

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

April 10, 2000

6:00 PM

Chairman Gatsas called the meeting to order.

The Clerk called the roll.

Present: Aldermen Gatsas, Thibault, Hirschmann

Absent: Alderman Pariseau and O'Neil

Messrs.: Alderman Levasseur, Tom Arnold, Chief Driscoll, Deputy Duffey, Officer Dydo, Jay Taylor

Chairman Gatsas addressed item 3 of the agenda:

3. Communication from Nancy Letizia, President of The Friends of the Manchester Animal Shelter (FMAS) seeking to enter into a contract between FMAS and the City allowing FMAS to assume responsibility for maintaining and operating the shelter in cooperation with the Manchester Police Department.

Chairman Gatsas stated thank you for coming, could you tell us who you are and what your positions are, please.

Good evening, my name is Nancy Letizia, I live in Bedford and I'm the friends of the President of The Friends of the Manchester Animal Shelter.

I'm Stewart Richmond an Attorney at the McLane Law firm and counsel to The Friends of the Manchester Animal Shelter.

I'm Donna Raymond, I live in Manchester, I serve on the Board of The Friends of the Manchester Animal Shelter and I also volunteer at the shelter.

Chairman Gatsas stated I believe we received a letter from you that says that you would like to enter into an agreement with the City to perform a service, I think maybe you should give us a little bit of background of who you folks are and how long you've been around and what you've done. Before you all start, let me just tell you that we run it real quick here, so time is of the essence and let's go through it quickly.

Ms. Letizia stated we've been in existence for approximately five years and we have been involved for quite a while even before the new shelter was built and, in fact, we were very involved with raising funds to build a new shelter in conjunction with the Manchester Police Department. We have grown since the new shelter was built to a base group of about 60 people who volunteer at the shelter and do pretty much all of the sheltering duties at the shelter which includes everything from medical care to feeding of the animals, walking of the dogs, all of the adoptions and everything at the shelter and this is the reason we've come to you to look for some funding to help us assume responsibility for doing these activities at the shelter as is pretty much what we are doing at the present time.

Chairman Gatsas asked can you give us some idea, are there some other towns that provide this service.

Ms. Letizia replied yes there are other towns, in fact, Manchester is unique is that it is the only city that has a facility that's owned by the City. The other comparable cities such as Nashua and other bigger cities in the state actually don't own their own buildings, they contract with Human Societies and have different ways of contracting with them either on a monthly basis or on a pro-resident basis which seems to be the current trend in how the cities are paying for their animal care.

Chairman Gatsas asked can you give us an idea of what some of those rates are.

Ms. Letizia replied currently the City of Nashua pays the Nashua Humane Society \$5,000 per month which works out to approximately \$0.73 (cents) per resident of Nashua.

Chairman Gatsas asked how much did you folks raise for the shelter.

Ms. Letizia replied in goods and services we raised approximately \$300,000.

Chairman Gatsas stated I believe you've been in conversation with the Police Department, they have some disaffiliation issues, we will make copies of these available for all of the members, I just got them this afternoon. I think some of the concerns...one of the concerns I have is that I would like to see the Alderman in that Ward, if possible, be a member of your Board as a voting member which at least keeps the City...if we're going to enter into a contract it at least allows the City to continue watching on what's happening...not that you folks would go down the wrong road because obviously you're a non-kill shelter which is a pretty important issue.

Ms. Letizia stated we would be pleased to have Mr. Hirschmann sit on the Board, we know he's a supporter of the shelter, we know he has animals from the shelter himself and we have, in fact, talked about in the past having someone from the City represented on the Board.

Alderman Hirschmann stated these are from the Police Department, can I just take a minute to read this.

Chairman Gatsas replied sure.

Alderman Thibault stated just this weekend I met with some people from Alderman Hirschmann's area and they tell me that off of the Straw Road area and I'm not even sure exactly where this is now, this was just brought up to me Saturday night; that there are dead carcasses that are being delivered there either by the Animal Rescue League or people in the area of porcupines and all kinds of animals.

Alderman Hirschmann asked where's this.

Alderman Thibault reiterated I just found out about this Saturday, I meant to talk to you about it, Alderman, but...and I'll be able to get more, but they have gone there themselves and seen these dead carcasses rotting in this area off of Straw Road, I don't even know exactly where that is.

Chairman Gatsas interjected, Alderman, maybe I can help you with that. They are not involved in euthanizing the animals. Euthanizing the animals comes from the Police station. So, they're a non-kill shelter, so right now what they're doing they don't have the ability to put an animal down. Any animals that you may find carcasses off of Straw Road maybe we can talk to the Chief about that and maybe he's got some insight.

Ms. Letizia interjected we certainly only deal with domestic animals that come in. We have no knowledge of any other animals.

Alderman Thibault stated I was kind of surprised to see that the other day.

Ms. Letizia stated I will also add that animals do occasionally need to be euthanized if they are a public health risk or a safety risk or what not. In that case, our veterinarian will euthanise that animal and that animal is bagged and disposed of in a legal manner. So, we would not be putting bodies where they do not belong.

Chairman Gatsas stated some of the questions...I don't know if you folks have seen the disaffiliation rules that the Chief has put out, have you seen a copy of those. Some of the things that he has talked about is that he is assuming you folks will be taking care of just local animals and not going outside. I had a conversation with the Chief that if there is someone in Hooksett if there is somebody that has 80 cats and everybody in the area is looking to participate to take 10 of the cats to help out on the issue, I don't think the Police station is opposed to something like that, but I think some of their concerns is that we're going outside and getting animals from Franklin and not having area for our local animals.

