

## COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

October 19, 2010

5:30 PM

Chairman Lopez called the meeting to order.

The Clerk called the roll.

Present: Aldermen Lopez, Osborne, O'Neil, DeVries, Corriveau

Messrs.: G. Simmons, D. Norris, D. Mara, T. Arnold, W. Sanders

Chairman Lopez addressed item 3 of the agenda:

3. Communication from Louis DeMato, McLane, Graf, Raulerson & Middleton Professional Association, on behalf of 603 Entertainment Group, Inc., regarding their pending business license application.

Chairman Lopez asked did everybody receive all the correspondence in reference to this?

Mr. Gary Simmons, Deputy Police Chief, stated we had originally drafted a letter to the Committee on Administration. The 603 Entertainment Group and Attorney Dan Norris of the McLane Law Firm, is here as well as the anticipated partners who are the new business. We had originally drafted a letter because we had some concerns about some of the people that were going to be involved in the establishment as well as the type of establishment that was going to be run there. Since then we have been working with Attorney Norris and he has been basically the liaison with the ownership group. Many of those concerns have already been addressed and resolved, and at this point the department would be looking to rescind the letter because we feel we can make considerable headway with Attorney Norris and the owner group to come up with stipulations that will allow a proper business to be run there.

Alderman Lopez stated I have one question. I know we had a business like this on Second Street for a number of years and we had problems. It kept changing owners and this is not one of those types of businesses that we have control over once they get started.

Mr. David Mara, Police Chief, stated one of the concerns that we had is a person initially involved with this was involved in that establishment. That is why we were very much against the granting of the license. But as the Deputy Chief has said, we feel confident, at least at this point, that that person is not going to be involved, and we're hoping to be able to come up with some conditions to try to ensure that we don't get another Second Street situation.

Alderman Osborne asked there are no sign-offs on anything else?

Mr. Simmons replied that is just one sign-off and that would be our sign-off sheet. Every department gets their own. I believe they are working closely with the Fire Department now. I think they are pretty close to having a sign-off from the Fire Department to meet the requirements they have, and I believe they are in that same situation with Health.

Alderman Osborne asked this will just be a tabled item?

Mr. Simmons replied we can just pull the letter at this point because our concerns have been met. I don't see a need to even come back to this Committee unless something strange occurs in the meantime, which I don't anticipate happening.

Alderman O'Neil asked would there be a problem if it did come back to the Committee in one month?

Mr. Daniel Norris replied I would say the timing of the project might be such that they would like to move faster than that. If there are any issues that are lingering, I have full confidence that the Police Department will address those with us, and we're prepared to cooperate in any way we can to make sure that whatever concerns the department raises get addressed. Coming back in one month I think would probably delay the project beyond what the investors would like, so if it is possible I would respectfully ask, per the Deputy Chief's statement, that this be pulled as an agenda item. If there are specific questions or concerns, we'd be happy to talk about them, but I think this is going to be an establishment that the City will be pleased with. Certainly once we get through this licensing process with whatever conditions might be imposed and to not have it as a lingering Committee item would certainly be desirable.

Alderman O'Neil stated I guess out of respect to the Committee, all we have is what was handed out recommending it be denied. I do not doubt the position of the Police Department this evening, but to me, this is coming in with some of these letters dated October 12<sup>th</sup>, so there has obviously been a lot of movement in a very short time. I'd be more comfortable, as Alderman Osborne talked about, tabling this to see some things in writing. With all due respect to your clients, if

we don't get some things on record...we've had some problems with establishments in the City, and the Board of Mayor and Aldermen needs to be clear on what's going to go on at these establishments, and based on this, it is not clear. Am I guessing that Mr. Cogliano is the gentleman in question from Second Street?

Mr. Simmons replied that's correct.

Alderman O'Neil stated everything I have has his name on it.

Mr. Simmons stated some of this is moving fast, Alderman, and one of the issues that we discussed with Attorney Norris today was the fact that Mr. Cogliano was still listed on the license of the State of New Hampshire as the agent. He has since shown me documentation that indicates that what is being filed tomorrow will remove him from the information up at the State as the business agent; that's all going to be rectified. It was explained to him that we wouldn't sign off on anything that still listed him as the business agent. He has showed me documentation that that will be taking place tomorrow. Our plan was at this point, Alderman, and we certainly appreciate your concerns and some of the ones we had, the Chief and I, were also the fact that this was moving fast and I provided Attorney Norris who will show the ownership some of the general conditions that we will expect. We plan on meeting with him as well. We provided him with some forms. We need more information on who this owner group is and what other establishments they have been involved with in the past and we will try to do our due diligence to make sure we are not getting a problem in this city.

