

**SPECIAL MEETING
COMMITTEE ON ACCOUNTS, ENROLLMENT AND
REVENUE ADMINISTRATION**

January 15, 2013

5:00 p.m.

Chairman O'Neil called the meeting to order.

The Clerk called the roll.

Present: Aldermen O'Neil, Arnold, Long, Corriveau, Shaw

Messrs: L. Sorenson, W. Sanders, J. Flanagan

Chairman O'Neil addressed item 3 of the agenda:

3. Department travel/conference summary reports submitted as follows:
 - Mark Brewer and Tom Malafronte (Airport; Air Service – US Air; Phoenix, AZ (December 20, 2012 to December 11, 2012)
 - Paul Mueller (Airport); National Aviation Security Summit; Washington, DC (December 20, 2012 to December 11, 2012)

On motion of Alderman Long, duly seconded by Alderman Arnold, it was voted to approve this item.

Chairman O'Neil addressed item 4 of the agenda:

4. Communication Mayor Gatsas requesting approval of the attached travel schedule/itinerary for Mark Brewer, Airport Director.
(Note: Referred from the Board of Mayor and Aldermen on 1/7/2013)

Chairman O'Neil stated we should have a letter received by the clerk on Thursday. Director Brewer is asking for approval of his travel as well as the travel of the others identified on what we have. This is all the planned travel that they're aware of. I'm sure there are going to be some situations that may come up, airlines may decide with some short notice to ask the director to get out there, and I think we can address that maybe through a phone poll or something. We have this in front of us; does anyone have questions of the director.

*On motion of **Alderman Arnold**, duly seconded by **Alderman Long**, it was voted to discuss this item.*

Alderman Arnold stated thank you very much, Mr. Chairman. I just wanted to confirm, and I'm reviewing this letter dated January 10th from the airport director, that these trips, if they are not being funded by the trade association itself, it's being funded by the enterprise fund of the airport so it's not general taxpayer dollars.

Chairman O'Neil responded that is correct.

Alderman Arnold stated I just wanted to confirm that. Thank you very much.

Alderman Roy stated thank you, Mr. Chairman. I have some input if I may. After hearing the discussion last week, it took an hour to get it through this process, I'm glad it did because this process gives us time to look at things and digest them and

try to come up with different ways of doing our business. Looking through the charter section 3.11 paragraph E says “Upon request of the board of aldermen, the commission shall assume the policy making authority of the board of aldermen in accordance with section 2.04 of this charter. The board of aldermen shall retain the right to rescind such action.” Section 2.04 says “The board of aldermen may delegate such as its powers as may be lawfully delegated to authorities, boards, commissions, departments, or offices. The board of aldermen shall not in the exercise of its power decrease the administrative and executive powers of the mayor and department heads as granted by this charter.” I believe it is within our power to give this decision making over travel to the airport commission, and that’s my suggestion to this committee. I think that we should do that. We don’t need to have a tug of war over this travel, which personally I think its warranted. I just don’t get why we have to have this tug of war over the whole thing. I think it’s embarrassing for the whole board, and I think that’s one way to handle it, that we can have the commission actually look at this and approve this travel. They know better than us what travel is needed down there, and not only will it take care of that, but it also gives some importance to the position of a commissioner because the commissioner positions right now, to me, are like bobblehead dolls. They just sit there and listen to what the deaprtment heads have to say and they have no authority or nothing to do essentially. So I think it is two-fold there and I think that that is the way that we should go. I would ask this committee to seriously consider moving it forward and giving them the authority to take care of the travel right at the airport commission. Thank you.

Chairman O'Neil stated thank you, Alderman Roy, for that suggestion. I appreciate your thought on this. It is my opinion based on what’s before us that this is our issue to deal with; it’s been presented to us, it may be something we can consider down the road. I know the Charter Commission is actually reviewing the roles of commissions and do we strengthen them, do we weaken them, or not have

them at all. I'm going to speak for myself, and I think personally regarding the director's travel that came into question and then the planned travel of not only the director but all the other staff at the airport as outlined, it's on our plate and I think it is something we need to address. Your suggestion can be something we can consider going forward, but for me personally this is before us, and I believe we should address this. I don't know if anyone else has comments.