Ms. Letizia stated FMAS is very committed to still being an arm of the City of Manchester and dedicated to helping the animals in this community particularly and we know that we don't have either the space or the money to go beyond out means.

Chairman Gatsas stated I think most of the questions that the Chief has in here probably can be worked out with the City Solicitor's Office and Stu on behalf of the shelter. I think we haven't talked about what you're looking for fees, I don't know if we're prepared to talk about that yet or we can talk about that at the next meeting.

Alderman Hirschmann interjected that was my only question, money. Would the revenues offset what their looking for, are there any revenues...

Chairman Gatsas replied the expenses that you can see that are shown here... projected expenses for fiscal year 2000 is somewhere around \$11,000 and projected income is \$13,000. Do you have a number of what you might be interested in, certainly much less than what Nashua, I hope, is charging.

Ms. Raymond stated if we were to look at it on a per person basis Nashua, I believe, is charging \$.73 per person and if we were to charge \$.50 per person...I think the population is currently around 105,000 within the City of Manchester, so...

Chairman Gatsas asked would you be happy with \$.40 a person.

Alderman Hirschmann interjected that's a lot of money.

Ms. Raymond replied I think that would be acceptable, yes.

Chairman Gatsas stated I don't like putting a number on abstract numbers based on population, I would rather work with a hard number so that everybody knows where we're at and obviously I think you folks have been in the fund raising position and then I don't know if this would be continued basis or if it's something that you're just looking to get your feet started and moving in the right direction with some City help.

Ms. Letizia stated it would definitely be a great City help...\$.40 per person would be a very...

Chairman Gatsas stated let's use a number of \$40,000, maybe that's a negotiating point and you can come back and take a look at what it looks like.

Ms. Letizia stated FMAS still offers a great deal of services to the City that the constituents of Nashua actually pay for. We do a lot of community service work, we do a lot of fund raising, we offer a lot of medical care to the animal that we still pay for privately through private donations and this would just be a big help in offsetting some of that, but we still do a really large job of fund-raising on our own and paying for a lot of support out there and will continue to do so. We're very committed to that.

Chairman Gatsas stated thank you. Chief, do you have anything to add, I'm sure you do.

Chief Driscoll stated I apologize for providing this document at the last minute to you, however, it was just drafted today. Myself and Deputy Duffey as well as two Animal Control Officers who are here tonight have had a number of meetings to try to walk out way through a transition that would work operationally for the Police Department, for the community, for The Friends of the Manchester Animal Shelter as well as financially for all of the groups involved. They did present us with a proposal, I don't know if you have that proposal, I would give you a copy of mine but I've written, I have many, many notes on it and I'm sure it would be available to you from them. In going through their document many questions were asked and answered. Some of the questions that we came up with we were unable to answer because it would take a consensus by both the City, their group as well as the Police Department to make this whole situation work for the community. I think that there are great possibilities there. Their goals are certainly different than the goals of the Police Department and we are responsible for animal control, they are interested in being an animal shelter. Although we support that we have no responsibility by ordinance to do that. So, certainly we would commend them for taking up that responsibility; that is a beautiful building there, the City would need to have access to that 24 hours-a-day, 7 days-a-week,

365 days-a-year in order for us to continue our animal control operation. There are, I think 16 or 17 issues that we've identified that any lease to transition this facility would have to be agreed upon by all parties. I've also provided what I believe is our best estimate of expenses as well as revenues and we'd certainly like to see this issue resolved in everybody's best interest.

Alderman Hirschmann asked with this change what's the most dramatic...tell me what's going to happen. Right now, you're co-existing in there, tell me what it's going to be like.

Chief Driscoll replied there are two different operations there. Traditionally, years ago Gerry Dionne worked across the street and he was the City's Dog Catcher, if you will. He would go out and catch dogs that violated City ordinances as well as cats that ran astray and handled wildlife issues. Those are still the responsibility of the City and as you folks probably know as Aldermen you get inundated with calls...the Police Department runs daily chasing these calls. We would still expect that that would be our responsibility. We would then turn the animals over to the folks at the shelter, the animal would remain the responsibility and under the authority of the Human Officers for a period of seven days until the animal was relative to being adopted or depending upon what the fate of the animal was. We would turn it over to them. It was my impression that the fees that are gathered in court and I think that this is what their initial proposal said, the court fees would be turned over to the City, the adoption fees and the fees from keeping animals at the shelter would be turned over to The Friends of the Manchester Animal Shelter and there would be a small profit there for them to operate and expand their operation. It was my feeling that this had to be done from a business perspective to make it work for them as well as for the City of Manchester at no additional cost.

Alderman Hirschmann stated Officer Dydo and his Deputy will still bring animals there, but they wouldn't be operating or housed out of there.

Chief Driscoll stated no, they would have access to that place and still deal with people from time-to-time for violations.

Alderman Hirschmann stated it's not a visible change.

Chief Driscoll stated they would not maintain an office there.

Alderman Hirschmann stated that is what I'm asking.

Chief Driscoll replied not they would not. They would work out of their vehicle, work out of the Police Department. But, they would still have business to conduct there from time-to-time. But, we would I guess sever connections as well as responsibility for that facility.

