

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

January 12, 1999 **Immediately Upon Conclusion of Cmte. on
Accounts**

Chairman Pariseau called the meeting to order.

The Clerk called the roll.

Present: Aldermen Pariseau, Rivard, Thibault, Girard, O'Neil

Messrs: M. Aubert, D. Robinson, R. Sherman, D. Muller

On motion of Alderman Thibault, duly seconded by Alderman O'Neil, 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 O'Neil, duly seconded by Alderman Rivard, it was voted to return to public session.

Alderman O'Neil moved to grant a conditional license through May 1 to Mr. Cimino provided he provide us with regularly signed sobriety letters from his place of residence or something similar and agree to monthly drug testing. Alderman Rivard duly seconded the motion.

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

On motion of Alderman O'Neil, duly seconded by Alderman Thibault, it was voted that the City Clerk's decision to revoke the license of Mr. Stokes should be sustained, and further that we try to find him some sources for counseling or other appropriate services.

Chairman Pariseau addressed Item 5 of the agenda:

Communication from Michael Aubert of Cosmic Egg Design appealing the decision to deny his dance/entertainment license application.

Deputy Clerk Bergeron stated just to clarify, we are denying the license because the City Ordinances specifically say that no public dancing shall be permitted between the hours of 2 a.m. and 2 p.m. on Sunday, 1 a.m. and 12 p.m. on Monday, 2 a.m. and 12 p.m. on Tuesday, Wednesday, Thursday, Friday and Saturday and Mr. Aubert is requesting that he be permitted to conduct a dance all night. The City Ordinances says that we simply don't allow it.

Alderman Girard stated I never got a copy of the application so I don't know where this place is and what the proposal is.

Chairman Pariseau replied none of us did.

Alderman O'Neil asked the Deputy Clerk to provide information on location, etc.

Deputy Chief Robinson stated I don't think they picked a location.

Mr. Aubert stated we talked with a person over at the City Clerk's Office, Matt Normand, and he said to put in the application at this point to see if it would be approved.

Alderman Girard asked so basically you are asking for an application to conduct these dances in violation of the City Ordinance at places yet to be determined.

Mr. Aubert answered yes, that is the case but we wanted to...what the problem is, is Cosmic Egg is a graphic design team that does large companies such as Seagrams, to small companies such as Avalon in Boston and we're very much into this whole electronic scene that has been going around and we have seen that there has been a lot of dances that have been going on without City permits and things like that where you have a lot of problems. We wanted to throw a dance that is drug-free and alcohol-free for these people who don't want to go to these raves. We are also doing something else. We are putting on an independent film that covers the scene and we wanted to use that as a promotional tool also. So we called the City Clerk's Office and said this is what we would like to do, what are the necessary steps that we can do this legally and without any problems. They directed us to fill out this application, they were aware that we didn't have a space.

Alderman Girard asked is this a one time event. Is this going to be a repeated event and for how many people are you looking to host this dance?

Mr. Aubert answered as of right now, we were thinking of having this as a one time event to see how things transpired. If it is successful and it seems to be a good crowd which we anticipate and it is seemingly good for the City, I mean if nothing wrong happens and it is a healthy environment, we plan on doing it again just like any other business would.

Alderman Girard asked are you going to have roving locations or a stable location.

Mr. Aubert answered we are undecided on that right now.

Chairman Pariseau stated, Mr. Aubert, there was something about Sunday. Did you want this at 12 a.m. midnight Sunday until 7 a.m. Monday?

Mr. Aubert replied Saturday night into Sunday morning.

Chairman Pariseau asked and you don't have any idea of where you propose to hold this.

Mr. Aubert answered we have been calling realtors in the area to research different locations. Brokers will not rent space unless it is a permitted event so that is why we applied for the permit first so that we can have that.

Alderman O'Neil asked have you done this and do you have any results.

Mr. Aubert answered no but two of our clients have done this for 25 years.

Alderman O'Neil asked both down by Fenway.

Mr. Aubert answered yes.

Alderman O'Neil asked how did you pick Manchester.

Mr. Aubert answered Manchester seems to be a good center for it, for New Hampshire and Boston. We often have a lot of individuals coming from New Hampshire down to Boston and vice versa to different clubs around the area. What happens is you have to go to different parties. These parties are usually very cramped and a lot of people don't like the ones that are down there. There has been a cry from the public to have a venue that you don't have to go to drink or do drugs, just a place to go where you can have a good time, dance and meet people. From a business perspective, of course, it is a vehicle to promote the movie, to promote the film bringing in corporate sponsors also. That is where our profits come from and we are planning on doing two things. We plan on funding the

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movie and also we would like to put some proceeds towards the D.A.R.E.

Foundation which I am also part of in Burlington, MA. I am not sure if you have one in Manchester but it is a drug awareness program to educate people. We want to take away the taboo of what these after hours scenes are all about.

Alderman O'Neil stated being kind of an old timer, I turned 39 yesterday, please explain to me why 12 a.m. to 7 a.m.

Mr. Aubert replied because in Boston, the clubs close at 2 a.m. After 2 a.m., people still want to do something. They will go into house parties or whatnot. T

Alderman O'Neil asked is this kind of event legal in the City of Boston.

Mr. Aubert answered yes. We have had events from 12 a.m. to 7 a.m. in the City of Boston. There have been a lot of legal ones, but unfortunately there have been a lot of illegal ones. The illegal ones are where you have the problems. When you have a legal one, you have cops on hand to make sure everything goes well and you have a staff of security and things go smooth. We don't serve any alcohol. We do have water. One thing I want to ask you guys about is water and if that is considered a food or beverage.

Alderman O'Neil stated I guess I am interesting in listening to this. I am not sure that I understand the whole concept but I think it would be important for me to know, before I made the decision, where this would happen. Is it my understanding that you are only looking for the permit for a one time event?