Alderman O'Neil stated I would prefer, based on hearing some of this information tonight, that we table it, and if the Chair wants to call a meeting in two weeks I'm okay with that. I would be more comfortable with that. I appreciate, Attorney Norris, that you and your clients were able to bring some movement on the items of concern to the City.

Alderman DeVries stated I'm not sure if this question is to you, Chief, or Mr. Normand, our City Clerk, but is there the ability for you to go ahead with the approval of this project in a provisional manner that would still allow this Board to weight in, but not hold up the investors, a revocable license or something that would still bring it back here?

City Clerk Matthew Normand replied if the Committee wants to have this applicant come back it is certainly within their purview, but with the revocation or the rescinding of the denial letter from the Police, now this applicant is really no different than the other business applications that we handle every day. If the

Committee wants to bring them back, we can work with the chairman to schedule a special meeting or wait until the third week in November.

Chairman Lopez stated I just wanted to follow up to Alderman DeVries, the City Clerk and Alderman O'Neil. Are you making any out of the ordinary stipulations than what you would do for an ordinary business?

Mr. Mara replied because of the nature of the license that is being issued, it is going to strictly be an entertainment type of establishment. It is not going to be food served; it is just going to be alcohol served with music and dancing. We are going to recommend certain conditions.

Chairman Lopez stated I think what I'm hearing is that those conditions...what are those certain conditions that you are going to impose? Have you worked that out so the Aldermen can be comfortable? Let me give you an example: you will require three police officers at this establishment. If you make that determination, I don't think we know that...

Mr. Mara interjected based on our experience with other types of venues that we have had problems with, not only on Second Street, but also the two we have had problems with on Elm Street, we are going to be looking for conditions not only like having police details, but also having a camera system in there for a surveillance system. We are also going to be asking for security outside the building where we were also having problems. We have the same concerns that you have. What really raised the alarm for us was when we saw that first name. I have personal experience as a prosecutor and as a police officer who used to go to Second Street with that name associated with it. We feel confident now with our decisions that that person is not going to be connected to this.

Mr. Simmons stated we have also given him a brief set of general guidelines that we expect every club to follow. One of those does include the number of officers. There is a willingness to sit down with us about the number of officers who will be hired for the detail depending on their hours of operation and which nights they are going to work. Additionally, our stipulations always indicate that they are a work in progress. We can, at any time, adjust that. We can call him in if we have calls for service to say that based on these calls we have to have more officers or based on what is not going on we will relieve them of one officer per night, so it is a work in progress. It can be adjusted regularly.

Alderman DeVries stated I guess the answer to the question that I was looking for is if problems develop, how quickly can you ratchet down this particular dance club? I remember the last time it was a series of five or six meetings in front of our Committee before we were able to really get a handle on it. I don't want to repeat that.

Mr. Mara replied what we're hoping if these conditions are violated, that we immediately go for a suspension of the business license and then go for a termination of it following the proper procedure.

Alderman DeVries asked so you can immediately ratchet down the organization and you could also have further stipulations that might prevent some of the missteps that we had before? I want to say it was out-of-state advertising that was part of our issue previously. It was bringing in almost exclusively a group from out-of-state that was causing issues and really didn't have ties to Manchester.

Mr. Mara stated what we will do is anything we can under the law as far as controlling what goes on there. As business owners they do have rights. It is a business and it's based on being profitable, but with that in mind, we're going to be watching closely and we're going to be working with the ownership to make sure that nothing gets out of hand. We're not going to wait long.

Alderman DeVries stated also the address wouldn't seem that it would lend itself to be a nuisance to any residential neighborhoods in the immediate area, though maybe down the hill a little bit there are some new apartments that have been built, townhouses. Are you of the same mindset that you're not as concerned about a residential component here?

Mr. Mara responded that is a factor, but keep in mind that before we had problems off of Auburn where it was residential as well as a club there. It all comes down to public safety and quality of life, and all our conditions that we're going to work with them to have put in place are going to deal with that. I share the concerns of the Board about how quickly we could do something if things did get out of hand like those other clubs.