Alderman Hirschmann stated if there's a dog at-large on Front Street are we still going to have a phone number to call.

Chief Driscoll replied absolutely. In fact, I would strongly urge that the Committee...one of the things in our recommendations is that no one from the animal shelter would be responding to the community in any way. They are simply responsible for caring for the animals once they have been impounded and turned over to the shelter. But, we would like to be involved, we would like to work with the City in coming up with a lease as well as an agreement that covers all of these 16 items as well as their concerns and something that works for both parties.

Alderman Hirschmann in reference to item #1 stated it says "the Police Department would recommend that the budget for the shelter be turned over to FMAS." Is that in your budget, do you have a specific number.

Chief Driscoll replied no, we don't have a specific number. It comes out of our operating budget, out of our general building expenses. I guess my concern would be that I would like to see the City, if they are going to assume responsibility for it, turn over a reasonable amount of money so they can run that operation like we do now. I just don't want, at the end of the budget year, for them to come back to us and say well, the operating expenses have grown from \$11,000 to \$20,000 and I would rather they came back to the City. We don't want to be the middle man, if you will, in this whole thing. If they can get more...

Chairman Gatsas stated I think the contract will have, Chief, will be between them and the City.

Chief Driscoll stated yes, that is what I would prefer.

Alderman Thibault asked, Chief, are you aware of what I just said here before about carcasses that have been left off of Straw Road. This is something that was just brought to my attention Saturday night. I would like to follow-up more on that and find out exactly why that is happening. They tell me that there's an awful lot of carcasses left there, mostly wild animals.

Chief Driscoll replied I don't have any current information on that. There are times when we go and pick up animals that have been hit by a car or that have some type of a terminal problem, those animals would be euthanized and I think and I don't know if this is a current issue or not, but there was some time ago when the Highway Department couldn't dig in the ground in the winter that animals were buried as best they could be. I think that that became an issue and I hope that that has been resolved many months ago.

Alderman Thibault asked how long ago was that.

Deputy Duffey replied it was sometime ago. I think it has been resolved, in fact, I think the area that is utilized has been inspected and approved for that purpose.

Chief Driscoll stated it is City property. The Highway Department works with us on burying...let me turn around and ask the right person. David, has that been resolved.

Officer Dydo replied yes. My name is Officer David Dydo, I'm the Animal Control Officer. To recognize funds to the Manchester Highway Department for road kills for disposal by the Highway Department is their responsibility. Our responsibility as Animal Control Officer is they are carefully bagged, carefully buried in a safe manner. This practice has been researched with the State Veterinarian many, many years ago. I can tell you that the animals that we dispose of is done so in a very safe way.

Alderman Thibault stated so what I'm bringing up here has happened or is happening.

Chief Driscoll stated I guess the reassurance I would make to you is that I will have the Animal Control Officer go to that location tomorrow, survey it and get back to you to assure that there is not a problem at this moment.

Alderman Thibault stated I will follow-up on my end too. The people that brought this up to me this weekend, I'd like to find out if this is true and get back to you people and is there a better way of handling this. I think that is my only concern.

Chief Driscoll stated as long as everybody fulfills their responsibility and it's done in a correct manner then we're okay. I would hate to think that some animal got out there and dug and uncovered it and some kid was walking through there and saw that, but you can be sure that by the end of the day tomorrow we will have checked on that and report back to you, Alderman.

Alderman Thibault stated I appreciate that.

Alderman Hirschmann stated at one point I thought those remains were suppose to have been cremated, but I don't know what happened to that plan.

Chief Driscoll stated there was some discussion a local veterinarian was going to donate a crematorium and I can't tell you exactly how that whole thing unfolded or why it happened or why it didn't happen.

Alderman Hirschmann stated I didn't know about this. We don't have a landfill anymore, so I assumed just like all of our other products and wastes that these dead animals were going somewhere else. I didn't realize they were being buried in my ward, honestly. Seriously, I didn't. I don't know where this strip of land is that they're doing this, but it doesn't sound good.

Alderman Thibault stated I'll find out and tell you.

Chairman Gatsas stated I think this Committee should understand the expenses and revenues here. The revenues...let's go fiscal year 2000, the revenues of approximately \$13,700 go into the City General Fund...those are from adoption of cats and dogs. Now, The Friends of the Manchester Animal Shelter provide a service of spayed and neutered and there's a veterinarian that does that and they pay out of their pockets the veterinarian for that. So, the revenue that comes into the City would be theirs on the offset. And, I think the expenses is what they're looking for is almost an offset on the expense side. So, I think that they'd probably be looking...when you look at the offset it's like a \$30,000 difference when they're talking about \$.40 per individual, it really is \$.30 when you're putting the expenses against the revenues. Looking at the request that the Chief has here, I don't think are insurmountable. I think the one that I would like to see is obviously somebody from the Board being a member on that Board. I don't know if the people from the Animal Shelter have had an opportunity to take a look at these. I think that maybe Mr. Richmond and Tom Arnold should work to come to some sort of fruition with an agreement for the next meeting and get it to us before next Tuesday with some document that works out covering the City for liability and everything else that we may have to be covered for so that we can go to the full Board with a recommendation.

On motion of Alderman Thibault, duly seconded by Alderman Hirschmann it was voted to request the City Solicitor's Office work with Attorney Richmond in developing an agreement between the City of Manchester and The Friends of the Manchester Animal Shelter.