Mr. Aubert replied, again, yes this permit would be for a one time event, but if it is successful I would like to come to a meeting again and get another permit.

Alderman O'Neil responded but you do understand that if we did issue it for one event, there is no guarantee that it is going to be issued for any future events.

Mr. Aubert replied yes, the only question I have is what steps we would take to get a permit that does not have a time constraint.

Alderman O'Neil stated if this gets granted and that is an if, my guess would be that it would be for one time and I would say if you want to take that and do something and we get a report back on what happened and we have been known to float in at some of these things but I want you to understand that if we do issue this for one event, it is only for one event.

Alderman Rivard stated, Chairman, I am a few years older than my colleague, Alderman O'Neil. I was shocked a year or so ago to find out that these events do take place. They take place legally not only in New Hampshire and Massachusetts, but in South Carolina where my son goes to school. He has shared with me the experiences he has had and it is difficult for me to buy into it, but they seem to be fairly successful. My son does not drink or smoke and that is one of the reasons he participates in these events. He is a spinner. He took his golf bag and traded it for a spinner. He is a pretty talented D.J. I guess. He finally went back to school and took all of his equipment with him the other day. He does it in Atlanta and he does it in South Carolina and in Manchester once in awhile at the Web. Anyhow, all I am saying is they are legal, they do take place, they are non-alcoholic and they do go all night. I don't know why they have them go all night, but they do.

Alderman Girard asked what is the age group here.

Mr. Aubert answered the age group is 18+. There is no reason for the 18 because we are not going to be serving anything but we want an older crowd there. We don't want 13 and 14 year olds there.

Alderman Thibault stated you said that you wanted to promote an independent film that exploits the pitfalls of drugs and the rave scene. Can you give me some idea as to what that might be? What type of film and also the age of the people that would go the site?

Mr. Aubert replied there have been two types of venues that we have seen here in the United States. We have seen illegal events in which there has been no regulation or security and that type of behavior has gone on and there has been the permissible, legal events at which security was there and supervision was there and which the teens come out and celebrate and dance. They will celebrate to the crack of dawn. Kind of like your old sock hops and this is what we are seeking. We are seeking a definite positive avenue in which we could have this and we see the fact that there are these illegal parties going on in Massachusetts and I personally haven't been going. I don't like it because I think it gives what we want to do a bad name. There have been events that happened here in New Hampshire at Club Metropolis. They run from 10 p.m. until 7 a.m. and they have a full security staff. Like mentioned before we would, with cooperation with the local police and law enforcement, we would like to with our own money hire off duty police officers to be there for security.

Alderman Thibault stated I would still like to know what kind of film we are talking about.

Mr. Aubert replied the film takes place in Boston and it is about two friends who are opposites. One is on one end where he has been in jail. The other is trying to be a good student and the backdrop is the electronic scene, it is the dance scene. In this dance scene, drugs are very prevalent and both tend to get wrapped up in it and later on in the film there is a climax that exemplifies how bad it can get and from that climax, just like every other story, it ends with them going into the horizon.

Alderman Thibault asked what is the age group.

Mr. Aubert answered 18+. I would say 18 to 25 probably. The film will set a positive example by exploiting the dark side of it.

Alderman O'Neil asked is there a specific season that this works better than others. Is winter better than summer?

Mr. Aubert answered it would really depend. One big variable is college students. College students are...in Boston where there are quite a lot of college students in a small area of town so promotional wise it would be wise to have this event during the school season.

Alderman O'Neil asked so before mid-May or something.

Mr. Aubert answered yes.

Alderman O'Neil asked would you be able to provide to us and to the Manchester Police Department some kind of letter or recommendation from whatever district handles the Avalon in Boston. Is someone willing to sign-off here saying yes we assign officers for this type of event and no we haven't had any problems.

Mr. Aubert asked you mean for those that have legally taken place in Boston.

Alderman O'Neil answered correct.

Mr. Aubert stated I can check, but unfortunately a lot of them have been illegal.

Alderman O'Neil replied but you did say that you have done legal or there have been legal events of this type. You folks have not done these?

Mr. Aubert responded no.

Alderman O'Neil asked but you have ties to these clubs.

Mr. Aubert answered yes.

Alderman O'Neil asked can you get a letter of recommendation or whatever you want to call it from the Boston Police Department saying yes we have assigned police officers to these events and no we have never had a problem.

Mr. Aubert answered yes we will try to do that.

Alderman Girard asked so what you are looking to do is take a bunch of students out of Boston and bring them up here to party.

Mr. Aubert answered no, not necessarily that. We have a lot of ties with people in the City. I will say that as far as the movie goes, it was shot in Boston so a lot of people will have a tie to that also.

Alderman Girard stated, Mr. Aubert, you made reference earlier that no realtor would rent you space unless you had a permit from the City. Would a realtor agree to rent you space as long as you received a permit from the City? I have to tell you that I am not wild about granting a permit where I don't know where it is going to be. I mean you are looking at 500 to 1,000 people and in my mind the only place that something like that could happen would be down in the Millyard on a vacant Mill floor as we have a couple of them.

Mr. Aubert replied actually we would probably chose a location like an indoor skating rink or something that had the appropriate square footage.

Chairman Pariseau stated I will remind the Committee that we had a request for such a thing using JFK and that was denied.

Chairman Pariseau asked Deputy Chief Robinson to provide some input regarding this matter.