Alderman Arnold stated thank you, Mr. Chairman. I concur with your comments that the Charter Commission is currently having discussions about whether or not commissions throughout the City should have more powers articulated to them than currently the charter provides, and I imagine they will continue having those discussions up until whatever time they submit a proposed charter to the voters. That being said, part of me doesn't understand, and I don't think I'll ever understand, how this particular issue ended up becoming so controversial. That being said, as you said, Mr. Chairman, it has come to our desk and I don't think the aldermen should shrink from standing up to dealing with what we're empowered to do in this committee. Thank you very much.

Alderman Shaw stated I think that Alderman Roy's suggestion has merit, but I too believe that this occurred and the committee and the full board and committee and it was in our hands and I think this is something that we should decide on now and then look into changing in the future either by the Charter Commission or by the committee or the full board.

Alderman Corriveau stated in large part I want to reiterate Alderman Shaw's comments. I would support Alderman Roy's proposal. I think it has a lot of merit. Frankly, I think sometimes the aldermen take on a bit more than we can chew and that's fine, it falls to us to do that sometimes. But I do think that some of these commissions really could use a bit more teeth, and these are people who

are willing to serve the City and should be afforded the opportunity to make decisions that have a real impact. I understand maybe the timing of doing this right now wouldn't be ideal, especially with what's occurring with the Charter Commission, but as I said, on its face, I think Alderman Roy's proposal has a lot of merit to it. I think maybe its an issue we have to delve into and figure out. I think for the airport it would especially make a lot of sense because they have a board but there are certain departments that may undertake some travel that don't necessarily have an oversight authority other than the full Board of Mayor and Aldermen. I guess I will wrap up by saying I think the idea has a lot of merit, and I think on a marco scale I would support it, but we may need to put this as an item, whether it's on this committee's agenda or the full board's, and come up with something concrete.

Alderman Roy stated just in response to the comments. I believe that you should handle what's in front of you; I just think that this is the way to handle it. I certainly don't mean that we give the travel decisions to every department. The only commission I wanted to give the travel decisions to was the airport, and in no way did I want to change the charter. This has nothing to do with changing the charter, it is the charter we're working under now and it's allowed within that charter. I thought that it was a different perspective, I thought that it would probably work out better so that we don't see this type of stuff in front of the full aldermanic board in the near future when things, like you said, change down there and then we have another hour discussion about whether or not it should go through the process. It's embarrassing; it just doesn't need to be done at the full board and I think it's absolutely something that the airport commission, and only the airport commission, would deal with. The other travel in this city, I think, is being done pretty well and it is overseen by this committee. Thank you.

Chairman O'Neil stated I appreciate your thought on this, Alderman Roy. I don't necessarily agree that we single out the airport. If we're going to give the commission power that the charter allows, we need to give all commissions power. I don't necessarily agree with it, I have served in city government where commissioners have had different levels of power and to be honest with you there were times they interfered with the operation of government. This is a unique situation. I'm embarrassed that this has to come before the board to address, but for the importance of an operation, a City department that is directly responsible for \$1.3 billion in economic impact in southern New Hampshire, we shouldn't be playing around with this, and it is imporrant that they get out and do the business that's needed. Two mayors are on record of supporting Director Brewer and his assention through the different roles of the AAA AE. The mayors have gone on record in supporting that, now it has come to where he's going to serve as the chairman at the next election of their board. The City is on record of supporting that and now we're going to pull back and say no, you can't do that. It was known that there was going to be extended travel and I think it's an embarrassment to the City that we're having a discussion on that. We also cannot restrict them in the director or the staff's ability for training with the FAA, TSA, getting out to meet with the airlines. There is too much at risk here to put this in the hands of others. I would hope we would approve the scheduled travel as outlined to us, there are some dates to be determined, they can update us on that, all travel in the previous agenda item is reviewed by this committee. I think if we're going to change it, the Charter Commission needs to change that and not us. To me this is not an issue where a department is out of control. There has been a line drawn in the sand by the mayor. I can't tell you why; I've spoken to him several times about this, but for a department that has an impact on \$1.3 billion to our economy, we can't be playing around with this.

Alderman Arnold moved to accept the travel schedule/itinerary as presented.

Alderman Long duly seconded the motion.

Chairman O'Neil stated the director and deputy director will keep us informed as some of these to-be-determined dates come up, but we certainly know that they are before us. Looking at this I think there are a couple that are time sensitive so we probably should refer this to the full board this evening if the committee is okay with that.

Chairman O'Neil called for a vote on the motion. There being none opposed, the motion carried.

