

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

November 21, 2000

5:30 PM

Chairman Gatsas called the meeting to order.

The Clerk called the roll.

Present: Aldermen Gatsas, Pariseau, Thibault, Hirschmann (late), O'Neil

Messrs: Deputy Chief Robinson, R. Moorer, D. Brisson, M. Normand,
T. Lolicata

Chairman Gatsas addressed Item 3 of the agenda:

Appeal of taxi license denial.

A motion would be in order to enter in non-public session under the provisions of RSA-91:A-3 paragraph 2(c).

The Clerk noted that we did not receive the necessary paperwork in time to hear the appeal.

On motion of Alderman Thibault, duly seconded by Alderman Pariseau, it was voted to table this item.

Chairman Gatsas addressed Item 4 of the agenda:

Communication from Ray Moorer requesting permission to extend the operating hours of the Kharma's dance/entertainment license on November 26, 27 and 28 until 4 AM.

Alderman Pariseau moved to deny the request.

Alderman O'Neil moved the item for discussion. Alderman Thibault duly seconded the motion.

Mr. Moorer stated I moved here about a year ago and you are looking at the product of the P.A.L. Association, which is the Police Athletic League. When I

got here I found out there was nothing for kids to do so I convinced John O'Keefe to sign the West Side Murphy's Club to me, to sell the contents of the club and to make it a non-alcoholic club. I haven't applied for a liquor license. I don't want to at all. I don't think I will ever apply for a liquor license. The thing is I am giving kids something to do in a non-violent, drug free, non-alcoholic environment. That is what it is all about.

Alderman Thibault asked does the Police Department have any problems with your request.

Deputy Chief Robinson stated yes, Sir. I am here to speak in opposition to this. We have dance hours, which are already set by ordinance. It is my understanding from my discussion with the City Solicitor that those can't be changed. It is by ordinance. Those are the hours. I will tell you that it has been our position for a long time that we think those are sufficient. As recently as last Friday, I was called by the Portsmouth Police Department requesting a copy of our ordinance because they are having problems with dancing at 4 AM or 5 AM. Our midnight shift is our skeleton shift if you would and when you have things go until 3 AM, 4 AM or 5 AM, that is a great drain on our manpower. I think you have probably read some of the recent newspaper articles about some of the problems we are already having at some of the clubs. To have something open until 4 AM we would be against it. It has nothing to do with this gentleman. He has been very professional in our dealings with him, but I think that 2 AM is sufficient at this time and to go beyond that...again the ordinance is real clear. It is until 2 AM and I don't think that can be changed unless you change the ordinance.

Alderman Thibault asked, Mr. Moorer do you want until 2 AM.

Mr. Moorer answered no, Sir. I am right now doing 2 AM. I just want to show something to you Aldermen. This is a venue that is going on in Springfield, MA. You have kids who are 15 or 16 years old driving to these places and it is not in a controlled area. Now don't get me wrong. I understand what goes on in those places, but I am willing to work with the police officers and I want to have three police officers there at all times. I understand they have a skeleton crew. The thing is I think that we can do something here in the City for the kids that would add revenue to the City. That is what we should think about. That is very important. These are the kids of your constituents.

Alderman Thibault stated well because of the ordinance that is already on the books, maybe we can get it changed.

Mr. Moorer replied I don't want to change the ordinance. I am just asking for this special request because kids are coming home from college 11/24 through 11/27

for the Thanksgiving holiday and I want to keep them in the City. I don't want them riding to Boston.

Alderman Hirschmann stated I heard you mention the P.A.L. program. Alderman O'Neil is this something...you are on the Board of Directors of that entity, is this a sanctioned thing?

Alderman O'Neil replied I don't think that is what he said. He said that as a youth he was involved in the P.A.L. Program.

Mr. Moorer responded what I am saying is that I was a product. You are looking at a product of that and the good that came out of the community because we had dances that were school sponsored and the police were there and they were great. I remember that from my youth and that is what I want to do.

Alderman Hirschmann stated my question is this isn't anything actually sanctioned by the P.A.L. Program.

Alderman O'Neil replied he is just saying that he is a product of the P.A.L. Program wherever...I know that you didn't grow up in Manchester, Mr. Moorer.

Mr. Moorer responded no I grew up in Miami.

Deputy Chief Robinson stated we have three or four other like establishments in the City that are presently catering to the under 21 crowd with non-alcoholic dances. One is right here on Amherst Street, The Web, where we have had some recent problems. I guess what I am trying to tell you is there are several other locations right now in Manchester that are catering to the under 21 crowd, the 16-21 crowd and again they are going until 2 AM. They have also approached us. One of the clubs the other night had put advertisements out that they were going to stay open until 4 AM and we had to have a detachment of policemen there at 2 AM and threaten the owner because he didn't care about the ordinance. We have had these springing up around town and we do have some concerns about that. We think the ordinance is good. It serves us well. We have other cities and towns coming to us wanting to know how we are keeping this under control and that is how we are doing it.