Alderman Corriveau asked Chief, would it be possible for this Committee to get a list of those stipulations that you have in mind? I understand these are negotiations and this is going to be an ongoing process, but maybe a list of stipulations as we stand right now and a list of the stipulations and the manner in which they end up being resolved. I don't want to infringe upon the discussions themselves, maybe just seeing markers at the start of the process where we are right now until whatever resolution we come to in this process.

Mr. Mara replied certainly. Are you saying before we actually get to have it etched in stone, so to speak, before it goes to the City Clerk as part of the business license?

Alderman Corriveau replied ideally, due to the unique public safety issues here, but if the Committee doesn't want to go that far...

Chairman Lopez stated I think if I understood the City Clerk, it is normal procedure in a business, and the Police Department is one of the departments that has to sign-off in order to do that. I know where you're going and I believe my recommendation is probably along the same lines: let them go ahead and continue the process and make the arrangements with the attorney as to whatever stipulations the Chief is going to make. If we move this thing forward it will come to the full Board at the first of November for final approval. But the process can still proceed. My mistake, it doesn't go to the full Board.

Alderman Roy stated Attorney Norris, in the packet it shows that there were ten violations of the life safety code. Have they been addressed yet?

Mr. Norris replied I believe they all have. That is the letter from the Fire Department.

Alderman Roy stated it is dated August 13<sup>th</sup> and we haven't gotten any information that says they have been corrected. That's why I'm asking.

Mr. Norris replied we have at this point corrected all of those. The Fire Department came in for a subsequent inspection. We essentially did not make progress with any of the other sign-offs pending resolving the issues with the Police Department, but from our visits to all the other departments, we've gotten very positive responses and have every reason to believe that once we get past this hurdle, the licensing should go quite smoothly.

Alderman Roy asked so those issues were taken care of?

Mr. Norris replied yes.

Alderman Roy stated on a letter here from the Liquor Commission it says that Mr. Cogliano is the president of 603 Entertainment Group. Are you telling us that he will no longer be an officer or be involved with that group or is he still going to be involved with 603 Entertainment Group?

Mr. Norris replied the answers to your two questions are in there. As of some number of weeks ago he is no longer president of 603 Entertainment and as of this week is not involved at all. Those are the issues that we worked through with the Police Department. We represented to the Police Department and now to this committee, that he is not going to be part of this business.

Alderman O'Neil stated based on the information we have, I don't know if we need to table this or not. I understand the Police Department is in the position where they're asking to pull their letter, but it is here, and I think it's in the best interest of all that we support the gentlemen and their investment, but there has to be a clear understanding between the City and the owners and operators of what is expected. I have no documentation that the Fire Department issues have been addressed; the packet we have shows nothing. So I would like to see us table this no later than a month. I would prefer that we step off in a good step than this thing being approved without the Board being comfortable with it.

Chairman Lopez stated I think I might have to ask the City attorney. He had brought something to my attention. I understand we all are looking at it as if there are any other stipulations that maybe we should know, but I'll let the attorney speak for the issue here since the letter has been withdrawn. Most of these cases we never see. I just want to bring that point of legality up. Tom, could you guide us in this please?

Mr. Thomas Arnold, Deputy City Solicitor, responded ordinarily with the business license in process, if all the departments do the proper sign-offs, this Committee does not see a business license application. When this Committee sees a business license application is in a sense an appeal of a department's refusal to sign off, and it doesn't appear that that's the case any longer.

Chairman Lopez stated listening to that, the Chief could turn around and give us some of the stipulations at a later date as to what he is requiring. But as you just heard, if he signs off and the other departments sign off, we treat it just like any other applicant and we would not see this. But the wishes of the Committee are?

Alderman O'Neil replied I prefer it comes back. It is here tonight; I prefer it comes back.

Alderman Osborne stated the only two reservations or concerns that I had were Fire and Health. Of course the others will come forth, but those are the two that I was really thinking about to get some sort of a sign-off on that, but you said you think both of those are fine.

Mr. Norris replied we don't have formal sign-offs yet but we have satisfied all of the conditions for sign off. As I said, we're in front of this Committee a bit prematurely. The Police Department's objections were really guiding the process for us. Once the Police Department is comfortable with an application, the applicant is prepared to go back and do all the other work. The Health Department came in, did a full inspection, I think requested one major change, which was to put in a slop sink, and it's already in. The Fire Department had a very thorough inspection with the detailed letter of items and those have already been addressed.