Chairman O'Neil addressed item 5 of the agenda:

5. Communication from Lisa Sorenson, Financial Analyst, submitting Finance Department reports as follows:
 - Accounts Receivable over 90 days
 - Aging Report
 - Outstanding Receivables

On motion of Alderman Long, duly seconded by Alderman Arnold, it was voted to discuss this item.

Ms. Sorenson stated since our last meeting the report has pretty much stayed the same. I did want to make note on page 5.2; at the last meeting I know that you had some questions on airport receivables, and since this report has been run we have received a payment from the FAA paying the \$1.49 million invoice in full as well as a separate invoice that was in there for a little over \$410,000.

Chairman O'Neil asked and you did send an email to the committee on that? I don't know if everyone had a chance to look at it.

Alderman Long stated thank you, Mr. Chairman. Lisa, with the Derryfield, that is insurance? Has there been a response from them?

Ms. Sorenson replied they've made a partial payment, and they have been in contact with, I believe, Peter Capano and they set up a payment arrangement so they will be paying the total invoice in full over the next few months.

Alderman Long responded very good. Thank you.

On motion of Alderman Long, duly seconded by Alderman Shaw, it was voted to approve this item.

Chairman O'Neil addressed item 6 of the agenda:

6. Communication from William Sanders, Finance Officer, regarding the City's Monthly Financial Report (unaudited) for the first six months of fiscal year 2013.

Mr. William Sanders, Finance Officer, stated thank you very much, Mr. Chairman. You have in your agenda material our report for the first six months ended December 31st. There is nothing really new this month. We continue to track our budget very well as indicated by our unobligated percentages as tracking last year is almost identically so there are no anomalies in our spending profile. Our health insurance continues to track our budget very well; we had a good month of December in terms of lower spending and hopefully that will continue through the balance of the year. We continue to have issues with our severance account. We had spent through the end of December \$821,000, which you'll see tonight in the

forecast that there has been some tempering in the expectations of future retirements at the departments. So I'm hopeful that maybe the worst is behind us on the severance payments and that we still are projecting some additional retirements for the balance of the year but I don't think, based on what you'll see tonight with the forecast, it does seem less than last month, slightly, about \$50,000 less, so maybe the bulk of the retirements are behind us. We have pointed out in this report our street lighting budget. This is the first year we've had street lighting as a non-departmental item. It used to be part of the Highway Department so at least from the Finance Office point of view, it wasn't something that we have monitored before, but we would point out that we're about \$130,000 over budget right now in street lighting, and we've endeavored over the last week to do a study of how that's behaved in the last three years in terms of how spending has occurred. It is a seasonal situation obviously, eastern standard time versus eastern daylight time creates additional necessity for street lights in the wintertime, and we were actually tracking to the spending profile of the prior year pretty closely. So the second six months of the year seem to be lower spending, which wasn't something, as we've look at this, that we had focused on, so that shouldn't necessarily be alarming that we're a little bit over budget through December. Hopefully we make some of that up as the months carry on. On the revenue side we are still slightly lower than last year because of items that we've mentioned previously in terms of the book loan and that sort of thing. Also our school chargebacks are about \$1.6 million lower right now than they were a year ago. It is entirely a timing issue. There is nothing on the School District side that indicates that the spending won't be there as the year plays out. Our auto registrations closed the month of December for six months at about \$225,000 ahead of last year and ahead of our budget, which is roughly the same as it was last month. December was kind of flat in terms of auto registrations, but we're still ahead of the prior year. Overall I think, assuming our severance situation is stabilized, we're in good shape from a revenue point of view and an expenditure

point of view, and I think you'll see in the forecast this evening that our surplus will be a little bit higher than we saw in prior months, and hopefully the winter weather continues to cooperate with us.

Alderman Arnold stated thank you very much, Mr. Chairman. Bill, I'm looking at pages 6.4 and 6.5 FY2013 versus the next page which is FY 2012. The civic contributions line item under the non-departmental section near the bottom; \$363,000 and change for 2013 and for 2012 it was half that. If you don't know the answer off the top of your head, that's fine, but I was just wondering why such a significant disparity.

Mr. Sanders responded I don't know the answer off the top of my head, alderman. I'm sorry and I will make sure that we get that answer to the committee tomorrow.

Alderman Arnold replied thank you very much. I appreciate it.

Chairman O'Neil stated Bill, you said you're working on the street lighting issue.

Mr. Sanders replied yes. We've monitored it and gotten a history of it now.

Chairman O'Neil asked has PSNH put in more street lights at our request or we've assumed other lighting?