Chairman Gatsas addressed item 4 of the agenda:

4. Appeal of taxi license revocation.

Chairman Gatsas stated I think the information that the Committee has gathered speaks clearly for what the situation is, so I do not believe we need to enter into non-public session.

On motion of Alderman Thibault, duly seconded by Alderman Hirschmann it was voted to not enter into non-public session as outlined by the Chairman.

Chairman Gatsas stated I propose we stand by the merits...I believe you have a five-year wait.

Mr. Hill stated the only thing I'd like to bring up before the Board would be that the charge that had held me back for the possession...currently, I can have that taken off my record if I go before the court, it's only a one-year wait to have that taken off.

Alderman Hirschmann interjected you'd better do it then.

Mr. Hill stated it would cost me \$150...

Chairman Gatsas stated I understand that, but it's still a five-year wait from that time that it comes off your record.

On motion of Alderman Thibault, duly seconded by Alderman Hirschmann it was voted to uphold the revocation of the taxi license of Mr. Hill as recommended by the City Clerk's Office.

Alderman Levasseur asked the Chairman if it would be possible to address item 7 of the agenda next as Chief Driscoll was present.

Chairman Gatsas agreed to do so.

Chairman Gatsas addressed item 7 of the agenda next:

7. Communication from the Economic Development Director seeking authorization to develop an amendment to Ordinance 130.24 Public Drinking to allow alcoholic beverages in sidewalk dining areas as a means of increasing the attractiveness of Downtown to new hospitality businesses.

Chief Driscoll stated I first learned of this one when Deputy Robinson came in and said that he had received a call from Jay Taylor and Jane Hills of the Economic Development who asked me what I thought and I asked him to research the present City ordinances to assure me that there was no conflict if we allowed someone...I guess I would pause for a minute and tell you that I support this. I think it's good, I think it's good for the community and I think it will provide us.

Chairman Gatsas interjected okay, let's get an ordinance that does it, let's keep it within a bound of what you're looking for.

Chief Driscoll stated okay, but I need to tell you a couple of caveats. If I'm sitting at a table drinking a glass of wine, eating a sandwich and there's a gentleman in the next doorway drinking out of a bottle of wine outside an enclosed area which is presently unlawful in the community there needs to be an ordinance that specifically allows us to do this and Jay Taylor has written a letter to Tom Arnold and Tom Clark asking them to research and come up with an ordinance that would allow us to have two separate and distinct operations, if you will, allowing a business to conduct this type of enterprise as well as prevent this type of...

Chairman Gatsas interjected I think everybody is in favor of that.

Alderman Thibault stated I agree with that.

Alderman Hirschmann stated I have two things that I really want from this and one of them, Chief...remember when we went down to South Carolina we went out to a little veranda and it was cordoned off and there was a little picket fence or whatever, so I like...I'm saying it's a seasonal license because you're not going to do it all of the time. So, I'd like to see the Business Licensing Office to get revenues for say a seasonal outdoor liquor or entertainment license for \$500.00 and then the only guideline I want is that there's some kind of a barrier or cordoning off.

Chief Driscoll stated a temporary something that would be clearly visible at night, so that no one would trip on it.

Alderman Hirschmann stated like when you go to the movies and they have those little rope posts.

Chairman Gatsas stated I think the establishment is already paying for a liquor license and whatever regular license. I think we're trying to enhance what's happening Downtown.

Alderman Hirschmann stated why don't we want to raise revenues by doing this.

Chairman Gatsas stated because I think that the revenues you're receiving from a business...with the Rooms and Meals that we're getting back from whatever they're paying in.

Alderman Hirschmann stated you have a chance here, a window of opportunity to do something, people will pay for it. The Chief has to go out and spend extra time checking up on all of this stuff.

Chief Driscoll stated revenues are not my issue, I care about the public safety and how it impacts the community.

Alderman Levasseur stated we pay a fee already to the City if we want to put tables outside, we have to get a permit for it and we already have to pay an applicable fee, so there's already something that you're getting money from and a lot of people don't put their tables out there and don't go along with that because there's no real reason to, so more people will so you will be generating revenue anyway.

Chairman Gatsas asked how much is that table fee, do you know.

Alderman Levasseur replied I think it's \$25.00 or something like that, is that right to you.

Clerk Bernier replied yes.

Alderman Levasseur reiterated \$25.00 and now more people, more restaurants will definitely be getting that and that will be one of those things where you'd enforce it a little stronger now because you'd have alcohol out there. But, to be honest with you, as a restaurant owner but also with the same kind of interest I have in raising revenue, I don't think that going up on that permit would be a bad thing if you doubled it to \$50.00 because they'll increase their business so much.

Alderman Hirschmann stated I think it's going to be a good thing for the City, but Matt Normand, I think would be in better shape if these people had a license to conduct that type of business because once one guy sees what's going on at one end of Elm Street, a lot of other businesses are going to want to follow suit and we should make them get permits so that something doesn't get out-of-hand out there.

Chief Driscoll stated, Mr. Chairman, I would caution though review by the City Solicitor's Office has to be very specific, it has to talk about the area, it has to talk about the type of alcohol, it has to talk about the time of day. I would think anytime after early evening, what I don't want to see is a ten, eleven, twelve o'clock at night to have some of the clubs that are really going wild in the Downtown area have people hanging around outside drinking because if they do they'll be throwing bottles at cars and they'll be doing all kinds of things.

