

**COMMITTEE ON ADMINISTRATION/  
INFORMATION SYSTEMS**

**July 29, 1997**

**6:00 PM**

Chairman Pariseau called the meeting to order.

The Clerk called the roll.

**Present:** Aldermen Pariseau, Elise, Sysyn, Shea, Hirschmann

**Messrs.:** M. Normand, Mr. Calley, Attorney Sullivan, Ms. Soucy, R. Houle, Chairman Pariseau addressed item 3 of the agenda.

On motion of Alderman Shea, duly seconded by Alderman Hirschmann, it was voted to enter into non-public session under the provisions of RSA-91:A-3 Paragraph 2(c) to discuss the denial of a license to operate a taxicab.

On motion of Alderman Shea, duly seconded by Alderman Elise, it was voted to return to public session.

Chairman Pariseau addressed item 5 of the agenda:

Appeal from Attorney Kathleen Sullivan on behalf of James Benedetto d/b/a Jim's All American Hot Dog relative to the suspension of a Peddler's License.

Chairman Pariseau stated personally I would favor the Attorney's position.

Mr. Bernier stated we are just following the Ordinances, that is why this is before this committee.

Chairman Pariseau stated but it is not in competition.

Mr. Bernier stated I am going to have Mr. Normand address that issue, he has been working on this for the last week or so.

Mr. Normand stated initially Captain's Pleasure, Skip Calley, who is here, called because there was a problem with...he complained that his food sales, beverage and chip sales, were being affected by the peddler's, Jim Benedetto, hot dog stand in front of his store. Mr. Benedetto has been there for the last four years or so, I

brought this matter to Mr. Bergeron's attention. The Ordinance is pretty clear, on page 9 the Ordinance states "a peddler shall not vend within fifty feet of any building, storefront, housing and business selling the same or similar food, merchandise or product, except during special one day events."

Chairman Pariseau stated there is mention of the Ordinance in Ms. Sullivan's appeal. Captain's Pleasure does not have a license to sell hot dogs. That is the issue, right?

Mr. Normand stated I think the issue is the sale of the other items Mr. Benedetto sells, which is beverages and chips. That was Mr. Calley's complaint. He could speak better than I to his actual loss of revenue. I think our office interpreted the ordinance, it does not say primary merchandise or secondary merchandise it just says similar food, merchandise or products, and clearly there is similar food in this case.

Alderman Sysyn asked if Mr. Benedetto was selling hot dogs there for four years, how did he get away with that?

Mr. Normand answered he had permission prior to this episode. Whatever transpired between these two parties, I don't know that that is our problem other than Mr. Calley gave Mr. Benedetto permission to peddle the hot dogs and other items in front of his store. Until that point we had no complaints, Mr. Benedetto was licensed and Mr. Calley gave him permission to be out there. In July or late June, problems arose and Mr. Calley took back his permission, and therefore we had to move Mr. Benedetto fifty feet away. I did call to Port Lucie, Florida to get permission for Mr. Benedetto to move to a spot down the block. Mr. Benedetto declined to move at that point.

Alderman Sysyn asked Mr. Calley, why after four years did you rescind permission for him to be outside your store?

Mr. Calley answered Mr. Benedetto came into my store one day, because of something that has nothing to do with this, got in my face and threatened to kick my butt, asked me to go out back with him. At that point I did tell him I was very upset with him and tried to push him out the door, I threatened to call the police. When he got this letter the other day asking him to move, if looks could kill I'd be dead. That is the bottom line there.

Alderman Sysyn stated I was in the restaurant business, I don't think all of a sudden after four years your sales went down?

Mr. Calley answered last year he wasn't set up full time. Last year he was there when he wanted to be there. This year he is there every day. Maybe he was there two days a week last year, this year he is there five days a week.

Alderman Sysyn stated I have a problem with this because I feel that it is a personal vendetta type of thing. After four years all of a sudden, it looks like a personal feud to me.

Mr. Calley stated it is not a personal vendetta if I am down a hundred dollars a week in soda sales. I can't call the soda man up and tell him I had a bad week so I can't pay him his rent.

Alderman Sysyn asked when did you start carrying soda?

Mr. Calley answered I bought a brand new cooler this year for \$1,800, and I have a two door Pepsi machine.

Alderman Sysyn asked you just bought that this year?

Mr. Calley answered the cooler I bought in January of this year.

Alderman Sysyn stated so you wouldn't know what your sales were last year?

Mr. Calley answered from past sales.