Deputy Chief Robinson stated I think that the curfew for dances was enacted back in 1995 or updated. That has served us very well and we would encourage you to stay with the City Ordinance. The Manchester Police Department is not in favor of this. We have looked into these before. The last time we looked in to the JFK, I was in front of this Committee with different members and we did some research back then and it was very negative. I will tell you that we have non-alcoholic dances now where we have alcohol and drug problems. I will also tell you that what he is saying is that people are going to be going out to regular clubs and need a place to go after that so we are going to have people going to those clubs that have already been drinking. When we looked at JFK, we worked with Parks &

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Recreation and those people. We had lots and lots of concerns about that

neighborhood and having people leaving at 3 a.m., 4 a.m. or 5 a.m. You talk about downtown and using the Mills. The Fire Department is not here but I will tell you if you try to rent a Mill building and put 500 to 1,000 people in there you are going to have problems. You had something on the agenda tonight that is not on there but I will tell you that the Metro on the third floor of the Millyard, they can put 1,000 people on that floor and it is not even crowded but I will tell you that their permit is for 300 because of the ingress and the egress. Those places aren't made for that amount of people. With all due respect to what these gentlemen are trying to do, I think it would be very negative and wouldn't work to the City's benefit. We can have dances and we can have things that work well, but these hours which were set by the Board of Mayor and Aldermen which have worked very well for us and we would ask that you uphold the hours and deny this permit.

Alderman Girard stated reference was made to JFK and you said different members. None of us were on this Committee except perhaps Alderman Pariseau. Could you give us some background on that?

Chairman Pariseau replied you were here. I think all of us were.

Alderman Girard responded well he said different members.

Deputy Chief Robinson stated I don't remember the members, but it was the same Committee. We had a gentleman come in. It was billed as drug free, all of the same things. They had even actually signed paperwork with JFK but they needed a permit. The thing that was blocking it was the hours and it wasn't waived at that time or whatever you do here, I am not sure you can even waive it but that is a legal question. Everything that we checked into...they gave us names and places to call. I know that Parks & Recreation made some calls and we made some calls and everything we got told us that it wasn't a good idea to go forward.

Alderman Girard asked are you suggesting that the only appropriate places would be a JFK or West Side Arena type of place.

Deputy Chief Robinson answered what would be an appropriate place would be something that could legally hold the capacity that you are looking at. We know your fire codes and other types of codes. If the Ordinance isn't an obstacle, they need to find a location that would meet the assembly requirements which is set-up by the Fire Department. You talk about a Mill building. I am just telling you that it is not going to fly.

Alderman Girard replied I was just thinking about space.

Deputy Chief Robinson stated it would be any large public gathering space that would had been appropriately permitted to hold that type of gathering.

Alderman O'Neil stated we have had illegal parties in the Millyard.

Deputy Chief Robinson replied we have and we have been able to tackle those and put an end to them.

Chairman Pariseau asked Mr. Muller if this Committee can side step the Ordinance.

Mr. Muller answered I looked briefly at this section earlier and there does not appear to be anything in the section itself, which is 111:70, that allows for any waiver. I would have to look at other parts of the Ordinance, but I would have to say that in respect to that specific one, there is nothing in the Ordinance itself that suggests a waiver.

Alderman O'Neil stated so the only way this could happen was if we changed the Ordinance.

Mr. Muller replied unless there is another section in the Ordinance. As I said, I just looked at this briefly when I found out what this was about, but the Ordinance itself doesn't include any discretionary measures.

Deputy Clerk Bergeron stated the Chair asked me is there any discretion and no there isn't. The Ordinance is drafted in such a way that anyone who has a license application denied, revoked, sustained or restrictions put on it can request a hearing before the Committee and in essence that is what has occurred tonight. However, just as the Accounts Committee was unable to do anything for the Water Works request because it was a policy that had been passed by the full Board, I guess it is our feeling that this is an Ordinance passed by the full Board and the Committee doesn't have any leeway here. It may, if it so chooses, look to amend that section of the Ordinance but that is a rather lengthy process.

Alderman O'Neil stated I would be interested, and I am not making any commitment that I would support this, but I would be interested and obviously we can't take any action and I don't know if we table it or receive and file, but hearing from these folks on the particular clubs you talked about in Boston. Obviously the Deputy has mentioned that when this was proposed before they were provided or researched and got some information that showed this to be negative or similar types of events to have a negative impact. I do believe that we have to want to make Manchester a destination place for people for all types of

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events and certainly having Manchester be a good place for young people to do things, I don't

know that there is anything wrong with that. I don't know that this is appropriate, but I certainly would be interested in hearing from the Boston folks if that is where your tie is on how they go about it. As Alderman Rivard stated with his son, there are successes with this in other parts of the country. I will leave it at that Mr. Chairman.

Deputy Chief Robinson stated I would be happy to give them my card before they leave. To have them go to the local police department to get a letter, that may or may not work but if they could give me names of locations where this is held, I would be more than happy to call different jurisdictions as I did before and speak to my counterparts and report back as to what we found. I certainly stand on what I said before but we are certainly open to talking to other jurisdictions.

Alderman Girard moved that the appeal be denied and that the Police Department be requested to come back to us with their findings on their investigation. There was no second.

Alderman O'Neil moved to table the item and request feedback from the Police Department. Alderman Thibault duly seconded the motion.

Chairman Pariseau asked can we also add to that motion that we request from the Committee on Bills on Second Reading to look at an amendment to this Ordinance.

Alderman O'Neil answered I would rather see what the feedback is.

Mr. Aubert stated that is what we had to do in Seattle. We actually had a teen dance ordinance obstacle and in order for us to throw the events which we eventually were successful in doing, we had to actually go in and change the law.

Alderman O'Neil replied I vote that we table this and ask Deputy Robinson to gather information and there may be other jurisdictions. It is up to you folks to provide him with the information on where you have ties. If there are other places, pass that on to him. You just mentioned Seattle. Just provide us with whatever information you can provide us.