Chairman Gatsas stated obviously if we have the ability on this Committee to approve this ordinance we certainly have the ability to take it away. I think that this Committee has worked very well with you in telling people if they're not going to run establishments that meet the needs of the City and desires of the City that we certainly will act quickly and forcibly. So, I don't know, I think there should certainly be an ordinance...

Chief Driscoll interjected could I just expand on this for a minute. I see this as something that compliments food service. I don't think it should be something that once food service...at some point people stop eating and start drinking.

Chairman Gatsas stated I can tell you, Chief, that you can go to Saratoga, New York and people are sitting out on the sidewalks drinking wine and having pasta at eleven-thirty at night, so I agree with you. If they're eating and there's a menu that you can order something off of then that ordinance should be in place that somebody can have a drink sitting outside.

Alderman Levasseur stated it's a good idea, Chief, because then it forces the restaurants to keep their kitchens open and feeding people at the same time.

Chief Driscoll stated if it just becomes alcohol and alcohol spills from the inside of the club to the outside in a cordoned off area in the evening on a hot summer night, I think the City will make a big mistake.

Alderman Thibault stated to some extent I would have to agree with what Alderman Hirschmann just said, but I would hate to see that the City as much as it's trying to bring new things into the City especially with the Civic Center being just approved right now and the Riverwalk and some of the other things that we are now trying to do to encumber that to some extent I think is wrong. I think if it ever gets to a point where we cannot control it, I think as Chairman Gatsas just stated right now we can come back to this Committee and regulate these things as things go on. I believe that for us to stifle what might happen in the City right now as we are progressing through some new changes that many of us don't even realize where to go except maybe Chairman Gatsas who has been around maybe

more than we have. I think that it's something that really opens the City to doing something that it hasn't done and that we should keep a close eye on it and, Chief, whenever you have a problem you should bring it up to this Committee, so that we can act on it and I think charging an extra fee at this point is probably not a good time. Maybe in a year from now it might be a great thing to do. Maybe it's not at this time. Let's see if you can get some of the retail business into the City that we are trying to get and then once it's there if we see it creates problems we can regulate it to the proper extent.

Chairman Gatsas asked can we get the City Solicitor to call Portsmouth who I know has the same element. I'm looking for what the charges/fees are to do that. Do you know of any other towns.

Assistant Solicitor Arnold replied Nashua has it right on their main street.

Clerk Bernier stated the process is being done right now. Everything will be ready for you for next Tuesday.

Chairman Gatsas stated the Clerk's Office is drafting up an ordinance to have ready for this Committee on Tuesday.

Clerk Bernier replied that is correct.

Chairman Gatsas asked if this Committee moves forward with this...obviously, we're coming into the time of the year that I don't want to have to make people wait until the middle of May. I'd like to get it to the full Board at it's next meeting. Obviously, if we have a motion that we have an ordinance that the City is in favor with...the Police Department, this Committee is in favor with it we can get it to the Board next week.

Clerk Bernier replied that is correct.

Chairman Gatsas stated my problem is if we look at it next Tuesday which is the 18th that means we're not going to look at it again until May 3rd.

Clerk Bernier stated what will happen is if we have a Committee report next Tuesday they will be sent to Bills on Second Reading.

Chairman Gatsas stated that's what I'm saying to you. If we meet on May 3rd at that point the full Board is going to send it to Bills on Second Reading which will take it then till the 18th of May which would be the fastest it would get there before anybody can do anything, it's going to be June.

Alderman Hirschmann stated I want to see what it says in writing before we go ahead and just do it anyway.

Chairman Gatsas stated I'm not opposed to that, Alderman. My question is how do we expedite it to get it to the full Board so we don't have to wait until June.

Alderman Hirschmann stated if it happens in May, it happens in May. Is there anyone knocking our door down to get in done for May 1st, I don't think so.

Chairman Gatsas stated that is what happens with City government. The ability to read something and expedite it there's no reason to do it on a long determined plan. If the Chief has given us his view that he's in agreement with it, if he sees the City ordinance and agrees with the City ordinance and if the City Solicitor has a plan then we should be able to get this down a lot quicker than two months from now, that's all I'm saying.

Alderman Thibault asked what are we looking for for a motion.

Chairman Gatsas stated my question was and maybe the City Clerk can give me this answer. If Alderman Hirschmann has his wish and can see the agreement beforehand and is in favor. If we can get it by Friday, obviously this is going to come back up on the next Administration meeting on the 18th and if the Chief is in favor of it and this Committee votes in favor of it can we get it to the full Board that night.

Clerk Bernier replied yes.

Chairman Gatsas asked how do we do that.

Clerk Bernier replied on the BMA agenda I will insert a report of the Committee of Administration, if available.

On motion of Alderman Thibault, duly seconded by Alderman Hirschmann, it was voted that an ordinance be prepared for review for the May 18th meeting of the Committee and if approved at that time to be reported out to the full Board that same evening recommending approval and that it be referred to the Committee on Bills on Second Reading.

Alderman Levasseur asked are we going to limit this ordinance to just the Elm Street and Millyard area or is it going to be throughout the City.

Chairman Gatsas asked, Chief, what do you want with this. Are you restricting blocks, are you going Granite, Bridge, Chestnut to Canal, should it be on the west side.

Alderman Thibault stated Elm Street to the river would probably be even better.