Attorney Sullivan stated I would like to say a few words. I think Alderman Sysyn clearly nailed this when she talked about personal vendetta. There is something going on that has nothing to do with this license. This is a dispute over repayment of some monies owed by one party to the other. This dispute arose, it wasn't in January, it wasn't in February, it wasn't in March, it wasn't until this dispute arose, that Mr. Calley then went and made complaints to the City Clerk's Office. What we are seeing here is Mr. Calley does not want Mr. Benedetto there any more. If you look at the ordinance the subsection that talks about prohibited conduct, doesn't mention beverages, it talks about food. If you look at the rest of section 115, there are other sections of the ordinance that talk about beverages specifically. If the intention was to include beverages in this prohibited conduct, I think they would have been listed. Beverages are not listed as an item in subsection (r). Beverages are listed with respect to other sections of the ordinances. I think that is a misreading of the ordinance to say that the sale of beverages is prohibited. You have the option of reading the ordinance for what it says or adding to it, something that is not there. The intent of the ordinance is don't set up a cart outside McQuade's to sell clothes, don't set up a cart to sell

sandwiches outside of Joe Kelly's, don't set up a cart outside Captain's Pleasure to sell cigarettes, it is a smoke shop. But don't tell someone you can sell food, but not beverages, it just doesn't make sense, and I think it is reading something into the ordinance that is not there. Also as we said, there is no license for the Captain's Pleasure to sell food. If you have questions of Mr. Benedetto I am sure he would be happy to address those.

Chairman Pariseau asked does anyone have any further questions? Let me say for the record that I would recommend after listening to what is going on here, I would entertain a motion that we would reinstate the license of Mr. Benedetto.

On motion of Alderman Sysyn, duly seconded by Alderman Elise, it was voted to reinstate Mr. Benedetto's Peddlers license.

Chairman Pariseau addressed item 6 of the agenda:

Appeal by The Odyssey Nightclub relative to the denial of an Unusual Entertainment License by the Manchester Police Department.

Chairman Pariseau recommended that the committee support the Police Department.

On motion of Alderman Shea, duly seconded by Alderman Elise, it was voted to support the decision of the Police Department to not allow the Best Chest Contest to be held at the Odyssey.

Ms. Soucy stated I guess I can appreciate your position, in regards to the ordinance, but in two months we will have been in business at the same location for twelve years. I have seen a lot of clubs go over board and carry things too far. But I think it is a shame that we all have to suffer for it.

Chairman Pariseau stated your location is not without sin. It has been in trouble before.

Ms. Soucy answered maybe you are not thinking of the Odyssey, before we bought the property twelve years ago, it was the Place and it had a horrendous reputation. It took us three years after we first bought it to clean things up. We have bent over backwards to run a clean operation.

Chairman Pariseau addressed item 7 of the agenda:

Communication from the Deputy Finance Officer requesting the Board consider issuance of three City policies as follows:

- (a) directing that departments normal purchasing be halted on June 20, 1997 allowing only emergency purchases through June 30, 1997;
- (b) authorizing the Finance Officer to process a check run on June 30, 1997 for payments scheduled for July 15, 1997; and
- (c) establish a threshold on the amount of inventory a department can carry from one year to the next such as setting an upper limit of 1% of the department's operating budget, exclusive of restricted items or 5% of a department's non-salary line items.

(Note: addressed in Committee on Accounts, Enrollment & Revenue Administration items (a & b) have already been implemented with item (c) having been tabled in Accounts Committee.)

Mr. Bernier stated this item did go to the full Board, but on the suggestion of the Chairman of this Committee it is before you tonight.

Chairman Pariseau stated it wasn't limited to just FY97, it was going to be a policy that the Finance Department could carry on from here to infinity.

On motion of Alderman Hirschmann, duly seconded by Alderman Shea, it was voted to approve a and b and table item c.

Chairman Pariseau addressed item 8 of the agenda:

Communication from the Chairman of the Assumption Grecian Festival Committee requesting authorization for the placement of a banner across Hanover Street, between Chestnut and Elm Streets for the purpose of announcing the Festival to be held on August 16 & 17, 1997.

On motion of Alderman Sysyn, duly seconded by Alderman Hirschmann, it was voted to approve the request subject to the approval of the Building Department and Risk Management approval.

Chairman Pariseau addressed item 9 of the agenda:

Communication from Krista Stromberg submitting a new Franchise Bond to be filed on behalf of the name change of Continental Cablevision to MediaOne, effective May 13, 1997; and further submitting a Cancellation Notice for bond number 5095393-1-CCI-3999-PE-546 and requesting it be accepted effective May 13, 1997 to coincide with the effective date of the new bond.

On motion of Alderman Shea, duly seconded by Alderman Sysyn, it was voted to accept the changes outlined in the communication.

## **TABLED ITEMS**

**The following items remained tabled.**

10. Communication from Alderman Elise relative to her suggestion of making Manchester more "business friendly".  
(Note: amended proposed submitted by Alderman Elise on 5/6/97 and communications from Mr. Shea and Ms. Golz in support of such proposal enclosed.)  
(Tabled 12/17/96)

11. Communication from Thomas O'Rourke, Continental Cablevision (MediaOne), advising that effective May 1, 1997, monthly charges for converter boxes and remote controls will increase slightly, while the rates of installation and service visits will decrease.  
(Note: Tabled 5/20/97 and referred to the City Solicitor requesting that he highlight the franchise agreement and outline same to the Committee.)