Alderman Osborne stated it sounds good to me. The thing here is I guess that we're all kind of batting our heads against the wall about this. You people signed off on this and as it stands now then actually we shouldn't even be talking. Basically this is the size of it, the way I look at it at this present moment. I did have concerns when it came up to me about Fire and Health and so on and opening a place without their sign-off or anything, but I think in this situation, and I'm not speaking for my colleagues here, but I did have a concern like Alderman O'Neil. And I think in this situation I don't know why we're even discussing it if you people are signing off on it, and from what the City Solicitor just said, I think that's about it.

Mr. Simmons stated just to be a little clearer. The Police Department hasn't signed off on a license yet. Originally there was a plan in place. The department, the Chief, looked at it and said we're not going to sign-off on this based on certain criteria that were in that application. That main issue has been resolved. Attorney Norris and the ownership is aware that we still have some more review to do based on the current owners and what they have run in the past. I don't foresee any problems with it, but if there was, I would suggest here we would be writing another letter coming right back before this Committee before we sign off.

Alderman Osborne asked so nothing is going to happen until the Police Department signs off?

Mr. Simmons replied correct.

Alderman DeVries stated thank you, Mr. Chairman. Chief, do we have any other dance clubs similar in the City currently?

Mr. Mara replied what's different about this is the way the State liquor licenses work. This comes under an athletic facility license because no food is being served and there is an athletic facility there, so to speak, that passes the criteria.

Alderman DeVries asked by athletic you mean a health club?

Mr. Mara replied I think it's a racquetball court, and it legally fits under the State liquor license to be able to obtain one. Typically the businesses that we deal with that have dancing, you can either get it under a ballroom type license or you're serving food as well. But this comes under a separate heading and that's why it is a little different than what we usually deal with.

Alderman DeVries asked do we have any that haven't presented a problem for the City? I'm speculating if this is a type of dance club that we have seen previously that we will end up with some issues and it will be back in front of this Committee. Forewarned is forearmed. What do you or the attorney have to rest my fears that this is just the beginning of a process that the Aldermen are going to have to continue to deal with?

Mr. Mara replied we have learned from the past, and that is why initially, like I said, the alarm bells went off when we saw that name. And then when we looked over the application, what we want to get in place right away are conditions that we've been talking about. Everything from what would prevent crime from happening, and if a crime is committed, we're going to be able to get evidence to take action on it. I can tell you that in the past we've had these conditions in with a dance club and it didn't do any good. So to answer your question, I have the same fears about a dance club. I think it is all going to come down to the people that own it and manage it and the way they run it whether or not it is going to succeed and not cause a problem for the City.

Alderman DeVries stated my specific question was do we have another dance club in the City that is operating without concerns for you or others?

Mr. Mara replied right now in the City we don't have a club like the one they are proposing. We do not have one.

Alderman DeVries stated Club Liquid is no longer in business.

Mr. Simmons stated they will be back. That is the closest we have to a dance club.

Alderman DeVries asked Attorney Norris, do you have anything you'd like to add that would make me feel comfortable that whether we have purview here or not? It has been brought before us and we're somewhat uncomfortable. What do you have to help us rest assured?

Mr. Norris replied the owners of the club just heard your words and understand that they are coming into the City in an environment where they are being watched and the City does have a prior history of having clubs that caused them some problems. They want to start off on the right foot. They didn't expect to be

engaged in this process in the course of getting their license. They are here and they see how seriously the Police Department and this Committee are taking these issues. I'm actually pleased they are here to hear the Committee in its own words express these concerns. I think that will go a long way. We also have people who are committing significant resources to a project. There isn't any way they want this to fail, and if they start off on the wrong foot or end up doing things that upsets the City that could potentially impact their license, that's not going to be helpful to what they're trying to achieve.

Alderman DeVries stated my final question would be for either City Clerk Normand or whoever can answer. How long would it take us if this becomes an issue to undo the license privilege?

City Clerk Normand replied if the license is suspended, I believe the applicant or the licensee has five days to get a hearing before the Committee.

Mr. Mara stated the last time we did something like that was the Three Cousins bar. We worked with the City Clerk and we got it suspended right away. Then we didn't have to go to the second step, but that's what we would plan to do in this case.

Alderman DeVries stated that's very reassuring in itself. Thank you.