Chairman Gatsas stated why don't you think about it and come up with some determinations that you feel...why are we excluding the west side, I don't know is there anybody over there.

Alderman Thibault stated I don't know of anyone that will apply, but if they want to apply maybe we could have an application.

Chief Driscoll stated I'll talk to Jay Taylor because he's the one that brought this up and where the interest is coming from. I will talk to him one more time.

Alderman Thibault asked why couldn't we go with the Liquor Commission hour right now, Chief.

Chief Driscoll replied that's one o'clock in the morning.

Chairman Gatsas stated if they're serving food until one o'clock in the morning, if they're not serving food until one then I agree with what you're saying.

Chief Driscoll stated I just think that by writing something in early on and bringing it in at ten o'clock or something might clear up a lot of problems down the road to save us coming back.

Chairman Gatsas stated let me ask you a question. If someone sits down at a table at nine o'clock and orders dinner with a bottle of wine and it's quarter of eleven and they haven't finished eating then we put in a ten o'clock number, what happens.

Chief Driscoll replied well I think maybe no one starts after ten o'clock. You don't serve any more. If they have a bottle of wine or something like that...I just think that you might...unless you touch all of the bases early on sometimes it opens doors. I don't think many people in Manchester go out to eat after ten o'clock.

Alderman Levasseur stated the BackRoom is packed. Before we go off and we allow everybody to do this in the City, I don't know if you want to do that, Chief, because what's good about Downtown is we're right next to the Police station, you've got your guys on the bikes that are driving around at that time of the year, they can drive around and you can control that a lot better, but if you go down to Florida or any of these other places they limit it to a certain business area.

Chief Driscoll stated maybe I'll talk to Jay Taylor to see what he's thinking.

Alderman Levasseur stated I'm trying to make your job a lot easier, I don't know if you want to deal with somebody on Kelley Street at the same time you're dealing with it down here.

Alderman Thibault stated, Chief, the reason I'm saying the river...here we are trying to develop the Millyard also where some people rather than Canal Street...I think if we went to the river would give the people in the Millyard that may open up in that area...so, if we went to the river to maybe Chestnut Street...I don't know. I'm just trying to look at some boundaries that make sense here.

Chairman Gatsas stated I think you may want to add something with exception. Somebody may come in with something that wants to do that on South Willow Street. I'm just pulling that out.

Chief Driscoll stated once they start going outside then they bring the entertainment outside too...Derryfield Country Club, The Holiday Inn at the traffic circle they became real big issues. I know Leo remembers that.

Alderman Levasseur reiterated I think you should keep it Downtown for now and then expand it as we need it, but this is what we're trying to develop is this Downtown area.

Chief Driscoll reiterated I'll check with Jay Taylor.

Alderman Levasseur interjected he's here right now, we jumped ahead.

Chief Driscoll stated we're talking about the boundaries of where that might be, Jay, to have the outside fenced-in areas.

Mr. Taylor stated initially it was going to be just the Downtown area.

Alderman Levasseur reiterated I think that is where you should keep it, Jay.

Alderman Thibault asked shouldn't you go Chestnut to the river. With all of the places that are trying to open up in the Millyard how are you going to deny them if somebody that's on Canal Street can do it, but if they're next to the river they can't, that doesn't make sense.

Mr. Taylor stated if you look at The Gateway building there's a couple of outdoor things there already, so I don't think this really applies because they're part of the restaurant and part of the liquor license by the Liquor Commission, so I don't know if you can...

Alderman Thibault stated it will certainly involve the Riverwalk that we're working on now, that is why I'm saying it should go to the river.

Chairman Gatsas asked if Jillian's is doing it under that preference, why can't I do it if I have a restaurant on Elm Street.

Alderman Levasseur replied it's not private property, it's on the City's sidewalk.

Alderman Thibault stated it's something that should be looked at and we should come up with some kind of a zone.

Mr. Taylor stated I didn't think the meeting was going to occur this soon, I was thinking the 18th, but we were hoping to come in with something. We would try to get something drafted up, run it by the Police, Health, etc.

Chairman Gatsas interjected great, you need to do it by Friday, we'd like to see the ordinance by Friday, thank you.

Chairman Gatsas addressed item 6 of the agenda:

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

Chairman Gatsas stated I think we need to develop...I don't have a problem, I agree wholeheartedly with Alderman Hirschmann's proposal. I think we need to get a document that is going to be stereotyped so that everybody uses the same document and we're seeing the same material in the same places with what we're looking for. I think the scenario that you used in your example was a good one, but I think that there is...yes, it's an idea and it's a starting point and I believe we

got a letter from the West Side Library that didn't even get into the additional... like this number here shows a cost...yours shows the 30% additional benefits. The other one didn't show the additional benefits, it didn't show those numbers, so we need to get a pretty easily read document so that when it's given to the Aldermen that they see a number and all the spaces can be filled in and there's a total bottom line. So, who are we going to get to do something like that. Any ideas.

Clerk Bernier replied Finance.

Alderman Thibault stated either Finance or Planning, I would think.

Clerk Bernier reiterated the Finance Department.

Alderman Hirschmann stated what I was thinking was a sign-off sheet where Human Resources signs off, Finance signs off and the department signs off.

Chairman Gatsas stated I agree which is why there needs to be something with number of employees, wages, benefits...down the line...additional whatever...materials, equipment...so, when you look at it it's the same whether you're doing a fire station or your doing a library.