## **OTHER BUSINESS**

Chairman Pariseau advised that there was a proposed amendment to the Procurement Ordinance to be addressed.

On motion of Alderman Hirschmann, duly seconded by Alderman Shea, it was voted to accept the proposed draft of the amendment to the Procurement Ordinance.

Mr. Houle stated what I tried to do is simplify the... I took the proposed ordinance and inserted the existing limits.

Chairman Pariseau stated the question I have concerns central purchasing. If this is part of it, it really doesn't do what I envisioned. One person is going to be allowed to do this stuff, not every Tom, Dick and Harry within the City. This allows what is going on to continue at greater amounts. So what have we accomplished.

Mr. Houle answered you are right on that particular issue, it is going to provide the Department Head some immediate relief where they don't have to go to formal bid beyond \$2,500. They will now be able to go to \$10,000 and solicit three quotes. That is a lot of flexibility. In the past the Department Head would have to, if it were anticipated to be in excess of \$2,500, they would have to prepare formal specifications, advertise it, and that is extremely time consuming and expensive. This is going to improve the efficiency of the departments.

Chairman Pariseau stated going back to the big picture of Central Purchasing, we have a city purchasing agent, why can't we do that instead of throwing the door open and continue with larger amounts, it doesn't make any sense. If you give the Department Heads that authority now, God help you when it comes time to take it away. Central Purchasing is not to increase the authority of the Department Head to go from \$2,500 to \$10,000 and that is what we are doing.

Alderman Hirschmann stated when I was the co-chairman of this committee with Dick Houle, and the draft ordinance was put together by consultants that we paid, who sat down with the Finance Department, all the city departments, solicitor, and they put this package together. What this is going to do is reduce a lot of paperwork. I know the amounts are higher, but under the new charter, department heads are responsible for their own budgets. What this will do is reduce how many purchase orders? Kevin can explain this better than I. It is going to change some small purchases...

Chairman Pariseau stated I can see the change, but I think what we have to do is to institute that central purchasing.

Alderman Hirschmann stated this is what has happened, a preliminary report, a draft report as an advisory committee, Mr. Houle has the draft report. What he is trying to do here is implement piece meal, in palatable pieces, a little at a time, rather than stick this entire 500 page document on you. So what he wants to do is come in July, August, September and October, and with some of this report. This is a piece of the compilation of the report. Personally my style is, to take this and say "Bob, this is central purchasing, let's get it over with". I know what Mr. Houle is trying to do, in the end, all of this should be implemented.

Chairman Pariseau stated I can see the Finance Office saying it should be implemented, to cut down their work load. My concern is that it doesn't address the issue of central purchasing as I understand it.

Alderman Hirschmann replied it is a small piece of it.

Chairman Pariseau stated it should not allow department heads to go out and submit requests for proposals or whatever, even for a dollar. That should all be referred to the purchasing agent.

Alderman Hirschmann answered it will not.

Chairman Pariseau stated that is defeating the whole purpose of central purchasing, why bother?

Alderman Hirschmann stated this report, I believe everybody got a copy of it, it is decentralized among the departments, and the auditor said that the city is just incorrect as to what they're doing; that is decentralizing among the departments, so in other words the departments will have their purchasing authority, but they will work towards the goal of having a central purchase function in the department. It is not going to happen today.

Chairman Pariseau stated the State has a procurement system whereby if the office of emergency management needed a vehicle, they would have to write a request that goes to purchasing, they don't even identify what type of vehicle, but they can't put that they want a Chevrolet Lumina or whatever, that is up to the purchasing person to seek the least cost to the State. But this, you are saying if Mr. Houle wants to buy a car, he wants a Ford, he can write up the bid request for a Ford, when maybe he could buy the same type of vehicle in a Chevrolet for less money. This is what we are doing if we are continually giving the department heads that authority. To go from \$2,500 to \$10,000? I wouldn't do that, because you as a board member lose whatever authority you have. You are talking big bucks.

Alderman Elise stated it just seems that there is not enough control over a \$10,000 purchase, but in terms of the context of the whole central purchasing implementation, why is this being proposed now?

Mr. Houle answered I took that initiative. Basically the most difficult issue we will find in central purchasing...

Alderman Hirschmann stated this complete document is a good thing, but you are seeing one small part of it, so it is out of context. He is showing you the icing on the cake, but we did not get into the potatoes or the meat yet.

Chairman Pariseau stated I would entertain a motion to table this.

On motion of Alderman Elise, duly seconded by Alderman Sysyn, it was voted to table the proposed amendment to the Procurement Ordinance.

## **NEW BUSINESS**

Clerk Bernier advised that there was a request from Healthsource New Hampshire to hang a banner over Elm Street to mark the start of the race. The banner would be set up at 5:00 p.m. and removed immediately after the runners and walkers pass.

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

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

A True Record. Attest.

Clerk of Committee