Mr. Sanders replied I think it's really just the spending is higher in the first six months of the year with eastern standard time. I'm a rookie at this, but I think that's the reason.

Alderman Corriveau stated Bill, if I recall, this was the first year street lighting is a separate line item, but it was also flat funded. It was the same exact numbers the year before, and I remember my first year on the board noticing that it essentially does grow by a hundred thousand dollars a year, or I think it was between \$80,000 and \$100,000 every year. While I guess right now we're looking at \$130,000 over budget, it will be over budget, whether it is \$50,000, \$60,000 or \$80,000. That is a big number to make up in just six months.

Mr. Sanders stated from a spending point of view I was comparing the budget when I wrote the letter, but right now our spending is about \$30,000 or \$40,000 higher than last year if I compared it to a year ago. So I think we'll be pretty close to budget. I don't think it will be \$130,000 over. We've not had this type of visibility to it, but it is flat funded, you're correct, alderman, and there was a slight surplus last year in that line item in the Highway Department of about \$25,000 or \$30,000, so I think it will be close and we'll continue to report it each month.

Alderman Corriveau stated I didn't realize that. I would appreciate that.

On motion of Alderman Long, duly seconded by Alderman Shaw, it was voted to accept the report.

Chairman O'Neil addressed item 7 of the agenda:

7. Chairman O'Neil advises that ordinances are to be considered for consistency with the rules of the Board and request the Clerk to make a presentation.

“Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester; 70.06 by amending the definitions for Commercial Motor Vehicle and Trailer.”

“Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by clarifying the definition of a commercial vehicle in section 70.36(C) Stopping, Standing or Parking Prohibited.”

The Clerk stated these items have been put through the proper process and have received technical review, and in the Clerk’s opinion it would be proper to enroll the ordinances this evening.

Alderman Long moved that the Ordinances be properly enrolled. Alderman Arnold duly seconded the motion.

Alderman Shaw stated page one I agree with, page two I agree with, but page three-C I have a problem with. It says “For the purpose of this section a commercial vehicle shall include, in addition to a commercial vehicle as defined in section 70.06, a vehicle which has permanently or temporarily affixed to it, advertisement for a profit or non-profit, commercial or non-commercial organization or company excluding bumper stickers on the bumper of a vehicle.” In other words, what you’re saying here is that if somebody has a pickup truck, even though it is not 26,000 pounds, that pickup truck, and it doesn’t fall under the definition of a trailer, cannot be parked on the street. Am I correct?

Chairman O’Neil replied if I recall we had Lieutenant Tessier here at the last meeting. Lieutenant Flanagan, if you’d like to come forward. After spending some time on the midnight shift, he has decided to return to the traffic division. If it recall, Lieutenant Tessier pointed out at the last meeting that the only change is to the trailers, if I recall. I don’t know if the clerk can help me on that or Lieutenant Flanagan can help me on that.

Mr. James Flanagan, Manchester Police Lieutenant, stated good evening. It is my understanding that this would effectively further clarify, not necessarily change, what is considered a commercial vehicle, but from an enforcement perspective, it would clarify for us, at least, more clearly define what a commercial vehicle is. I do believe that lettering on the sides of vehicles, possibly pickup trucks, that indicate that the vehicle is primarily a business venture, would constitute the definition of a commercial vehicle, and there is some addition to the verbiage discussing the trailers as well. That is a separate item, but yes, the lettering that is spoken of, advertisement, things of that such, would more clearly define a commercial vehicle.

Chairman O'Neil stated it's a hard position for you to be in because you were not here at the last meeting, but if I recall Lieutenant Tessier's comments, it wasn't necessarily going to change enforcement by the Manchester Police Department because we talked about the person who does oil burner service and has to bring a truck home and obviously to the consumer they want that person having that truck at home if there is a call out on a zero degree night to a home or wrecker operators that have to bring vehicles home. We've handled this pretty well over the years, is my point, and it's not going to be an initiative that we're going to start going out and tagging these types of vehicles. I mentioned at the last meeting that I had a neighbor of mine for many years who was a superintendent for Audley Construciton, and part of his job responsibility was to bring a pickup truck home that was clearly marked Audley Construction. So I think unless there were issues, we're not going to be out aggressive.