Alderman Hirschmann stated a sign-off with Finance, Planning and Human Resources.

Alderman Thibault stated if it deals with personnel I think it should go to Human Resources then.

Clerk Bernier interjected this is where you need a City Coordinator.

Alderman Hirschmann stated we don't need a City Coordinator.

Chairman Gatsas stated it's not going to be a three-line item, it's going to be a report that's going to be used consistently anytime a project comes up, so that there's a number to it that everybody can look at and say this project's not costing one million, it really has an impact of four million and that's what we should be looking at. So, that we understand what that impact is because we can say it's a million dollars to do the addition and get the building going and everything else, but it's another four million dollars because we need three fire trucks and we need this and we need that and what's the impact and it should be the same no matter what project we're doing.

Alderman Hirschmann stated there should be a cover sheet. Say a project comes out of CIP, a new building comes out of CIP who brings it to us, so there should be a cover sheet saying how many employees and all of that.

Chairman Gatsas stated I think that even CIP should be looking at a sheet before they approve a project. They should know what that project is going to cost the City in the long run. So, it should be something...I think it's a great idea, but I think we need to formulate the right package so that everybody sees it and it's not a difficult thing to look at and somebody can look at it and say okay I understand what this is going to cost because there's no debt service and maybe it's a sheet that five departments have to sign-off on to put the item where it belongs. You know Clougherty may say the debt service for this is going to cost "X" amount of dollars, so that we can see it because it has to be bonded not in a 20-year pattern, but in a 10-year pattern. So, that number should be looked at and we need to get somebody that can coordinate some sort of sheet and I don't know if...

Alderman Thibault stated I think Human Resources is the place to go.

Chairman Gatsas suggested how about if we do this. Let's give this directive to Finance, to Human Resources, and the City Clerk's Office. How about if we have each one of them draw up their own sheet and then we can take the three of them and take the best elements of each one and put them into one. This way we're going to get three different perspectives of what we're looking for. Does anybody have a problem with that.

Alderman Levasseur asked how were they doing it before. We're they just saying okay let's build a building and that was it. We didn't have any ideas what it was going to cost us.

Chairman Gatsas stated I think Alderman Hirschmann has made the right point. I think we need to know what that impact is.

Alderman Levasseur stated prior to doing this they must have had somebody who said no.

Chairman Gatsas called for a motion on his suggestion to have the City Clerk, Finance, and Human Resources individually (I don't want them collaborating with the thing).

Alderman Thibault moved to the suggestion made by Chairman Gatsas. Alderman Hirschmann duly seconded the motion. There being none opposed, the motion carried.

Chairman Gatsas addressed item 8 of the agenda:

8. Communication from Catholic Medical Center seeking authorization for the placement of a banner across McGregor Street from May 3-15, 2000 to promote National Hospital Week.

On motion of Alderman Thibault, duly seconded by Alderman Hirschmann, it was voted that the request be granted and approved subject to the review and approval of the Building and Traffic Departments and Risk Management.

Chairman Gatsas addressed item 9 of the agenda:

9. Communication from Charles Gordon requesting the placement of a banner across Elm Street at the intersection of Hanover Street from June 1, 2000 for approximately three weeks in conjunction with an antique and special interest car show to be held Downtown on June 24th from 10:00 AM to 8:00 PM.

On motion of Alderman Hirschmann, duly seconded by Alderman Thibault, it was voted that the request be granted and approved subject to the review and approval of the Building and Traffic Departments and Risk Management.

Chairman Gatsas addressed item 10 of the agenda:

10. Communication from the US Bureau of Census requesting to hang two (2) Census 2000 banners at City Hall Plaza and across McGregor Street in front of Catholic Medical Center during the month of April.

On motion of Alderman Thibault, duly seconded by Alderman Hirschmann, it was voted that the request be granted and approved subject to the review and approval of the Building and Traffic Departments and Risk Management.

Chairman Gatsas addressed item 11 of the agenda:

11. Communication from Christian Rand and Tiffany Lane expressing their displeasure with MediaOne's rates.

Alderman Thibault asked how do we handle that one.

Chairman Gatsas replied we are in the process of negotiating now with MediaOne. We met for the first time last week and we will have two more successive meetings and then I think at that point.

Alderman Thibault asked isn't there a way, Mr. Chairman, that we could send them a letter saying that we're right in the midst of negotiations.

Alderman Hirschmann stated isn't that a legitimate complaint; that channel is a tier channel that you get for free and then on one particular day they decided that it was okay for a service channel without telling us; that's a concern.

Alderman Thibault stated that is something the Committee should look into, but I think the City Clerk should be able to send them a letter telling them that the Committee is looking into that.

Chairman Gatsas stated that was one of the items in the negotiations that they put that channel back on.

On motion of Alderman Thibault, duly seconded by Alderman Hirschmann, it was voted to forward a letter to Mr. Rand and Ms. Lane advising them that the Committee is currently in negotiations and will make whatever attempt to address their concerns with a copy forwarded to Assistant Solicitor Arnold and Attorney Peter Epstein.

Chairman Gatsas addressed item 12 of the agenda:

12. Copy of a communication from Attorney Robert Ciandella to the Finance Officer submitting an outline of a recent presentation made to the NH Municipal Association Conference relating to the state of telecommunications infrastructure describing various approaches which can be used by the City to address these issues.
(Note: referred to City Solicitor and Attorney Epstein at 3/21/00 Committee meeting requesting a recommendation back to Committee.)

