

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

July 7, 2009

4:30 PM

Chairman O'Neil called the meeting to order.

The Clerk called the roll.

Present: Aldermen O'Neil, Garrity, Lopez, Osborne, Pinard

Messrs: T. Clark, D. Cornell

Chairman O'Neil addressed item 3 of the agenda:

3. Appeal of the denial of a Peddler's License

On motion of Alderman Lopez, duly seconded by Alderman Osborne, it was voted to enter into non-public session.

A roll call vote was taken. Aldermen O'Neil, Garrity, Lopez, Osborne and Pinard voted yea. The motion passed.

On motion of Alderman Garrity, duly seconded by Alderman Pinard, it was voted to deny the Peddler's License because the paperwork was not in proper order.

Chairman O'Neil addressed item 4 of the agenda:

4. Communication from Matthew Normand, City Clerk, regarding proposed amendments to the peddler's ordinance.

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

Alderman Lopez stated I have been working with the City Clerk and Mr. Kincaid and others and I'd like to yield to the City Clerk because I think he's answered all the questions and he could point out some of the items.

City Clerk Matt Normand stated as is noted in my memorandum, the majority of the changes to the Peddler's Ordinance are strictly housekeeping issues that need to be cleared up. There is one, however, that was brought by one of the Aldermen, regarding a situation that's arisen from the spots that are out for bid to the public and that is, bid-

winner, and most recently outside of City Hall, have secured the location and then failed to utilize the spot, which has precluded others from getting into that location. There is a fear that this will continue with other spots in the city, most notably, the Mill Lady in the Millyard. There is another spot that the city owns that is a contested location where we would like to go out to location where we would want to go out to bid in future licensing years. The recommendation initially, I think from the Alderman, was to create an ordinance change that would allow us, should an individual not use the spot as required, to pull that license. As noted in my memorandum at the end, I had suggested an alternative which would not require an ordinance change. The alternative is to simply put in the contract proposal that vendors bid on locations and would include the same language as the change. Vendors would agree upon bidding that if they didn't utilize the spot, and I believe the specific language is, "If they failed to conduct normal business activities for five consecutive days twice in a three month period at the location, they could have their license suspended." They could certainly come to this Committee on appeal and I personally believe that this would be the best way to deal with this. In an ordinance change there could be unintended consequences for other vendors that we weren't aware of at this time when we were drafting this and I think it would be cleaner to do it in a bid process.

Chairman O'Neil asked Tom, any comments?

Mr. Tom Clark, City Solicitor, stated no, I believe the suggestions of the City Clerk are appropriate. I know he worked with Tom Arnold in discussing this matter.

Chairman O'Neil asked do both of you agree that by contract is the way to address this?

City Clerk Normand replied yes.

Mr. Clark replied yes.

Chairman O'Neil stated thank you. Questions of the Solicitor or the Clerk?

Alderman Lopez stated that I'd just like to echo the City Clerk because this has been an on-going issue for the last couple months with people taking a license and not having proper equipment and waiting. So I think this is appropriate and I would like to move on it.

On motion of Alderman Lopez, duly seconded by Alderman Osborne, it was voted to accept this item.

Chairman O'Neil stated Matt, just a couple questions from me. I win a certain spot in the city; I get ill; I can still have somebody operate that spot for me, correct, under that license?

City Clerk Normand replied that's correct. Somebody could operate the spot, anyone who works for a vendor on a cart because oftentimes they'll have assistants. They simply need to get a picture ID. We do, however, do a background-check on those individuals.

Chairman O'Neil stated that there is a reference to the winter season. How are we going to define that? Are we considering winter as December, January, February or November to March?

City Clerk Normand stated what this allows them to do during the bid process, as is stated on item number seven on page four dash five, is submit to us, in writing that they are going to suspend their activities for the winter season. If we have somebody that wants to work during the winter in that location, we could award a temporary license, but the original awardee who won the bid would have right to come back to that spot within 14 days, when springtime comes. If the original awardee wants the spot back, he would be back there.

Chairman O'Neil asked would there be any advantage to a second person taking it as the original and then saying that they want it back?

City Clerk Normand replied right.

On motion of Alderman Lopez, duly seconded by Alderman Osborne, it was voted to forward this item to Bills to Second Reading.

New Business

On motion of Alderman Lopez, duly seconded by Alderman Pinard, it was voted to discuss the disability exemption law.