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

Chairman Pariseau addressed Item 6 of the agenda:

Communication from John O'Keefe, President of the Metro Entertainment Complex appealing the decision of the Manchester Fire Department placing a condition on their business license.

Chairman Pariseau noted that this item has been resolved by the owner and the Fire Department.

Alderman O'Neil asked what is the resolution.

Deputy Chief Robinson answered basically their lawyer met with me yesterday and we agreed and the Fire Department was involved and Matt Normand was involved. Basically what occurred was we had some overcrowding problems there and a couple of weeks ago one of our lieutenants was there at closing and thought it was kind of crowded and was counting people as they left. When he got to 500 people he stopped counting. It is a real safety problem because there are three flights of stairs, very narrow stairs so there was a concern and we have been having an ongoing problem there. I talked to the Fire Department and spoke to Matt and we put in as part of their agreement to make them hire a fireman and they objected and asked to come down here, but through their attorney they have agreed that on Thursday and Saturday nights they will hire a fireman. Friday nights don't seem to be a major problem. The agreement is a very good agreement as far as I am concerned and they have signed off on it for one month. So we will re-evaluate it.

Alderman O'Neil asked are they hiring police officers too.

Deputy Chief Robinson answered yes they are.

Alderman O'Neil asked how many.

Deputy Chief Robinson answered right now they are hiring two on Thursday, one on Friday and two on Saturday. I will tell you that if I had come here this evening with my package, which again I didn't because I was told it was taken off the agenda, we are looking at increasing that. We are beginning to have lots of problems there. It really is increasing and we are looking at that as a trouble spot for us.

Chairman Pariseau asked but does this coverage increase the 300.

Deputy Chief Robinson answered no, absolutely not.

Chairman Pariseau stated so they can't have more than 300 anyway.

Deputy Chief Robinson replied that is correct but as I stated earlier, if you go back seven or eight months and maybe a little bit longer than that, we probably weren't paying attention and others weren't paying attention and they were crowding anywhere from 800 to 1,000 people up on that third floor and we got a couple of complaints from the building owner. I made a phone call to the Fire Department who told me at that time their limit was 273. So that is when we lowered the boom and they made some accommodations, some changes. The Fire Department put it up to 300, but no matter what they do on that floor, even though they have the room, it is getting in and out and that is what the problem is. Now we close off at 300. The people can't even wait in the stairwells which is where they used to wait. They have to wait outside. We just had an incident where someone had pepper spray inside. This last weekend I think we made three arrests there. We have had units in the area that were supposed to be patrolling out in the parking lot. We have been having fights out there. It is really increasing to the point where we are going to be increasing the police detail there to try and handle these problems. One of the comments that you made, Alderman Thibault, with this last group was they hired a policeman to take care of the problem. Well what we have been able to do on these types of events or even a club, and the only one that is greater that we have been able to do is the Pyramid but they will hire officers for the detail inside. Our problem sometimes is when people leave. What it does is, like the Pyramid, it ties up all of our west side units and we didn't have anybody to answer alarms or calls. So they are saying well hey we are closed and we sent everybody out the door and it is no longer our problem. Over at the Pyramid they have hired a detail of two or three officers now after closing to clear people out and that is a problem we are beginning to have at the Metro and that is my fear with something like this is that once they are done they close the door but there might be problems outside that tie up our street units that is pulled from what the public expects for protection.

Alderman O'Neil stated we support you on that. As a matter of fact, didn't some of the problems get all the way down to the mall where Applebees and Subway are?

Deputy Chief Robinson replied yes that is correct. We actually have had stabbings and shootings down there and now they hire a car that patrols the neighborhood and we have a guy who just patrols the neighborhood because of the problems there. As most of you may be aware, there is a special meeting tomorrow at the State Liquor Commission at 9 a.m. to deal with some rules that will give the authority of any municipality to petition to have a liquor license pulled from an establishment if it basically becomes a nuisance. We will be up

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there and Alderman Cashin, the Mayor, etc. Will be there in support because this rule change

came about because of the problems at the Pyramid. If I remember right, the Board of Mayor and Aldermen actually passed some legislation to deal with the clubs and the liquor laws which was found unconstitutional. This is the back-up to that to give the City the authority to go after these places that are creating these problems.

Alderman Thibault stated I went out one night with the Police Department until about 3:30 a.m. and we did end up there and I have to agree with the Deputy Chief that the amount of people in that building was unbelievable and then when we got outside there were three or four fights there that the officer had to, in fact, break up before we could even leave. So it is a problem and I support you on that.

Alderman O'Neil stated I don't think you are getting a message from us that we don't support you. If you need six officers to do the Metro, then that is fine.

Alderman Girard stated the other thing is that there are only so many police officers to go around and they can only work so many hours.

Deputy Chief Robinson replied we don't want to create a problem where we put a lot of policemen somewhere and don't get me wrong, but this Committee and the Police Department had some disagreement over the concerts and you guys made a decision and we worked with that and it worked out well. So we understand that you have a different way of looking at things then we do but we have always been able to work well back and forth. We do want to be careful not to create something that is, in fact, going to hurt somebody. Something where you have a lot of alcohol, that concerns us.

Alderman Thibault stated you have to give credit to that police officer that I was with that night and the way that he was able to break some of these things up.

Deputy Chief Robinson replied we spend a lot of time at a place like that. We pulled people in from the rest of that route and I am not sure that if you are an Alderman on the west side or somewhere else you want the on-duty people to pay a lot of attention to a night spot that is causing problems.

Chairman Pariseau addressed Item 7 of the agenda:

Ratify and confirm poll conducted December 30, 1999 authorizing a letter of support for proposed regulations to the State Liquor Commission.

On motion of Alderman Girard, duly seconded by Alderman Thibault, it was voted to ratify and confirm the poll conducted.