Chairman Gatsas stated, Tom, we talked about this the other day in Committee maybe you can enlighten us further.

Assistant Solicitor Arnold stated yes, we certainly took a look at this communication. It's not the first communication of this type we've received with some frequency from a number of different law firms both national and local. Although it addressed a number of issues, I think the main concern to the

Committee is regulating the City's public ways. This is an item we discussed some time ago back at the beginning of the year with this Committee and there was some discussion at that point of beginning the process to draft an ordinance dealing with regulation of the rights-of-ways and the different utilities including cable, telephone, electric and use of those right-of-ways. We have begun that process. If this Committee wishes, we could certainly look at continuing that process and doing the research to bring in the Highway Department and find out what their needs are and report it back to the Committee sometime in the future with our recommendations and a possible ordinance.

Chairman Gatsas stated my opinion is that we should do this as soon as possible where we are in the midst of negotiation with MediaOne. If there is an opportunity for additional revenues for the City, I think we're talking about some pretty big numbers because some of the cases that were brought to light is that *City Weekly* it just so happens that the only one I've ever looked at happened to land on the dining room table with the bottom half up and it had a court decision from Dearborn, Michigan that talked about this specific scenario and how the City was recouping money. So, I think that we need to take a look at it and what it means in dollars and cents. I think that's the important issue. If you're telling us through legalize that it's going to cost us \$50,000 of your time, Tom, and Peter Epstein's to recoup sixty, it's probably not worth doing, but if ten thousand dollars worth of your time is going to get us a couple of million then it's probably worth looking into.

Assistant Solicitor Arnold stated I think it's worth looking into and it's also, I think, an issue that goes a little beyond any funds that we might recoup in that putting in place an ordinance that complies with State law that allows us or sets forth a mechanism for regulating the public ways and what's placed in them that there is certainly long-term benefit to the City separate and apart from any revenues we might receive from that.

Alderman Levasseur asked what kind of response time are you looking at.

Chairman Gatsas replied I don't know, it's pretty scary if you start looking. Tom, do you have an idea.

Assistant Solicitor Arnold asked what number.

Chairman Gatsas replied "revenue" possible.

Assistant Solicitor Arnold replied I couldn't give you any idea. I'm not aware of any municipality in New Hampshire that charges for this type of thing on a per mile or a percentage of fees collected basis. I think there are other communities that, for instance, may charge a small fee for what we would call a pole petition. So, I certainly couldn't give you any idea as to what revenues might be possible.

On motion of Alderman Thibault, duly seconded by Alderman Hirschmann, it was voted that the City Solicitor's Office review this item and report back to the Committee with a preliminary report within a thirty (30) day period.

TABLED ITEM

13. Departmental responses (Airport, Information Systems and Tax) to comments contained in the Melanson Heath & Company Management Letter dated 1/11/00 for year ended June 30, 1999.
(Tabled 2/15/00)

This item remained on the table.

NEW BUSINESS

Chairman Gatsas stated I believe that Alderman Hirschmann at the first or second meeting of the Committee regarding policy referred to this Committee about policy and procedures manuals that were suppose to be done, did we delegate...I believe that was delegated to the Finance Department to get something back to us.

Alderman Thibault asked on the Airport.

Chairman Gatsas stated no, I'm just pulling this out of the clear blue sky...on a different issue. Does anybody remember this.

Alderman Hirschmann stated it says right here on the cover sheet..."on motion of Alderman Hirschmann, duly seconded by Alderman Wihby, it was voted to refer items #7 [Formalize Administrative Regulations] & #8 [Revise Finance Policy and Procedure Manual] of the Management Letter. Item 7 says "the City does not maintain formal documented administrative regulations or conflict of interest policies." So, there's suppose to be a Conflict of Interest Policy drafted up and then Item 8 was "the Finance Department's Policy and Procedure Manual is outdated and requires revision." So, that would be Kevin Clougherty's...

Chairman Gatsas asked has anybody...obviously, nobody's come back to this Committee with anything. So, let's ask them to report back to the Committee telling them the Policy Manual, I think has been given more than enough adequate time for somebody to look at and respond to and have them here next Tuesday with something in their hand.

Alderman Hirschmann moved to the Chairman recommendation relative to the Policy Manual. Alderman Thibault duly seconded the motion. There being none opposed, the motion carried.

Chairman Gatsas stated next Tuesday, the 18th...I believe we gave HTE and Diane Prew until the 15th of April to fix the problems downstairs in Tax.

Alderman Hirschmann stated while we're on that subject. We all received a letter in the mail from Assessor Tellier that the Assessor's information is not marrying up somehow with the...it was a very important that he said "his module is not marrying up with the Tax" and it's a serious implications for revenues, is what I thought it said.

Chairman Gatsas stated I believe she's got a report, she's suppose to report to us on the 15th with everything from all departments.

Clerk Bernier interjected on the 18th, that's correct.

Chairman Gatsas stated I indicated the 15th, but she's got the graces of three more days, so maybe we should send a communication to all the departments...if they have issues they should be here so that we can address them.

Alderman Hirschmann moved that to Chairman Gatsas' recommendation relative to inviting those departments with HTE issues be present at the Committee meeting scheduled to be held on April 18th. Alderman Thibault duly seconded the motion. There being none opposed, the motion carried.

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

A True Record. Attest.

Clerk of Committee