Alderman O'Neil stated I guess if the only legal way to keep it before us is if the Police Department keeps their letter on the table, I suggest that that happens for another month. I would be very disappointed that it has been brought to this Committee and now we don't have any chance to review it. Then there is a possibility that it's going to end up back before this Committee at some point, and I would prefer that we have a clear discussion ahead of time based on the information I have tonight. We can't have that clear discussion tonight because it is all word of mouth. I don't see any letters; the Police Department has admitted they don't have an agreement. They have an agreement on the one issue, but there are other issues to be resolved. That's my wish that we'd have a chance to have a good discussion with Attorney Norris and his clients and the City departments at a future meeting. I'm not looking to drag this out but I guess if this could end up back on the plate of this Committee at some point in the future, we would have an opportunity now to make sure that there is a clear understanding by all and I'm not assured of that tonight.

Mr. Mara stated with everything that I've heard as Chief of Police, the concerns that this Board has, I'm going to withdraw our request to withdraw the letter.

Chairman Lopez asked you're withdrawing the letter that's been submitted by Gary Simmons?

Mr. Mara replied yes. To make sure it is clear, in the original letter that we sent here, we voiced a concern. We would like that letter to stay and we are withdrawing the subsequent letter asking us to pull that first letter.

Deputy Chief Simmons stated there was no second letter; it was just us coming down today to rescind it.

Mr. Mara stated we're just asking that that letter still be active. We would ask you to table it.

Alderman O'Neil stated just a comment. Attorney Norris, this is not about any disrespect to you or your clients, but unfortunately these types of establishments have had a very poor history in this city, and I think it would be best for you and your clients, as well as the City - all of the departments and the elected officials - for their understanding of expectations on both sides. Unfortunately we don't have that information tonight to have that discussion. It is not my intent to stop this process from moving forward. I think it's great that there are some gentlemen that want to invest in the City of Manchester, but the track record of these types of establishments has not been very good in this City, and has caused a lot of many types of issues. I hope you respect that from us. I don't think the intent is to hold this up but just to have a good discussion in a very short time about it.

Mr. Norris stated all I would say in response is that I think we are stuck in a bit of a procedural snafu. The department submitted a letter and I think in an effort of excellent good faith the department spent a lot of time with us over the last couple of weeks trying to resolve the issues, but for the timing of the Committee hearing, this would have been withdrawn and resolved long ago. I just fear that because the timing didn't quite work out the way it should have we're going to be in a position where we're delayed in a project when otherwise this applicant is not going to get a license until every City department signs off on it and all the department heads have already expressed all the same concerns that we heard from this Committee tonight. I'm confident that they're not letting this application through until everything that was discussed here has been addressed in the application process. We don't have any sign-offs yet; we're just in a procedural status where, as I said, but for some poor timing, we wouldn't even have to be here today. To table this for another meeting I believe is unnecessary with respect to Alderman O'Neil's position. I understand his concerns and I can't say I disagree with them. I just think we're in a position where those issues will be adequately addressed by the process the City has in place.

Alderman O'Neil stated just to follow up. The last letter we have is recommending no sign-off. We don't have a letter that says they are withdrawing. The comment was made tonight, so the last official document we have is the Police Department saying they are not going to sign-off.

Mr. Norris stated I understand. That is the timing issue that has us.

Alderman Long stated just for the fact that we're having this conversation concerns me. We already know what we went through. With respect to this five-day pulling a license, is there an appeal process that they could go through? From what I understand, if we wanted licenses pulled in these trouble spots and they kept appealing it so it never happened, any good lawyer on any condition, if that condition is not followed, could drag that on for years. Mr. Cogliano, I'm understanding, is not the business agent. Who is? Is it Orchid? Are they principals at the Orchid Club in Saugus or Genasians in Saugus? Because I have problems with both of those places. Are they the same? So none of those principals will be in this organization?

Mr. Norris replied the answer is no. That is correct.

Alderman Long asked so nobody from Jag Entertainment will be involved in this?

Mr. Norris replied I do not believe so at all. No. They are unrelated parties altogether.

Alderman Long stated that is the issue. I don't see first of all why Mr. Cogliano would back out. He was in the forefront of this. I don't understand why he would back out, but I have grave concerns over an establishment. I would like to know where is their marketing is? Is their marketing in Massachusetts? Is their marketing in Boston? I have grave concerns over that.

Mr. Norris stated why Mr. Cogliano would back out in essence wasn't his decision. He was one of four participants in this project, and the ownership group determined that if the Police Department had the concern from the licensing prospective, they are going forward without him. It had nothing to do with his decision on his own. It was a decision by these investors who own this project. If that was the problem, they wanted to fix that problem and they did.