Chairman Pariseau addressed Item 8 of the agenda:

Proposed amendment to the Towing Ordinance submitted by Deputy Clerk Bergeron.

Deputy Clerk Bergeron stated at the start of the meeting I passed out a cover sheet. The Solicitor's Office made a few phrasing changes and punctuation changes and style changes to our language. It doesn't make any substantive changes but if the Committee is willing to pass it I have asked them to pass this phrasing for that section.

Alderman O'Neil asked why is it needed. It seems like we are sticking it to somebody here.

Deputy Clerk Bergeron answered actually we are trying to help someone out. What happened was there was a gentleman and it may have been this Mr. Lisien, he had his car towed late on Friday and contacted the owner of the towing company.

Alderman O'Neil asked from the snow emergency.

Deputy Clerk Bergeron answered no it was a posted lot. He had parked in a posted lot and his car was removed. He had called the towing company to get access to his vehicle and they made an arrangement where he would pay \$25 for the guy to get out of bed and release the vehicle which he did and then the gentleman knew our ordinances which does not allow a towing company to charge any extra service fees and he refused to pay and there was a lot of squabbling that went back and forth. If the towing owner had not opened up his lot to this gentleman, the car would have stayed there until Monday morning and he would have paid storage charges. In essence what we are asking and we felt it was fair to allow towing companies to open up their lots during off business hours to people if they requested and be compensated up to \$25 for doing so.

Alderman O'Neil asked, Dan, are you the one who worked on this.

Mr. Muller answered yes, I did.

Alderman O'Neil stated I understand that there was some concern over the off hours, can you just tell me what you interpret that to mean.

Mr. Muller replied actually it was Tom Arnold who the question went to. It is my understanding that the first draft just said regular business hours, that you went to the site during regular business hours to get the fee. Tom Arnold said you have to define that term and my understanding is that the Clerk's Office then defined the term in part using language from the towing agreement with regards to the 9 a.m. to 5 p.m.

Alderman O'Neil asked so if somebody, according to this, if I went in at 7 a.m. I would have to pay the additional \$25 unless the towing company said my normal hours are...

Mr. Muller answered no.

Alderman O'Neil stated well that is not what it says here.

Mr. Muller stated regular business hours was defined to me at minimum 9 a.m. to 5 p.m. Monday through Friday except holiday, as well as any other posted business hours for that lot. So if you have a lot that is open 7 a.m. until 7 p.m., you will not get charged between those hours. So it is at least 9 a.m.

Alderman O'Neil stated I would imagine that most wrecker companies start at 7 a.m. Paul, do you see any possibility of this becoming a problem? Maybe the amount of cases that happen aren't that many but are we going to have people before us saying well I was there at 7:30 a.m. and they are claiming that that was...

Deputy Clerk Bergeron replied we might. I don't know.

Alderman O'Neil stated it is not unusual for businesses...I don't have problems so much on the 5 p.m. side it is just that a lot of businesses start before, I know that I start work before 9 a.m. and I think most of us here probably do. I just have a problem with 9 a.m. and I would like to see that amended to 7 a.m.

Deputy Clerk Bergeron replied we settled on 9 a.m. because the Police Department has contracts which they have towing companies sign and do a lot of work for the City. In essence, that is how they define regular business hours, Monday through Friday, 9 a.m. to 5 p.m. except holidays. So in choosing those hours, it was to be consistent with what the Police Department was already doing.

Alderman O'Neil asked so if we did 7 a.m. that would be illegal, is that what you are saying.

Deputy Clerk Bergeron answered no it would be illegal, it would be inconsistent. May I add one other thing and this is strictly personal. In one of my earlier lives I was Executive Director of the NH Retail Association and we don't like government telling us what hours to be open and 9 a.m. to 5 p.m. seems to be the norm.

Alderman Rivard stated in retail business, you are absolutely right, the mall opens different hours and so does McQuades, but in the automobile business you open at 7 a.m. and there isn't a wrecker company in the City of Manchester that doesn't open by 7 a.m. So I understand the concerns that Alderman O'Neil and I would support a 7 a.m. curfew or time standard because it is a difference business.

Alderman Thibault moved to amend the amendment to have the regular business hours from 7 a.m. until 5 p.m. Alderman Rivard duly seconded the motion.

Alderman Rivard stated if the guy is not there, then they can't get their car.

Chairman Pariseau stated if the place is open and there is only one tow driver, the guy has to wait there.

Alderman Rivard asked this document we have, Citation Penalties, is this the way it is set now. That wasn't part of our change tonight, right?

Deputy Clerk Bergeron answered it was intended to be, yes.

Alderman Rivard asked so we just changed that.

Deputy Clerk Bergeron answered yes.

Alderman Girard stated all we did was amend the amendment to go from 9 a.m. to 7 a.m. We haven't adopted anything.

Alderman Rivard asked what are you doing here with Section 36. Can you tell me what we are doing?

Alderman O'Neil stated can I ask a question. I thought we just voted on this whole thing here as amended.

Chairman Pariseau replied right, we did.

Alderman Girard stated no we took a vote to amend it to 7 a.m.

Alderman O'Neil stated I voted for this on the amendment proposed and if it was all part of this whole thing, I am fine on this whole thing. I just want to make sure that this was my understanding on what we were voting on.

Alderman Rivard asked do we just amend it or amend it and approve it.

Chairman Pariseau answered we amended the amendment from 9 a.m. to 7 a.m. Now we have to look at the citation penalties. What is your concern?

Alderman Rivard stated has this got something to do basically with snow removal, emergency snow or any type of towing it is \$100. What is the \$100?