Mr. Flanagan responded exactly. What I would suggest is that this would not necessarily affect the enforcement habits of the Police Department. I think what it would do from a prosecutorial point of view when these issues come to court, when tickets are challenged, it may more clearly define it at that point. But no, it

will not result in an increase in enforcement action. These vehicles that we're discussing are vehicles that currently fall into a gray area that from time to time are ticketed anyway due to the fact that there's a determination that they are primarily for commercial use. And again, as in any code enforcement or law enforcement activity, a certain amount of discretion, and obviously we're attempting to maintain and/or increase the quality of life in the city and address complaints by your constituents and our employers. Again, I don't think that this is going to affect the types of vehicles that are, if you want to call it, targeted by the ordinance. It will just more clearly define it when push comes to shove.

Alderman Shaw asked if the vehicle is parked in the driveway; this is just in the street?

Mr. Flanagan replied this does not address a vehicle that's parked on private property.

Alderman Shaw stated my feeling is just that there are a lot of people who have a second business where they work for a particular job but then they advertise on their own vehicle for purposes of income tax, deductions, but they have a car or they have a small van or they have a pickup truck, and to me it's almost like infringing on our constituents' ability to have a livelihood and I have a problem with this. I hope that, and I trust our Police Department, it would not be in cases of someone filing a complaint and maybe there would be a way to work it out with the complainant or whoever because I don't like seeing it on the books. It bothers me. I don't mind the other definitions, I think they work out fine, but this one just bothers me and I think it stems back from old situations where one person called and complained that this vehicle was a blight in their neighborhood so the next thing you know we pass a law and I have problems with laws being passed for one individual.

Mr. Flanagan responded I certainly agree, and again, this won't affect, from an enforcement perspective, the types of vehicles that are being targeted or ticketed. Those vehicles fall into that category right now, it just more clearly defines it; it kind of takes the guess work out. Our objective in the spirit of the ordinance is to prevent people from parking vehicles on the street at certain hours that are primarily used for business or commerce. Not the person who's merely selling Avon or Tupperware and they just happen to use their car from time to time. Again, there is a certain amount of descretion that goes in and I trust that, in fact, this definition is amended, that our enforcement activities would remain very much the same. And again, addressing quality of life issues in the different neighborhoods throughout this city we quite often do receive complaints about, not singling out any particular livelihood, but a large landscape vehicle that's parked and prohibiting vehicles either from passing by or pulling out of their driveways and things of that nature. Again, it more clearly defines it, it takes some of the gray area out as far as which vehicles do fall into that category.

Chairman O'Neil stated I may have predated Alderman Roy, but I remember Alderman Duval had an issue with a landscaper and a trailer forever on East High Street; this would address this. Alderman Shea, did you have an issue on Wilson Street that went on for a period of time, but it's not like it's rampant across the city, there are some selective and common sense by the person who owns or controls the vehicle needs to be put to good use.

Mr. Flanagan stated obviously I think that with any enforcement activity that we take, certainly there are situations where there's an obvious violation of the ordinance that needs to be handled through the violation process, but most of them can typically be resolved through communication. We do have some neighborhood disputes that arise over these, but I would say my time in the traffic

unit three years ago I handled many complaints of vehicles that were primarily used for commercial purposes being parked on city streets by many of your constituents. And again, this is from my opinion, and I feel I can safely represent for the department, will not affect an enforcement action against any individual.

Alderman Corriveau stated to further address Alderman Shaw's concern, I'm comfortable with the ordinance as written, but I'm certain that if it does present a problem with enforcement or any other issue out there with the public, this committee is going to hear about it, and I don't think we'll hesitate to readdress the issue and modify the ordinance if we have to.

Chairman O'Neil asked Alderman Shaw, are you comfortable with it or do you want to go on record as opposed?

Alderman Shaw replied I will go with it.

Chairman O'Neil called for a vote on the motion that the Ordinances be properly enrolled. There being none opposed, the motion carried.

TABLED ITEMS.

8. Communication from Alex Walker, General Counsel for Catholic Medical Center, regarding assessment and taxation of hospitals.
(Note: Tabled 9/18/2012; **Communication from Richard Elwell, Senior Vice President and Chief Financial Officer of Elliot Health System is attached.**)

This item remained on the table.

9. Communication from Kevin Buckley, Independent City Auditor, submitting an audit of the Office of the City Clerk, Business License and Enforcement Division.
(Tabled 10/21/2008. Retabled 2/22/2010 until the implementation of new software is completed.)
On file for viewing with Office of the City Clerk, One City Hall Plaza.

This item remained on the table.

There being no further business, on motion of Alderman Long, duly seconded by Alderman Arnold, it was voted to adjourn.

A True Record. Attest.



Clerk of Committee