Alderman Thibault asked isn't there some kind of ordinance already on the books as far as kids 15, 16, and 17 years old being out on the street at 2 AM.

Deputy Chief Robinson answered there are a couple of different ordinances that deal with that but most of the people who would be going to this type of establishment, the majority of them are 17, 18, 19...under 21. Usually they are

between 16-21 although I am sure a couple of younger ones sneak in every now and then.

Mr. Moorer stated I understand that you had a problem with The Web, which is now Liquids, but Liquids was a facility that had a liquor license and lost it because of underage drinking. I, on the other hand, do not have a liquor license and do not intend on getting one. They cater to a rave crowd and the gentleman who owns the place has had problems with the police before. There is no other entity that is actually doing the same thing that I am doing. There is a place called the Haven which is...

Alderman O'Neil interjected I think even if we wanted to support this gentleman, we can't because there is an ordinance and we would have to change that. That is not going to happen.

Mr. Moorer replied I understand that. It was done before. It was done in 1997 and it came off without a hitch. It was great from what I understand. There were no problems. It was heavily police staffed.

Chairman Gatsas asked is that true.

Deputy Chief Robinson answered that is true.

Mr. Normand stated it was a New Year's Eve party in 1997. It was a one time deal. The Administration Committee permitted that. There was a heavy turnout. I am not aware of any problems.

Deputy Chief Robinson replied when the Administration Committee passed that back in 1997, we did have a police presence. It was because of that particular one that it was further researched and we found out shortly thereafter that we had all made a mistake, the Police Department, as well as the Committee, because we didn't, in fact, have the authority to issue the variance and we haven't done it sense. That was a one time shot that was a mistake.

Alderman O'Neil stated we can't violate an ordinance. The only way we can allow this is to change the ordinance. We applaud your efforts with alcohol free entertainment.

On motion of Alderman Pariseau, duly seconded by Alderman Hirschmann, it was voted to deny the request.

Chairman Gatsas addressed Item 5 of the agenda:

Communication from David Brisson requesting permission to extend the hours of his peddler's license outside of Club Kraze, and at any other location that he obtains, on Tuesday, Wednesday, Thursday, Friday and Saturday evenings after 8 PM.

Alderman O'Neil moved to deny the request. Alderman Pariseau duly seconded the motion.

Mr. Brisson stated I understand there was a fight down there that night. I read it in the paper and I knew when I came here tonight that this was probably what was going to happen to me. I am more than willing...I have talked to Deputy Chief Robinson, to leave the club right at 2 AM so that nobody is hanging out.

Alderman O'Neil asked aren't you doing some other locations already.

Mr. Brisson answered no.

Alderman O'Neil stated your name sounds familiar like we had approved you for other things.

Mr. Normand stated he had a cart formerly and had permission by this Committee to operate after hours in front of the Pyramid, as well as Chantilly's. He has reapplied with this new vehicle and his permission doesn't not extend the hours.

Alderman O'Neil asked, Mr. Brisson, there is no other place that might be more appropriate for you. We are not discouraging you from doing business, but it certainly might not be...in lieu of the problems that have happened there in recent times isn't there a more appropriate place for you to do this?

Mr. Brisson answered I wish there was. It is not a cart. I have a truck now.

Alderman O'Neil stated I am not questioning you, Mr. Brisson, or your business. I just think it is the wrong place. We have enough problems there. I would support you if you said I was going to do the Black Brimmer or another place in town.

Mr. Brisson replied they are all taken. Maybe I will do Mr. Moorers club. At this time, I don't have any other location. I was looking, but that would be the only thing I would be doing with that truck at this time. I work for another vendor in Manchester during the day and I was just going to do that on Thursday, Friday and Saturday night.

Chairman Gatsas called for a vote on the motion to deny the request. The motion carried.

Chairman Gatsas addressed Item 6 of the agenda:

Communication from AT&T Broadband advising that it will be making channel line-up changes in the City effective October 24.

On motion of Alderman Pariseau, duly seconded by Alderman Thibault, it was voted to receive and file this item.

Alderman O'Neil asked, Deputy Chief Robinson, is there a way where this Committee where we get involved with these licenses, can get reports from you when events happen and not have to read about them in the paper. We have had a number of times where we don't believe that something happens at a facility and later they are asking for a change and we find out that there have been problems there. Can we get updates when you have problems at these places?

Deputy Chief Robinson answered yes if I can just understand clearly what you want. I get reports continuously because that comes under my division.