Deputy Clerk Bergeron replied the problem with the current citation penalties is that the first offense was \$25 and the second \$50. The towing companies were socking people for additional fees of \$50 and \$75 so in effect it was cost-effective for them to overcharge and then get a \$25 citation. The citation penalties weren't in line with what was happening out on the streets.

Alderman Girard stated they were making money.

Alderman O'Neil asked for an example.

Deputy Clerk Bergeron answered the current citation penalties provide first offense \$25.

Alderman Rivard asked first offense for what.

Deputy Clerk Bergeron answered for any violation. This would be a violation like parking, charge of storage fees in the first 25 hours, trying to charge hoisting fees, charging \$85 for a tow instead of \$50. Those are all violations.

Alderman O'Neil asked these are penalties against the towing companies. See I didn't understand that.

Alderman Rivard stated I thought it was against the guy that got towed.

Alderman Girard stated a couple of years ago, because we were having so many problems with towing companies, the City actually regulated, imposed regulations on the tow companies. What is happening is the towing companies were violating regulations, charging people anyway and the fines from the City were so weak that they were actually making money.

On motion of Alderman O'Neil, duly seconded by Alderman Girard, it was voted to approve the proposed Towing Ordinance with the amended amendment.

Chairman Pariseau addressed Item 9 of the agenda:

Communication from the Deputy Finance Officer inquiring of the Board's interest in pursuing an amendment to the State statutes (RSA 80:52-c) relative to accepting credit card payments for City services.

Alderman Thibault stated I say that the City can charge a fee, but I don't want the City to lose anything by it. If the City can, in fact, legally charge the fee that the credit card company charges.

Mr. Sherman replied that is where the rub is. The credit card companies will not allow us to charge the fee.

Alderman Rivard stated, Mr. Chairman, I just paid my son's tuition with a credit card and the credit card company charged me \$25.

Mr. Sherman responded you are allowed to charge a fee if you are providing an additional service. What you probably did was go through a third party. The school probably has a contract with somebody to do their credit card for them. Now you paid that \$25 to this party who then pays the school but the school didn't get that \$25. Now one thing that the credit card company said is hey if you want to have people come up to your auto registration window and say here is the phone, call that number and pay us by credit card, you can charge that fee because now you are giving them an extra service and they can do it over the phone, but if you want to do it at the window, you can't add the fee on.

Alderman Rivard asked and you can't change the law.

Mr. Sherman answered we can change the law to allow us to accept credit cards without the fee, but the credit card companies are the ones that are stopping it. They will not license us to do it. They charge 2% or 3%.

Alderman Girard stated I have a merchant account through my business and the credit card companies do not allow you to charge a higher prices so that you can get whatever the retail is and they don't allow you to charge any fees and they don't allow you to deny anybody for any amount. So if someone had ten cents due on their bill, they could come in with their credit card and charge the ten cents.

Mr. Sherman stated I remember the gas stations when they started to charge more for credit and offered a discount for cash and that has stopped. The only credit card that will allow you to add the fee is Discover and Nashua tried using the Discover card and enough people don't have it so it wasn't worth paying the fee.

Alderman O'Neil asked what is your recommendation.

Mr. Sherman answered my recommendation would be to try to change the statute so we could accept them. This doesn't mean that we are going to, but the City would be able to accept the credit cards. I think the other thing that you would then need to do is we need to start getting in and looking at our fees. We looked at the revenues today and you are talking maybe out of, not counting property taxes because I think betting into property taxes would be a disaster. The way credit cards come through the mail everyday, a lot of people would get into trouble with paying their taxes that way. There is maybe about \$12 million of revenues that the City brings in that you might be able to collect through a credit card like ordinance violations, tipping fees, golf fees, etc.

Alderman Rivard asked why wouldn't you do the whole thing. If the greatest income is taxes, why wouldn't you just take it.

Mr. Sherman answered one reason is the fee but I think you would be taking people out of the system where there is certain protections for them if they are not paying their bills. When you have a two year process that you go through and take their property and all that and you are charging them at 12%. The way the credit cards come through the mailboxes, a lot of people don't read those, they are really not a good deal and they could put their \$3,000 or \$4,000 tax bill on their credit card and not be able to pay and it is just going to perpetuate. Even with \$12 million of revenues, that probably would make us eligible for this. Actually this started years ago with the City's in-town lot when they needed cash to get their cars out and they didn't always have cash. Even if you are losing 3% on that, maybe you are talking \$300,000 to \$400,000 which sounds like a lot if everything is paid with a credit card. Now you would work down from there and go back and adjust all of your fees to compensate for the fact that you are losing that percentage on the credit cards which probably needs to be done anyway. Some of you may remember that the City gives a discount if people pay their property taxes early. We have done these things in the past and we get away with it.

Alderman Thibault asked what would be wrong with somebody who wants to pay their tax bill with a credit card and we would charge them an extra fee.

Mr. Sherman answered someone would report it.

Alderman O'Neil stated what you are saying is we hit X number of dollars in revenues now. What you are saying is we adjust the revenues to pay for the fees so that we get the same revenues? We are getting a million dollars in non-profit tax revenue. So you are saying we increase the fees so that we get...

Mr. Sherman replied lets say that half of that comes in through credit card. All of it is not going to be credit card. Now you are talking \$500,000. Now you say you lose 3% of that through the credit cards. Now you are talking \$15,000. You adjust that million dollar fee to collect \$15,000.

Alderman O'Neil asked what is the right non-profit tax revenue number. Do you know off the top of your head?

Mr. Sherman answered it is about \$12 million that I would say you would probably have because any State revenues you are not going to get with a credit card and any tuition revenues you are not going to get on a credit card. If you opened something like auto registration, that is \$9 million and the pay off on the flip side is, 1) we get our cash the same day and we don't have to wait for checks to clear; 2) you don't have checks bounce; and 3) if any of you have been on the Committee on Accounts you see the write-offs we have every year for bad debts.