Mr. David Cornell, Assessor, stated essentially, we have the disability exemption in Manchester; the City adopted that in 2002. Last year there was a change in the law that does impact a portion of individuals who would qualify. This new legislation requires local adoption. In short, the new law allows individuals to continue receiving the disability exemption who were receiving the disability exemption, and still have the same medical condition that they were able to receive the disability under, but they no longer are receiving the disability exemption, for a reason other than their medical condition. For example, the individual Alderman DeVries was working with was an individual who qualified for the disability exemption medically and also he met the quarters under his parents. In this example, the individual was married. When you're married you no longer qualify under your parents and this individual did not meet the number of quarters to be eligible under Social Security, so that individual no longer qualified for Social Security disability aid. Under this legislation, if we have a signed affidavit from the doctor, certifying that the medical condition existed, and is the same medical condition that

existed under Social Security, they could still continue to receive the disability exemption in Manchester. As far as the total numbers, we're not sure. We think it would be a relatively small number. Our initial projections were probably anywhere from six to twelve people that this would impact, but that is unknown because in the past they would not qualify so they would not come in, so that is our best guess.

Alderman DeVries stated thank you, Mr. Chairman, and thank you David. You did a very good job of describing the underlying piece for the legislation that I happen to have been prime sponsor of in the legislature last year. The individual who was my constituent, just for further clarification, was injured, and in fact became a paraplegic as a child, and because he was qualified as a youth under his parent's Social Security to receive Social Security benefits for an obvious disabling injury, he should have also been eligible as an adult. Because he was never, as a paraplegic, able to be gainfully employed, he has not been able to develop his own quarters that you have to have for eligibility. Since he has the pleasure of having married, as an adult, his wife's income knocks him out of the other Social Security program, which is tied to extreme low income, in the poverty level of \$20,000. They do, however, qualify for our property tax disability exemption in the city; they are below that threshold. There are a handful of individuals in the city that have come forward from time to time, asking us as Aldermen, 'I'm obviously disabled, why don't I qualify?' I worked hard in the legislature trying to figure out a way to qualify individuals because we didn't want our Assessor's Office to be in the position of trying to determine disability and that is why we tied this to having to previously been the recipient of Social Security benefits. That ensures us that they meet that disability threshold, that's it's not just an individual coming in with a doctor's note. We have to receive an updated doctor's note that indicates that they still have that disability that previously qualified them for Social Security benefits. This very small group of people will have the ability to collect what I think...since I haven't met one that...these are individuals who have never been able to be gainfully employed; these are the most disabled of our disabled residents. I'm thankful that they are able to stay in their properties and I hope they will continue to be able to do so and I ask the indulgence of this Board.

Alderman Osborne stated I have two questions. How did this \$100,000 figure come into the picture in the first place?

Mr. Cornell replied the \$100,000 is for income and the \$200,000 is for assets; these are the current guidelines.

Alderman Osborne asked when did this take effect?

Mr. Cornell replied I believe that was voted on in 2002.

Alderman Osborne stated that there aren't too many people in Manchester who make \$100,000 a year.

Mr. Cornell replied that's correct.

Alderman Osborne asked number two, this \$200,000, the home must be exempt from that figure, true?

Mr. Cornell replied that's correct.

Alderman Lopez stated I do support this; I remember the case very well. What mechanism are you going to establish to follow the process if one person has this in a household? Is there a yearly checkup on whether the person is still living or their current situation?

Mr. Cornell replied right now, by state law, at least every five years we have to recertify all of the people who are receiving the disability exemption. We verify that with Social Security and we also have to bring them back in and certify that they still meet the income and asset limits. Under this provision, it would be a two step process: We have to certify with Social Security that they are receiving this disability exemption from Social Security and then we need a signed affidavit from their doctor indicating that the medical condition that existed at the time to receive Social Security still exists today.

Alderman Lopez stated the other question I have is this: A married couple with one disability is entitled to it as long as they are on a deed or is that just living in the household?

Mr. Cornell replied as for a married couple, if either spouse is on the deed, they would receive it. They do have to be married for a number of years. I believe it is three, before they would be eligible if they are not on the deed.

Chairman O'Neil asked David are there any recommendations of what we need to do with this? Where we need to send it from here? We're not really adopting an Ordinance are we?

Mr. Cornell replied the legislation that passed enables communities to have this exemption, but in order for us to grant this exemption, it does have to be passed by the governing body accepting this new Ordinance. I'll let Tom speak to the mechanics of it.

Chairman O'Neil stated I know Alderman DeVries would have preferred that we move it forward to the full Board but she is willing, if we sent it to the full Board for the August meeting, to give the Assessor's Office and the Solicitor's Office a chance to finalize it. Am I correct, Alderman DeVries?

Alderman DeVries replied you are correct.

On motion of Alderman Garrity, duly seconded by Alderman Pinard, it was voted to send this item to the full Board meeting in August.

City Clerk Normand stated in brief, I believe Jennie Angell is looking to notify the Committee that there is a grant available. It's fairly self-explanatory and I think she is looking to submit the application and apply.

Chairman O'Neil stated she did send me an email. All she is looking to do is apply for the grant.

On motion of Alderman Osborne, duly seconded by Alderman Lopez, it was voted to authorize Jennie Angell to apply for the ARRA grant.

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

A True Record. Attest.

Clerk of Committee