligation?

Asst. Solicitor Arnold answered given that it is City land, I do not think so.

Chairman Pariseau stated here we are talking about Riverfront Foundation applying for a liquor license but why is the business license application requested by Jack Houston Entertainment Group Fund. Can you use your liquor license for a function put on by another entity, entertainment group?

Asst. Solicitor Arnold replied yes.

Mr. Campbell stated that was told to us by the Liquor Commission.

Chairman Pariseau asked so you are transferring your liquor license to this entity.

Mr. Campbell answered no, they are selling the beer.

Deputy Clerk Johnson clarified that the license is being issued under a performer and exhibitor's section of law in the business license and the entertainment group is applying on behalf of the performers and that is why it would read that way. It would be the performers that would apply for that license.

Deputy Robinson stated there are two issues here that I think have gone astray that I really need to clarify if I could, please. When I met with Stadium Management, Inc., which were the representatives that we were dealing with, I took good notes. Immediately after those meetings, I took those notes and dictated them into writing. I have one memo here that is dated April 9, 1998. We met at ten hundred hours. Present was Peter Ramsey, Fred Rodell and a Mr. Provencher. They stated that it was their intention to sell beer at these events and the events we were talking about at the time were rugby, pro soccer, NCAA events, women's professional soccer and USSF and they talked about three concerts. They stated it was their intention to sell beer at these events and that in fact they had already applied for a liquor license through the rugby association. The type of a license that they had applied for was a stadium license which would allow them to sell alcohol throughout the stadium. I informed them that that wasn't something we were interested in. They stated that they realized that from prior conversations with the Chief and myself and that they would be modifying their request with the NH Liquor Commission. There was also a problem with the Rugby Association going for the license. That was modified because of what the law said. We talked about a letter that was signed by Mr. Campbell. On May 18, 1998, I again met with Peter Ramsey and Kevin Provencher, representatives to Riverfront Park Foundation, in reference to our ongoing dialogue for the use of Riverfront Park and the selling of alcoholic beverages. I expected that this date they would be presenting me with a document as they had promised the Chief reference the sale of alcohol and any problems of the sale of alcohol that they would cease such sale. I was given a letter dated May 5, 1998 signed by Mark Campbell, President of Riverfront Park Foundation. I took the time to read this letter and upon reading same I told them that I had several questions as the letter didn't seem to meet the scope of the promises. Mr. Ramsey stated that the letter is all they are willing to do. That Mr. Campbell was an attorney and that it was their position that they

were not going to give up any rights that they had, especially when it came to the stadium liquor permit that they had. His statement about this made me wonder about the agreement we already had with the beer garden and tent. I asked Mr. Ramsey directly if the beer tent and garden was no longer what they were doing. Through his statements, there was no doubt in my mind that they were no longer going to do a beer tent and garden and, in fact, Mr. Ramsey stated that Mr. Campbell had reviewed the law and that they had a right under the law to sell in the stadiums. I made Mr. Ramsey aware that the only reason the Police Department did not contest their liquor permit for the stadium license was because they agreed not to sell in the stadium and that they agreed to sell in a beer garden with proper security precautions taken. Mr. Ramsey also stated that they had major problems with the Chief's decision not to allow alcohol sales at concerts. I told Mr. Ramsey as much as I understood this that this was our position from the beginning and that we had made this position known to them from day one. Mr. Ramsey stated that that was not his recollection and that he had conversations with Chief Driscoll and the sales of alcohol at concerts never really came up. Mr. Ramsey went on to state that they had checked with numerous promoters around the state. When I closed the meeting, I further told Mr. Ramsey again that the only reason we did not object to the liquor permit was that we had worked out a deal that if, in fact, this was their new position I promised him that there would be a letter sent to the NH Liquor Commission objecting to the issuance of the license under false pretense and that we would request an immediate hearing. I also advised him that if he did not like any of the decisions that we made, he had a right to go to the Administrative Rules Committee of the Board of Mayor and Aldermen and present their side. I encouraged him to work this out with the Police Department and if necessary meet with the Chief personally. From that meeting on June 12 is when we ended up meeting with these people.

Chairman Pariseau stated and here it is July 28.

Deputy Robinson responded yes and the one I just read you, Sir, was May 18.