Alderman O'Neil stated can we get a little more detailed on the pluses or minuses before...what would be the time-frame if we wanted to support this legislation.

Mr. Sherman replied I am not even sure if we can get anything into this session. My suggestion would be to take it to NHMA and see if we can get support from them.

Alderman O'Neil stated I would like to really see the pros and play with the numbers a little bit to see what we are talking about and what we would have to increase fees to. I am not disagreeing with what you are saying, but I would just like to...to me the first thing that hit me was we are increasing fees just to pay for the 3% we are losing. Does that make any sense? I am open minded about it, I would just like to see a little more information on it.

Alderman Girard stated the reality is that every retailer in the world probably charges higher prices than they normally would because they accept credit cards because they are going to find a way to offset that 2% or 3%. So the City going through and trying to adjust its fee structure as governments have to do probably is going to be able to evade Mastercard and Visa coming down and saying well you are changing your fees to try to promote the convenience of offering the card. The problem is, though, and we can take a look because I would like to see the pros

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and cons, but 3% is a big number whether it amounts to \$400,000 or \$500,000 on

the \$12 or \$15 million that we would be able to collect and my guess is that if that option is available I think more people than not are going to take it. That is just my guess because as Alderman Rivard has pointed out, you have got the frequent flyer miles, you have got the free gas, you have this promo and that promo and you have everyone trying to get themselves something on a credit card these days. I have a feeling it will be probably be a little more popular than we think.

Mr. Sherman stated I think what I would like to do is get back to some of the departments and have them go through their revenues because they may something like well you have a half a million out at the landfill that is all commercial accounts and we bill them monthly and none of them are going to use their credit cards. I think that the \$12 million will dwindle and then again not everybody is going to use a credit card. When you are paying your ordinance violation, you can send in a check. You are not going to send in a \$3 credit card payment.

Alderman Girard stated if we don't have bounced checks, we don't get bounced check fees.

Mr. Sherman replied that is true, too.

Alderman O'Neil stated it is certainly worth looking at and maybe we can ask Finance to do a little pro and con sheet and see if it makes sense.

Alderman O'Neil moved to table this item and request Finance to provide the pros and cons with the numbers that we have today. Alderman Girard duly seconded the motion.

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

Chairman Pariseau addressed Item 10 of the agenda:

Communication from Bartlett Leber, Vice President, Corporate Counsel MediaOne, advising of certain programming additions and price increases which became effective January 1, 1999.

On motion of Alderman O'Neil, duly seconded by Alderman Rivard, it was voted to receive and file this item.

Alderman O'Neil asked where are we with hiring our consultant so we can start playing hard ball with these people.

Chairman Pariseau stated we have to get that done by June. Could you (Dan) tell Tom Arnold that? Everything has to be done by June. I know that they were meeting when we had our last meeting three weeks ago regarding the funding. MediaOne refused to pay.

Alderman O'Neil stated I think it is a necessity. We have to have that. We are supposed to be getting an RFP ready to go out and we can't be waiting on that.

Alderman Girard stated Administration was polled and asked to give permission for an RFP to go out and I believe we ratified the poll and I believe the Board has it. It is in process. The RFP should be in process.

Chairman Pariseau asked Mr. Muller to have Tom Arnold send a letter to members of the committee regarding hiring a consultant.

TABLED ITEMS

11. Communication from Deputy City Clerk Bergeron submitting proposed changes to the Taxicab Ordinance.

This item remained on the table.

12. Communication from Sandy Jenkins requesting a list of companies that have purchased electronic mailing lists for \$500 in the years 1997 and 1998.

This item remained on the table.

NEW BUSINESS

Alderman O'Neil stated when we met back in the summer regarding the concerts, we asked that the City departments involved, we started drawing up some sort of game plan so that whether...and it is certainly appropriate with the civic center going forward that there is an exact policy that says if you have a concert at Riverfront Park you hire, and I am making this up, one cop for every 500 people. Right now, and it isn't limited to the Police Department. It can be the Fire Department, it can be City Clerk's Department, it can be the Health Department. We should develop a policy so that people know what they are going to pay coming in and not go through this negotiation where we negotiate from 20 cops down to 18. We should have a policy that says if you have every 500 people you are going to hire a cop or whatever it is. It isn't just Police. I think Fire is involved with this and we may want to have Health involved if there are food

issues. I don't know how involved the City Clerk's Office would be because they are the ones ultimately responsible for the license, but I know having talked to the

people from Riverfront Park they are concerned about it this year and I will tell you it scares off promoters from coming in here and doing business because they don't know. At least they could make a decision. It is going to become an issue with the civic center. We have to have a policy in place saying this is, you know, whatever it may be. We requested this in August and I haven't seen anything.

Alderman Girard asked didn't you also ask for a copy of the agreement with the Riverfront Park.