Alderman Long stated so what you're telling me is nobody from the Orchid, nobody from Genasian, nobody from Jag Entertainment is going to be a principal in this. They will have no financial interest in this?

Mr. Norris replied that is correct, none. They are different, unrelated parties.

Alderman Long asked we don't have what parties are involved with this?

Mr. Norris replied the Police Department does. This Committee ordinarily wouldn't unless we had to appeal from a denial of a permit. We're halfway through that process and worked out the issues in advance. The Police Department gave me a stack of questionnaires to be filled out by every owner and every person who is going to be involved with the management. I heard today that there is going to be diligence and background checks and find out what they need to find out about every one of these people involved. And they asked the same questions you did, sir, already. Those issues are not unique and they are on everyone's mind who has been involved in this process. Those issues are being addressed.

Chairman Lopez stated here is what I'd like to do. We have other business to take care of. I would recommend to the Committee and the Chief to continue the process, get all the sign-offs, and the City Clerk get the sign-offs, and we'll have a special meeting on this particular issue, one item, during the day before the first, it is not going to hold up anything. You can still go through all the sign-offs and make the agreement with the Chief. I understand, but there are concerns that the Aldermen have whereby if this letter wasn't produced, then we probably wouldn't even be sitting here. I will let the Chief of Police work out the detail. I have faith in him, and he's not going to sign-off on anything just lightly. That's my recommendation to the Committee.

Alderman Osborne stated I have one question for the City Solicitor. If this were received and filed and returned to the Police Department and they start off on the other foot instead of sending a letter to us the way they did the first time, would they have to come back to the Committee or could they just go along their way, like you said. Do they have to come to a Committee or can they take care of their situation on their own?

Mr. Arnold replied I think that in part depends on what this Committee does. As I said, in the normal process, if all of the departments signed off, this Committee would never see the application because all the departments have signed off. What happened here with the paperwork I have is that McLane and Raft and Mr. DeMato sent a letter asking to be placed on the Committee's agenda.

Alderman Osborne stated that was a mistake, but if it is done this way, Alderman O'Neil would like to just keep going on with it. Or do you think it would be better to just give it back into their hands and let them start fresh?

Alderman DeVries moved to receive and file the report. There was no second to the motion.

Alderman O'Neil moved to table this item to be brought back to the Committee on November 1<sup>st</sup>.

Chairman Lopez stated we can do it before November 1<sup>st</sup>, but I don't want to stop the process.

Alderman O'Neil stated the process can move forward. The fact that it is here, I think we should have a little discussion about it.

Alderman DeVries duly seconded the motion. Chairman Lopez called for a vote on the motion. There being none opposed, the motion carried.

Chairman Lopez stated Chief, you proceed as normal and whatever the conditions, let me know when you are satisfied and what those conditions are and I'll call a special meeting as soon as possible.

Mr. Mara stated understood.

Chairman Lopez addressed item 4 of the agenda:

4. Update on the process of the Innoprise Software migration project submitted by Jennie Angell, Director of Information Services.

Chairman Lopez asked does anybody have any questions for Ms. Angell?

Alderman O'Neil stated I'd like to thank the Director for the information.

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

Chairman Lopez addressed item 5 of the agenda:

5. Communication from Jennie Angell, Director of Information Services, requesting the City enter into a contract with Fairpoint Communication to extend the current Centrex per line rate for two years.

Chairman Lopez stated the Director has asked to pull this item because of some late information and she'll get back to us later.

Alderman O'Neil asked it is not an item?

Chairman Lopez replied no. She is withdrawing it.

Chairman Lopez addressed item 6 of the agenda:

6. Ratify and confirm phone poll conducted on September 27, 2010, approving the request for permission from the Mayor's Office to hang a banner across Elm Street on September 27, 2010, until October 4, 2010, to advertise for the World Championship Chili Cook-off be approved.

On motion of Alderman O'Neil, duly seconded by Alderman DeVries, it was voted to approve this item.

Chairman Lopez stated before addressing item 7, I'd like to address the tabled items first.

#### **TABLED ITEMS**

8. Presentation by Robert Cote, President of Brattle Consulting Group, Inc., regarding SubItUp.com and its impact on the Manchester Police Department.

This item remained on the table.