Alderman Thibault stated according to the agreement here, it was pending review and approval of appropriate City departments. Well, evidently this department does not approve. This was the original agreement and they agreed that the proper City departments would have to allow it or agree with it and we have got one here that is certainly against it so this is very, very confusing. I mean and then the Liquor Commission goes over the head of these guys and changes the proposal. That is very, very confusing.

Alderman O'Neil stated I think that both parties are at fault here because it doesn't belong here on July 28. If there was a problem, it belonged here and I think both parties are at fault for that, that we are operating under the gun here.

Chairman Pariseau replied lets just get the record straight. They knew, as of June 12 that they weren't going to agree with the Police Department's stance on having alcohol. They sat on it until Friday or whenever it was, Thursday.

Mr. Campbell stated we have a number of members of the Board. It takes time to come to a consensus of opinion and get a meeting with a variety of people.

Chairman Pariseau stated don't blame the City, blame it on bureaucracy.

Mr. Campbell replied I am not blaming the City. We have had a lot of discussions of a lot of extraneous issues and what it comes down to is public safety. That is the simple issue and all of the arguments, the limited arguments that I have heard on public safety are all excellent, excellent arguments for shutting down every bar in town.

Alderman O'Neil made a motion to uphold the appeal and order the City Clerk to issue license without liquor restrictions stated by the Police Department.

Alderman Rivard duly seconded the motion.

Alderman Girard stated I just want it to be clear that I don't believe this issue has anything to do with civic centers or shutting down every bar in town or even the public safety issue. I believe that it has everything to do with the agreement the City has between itself and the foundation and if that agreement is deficient, then we should, as a Board, review that agreement and make appropriate changes. I don't believe the Police have acted outside of that agreement.

Alderman Thibault asked Alderman O'Neil to repeat the statement he made.

Alderman O'Neil stated this is correctly worded by the City Clerk. I move to uphold the appeal and order the City Clerk to issue the license without the liquor restrictions stated by the Police Department.

Chairman Pariseau called for a vote. Aldermen Girard and Alderman Pariseau being duly recorded in opposition, the motion carried.

Alderman Thibault stated I would think that it would behoove the Police Department, as well as other City departments that can come to some agreement

and maybe even the State Liquor Commission should be brought in so that we stop this type of confusion here. This is crazy.

Chairman Pariseau replied but Alderman they had the agreement.

Alderman O'Neil moved to have the Committee on Administration/Information Systems review the agreement between the City and the Riverfront Foundation, that we review the agreement between the Foundation and Stadium Management, that we review whether or not there is a need for a policy on hiring City departments, whether it be Police, Fire, Health or any other department for large events, and that we also review the policy for the sale of alcohol in public facilities in this City with information from the Police, Fire, Health, Risk Manager, City Clerk and Solicitor. Alderman Girard duly seconded the motion.

Chief Driscoll asked for clarification on what happened on the first motion.

Chairman Pariseau called for a vote. There being none opposed, the motion carried.

Chief Driscoll asked do I understand that the Committee has voted to direct the Clerk to issue a license to allow...

Chairman Pariseau interjected without restrictions on liquor imposed by the Police Department.

Deputy Clerk Johnson stated they will still have to work out Police detail so we will have to get another sign-off. We would request that another sign-off come from the Police Department just notifying us that agreement was reached on the Police detail.

Alderman O'Neil stated this Committee is responsible for taxi cabs in this City and it is an absolute disgrace what is going on. I don't know what the final count was, but there was at least 15 and 15 and wasn't there a third day of inspections?

Chief Driscoll replied no, two days.

Alderman O'Neil stated if you go to other communities they have spotless cabs that are well maintained. We seem to have the worst vehicles on the road. We have to get hard on these people and come up with something because it is a disgrace. If we want to be part of this tourism loop, the people coming in to visit this City need to ride in respectable taxi cabs.

Alderman Thibault stated the thing that happens there is that years ago when we had the Committee that looked at that, you didn't have all of these gypsies coming in that you have today. You had two or three companies that were running cabs in this City and that is why it was handled properly.

There being no further business to come before the Committee, on motion of Alderman O'Neil, duly seconded by Alderman Rivard, it was voted to adjourn.

A True Record. Attest.

Clerk of the Committee