Alderman O'Neil answered yes, you are right. At the time we also asked that we all get a copy of the Riverfront Park agreement which we haven't got. If we could follow-up on that stuff and have a working session, I will gladly take the lead on this because I am somebody that is interested in this if that is the case. That is the first issue. The second issue has, and I know that I brought this up under new business at the last Board meeting, and it didn't make it here for this meeting, but we need to have in my opinion some kind of legislative policy with regards to the City and what is going on in Concord and I am just going to hit on three points tonight. The first is I think departments need to let us know what their...you know the only information I get is from the Municipal Association about what is going on and that is very good, that is very helpful, but I would like to know what our department's positions are if they are going to testify or write a letter pro or con with regards to legislation and I would like to see a policy where it says you should inform the Aldermen. If I get a piece of paper from Highway saying we are in favor of this and I ask a stupid question six months later, that is my fault, not their fault. That would be the first part of the policy. The second part would be whether or not we want to have an official City policy whether it is on...we could be in favor of something with sewers and we want to take it to a vote and we take it to a vote before the full Board and the Mayor represents us either in person or he writes a letter and says on behalf of the City of Manchester I am saying we are for this or against this. We should take some official positions on some things. The third thing has to do with, and I don't want to beat this one to death, but I went up last year on one issue and representing the City were seven employees there for the day. In my opinion we don't need that many, and I am not exaggerating and I could tell everybody here who they are but I don't want to drag the departments into this, but it is fine if the department is going up on a position but we don't need more than one person being up there. There is an awful lot of taxpayer money sitting up there for a day and as I found out, I had never been there before, you can sit there for a day. We have to get a little control on that. If any of us go up, you know we are probably going to have to take time off from work if we want to personally appear. It is easy when you are on the payroll to sit up there. The other thing has to do with...I understand some departments monitoring legislation and commission acts but we have senior staff people sitting up there for a day when

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they should be doing other work in the City. I think we have to get a little control

over what is going on. I am not trying to micromanage departments, but we don't need senior management people sitting up there and listening to testimony all day long. If it is somebody directly involved with a project, I have no problem with that but this wasn't.

Chairman Pariseau stated that is why, and it has been bantered about by the City Clerk, but eventually some Aldermanic positions should be full-time to do this. We can't expect seven people to go up to Concord.

Alderman O'Neil replied I am not exaggerating. That is true.

Chairman Pariseau stated but some of those other things, I don't have a problem making those recommendations this evening to send to the full Board.

Alderman O'Neil stated if you want, I will write something up for our next meeting and get it out to everybody so you can kick it around.

Deputy Clerk Bergeron replied if the Alderman wants to write something up, we will be happy to put it on the agenda.

Alderman O'Neil stated again, I am open to suggestions. I would just like to see a little control. What happened was when I was up on that one issue, the people said to me well geez I thought the City's position was this and I said wait a minute there was no official vote of the City. It gives an image that we are taking a position that we are not aware of. I was only involved that once on anything in the Legislature and I don't plan on wanting to be involved regularly, but it is a fact that we need to know what department's positions are. I will write something up for our next meeting if that is all right.

Alderman Girard stated I would be happy to read whatever Alderman O'Neil wrote but I have some experience and some background with this that I would like to share with you because when I worked for the Mayor my primary responsibility was to track legislation for the office going through Concord and for a period of time before that duty was assigned to me we had department heads going up and testifying on legislation without notifying, not only the Board of Aldermen of their position, but the Mayor. Frequently what you would have happen is the Mayor would go up to testify on a position on a piece of legislation and would find himself testifying opposite his own department head. What the Mayor did following that was prior to any department head going up to testify, they had to notify the Mayor of the issue that they were going to testify on and what their position was and if there was a conflict there, it was resolved prior to any testimony. What the Mayor's Office did following that was we would get the

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legislative calendars from the NH Municipal Association and we would get all of

the bills, the LSR listings, and we would farm the LSR listings and those are proposed bills that every Representative or Senator has put in that will be coming I during the session. We would take those LSR's and I am talking LSR's, the stacks were very thick and that is no joke and we would send them out to all of the departments. The departments would go through all of the proposed bills and they would flag the ones that they wanted to support or had concerns with and they would advise the Mayor and his office of what the impact would be on the City, what the cost was policy wise, procedural wise and what kind of impact it would have on the City. So between the Mayor and department heads, there was very good communication and before they went to testify, we knew they were going and we knew why. Sometimes you need to have that senior staff up there because believe it or not it makes a difference to the people sitting on the Committee whether you are hearing from a police officer or you are hearing from the Police Chief, whether you are hearing from the Mayor or you are hearing from a member of his staff. Now to my knowledge, whenever the Mayor or his office went to represent the City, sort to speak, they were always there as a representative either of the Mayor or the Mayor as himself. The Mayor never, and no department head that I am aware of after we got control of the process, never represented themselves on behalf of the City. Part of the problem up in Concord too that you need to understand is that the process moves so quickly up there that it is a practical impossibility on an ongoing basis for the Board of Aldermen to have any input as to what they would like to see done or not done up in Concord. On some of the big issues that have been telegraphed ahead of time like taxing of telephone poles and some other things there is time for a vote. I think the Mayor's Office, and I don't know how they are doing it today, but the way they used to do it was there wasn't a department head that went to testify on anything that the Mayor didn't know about so from the Chief Executive position in the City, he knows what is going on and frequently is up there testifying himself and let me tell you that he is very persuasive up there in Concord.

Alderman O'Neil stated there is an image thing that I can tell you last year on this particular bill people from outside of Manchester, and this has nothing to do with our delegation, outside of Manchester said well we see these seven people representing the City, we think that is the position of the City. It wasn't. None of them got up and said on behalf of the City, it is just the image thing that gave the impression that the whole City must be in favor of this.

Chairman Pariseau stated I think in that same vain we could have an item on the agenda of the Board of Mayor and Aldermen, legislative matters of whatever, prior to communications.

Alderman O'Neil stated it may be issues that we do want an official City vote on that the Board of Mayor and Aldermen takes a vote on and says this is the position whether any one of us win or lose on the issue, this is the position, the majority voted that this is the position of the citizens of Manchester.

Alderman Girard replied but the Mayor has those...not all of the votes up there are weighty votes. Like with the video poker machines there is certainly a divergence of opinion.

Chairman Pariseau stated but him going up there and speaking against the poker machines is not on behalf of me.

Alderman Girard replied but he never says it is on behalf of the City.

Alderman O'Neil stated but we could send him up and say we want you to take an official position on this.

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

A True Record. Attest.

Clerk of Committee