9. Communication from Jay Minkarah, Economic Development Director, recommending that the City enter into a proposed Water Line & Sewer Line Extension Agreement with the U.S. Department of Labor related to the Job Corps Center construction off of Dunbarton Road.

On motion of Alderman O'Neil, duly seconded by Alderman Osborne, it was voted to take this item off the table.

Mr. Arnold stated I think the change is self-explanatory. I can tell you that these changes were forwarded from Mr. Anagnost to the Department of Labor. We have not heard back from the Department of Labor yet.

Alderman O'Neil asked what is the action we have to take?

Chairman Lopez stated to approve the whole document with these changes.

Mr. Arnold stated I believe that is so, but as I said, we sent the proposed changes to the Department of Labor through Mr. Anagnost, and probably we would want to hear back from them with their approval before this Committee acts on the entire agreement.

Chairman Lopez asked we're just going to approve these changes then?

Mr. Arnold replied certainly, if you want to.

Chairman Lopez asked then you are sending the document in?

Mr. Arnold replied it has already been sent.

Alderman O'Neil asked Mr. Chairman, how come Aldermen have two different dated letters?

Chairman Lopez replied one was the 14<sup>th</sup>, and then they sent out another one the 15<sup>th</sup>.

Alderman O'Neil asked can I ask why?

Mr. Arnold replied I believe there was a slight change to the versions between the 14<sup>th</sup> and the 15<sup>th</sup>.

Alderman O'Neil asked and what is that change?

Mr. Arnold replied I believe it is in paragraph A, in the middle. Tom Clark had worked on this. We separated out the water from the sewer because the sewer is being built solely for Job Corps where the water line might be used by other developers, and it refers to the sanitary sewer lift station and the maintenance for that.

Alderman Corriveau stated in the middle of paragraph A they have removed the words "and the forced sewer line".

Alderman O'Neil stated if I may Mr. Chairman, we shouldn't have to be the ones dissecting this. Those who wrote the letter should be telling us what the change is.

Chairman Lopez stated the document's already been submitted. Is that correct, Tom?

Mr. Arnold replied my understanding is that it has been sent to Mr. Anagnost who has forwarded it to the Department of Labor, yes.

Chairman Lopez asked and the changes have been forwarded?

Mr. Arnold replied yes.

Chairman Lopez stated so we're just here after the fact.

Mr. Arnold stated you can approve the changes and receive and file if you'd like, but I believe the entire agreement will be back.

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

10. Communication from the Board of School Committee requesting an expendable trust be established for technology for the School District.
11. Communication from the Board of School Committee requesting an expendable trust be established for athletics for the School District's Athletic Department.

On motion of Alderman O'Neil, duly seconded by Alderman Osborne, it was voted to take items 10 and 11 off the table.

Mr. William Sanders, Finance Officer, stated I would recommend as it relates to both of the proposals that the Committee decline to approve these two trusts for two reasons essentially. One is that there is no source of funding identified in the resolution so there is no fiscal impact that's been done to show where the money would come from and what effect that would have on the general fund of the School District or the City of Manchester. Second, as we approach the 2012 budget, which we will be approaching soon, I think that would be a more appropriate time for the Committee to readdress this issue as opposed to in the middle of a budget year without a fiscal impact being identified and a funding source. So I would recommend that you decline both of them.

Alderman Osborne moved to decline approval of items 10 and 11. Alderman O'Neil duly seconded the motion.

Alderman DeVries asked Mr. Sanders, will you be writing a letter back to the Committee of School to explain the denial at this point in time or refusal to implement?

Mr. Sanders replied I would be glad to write a letter with my reasons.

Alderman DeVries stated thank you.

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

12. Communication from Alderman Arnold regarding tax exemptions for individuals.

This item remained on the table.

13. Communication from Matthew Normand, City Clerk, regarding a proposed Municipal Banner Policy.

On motion of Alderman O'Neil, duly seconded by Alderman Osborne, it was voted to take this item off the table.

Chairman Lopez stated I think the only major issue that we talked about was what we're going to charge and some discussion as to whether we can get more than \$250 on Elm Street, whether we should be charging \$500 to \$600 for that particular spot and whether we want to charge for Hanover Street and Kelley Street. I think that was a concern of somebody's last time.

Alderman O'Neil stated Mr. Chairman if I may, we're talking on page 14-7, Item F or 6 of the document.

Chairman Lopez replied that's correct. That was the only holdup from our last conversation.