Chairman Gatsas stated I think what Alderman O'Neil is making reference to is before we come in here there should be something from you saying that at X, Y, Z location we have had various incidences and we are not in favor of granting the request.

Alderman O'Neil stated I will give you an example. I think last year we took a change and approved some type of show and we never heard what happened and then when they came back in later we were informed by the Police that there was a problem that night. I think we would like to hear those things.

Deputy Chief Robinson replied what I will do is anytime anything is on your agenda that is in reference to the department, I will make sure that you all get a copy of our position and any supporting documentation. Anything that you do pass that we have been in here against we would be happy to report back to you on how it went. Would that suffice?

Chairman Gatsas addressed Item 7 of the agenda:

Communication from Sandra Gray lodging a complaint against AT&T Broadband cable.

On motion of Alderman Pariseau, duly seconded by Alderman Thibault, it was voted to send a copy of the communication to AT&T Broadband and receive and file the item.

TABLED ITEMS

8. Communication from the Traffic Director requesting to meet with the Committee to discuss alternative location(s) relating to the hanging of banners.

On motion of Alderman O'Neil, duly seconded by Alderman Thibault, it was voted to remove this item from the table.

Mr. Lolicata stated I reported to this Committee the last time we met and I gave you a figure on how much it would cost to put up the two extensions to hold a banner. Outside of that, I would say no banners in the City. You asked me to go ahead and Alderman Gatsas asked me to find out about Stark Street and the two poles out there. The only investigation I did was the people who put these things up don't go by the specifications that we have that I gave you from Highway Tech. They figured that they probably weren't strong enough. They couldn't give me a definite answer on that. A point. I was just telling Alderman O'Neil that about three weeks ago we were called to the west side and we had to pick up the banner from CMC. It fell down. It fell across Main Street. The pole over there has been bending from all of this weight and it finally fell. Going back to the original places like down here in front of the Plaza, Veteran's Park is up to Mr. Ludwig which I said. If there is something going on at Veteran's Park he will allow it to go there. Most people are interested in Hanover Street and that is why we brought up that location. It is going to cost I don't know who, the City evidently, if you want to have banners put up by different people.

Chairman Gatsas asked did you ever get a cost of how much the ones on Stark Street were.

Mr. Lolicata answered no I didn't. I didn't have anything to do with the Stark Street project. It was done under contract and I think somebody like Mr. Fong can give you all of the information from the Planning Department.

Alderman Thibault asked how much did it cost you to pick up the banner at CMC.

Mr. Lolicata answered at CMC we just had to get it out of the way so nobody got hurt.

Alderman Thibault stated that must have cost you something to go and take it down.

Mr. Lolicata replied well it took time and men. We didn't put it up. They had a contractor do that. Most people handle that themselves. They have asked me a couple of times to help them in a pinch, which I have done. It is the poles that they are on. The lights have fallen over once down on Elm Street from this and on Hanover Street they were blowing back and forth and we had to put up new poles up and down Hanover Street. Highway Tech. is the only one who can do it correctly so they will hold the banners. I hate to say this to you but the price is \$5,600 and the City would have to put them in and most people who want the banners will have to use one location if you want to allow this. Years ago, we had no banners at all. Then they started going on buildings and I talked to Harry Ntapalis and he agreed with me. There are some pretty windy spots on Elm Street and some of these things just don't hold them.

Chairman Gatsas asked what is your recommendation.

Mr. Lolicata answered personally I don't want them across the streets at all. Within the last six months I have had to take two down that have fallen in the street.

Alderman Thibault stated the other thing I was going to bring up was if we gave permission for someone to hang a banner we would put in the contract that if it comes down and we have to send somebody to get it, they would have to pay for the cost.

Mr. Lolicata stated all I am thinking about here is liability. You are liable and if it falls on a car or on a person and someone gets hurt, the City is liable.

On motion of Alderman Pariseau, duly seconded by Alderman Thibault, it was voted to receive and file this item.

Alderman O'Neil stated so the intent is that there will be no more banners going up.

Alderman Thibault stated on buildings you can have them but not across the street, right.

Mr. Lolicata stated I am saying that they should not be put across any street.

9. Communication from Alderman Lopez requesting that the Board of Assessors provide information over the next 60 to 90 days on processes for updating assessment of City properties.
(Tabled 9/18/00 pending report from Assessors.)

This item remained on the table.

10. Communication from Alderman Hirschmann requesting the Board adopt a new policy mandating that before any construction project passes through the Finance Committee the Board is made aware (in writing) of any fiscal impacts to future budgets.
(Tabled 6/22/00)

This item remained on the table.

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

A True Record. Attest.

Clerk of Committee