Alderman O'Neil stated I have a question for the City Clerk. The recommendation in here seems reasonable to me based on all the non-profits that your office deals with regarding these banners. Have you had any feedback if these fees are out of line?

City Clerk Normand replied I've had some feedback. The Mayor's office had the opinion that the Elm Street banner application fee was too low. I know Alderman Lopez had a concern in the past about the \$100 for Hanover and Kelley Streets. The cost that the City bears when they raise a banner and take it down is \$120. That is based on staff labor costs. Again, this was just a proposal. The Committee can certainly do whatever it chooses, but I didn't think it was out of line to at least try and recoup some of those costs, thus the \$100 charge for those two sites. I think the \$250 for Elm Street is a much higher profile location, and I think the City could certainly see a lot of interest. Obviously, I talked to the founder of the Manchester Marathon and she would be willing to pay up towards \$500. A lot of the sponsors for these big events pay for these banners; it doesn't come directly out of the non-profit necessarily, so it is certainly up to the Committee on how they want to go with this.

Alderman O'Neil asked Mr. Chairman, do you have a recommendation?

Chairman Lopez replied my recommendation for Elm Street would be a minimum of \$500. As far as Hanover and Kelley Streets, I have no particular problem with the \$100.

Alderman O'Neil moved to approve the Municipal Banner Policy with the following application fees: Elm Street: \$500, Hanover Street: \$100 and Kelley Street: \$100. Alderman DeVries duly seconded the motion.

Alderman Osborne asked how long a period of time is this for?

City Clerk Normand replied up to two weeks. The maximum is two weeks.

Alderman DeVries stated I'm wondering why we're deciding to do this for less than cost. If cost is \$120, why wouldn't we at least want to be covering our costs in putting the banners up?

Chairman Lopez asked is it \$120 for Hanover Street too, or was that just for Elm Street?

City Clerk Normand replied I have an email from Mr. Sheppard. It is \$120.57 to raise the banners. It is the same crew whether it is on Elm Street or Kelley Street.

Alderman DeVries stated if there is the potential for a friendly amendment, I think that we should at least be covering our costs, and maybe so we don't have to worry about the cost of inflation, think about \$150.

Alderman O'Neil stated I think regarding Elm Street, as the City Clerk uses an example the Manchester Marathon or the Chili Fest, we're talking about large events that have significant budgets. When we're talking about Hanover Street, I'm not aware and maybe there has been a banner up on Kelley Street, but certainly on Hanover Street those are the non-profits not with big budgets. So I believe we're fine at \$500 and we're recovering the majority of the costs on Hanover and Kelley Streets. We're not recovering all of it, but those are the non-profits that are asking for those banners to go up.

Chairman Lopez asked do you still want your friendly amendment?

Alderman DeVries replied I believe that we should at least be covering our costs, non-profit or not, and the difference between \$100 and \$125 or \$150 probably isn't going to make or break it. We don't know that this is limited to non-profits, it could be limited to banners being erected for events where they are for-profit and it is going to be the same fee. Maybe if you want to break it out, if that makes you more comfortable in saying if it is a low non-profit organization, but I think then you get into the nuance of who has filed as a non-profit that is still doing this and what we would not consider a non-profit. I think it should at least be \$125.00 to cover our costs that we know are for today. I would offer that as a friendly amendment for the Hanover Street and Kelley Street addresses.

Chairman Lopez asked Alderman O'Neil, do you agree with that?

Alderman O'Neil replied as a compromise I will say yes if Alderman DeVries is willing to take a look at that item at a future date to see if it influencing the non-profits.

Alderman DeVries replied absolutely.

Alderman DeVries moved to amend the motion to change the fees as follows: Elm Street: \$500, Hanover Street: \$125, Kelley Street: \$125. The motion was duly seconded by Alderman O'Neil. Chairman Lopez called for a vote on the amendment to the motion. There being none opposed, the motion carried.

Chairman Lopez called for a vote on the motion as amended. There being none opposed, the motion as amended carried.

Chairman Lopez addressed item 7 of the agenda:

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

Alderman DeVries moved that the Committee enter into non-public session. Alderman O'Neil duly seconded the motion. There being none opposed, the motion carried.

Chairman Lopez called the meeting back to order.

On motion of Alderman O'Neil, duly seconded by Alderman DeVries, it was voted to approve this denial.

There being no further business, on motion of Alderman O'Neil, duly seconded by Alderman DeVries, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee