

## COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

December 21, 2010

5:00 PM

Chairman Lopez called the meeting to order.

The Clerk called the roll.

Present: Aldermen Lopez, Osborne, O'Neil, Corriveau  
Alderman DeVries arrived late.  
Alderman Long

Messrs.: R. Tourigny, A. Chhom, M. Salomone-Abood, K. Sheppard,  
T. Arnold, D. Mara, B. Stanley, T. Soucy, L. LaFreniere, J. Angell

Chairman Lopez addressed item 3 of the agenda:

3. Communication from Robert Tourigny, NeighborWorks Executive Director, requesting approval to increase the income limits associated with property being developed on Karatzas Avenue.

Chairman Lopez stated I'd like to let the Committee know that Alderman Corriveau and I met, and I'll have Alderman Corriveau speak to it since it is his Ward.

Alderman Corriveau stated thank you, Mr. Chairman. A couple of weeks ago you and I met with Robert and discussed his request regarding 34 remaining units.

Mr. Robert Tourigny, Manchester NeighborWorks, stated that's correct.

Alderman Corriveau stated that is on Karatzas Avenue, affordable housing units, and I think his request is very reasonable but I will let him speak to it. Thank you, Mr. Chairman.

Mr. Tourigny stated thank you very much. It was four years ago in November that I was actually here talking about this development and this initiative to create affordable workforce housing for first time homebuyers in partnership with the Anagnost Companies, Dick Anagnost. A lot has changed in the market in the last four years. Essentially what we were able to do on the first half of the

transactions, the first half of the units that sold, was to sell the property to the homebuyer for the full appraised value of the property. Then we would take back a second mortgage to recapture the subsidy, the difference between what we needed to sell the property for to be affordable to the first time homebuyer and what the market would bear. That worked very well for the first 32 units that we sold, but unfortunately we're in a declining market. Although our instrument was meant to prevent a windfall to the homebuyer in the event of an appreciating market, we're dealing with a declining market. So our ability to offer this same subsidy to a first time homebuyer today is impossible. Basically we just need to be able to sell them for the market price of the unit, so we are unable to offer that subsidy. It is basically a marketing challenge being tied to the property associated with the income restrictions. Although we don't envision having to completely wipe out the affordability of the project associated with this, we are basically looking for the ability to waive the income requirements on the sale of the last 34 units. So if a borrower comes to us who makes over 120% of the area median income, we don't have to turn them away. That is essentially what we're asking for, the ability to waive that affordability restriction. There is actually no City money tied up in the project. It's not HOME money; it's not CIP money. This is Amy Chhom from Dick Anagnost's office. She is the one who interfaces with the clients on a daily basis in the sales field, so she has experienced firsthand what I've been talking about as far as the sales challenge. There is no actual City money tied up in the property. The reason we are here is because a portion of the property here was designated as surplus land when it was sold by the Water Works to MHRA and Anagnost. And then that property was further subdivided into several phases, which should be in your packet. All of these units have been developed and sold as affordable housing, so we're really just talking about the last phase of units.

Alderman O'Neil asked Robert, please go to the map that you just had up because it was hard for me to follow in your letter the total units because there were several different references. If we go to Stella Arms, how many units is that?

Ms. Amy Chhom, Anagnost Companies, Director of Development, replied Stella is 66 units.

Alderman O'Neil asked between the two buildings, Amy?

Ms. Chhom replied yes. Sidoras is 72 units.

Alderman O'Neil asked that is two buildings?

Ms. Chhom replied correct.

Alderman O'Neil asked so Demetrias Crossing is 9 buildings? Is that right?

Mr. Tourigny replied yes, correct. It has 66 units.

Alderman O'Neil asked six of them are complete?

Mr. Tourigny replied correct, and all but eight are sold. Of the 40 units that are built, 32 are sold and eight are available for sale.

Alderman O'Neil asked if we worked just what you have circled, two larger buildings and one smaller, how many units is that?

Mr. Tourigny replied it is 26 units to be built.

Alderman O'Neil asked between those three buildings?

Mr. Tourigny replied correct.

Alderman O'Neil asked how many are you looking for this waiver on? All of them? All 26?

Mr. Tourigny replied it would be all 26 plus eight of the completed units.

Alderman O'Neil stated so that is where you came up with the 34. That's all you're looking for is the 34 units?

Mr. Tourigny replied correct.

Alderman O'Neil asked the action that we would be taking would be just to increase the income limits?

Mr. Tourigny replied I think it would be to have the flexibility to waive the income limits. That would be the appropriate action.

Alderman Corriveau stated if I recall correctly, Robert, from our meeting, it was the purchase and sale agreement between the Anagnost Company, Manchester NeighborWorks and the City which imposed that restriction and I think, maybe the City Solicitor could speak to this too, but I think what you're looking to do is amend the language of a particular sentence in that agreement that would provide you with opportunity to waive that restriction. Is that correct?

Mr. Tourigny replied that is correct. As for the purchase and sale agreement, we weren't even in the transaction at that point in time. It was MHRA and Anagnost and the Water Works. We became the co-developer of that third phase, the blue one. So we are the ones impacted by that. You're correct that it was the provision in that agreement because it was designated surplus land, and then it was to be provided as affordable workforce housing.

Alderman Osborne stated there would be no income limits. Is that what you're trying to say?

Mr. Tourigny replied we would have the ability to waive them, yes.

Alderman Osborne asked so what type of qualifications would there be if there were no income limits or anything?

Mr. Tourigny replied they would have to be able to qualify for financing to purchase the unit. They would still have to go through the underwriting process in order to qualify to buy a property, but there would no longer be that threshold of 120% of the area median income to qualify.

Ms. Chhom stated I can further clarify that phase I and phase II, which was Sidoras and Stella, will remain affordable properties. Those are under the low income house tax credit program and have a land use restriction agreement for 30 odd years, 99 years. So those always will remain affordable. Our problem is that we developed in 2007, when the market was really strong, a fee-simple affordable housing opportunity for homebuyers to be able to have a subsidized purchase price that allowed them to get a lot of bang for their buck. We also were able to layer on New Hampshire Housing funds and cash grants and the CIP fund and subsidize this to buyers. But the way that today's mortgage underwriting restricts us is that buyers under 120% of median income cannot get a mortgage at all and there are none of these other grants available to buyers, so our hands are tied so that we're not able to sell the units. That is really what it comes down to.

Alderman Osborne asked so are there qualifications? There have to be somewhere, that's for sure.

Ms. Chhom replied yes. They have to be able to afford a mortgage of \$1,400 to \$1,500 a month.

Alderman DeVries stated thank you, Mr. Chairman. The only concern I would have is if this would impact any of our future developments that would be partnering with federal dollars. Do you see any?

Mr. Tourigny responded the one thing that's sort of nice about this project is that there's actually no City money or federal money subsidizing it. The subsidy was based entirely on market value. It was the difference between our development costs and market. That's really the only provision for providing that subsidy. Since the market has declined, the subsidy has been eroded essentially. So we don't have to worry about any complications with City money, federal money or anything like that.

On motion of Alderman DeVries, duly seconded by Alderman Osborne, it was voted to allow NeighborWorks the flexibility to waive the income limits for the purchase of property on Karatzas Avenue.

Chairman Lopez addressed item 4 of the agenda:

4. Communication from Mindy Salomone-Abood, Purchasing Agent, requesting approval of the Governmental Equipment Lease-Purchase Agreement with Caterpillar Financial Services Corporation.

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

Ms. Mindy Salomone-Abood stated in the past, probably since the 1990's, the City has gone out to bid for rental equipment. This rental equipment, an excavator and backhoe, has been basically dedicated to the street reconstruction fund or street reconstruction so the CDBG funds have been used to pay for these rentals. This year we bid it out so that we could also include leasing-to-purchase agreements to see what the terms were and if that would be favorable where we have rented for a number of years. The corporation that we have a contract with that we rented from throughout the spring has come in with very favorable terms for us. In fact, they are originally better than what they were when they first bid the lease terms. So we would like to move forward with that, and we could have the equipment paid off in just over eight years.

Chairman Lopez asked is this cash no longer CDBG money?

Ms. Salomone-Abood replied actually no; this would still be dedicated to CDBG funds.

Alderman Lopez asked it still would be money dedicated from CDBG?

Ms. Salomone-Abood replied yes. We have made the agreement so that we're still paying between May and November. The lease payments have actually come in under what we would typically pay in rental fees for these two pieces of equipment for that timeframe.

Alderman O'Neil stated Mindy, just so that I understand, these two pieces of equipment we traditionally have rented for the season.

Ms. Salomone-Abood replied yes, from April to November.

Alderman O'Neil asked so now going forward we will get a new piece as if we are renting but we're going to enter into a lease agreement? At the end of the eight years, I think you said, we'll actually own the piece.

Ms. Salomone-Abood replied yes, we have the pieces now. It would be the pieces that we have right now that we used from May to November.

Alderman O'Neil asked have we been paying on it November to now then?

Ms. Salomone-Abood replied no, they've held their payments to find out what we're doing with this.

Alderman O'Neil asked so both of these pieces are on site?

Ms. Salomone-Abood replied yes, they are on site now.

Alderman O'Neil asked how old are they?

Ms. Salomone-Abood replied they had under ten hours when they were delivered to the yard in May.

Alderman O'Neil stated okay, very good.

Alderman DeVries stated I think that answered the question that I had as well. But we will have control over both of these pieces year round, correct?

Ms. Salomone-Abood replied yes, they will be on our lot.

Alderman DeVries stated it just wasn't clear to me what happened to them during December to April, and I didn't want us to be re-inheriting something that was being put under tough use by somebody else for those months. So we will have the pieces year round; we will be paying for them year round in the new lease agreement.

Ms. Salomone-Abood stated no. We set up the lease agreement with the company so that we are only making payments April to November. They have allocated the payments so they still follow the terms that we have for the rental.

Alderman DeVries stated but even though we're not paying for them December through April, we can use the pieces if we wish to. Is that correct?

Ms. Salomone-Abood replied yes. They will be ours on site.

Alderman DeVries asked is there an advantage to the structure of this lease agreement as opposed to every month a lesser amount? I'm just curious.

Ms. Salomone-Abood replied we actually contacted this company, or we asked this company what it would be if we continued to rent, and we also looked at whether leasing a used piece of equipment would be better. And with the municipal discounting that you can get on a new piece of equipment, it actually brings the terms and the purchase price to less than what it would be if we were to do the same thing with the used pieces of equipment.

Chairman Lopez stated I'd like to follow-up on that line of questioning. We have the equipment all year long, but we're only going to pay for seven months. Is the guarantee for the equipment active during the months that we don't pay it? What kind of guarantee is there on the equipment?

Ms. Salomone-Abood replied there is a five-year warranty because it is a new piece of equipment.

Chairman Lopez asked and does that cover during the months we don't pay them?

Ms. Salomone-Abood replied I'm not sure what you mean by cover. Yes.

Alderman O'Neil asked it's covered for 12 months, even though we're only paying seven? And for Kevin Sheppard, it is highly unlikely the excavator gets used traditionally in the winter, I guess it might for emergencies, but the loader/backhoe would be used for snow removal and all of that.

Mr. Kevin Sheppard, Public Works Director, replied yes, it would be used year round, to your point, and the excavator, like I say. To answer Alderman DeVries' question, those certain months are when we have CDBG street reconstruction, and that's when we charge the rental or the lease off the CDBG, so in the winter months we don't have that so we cannot charge it off the CDBG.

Alderman Corriveau stated the first question is for Kevin. These are relatively new pieces of equipment. What is the projected lifetime on them?

Mr. Sheppard replied I would say ten to twelve years on a piece of equipment like this. I also want to note that we have checked with other vendors just to compare pricing on this, and we feel it is very competitive. We do want to check with one other vendor potentially, just to make sure this is the best deal. We believe it is, but we're just going to verify that.

Alderman Corriveau stated I just have two questions for the City Solicitor, Mr. Chairman. The first is on Page 4-6 of our packet in the Governmental Equipment Lease Purchase Agreement. I notice it mentions the date December 8, 2010. I assume that was just initial language that will be changed when the agreement is entered into?

Mr. Thomas Arnold, Deputy City Solicitor, replied I haven't reviewed this agreement so I couldn't answer your question.

Alderman Corriveau stated okay. I guess when your office does conduct a review of the agreement, could you also address that particular question and address...and maybe Kevin knows the answer to this...what were the changes we made to the non-appropriation clause? It looks like there was some language about being a political subdivision and contingent on funding, that sort of thing. But I was curious, if my understanding was correct, if this was language that we requested.

Mr. Sheppard stated I think it is. Mindy can maybe answer that about the non-appropriation. In regards to this lease, this is actually the same lease that the Board of Mayor and Aldermen approved for Water Works, I believe, less than six months ago for a piece of equipment. So this is the same contract, and I'm sure the City Solicitor will review this and find that it is the same. As far as that date, it will have to be changed when we sign the final contract. As far as non-appropriation, maybe Mindy can expand on that. But the bottom line is if we don't get appropriated the funds, we can get out of this lease agreement.

Alderman Corriveau asked with the exception of the amendment, the non-appropriation amendment, is this identical language to a contract we ratified earlier this year?

Mr. Sheppard replied correct.

Alderman O'Neil stated one question to the Solicitor. Why hasn't your office reviewed this?

Mr. Arnold replied I don't believe there was a request, and we didn't see it until the agenda came out.

Alderman Corriveau asked Kevin, is this time sensitive?

Ms. Salomone-Abood replied I believe the vendor would like to get the paperwork accomplished, and this was submitted to the Solicitor's office to confirm that it was the same thing that the Water Works had reviewed.

Chairman Lopez asked it was sent to the City Solicitor's office?

Ms. Salomone-Abood replied yes it was.

Chairman Lopez stated if we approve this tonight and it comes in at the next meeting, it will give an opportunity for the City Solicitor to weigh in. Does that meet the requirement that you have with the vendor?

Ms. Salomone-Abood replied I would believe so.

Mr. Sheppard stated hopefully we'd be able to work it out with them on the intent.

On motion of Alderman O'Neil, duly seconded by Alderman Corriveau, it was voted to approve the Governmental Equipment Lease-Purchase Agreement with Caterpillar Financial Services Corporation.

Chairman Lopez addressed item 5 of the agenda:

5. Communication from David Mara, Chief of Police, requesting the Committee consider moving towards a full transition of the Parking Control Officers to the Parking Division.

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

Chairman Lopez stated for the Committee's purpose, I had a conversation with the City Solicitor, so I know there's a question probably in everybody's mind, but I think after the Chief explains that, I'd like to have the Solicitor explain the union portion of it and how that could work. Brandy, could you come up, too. I guess one of the Aldermen has a question for you.

Mr. David Mara, Police Chief, stated this has been going on for a while. I have been in discussions with the MPPA. Eight Parking Control Officers are now part of their bargaining unit. In the past I have had discussions with them, and they said that they had no objection to them remaining a part of their bargaining unit even though the Police Department would be relinquishing control. I just followed that up with a phone call to make sure nothing has changed. I talked with the MPPA president, David Kineer, just after talking to you, to confirm that and to make sure nothing has changed since my last conversation. And it is still the status quo as far as that goes. They still would be willing, and would have no objection, to having them remain part of the collection bargaining unit. What it would take would be an addendum to the existing contract.

Chairman Lopez stated just for information, when we first did this, it was on a trial basis, as the Chief indicated in his correspondence, and no action has been taken except up until now that everything would come under the Parking Control Manager. If the employees still want to remain union, as you just heard, and Tom, this is legal as you explained to me, they may. I would like you to explain it to the Committee too about transferring from the Parking Division, how that would work.

Mr. Arnold responded in terms of the union, there are several ways you can do it. Probably the most efficient way is to have the MPPA modify their bargaining unit to include the Parking Control Officers once they are transferred, or prior to their transfer, to the Traffic Division. That would require, as the Chief said, some modifications to the current bargaining agreement, not only to expand the unit but to also clarify provisions with regard to things such as discipline, who would administer discipline, the procedures, and that type of thing. So yes, it could be done.

Chairman Lopez stated the other thing that is being done is Brandy would be the immediate supervisor under the department head, which would be Bill Sanders. So he would have to be involved. Is that correct?

Mr. Arnold replied yes. As I said, it would require some modifications to the discipline procedures and the grievance procedures. That, of course, would involve who actually is responsible for resolving the grievances or administering discipline.

Alderman O'Neil stated Tom, if I'm hearing you and the Chief right, they can formally go over to the Parking Division but through a modification in the Patrolman's agreement they would still be members of the PPPA, just with a separate agreement regarding them at the Parking Division.

Mr. Arnold replied basically yes.

Alderman O'Neil asked what is the next step then? If we approve this, it needs to go to the full Board, but it would still need to be negotiated with the Patrolman's Association, correct?

Mr. Arnold replied that's correct. We would have to, as I said, amend the contract. That would take negotiating with the MPPA coming up with the language acceptable to both parties and then presenting it to the BMA for approval since it is a modification.

Alderman O'Neil asked did I hear you say we should have that agreement before we vote to formally transfer them?

Mr. Arnold replied I presume that the Parking Control Officers would prefer it that way. That's basically a matter of timing and when you approve it.

Alderman O'Neil stated I'd like to have an agreement before we approve this. I have one other question for the Solicitor. Is this exclusive to the Parking Control Officers or will it open up that other members of the Parking Division can join the Patrolman's Union?

Mr. Arnold replied I haven't addressed that. The presumption is that it would be Parking Control Officers. If other people within the Parking Division decide to join a union, it would either take the formation of a separate union or negotiations with the MPPA whether they want to include those additional parties in their bargaining unit. I couldn't venture a guess as to whether they would approve of that or not.

Alderman O'Neil asked but legally they could?

Mr. Arnold replied yes, I believe legally they could.

Alderman Osborne stated I was speaking earlier to the Chief and Brandy on red tags, getting back to the red tags. Originally they were with the Police Department. At that time when you called for a red tag for a car that had been there for two or three months at a time, or a week or whatever it might be, more than 24 hours...of course we never do it that way. It seemed to be an easier task for the PCO's to accomplish this rather than a Patrol Officer because they are so busy and things of that sort going through the police station and getting somebody to do this. I mentioned it earlier to the Chief, and also to Brandy, and they are telling me that it has to do with a State law, a statute or whatever it might be, but

we were doing it back then at that time regardless of what the State law or the statute was. I guess it just stopped all of a sudden, and I find it a little harder in my ward, being a very busy ward with that type of situation, to call the Police Department all the time and to try to get somebody to get up there and put a red tag on it. The other way was a lot quicker and a lot easier. I guess the Chief explained to me that he didn't know much about what happened to it, but maybe you can discuss that a little bit, Chief.

Mr. Mara responded as far as red tags go and the situation you're talking about, I would encourage you to call the Police Department. That would be a call for service; that's our job. If there is an abandoned vehicle, we'll investigate it. We'll run the plate. We want to put a red tag on there because we want to get abandoned vehicles off the streets. As far as the Parking Control Officers go, as far as I'm concerned, if the State law allows them to give red tags, which I think the City Solicitor in our discussion was going to check, the more people checking for abandoned vehicles and giving out red tags, the better for the City. We have no problems with that.

Alderman Osborne asked would the City Solicitor be looking into that? Mr. Solicitor, are you going to look into that particular situation? Are the Parking Control Officers able to red tag these cars? That's what I'm mainly interested in.

Mr. Arnold replied I can certainly...

Mr. Mara interjected I just want to make it clear to anybody that might be watching this that if there is an abandoned vehicle in your neighborhood or in your ward, please call us. Don't hesitate to call us. We will send an officer there.

Alderman Osborne stated I do.

Mr. Mara stated I think the only difference that would be...

Alderman Osborne interjected I'm trying to make it a little easier.

Mr. Mara stated I appreciate that, but if the Parking Control Officers were to give out red tags, I would say the way to do it would be while they are out looking for violators. If they see an abandoned car, then they would take action. But if somebody wants a car red tagged or they want to check to see if it is abandoned, I say you continue calling the Police Department and we'll send a police officer there. I don't want us to stop doing it; I think what would be a good idea; more people would be doing it.

Alderman Osborne stated but it would be a good combination between the two of you.

Chairman Lopez stated the bottom line is that the PCO's can do it.

Mr. Mara stated if the State law allows for it, I have no problem with that at all.

Alderman O'Neil stated they are going to find that out.

Chairman Lopez asked Brandy, do you have a comment on that?

Ms. Brandy Stanley, Parking Manager, replied one of the PCO's was typically the one that did the red tags when they were with the Police Department, and that stopped when they came over to the Parking Division. We have no problem with red tagging vehicles in conjunction with the Police Department. I think it's a great idea, and hopefully the State law will allow us to do that.

Alderman Osborne stated I remember you used to do it and you used to call into the Police Department and check the plate, go through the whole nine yards to make sure that it is not stolen and things of that sort. I have no problem with that. I always had good results with them back then.

Alderman Corriveau stated thank you, Mr. Chairman. Chief, you say in the letter that the Parking Division Manager was given authority under the collective bargaining agreement over essential disciplinary actions in terms of personnel issues. Assuming this transition takes place, are there going to have to be new standard operating procedures devised for Parking Control Officers?

Mr. Mara replied essentially, right now they're not following our standard operating procedures anyway. We don't hire; we have nothing to do with the hiring, the training, or the evaluating - all of those things we have SOP's on. So right now as far as anything but discipline, I really have no contact with the employees. So what you're doing is just codifying what has been going on anyway.

Alderman Corriveau asked Brandy, are you going to have to draft some sort of similar standard operating procedures because they are now going to be coming exclusively under your authority?

Ms. Stanley replied yes and no. We're probably going to have to make some revisions to our existing SOP because we do have an SOP that addresses some of these things. What we have put in our SOP for the PCO's specifically is that it is subject to the Police Department SOP because we know that they're still

technically under that. Our SOP mostly concerns things that are not covered by the Police Department SOP because the Police Department doesn't do those things. So, yes, we probably would have to make some changes to certain sections of the SOP and make sure that the unions and everyone are in agreement. But I think that the bulk of the work has already been done.

Alderman Osborne stated I just want to make it clear here between the Chief and Brandy. Brandy, do you have red tags right now?

Ms. Stanley replied no.

Alderman Osborne stated I just want to know. When can we start or how are we going to start or do we have to wait for the State or wait for the City Solicitor or what are we going to do here?

Mr. Mara stated here is a question that I'm going to need answered and I am going to concurrently have it looked into it on my end as well. Years ago, evidently, when it was done by one Parking Control Officer, I don't know if she was able to do that because she was with the Police Department because she was an employee of the Police Department or if there is something I'd have to do to follow the State law. I don't know if the State law specifically says it has to be a police officer or an employee of the Police Department, before I give you a definitive answer. I think we have to look at the State law to make sure that issuing a red tag would have no teeth to it. As I said before, I have absolutely no problem with it if they are allowed to do it.

Alderman Osborne stated I understand. So how long do you think that would take, Chief?

Mr. Mara replied I could probably get an answer by tomorrow, but the last word on this would be the City Solicitor's office.

Alderman Osborne asked City Solicitor, are you all set with this?

Mr. Arnold replied I'd also have to take a look at the law; I could do that this week or possibly next week.

Alderman Osborne stated thank you. Starting the first of the year would be great.

Alderman O'Neil asked if I may Mr. Chairman, what are the mechanics? We approve it then it goes to the full Board? Will it come back to the Committee if an agreement is reached?

Chairman Lopez replied if the Committee wants it all to come back before we send it to the full Board, we can just table the item or we can send it to the full Board for the next regular meeting provided that the City Solicitor and the Chief and the agreement are all done.

Alderman O'Neil stated we don't, as a Committee, have the power just to ask them to negotiate the contract. That's got to go to the full Board and it will have to come back either to the full Board or back to the Committee. Is that correct, once the agreement is reached?

Chairman Lopez replied once the agreement is reached, but I think the problem, the unknown at this time, is what the employees want to do. Do they want to maintain with the Patrolmen's union or maybe they want to go to Teamsters or create their own union. I don't know. That conversation hasn't taken place. I guess what I'm saying is that the employees could decide if the Patrolmen's union wants to keep them and be their negotiator, that is fine. But they might want to turn around and say we'd like to go along with...

Alderman O'Neil interjected so the motion should be to refer this to the full Board for January?

Chairman Lopez replied for January, and at the same time that the City Solicitor and Chief can work out the other details.

Alderman O'Neil stated but eventually, even if they reach an agreement, it's going to have to come back to the full Board.

Chairman Lopez stated absolutely.

Alderman Long stated I just want to reiterate what Alderman O'Neil said, that it's very important that the employee agreement be reached prior to this happening. Chief, do you know if the Police Association has agreed to set up another unit with these employees?

Mr. Mara replied I don't believe they want to set up another union. What they want to do is keep them in the bargaining unit. If I can just deviate a little from that question because it goes to it as well, there are two separate issues here. I believe this has been going on for a while now. I don't supervise these people; I don't have anything to do with them. The only time I get involved is for discipline. For all essential purposes, they are not employees of the Police Department. So one issue is that formally we should come out with an edict that they are not part of the Police Department, with the understanding that the next step is what bargaining unit they are going to be in. Are they going to stay with

the Patrolmen's union? Everybody appears to be in agreement with that as far as the employees and the bargaining unit. Or, are they going to form their own union? Of course that has nothing to do with us as far as the Police Department goes. But what I worry about is we're an accredited Police Department; they are not under the same evaluation system. We don't hire them and we don't train them; no contact. And the only time I've had contact is Brandy a couple of times has asked me to assist with some disciplining matters or to order one of the employees to take some action under our SOP's, but essentially they don't fall under our SOP's. So I think this has been going on for a number of years now; I think it's just time that we cut the ties with the Police Department, and that's why I believe it is two separate issues.

Alderman Long stated what would clearly delineate that would be for the Police Patrolmen's Association to set up another unit within their union. It would be part of the Police Department; it would be a separate union like the Teamsters who have laborers, nursing homes, teachers and whatever. So the question is if the Association is willing to do that. If they are, then it's not a problem. How many employees are we talking about, Brandy?

Ms. Stanley replied six.

Alderman Long stated and it takes five.

Mr. Mara stated I don't want to misquote the President of the MPPA, but what he told me just prior to this meeting is he is willing to confer with their union attorney. He has no problems with them remaining in the union, and he talked about an addendum to the contract.

Chairman Lopez asked who is going to take the lead in making sure that the employees are taken care of if we approve this tonight, Chief or Brandy or whom?

Mr. Mara replied what I can do, what I'd be willing to, is to get everybody together. I would set it up. I would get the union, parking control, City Solicitor, and I'll be there but I'm not even sure if it is an issue at this point if the Police Department got involved in any kind of negotiations because we're not...

Alderman DeVries interjected are there any changes to any of the benefits that the employees have today, privileges or benefits?

Mr. Mara replied I don't believe so. I think the only change we're going to have has to do with the disciplining process. That is about the only thing that I'm involved in now. That's about the only change that I can see. It's not pay, benefits, health...nothing changes.

Alderman DeVries asked same pension, same work hours?

Mr. Mara replied yes.

Alderman Osborne stated a different subject. Back to the red tags again. I'm very hot on this one. I don't know why; I always have been. Like I said, my ward is loaded with that. If the City Solicitor and the Chief are willing to look into this with the State, I think it has to be mentioned to them also that this is a non-moving violation; it's not a moving violation. So I think that has a little something to do with it rather than if it was a moving violation. Then the State would have to have more because the money does go to the State. With a non-moving violation the money goes to the City. I think it has a little more clout if we kind of push it a little bit saying that we would like to have the PCO's red tag in the situation where they are already tagging non-moving violations.

Mr. Mara stated Alderman, this is not an issue about checking with the State. I'm going to look at the statute and I'm going to see who the statute authorizes to be able to place a red tag on a vehicle. It will say what the criteria is and who is authorized to be able to do that.

Alderman Osborne asked will this specifically say red tag? What you're reading? Does it specifically say non-moving, red tag violation? Or is it worded differently?

Mr. Mara replied my understanding is it is not even in the same statute. It's not even related to a motor vehicle statute. What I'm going to do, if it is okay with you, is come back to the meeting tonight with a copy of the statute, and I'll give you a copy and I can show you what you're looking at.

Alderman Osborne stated okay, not that I'm a lawyer, but I would like looking at something like that.

Mr. Mara stated I will bring that statute in and I'll bring a copy to you, and you'll be able to see what we're looking at.

Alderman Osborne stated also give me your opinion and also the City Solicitor's opinion. I'd just like to see this happen. I really would.

Mr. Mara stated I'm also going to send some cruisers out tonight to check your ward for abandoned vehicles.

Alderman O'Neil moved to table the request for full transition of the Parking Control Officers to the Parking Division, with the condition that designated City staff members agree to start moving forward on this.

Alderman O'Neil stated that way it will come to the Committee.

Chairman Lopez stated right, and I have to agree with you because if we have a lot of questions, I'm sure the whole Board is going to have a lot of questions. Along with that tabling, just for clarification, all parties concerned will meet with the employees, work out the details, the City Solicitor, whatever he has to do, and bring it back to the Committee so we can approve this and have it clear cut so everybody knows what's going on. There seem to be a lot of questions.

Alderman Corriveau stated Chief, I want to follow-up on what I was asking you and Brandy earlier when you mentioned the discipline issue as one of your absolute foremost concerns. You mentioned something along the lines of an edict. Are you looking for some form of communication saying these are not Police Department employees as well as a disciplinary mechanism maybe through the Parking Division's SOP that's going to address that they truly do come under Brandy's disciplinary authority?

Mr. Mara responded what I was looking for, and whatever direction you give me, of course I will go, first that it was an experiment, and I believe it is working well, that they are no longer employees of the Police Department. There is no connection between the Parking Control Officers and the Manchester Police Department. That's what I'm looking for as a department manager because I have no controls on that as it is. I'd be willing to be involved in that process, getting all the parties together so we can hammer it out. When you're talking about a discipline process, that is something that has to be hammered out with the union about what that process is going to be, and I'd be glad to get involved in that and get the parties together or whatever is necessary. But from my point of view and the Police Department's point of view, I would just like to sever the ties between those six employees and the Police Department because essentially we've already done that except for one thing, the disciplining process.

Alderman Corriveau asked Brandy, while this process is ongoing, will it be possible for you to revise your SOP so that all of this is happening concurrently?

Ms. Stanley replied yes, absolutely.

Chairman Lopez stated I think we're all in the same boat. Tom and Chief Mara, you guys take the lead and move them forward with this problem and square it away, and I'll take the table motion from Alderman O'Neil.

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

Mr. Arnold asked could just ask a question so I am clear on what the Committee expects of me? Do you expect that we will meet with the MPPA and try to negotiate an actual amendment to their contract and bring that back to the Committee, or are you looking for something different?

Chairman Lopez replied yes, and I think if the employees still want to stay with the Patrolmen's union, that's fine. If they want to move over to the Teamsters or create their own union, that's fine, as long as the employees are taken care of. You just have to sit down with the employees and see what they want.

Mr. Arnold asked and then act in accordance with essentially what they are looking for and then come back to the Committee?

Chairman Lopez replied yes.

Mr. Arnold stated the only other thing I would mention is that I haven't looked but this may take an amendment to the job classifications. I haven't looked at them so I don't know whether that would be required or not.

Chairman Lopez stated okay, then include Jane Gile in the conversation. That would be the team to put this thing together and get it worked on administratively and then we'll take care of the action.

Chairman Lopez addressed item 6 of the agenda:

6. Communication from Timothy Soucy, Public Health Director, requesting an amendment to the definition of the Sanitary Food Code in Chapter 117 Food Service Establishments of the Code of Ordinances.

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

Alderman DeVries stated the proposed rule change hasn't been approved; it's not in its final form. Is it a result of a statute change?

Mr. Timothy Soucy, Public Health Director, replied no. The Bureau of Health at the State level is proposing to revise the food code. It is going to the Joint Legislative Committee on Administrative Rules (JLCAR) on January 7, 2011.

Alderman DeVries asked so you are going to monitor this in case that proposed rule doesn't get approved as it has been put forward?

Mr. Soucy replied no. If that proposed rule gets approved as it goes forward, it essentially nullifies our food protection program. So we want to keep the current food code in the City ordinance as it is written as of December 1<sup>st</sup>, so that if the change goes through it gives us time to make the modifications we need, training staff, devising new forms, to meet the requirements of the new food code. So we're not in a position to adopt the new food code if it goes through JLCAR in January or early February.

Alderman DeVries asked so you don't really care what happens to the proposed rule at the State level because you will be adopting at the local level your own code by ordinance?

Mr. Soucy replied that's correct. We do care in the sense that we believe in the science and the new food code, and we want to get to that point but it really changes how we do business. It uses a color coded scheme versus a numeric scheme so there is red, yellow and green in there.

Alderman DeVries asked we're going to stay with the numeric?

Mr. Soucy replied we're going to stay with the numeric until we're in a position to train our staff, revise our forms, do outreach to the restaurants. So we're going to stay the way we are if it passes through JLCAR.

Alderman DeVries asked would it mean we will not incur any new costs?

Mr. Soucy replied that's correct.

On motion of Alderman DeVries, duly seconded by Alderman Osborne, it was voted to approve the request to amend the definition of the Sanitary Food Code in Chapter 117 Food Service Establishments of the Code of Ordinances.

Chairman Lopez addressed item 7 of the agenda:

7. Communication from Mayor Gatsas requesting that the Committee review the current Ordinances and enforcement options regarding political signs.  
*(Note: Referred by the Board of Mayor and Aldermen on 11/16/2010; City Solicitor will work with the Committee on a recommendation.)*

Chairman Lopez asked Tom, do you have any guidance for us on this?

Mr. Arnold replied not at this point, no.

Chairman Lopez stated maybe we should refer this to the City Solicitor to see what the legality is for us to do this. We can do anything as far as make a \$50 fine, but how are we going to enforce it?

Alderman Osborne stated I'd like to speak a little bit about it or get some discussion on it. I'm sure somebody has something to say about political signage.

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

Alderman Osborne stated I haven't been a fan of those for years. Basically we need a little bit of a committee here to put it together, maybe with the City Solicitor. We can still speak about it but we have to put something down in the ordinance to abide by it. With City elections I don't think we need a bunch of signs out there. I think we should be 100 feet from the polls and that's about it. And as far as federal or state or whatever it might be, that's another situation but I think with the City ordinance we could kind of get this down more pat on where these signs are going to go and where they can go. I think basically, especially running for Alderman, is not a big job. You know you have a ward; you have people out there. You should be going door to door. You can have correspondence, mailings, whatever it might be, but signs I think are just a big blight, like the rest of the graffiti out there, and I'm dead set against signs anyway. So if they get me into it, they will never hear the end of it. I don't think its necessary citywide, the rest of it. They can all figure that out for themselves. But as far as citywide, I think we should stick to within 100 feet of the polls and the rest of it as you go out there and work and whether it be in the newspaper or mailings or whatever you want to do is the way we should do it, not with a bunch of signs hanging around.

Chairman Lopez stated they have a lot of options. This is about leaving the signs out there. We have a Presidential election coming up; we have four feet by eight feet signs; I don't know what the answer is myself.

Alderman O'Neil stated the bottom line is that whatever we come up with has to be enforceable. There are laws and ordinances now that are difficult to enforce. We can't ask Police or Highway or the Clerk's office to be spending time chasing all of these down. I agree they are an eyesore but whatever we do it is useless if it is not enforceable. There is State law now regarding this, and City ordinances

regarding this, and it still happens because we don't have the people to go out and enforce it.

Alderman Osborne stated I don't know what the City ordinance reads exactly, but I think we could handle it citywide. Like I said, statewide is another situation for us to try to handle. The State should be handling it and having its own statute and whatever it is. But I think citywide we can handle it if we put some enforcement behind it. That's it. Anybody whose signs are out there, whether it's an Alderman or a Mayor or whoever is running for City office, can be contacted very quickly in order to get those signs down before they get fined for not doing so. I'm just saying, if you want to get into it, I can get into it.

Chairman Lopez asked why don't we do this. I know what the problem is; we all know what the problem is with people with political signs. We also know the Building Department is the enforcement person for political signs. Am I correct, Leon? We have a problem, we call you. So I think that you should lead this Committee and find out what we can do. I don't know what we can do.

Mr. Leon LaFreniere, Planning & Community Development Director, stated we handle private property in the right-of-ways.

Chairman Lopez stated and then Kevin Sheppard handles the Highway Department, so you and Kevin and the City Solicitor can give us some guidance on what we can do. We can make a fine, but who is going to enforce it?

Alderman Corriveau stated maybe the first step, Mr. Chairman, would be having the statutes and ordinances brought forth so that the members of this Committee can review them and maybe get opinion letters from Leon and Kevin about their enforcement issues so at least we have that information in front of us and then we know how to move forward.

Chairman Lopez stated if the City Solicitor can send the statutes and ordinances to the Committee members, I would appreciate that. In the meantime, Leon and Kevin and the City Solicitor will come up with some recommendations. I think that is the best thing to do. Is that okay with the Committee?

Alderman Osborne stated Mr. Chairman, you have to remember...you know as well as I do, being around as long as I have, that signs don't vote. All they do is blight.

On motion of Alderman Corriveau, duly seconded by Alderman DeVries, it was voted to refer this item to the City Solicitor, Public Works Director and Planning & Community Development Director who will come back to the Committee with their recommendations.

Chairman Lopez addressed item 8 of the agenda:

8. Communication from Mayor Gatsas requesting that the Committee review the current bedbug Ordinance and enforcement.  
*(Note: Referred by the Board of Mayor and Aldermen on 11/16/2010)*

Chairman Lopez stated I know that Alderman Long is on a committee with Manchester NeighborWorks. I think they left already. Do you want to speak to that?

Alderman Long stated thank you, Mr. Chairman. There's a misconception that the City is not doing anything. Ten months ago the City established this committee. This committee has been working hard; we've met once a month for ten months. We have a report due in March. In our report will be initiatives on education, best practices of pest control, and landlords and tenants. Currently there is a website NHBedbugs.com that this committee has established with no resources. Phil Alexakos of the Health Department has requested CIP funding. The Mayor hit the nail on the head when he said education. That has an immediate effect that we see now. Ordinance change is going to be long term, but the immediate effect is the education process. So within this CIP process we're going to have, there are some finances. It isn't very much; it's rather inexpensive, but the focus will be on education. So I hope through this CIP process that the initiative will be taken care of. I don't believe Manchester is in an infestation state. It's just not. What we're finding is that people don't know where to go. That is your basic question. Because once it starts in a small amount, it is easy to eradicate them. I just don't want people to be alarmed thinking that we're in a state of panic. We're not. We're being proactive and as long as we remain proactive, then Manchester will be able to address this.

Chairman Lopez asked do you want anything from this Committee now until you give us a complete report that we can move forward with?

Alderman Long replied no, actually just your support within the CIP process.

Alderman O'Neil asked so should we receive and file the Mayor's letter then? It has already being worked on.

Chairman Lopez replied it's being worked on but they will have to come in and change the ordinances and all of that. I think that we can table it until the committee comes forward.

Alderman O'Neil stated instead of keeping this on here, why don't we receive and file it. They are already coming in with something anyway.

Alderman Long stated the first meeting in March we will have a comprehensive report.

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

Chairman Lopez stated note that the committee will be coming in in March with recommendations.

Alderman Long stated yes, the City is being proactive on this.

Chairman Lopez addressed item 9 of the agenda:

9. Innoprise Project update submitted by Jennie Angell, Director of Information Services.

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

Alderman O'Neil stated Jennie, I know when you presented this you laid out a very specific timeline, and I'm going to guess, knowing you, that the City will follow that timeline. We had a discussion last night in Accounts about moving a little more aggressively with some of the items. I think you're going to be requested to come before the next Accounts meeting.

Ms. Jennie Angell, Information Systems Director, asked as far as implementation of the Innoprise software?

Alderman O'Neil stated correct, regarding whether or not we can do checks and balances. If Leon is having an issue with an address, it doesn't mean that Mac knows there's an address or a business or vice versa. When we have these...I don't know what the right word would be...non-supportive building owners in the City, one department has an issue but nobody else necessarily knows so they issue street opening permits or allow them to get their alarm permit in the Fire

Department. There was some interest last night about how we could advance somehow, or revise the schedule a little bit, to make sure that City departments are talking to each other sooner rather than later. We were told last night, I think by the Finance Officer, that those checks and balances could be 18 months or longer.

Ms. Angell stated this is a two to three year project. We are doing permits. This is our first module so we're doing it carefully to get our arms wrapped around how the process is going to go. What we have done, and I only gave you a sample of what we did for one permit, but we're going out and really attempting to identify all permits, even those that aren't in HTE right now, including some of the Fire Department's fire permits and Health Department permits, with the expectation that all of them are going to be going into the Innoprise system. The issue that we're trying to balance is if we start pulling in those things that aren't currently in HTE, it does take resources. It will delay other parts of HTE, so we're trying to balance that. We plan to do it all but it is kind of trying to figure out the order because you start getting project creep. So we're going to be spending time bringing on that which is not on HTE but that's at the expense of delaying another part that is on HTE. So we're trying to balance that. I have put out feelers on trying to move the schedule along, and the plan as I laid out here is we're supposed to be getting the statement of work by the end of this month for permits. Once that is approved, we're immediately going into licensing because we have already started that. So we're starting the ball rolling so things will move faster. We do need to spend the time up front identifying the issues before we start doing configuration so we can do the things that you're talking about. You want to make sure that we identify those opportunities; we don't want to just convert and do what we're doing now because it's not doing everything we need. But if you want to see about moving some of the financials earlier, that's something I need to know.

Alderman O'Neil stated it is kind of a combination of financials, permits and licensing. We had a discussion about an address at Hall and Hanover, the three buildings, that if there's an issue with that address, in this particular case it was the Planning & Community Development Department, there should not be other permits and licenses approved in the City while we have these outstanding issues. We understand some of these vendors come in and just change from Brown Company, LLC to Brown Firm. They change their names; they find every way to skate. I'll speak for myself, but if there was a way that if we knew there was an issue with Planning & Community Development, that the Fire Department doesn't issue them a permit. Right now there is no knowledge of that.

Ms. Angell stated right. This is what we're doing, and Fire is onboard with this and so is Health, because right now Fire's permits are in a totally different system, Health's permits are in a totally different system, and they have all been in on this

analysis and this discussion. The plan is those permits will be brought into the Innoprise system. For example, to get an occupancy permit, it can be laid out that all of these permits have to be signed off on before the system will allow an occupancy permit to be issued. So those are the discussions that we've been having.

Alderman O'Neil stated if a certain address is coming in and they want a street opening permit because they are going to replace the sewer line but we have other issues with them, we may not want to issue that street opening permit. But we need Public Works to know through going on the computer and typing in that address that there are issues at Planning & Community Development.

Ms. Angell stated I understand. What we have been doing, and we can expand it if you've got some ideas, is getting the groups with the permits together in common discussions so when we get to this part, say with businesses licensing, we will get all of the players together.

Alderman O'Neil stated it can't happen quickly enough as far as I'm concerned, and it kind of ties into the NET team a little bit. It is probably one of the most important issues as we get in with this system. I believe the system will be able to do it.

Ms. Angell stated the NET team is the next thing that we're addressing. We're going to do permits first, then the NET team. We're not going to have everything on NET because we're not going to have all the systems in, but we're going to get NET set up and going and that's going to be the next thing once we have the permits in.

Alderman O'Neil stated we are crawling before we're walking or running. That's a positive. Right now we have everybody going in different directions. All in all it is working fairly well, but there are some, unfortunately, troubled properties that slip through the cracks because everyone is going in different directions.

Alderman DeVries stated thank you, Jennie. After the first of the year, the update that you sent out to us has some of the financials coming online, starting to be part of the process.

Ms. Angell stated this is not coming online. This is discussions on particular areas, what different departments are doing differently and we need to identify the common issues so we make sure we address those when we start discussing the items we need to have configured with the vendor.

Alderman DeVries stated my question for you is a little bit more global because within the contract that we approved for this there was considerable discussion by this Committee as to the number of hours that you were getting in order to implement this. You're still comfortable with the contractual agreement, that it's going to meet all of our needs?

Ms. Angell replied yes. We have 1,000 days, which is 8,000 hours, and I'm comfortable with that.

Alderman DeVries stated for training and so on. Will you make this Committee aware of any concerns that you have if you're going to start over-drafting the contract?

Ms. Angel replied yes. We're getting monthly statements from the vendor and they will be reviewed. We are going to have software steering committee meetings after we get the first statement of work and we'll be doing that, but it's been good. I'm very comfortable.

Chairman Lopez stated the only thing as we go along here is we have a plan laid out, and if there is a problem, make sure we're well aware of the problem, if you can't do something that the Committee has asked you to do, because I think that's the key element. I agree with Alderman O'Neil and the NET team and all of that, but I just want to make sure that we're not tweaking something too much that you can't get everything done in what you presented to us. And just to let you know, there is a minor thing on Page 9-3. The date of 6/30/2100, where it says license fee for year one, I think should be 2010. I believe it is. It is just a minor typographical error I think. Do you agree with that?

Ms. Angell replied yes. That is 2010. I will fix that.

Alderman DeVries moved to receive and file this item. Alderman O'Neil duly seconded the motion.

Alderman O'Neil stated Jennie, you sent out an email also updating us. Is that just for the Committee or does that go to all the Aldermen?

Ms. Angell replied I sent this out to the full Board.

Alderman O'Neil stated that would be appropriate. Everyone has seen it then.

Ms. Angell replied yes.

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

## **TABLED ITEMS**

10. Presentation by Robert Cote, President of Brattle Consulting Group, Inc., regarding SubItUp.com and its impact on the Manchester Police Department.  
*(Note: Re-tabled on 8/30/2010; Police Department to evaluate through December 2010; originally tabled 04/20/2010.)*

This item remained on the table.

11. Communication from Jennie Angell, Director of Information Services, regarding support services for the Manchester School District's website.  
*(Note: Tabled 11/16/2010, Dr. Brennan to meet with the BOSC regarding funding Additional communication from Jennie Angell was submitted on December 13, 2010, and is attached.)*

On motion of Alderman O'Neil, duly seconded by Alderman DeVries, it was voted to remove this item from the table.

Chairman Lopez stated I think we can do away with this; I have to ask Jennie. I know you went to the School District. Do you have an agreement with them?

Ms. Angell replied yes. I didn't have the signed agreement back when this had to go in, but I do have a signed agreement. You have a copy of the unsigned agreement, and I have a signed contract back from School now and they are going to be...

Chairman Lopez interjected does it change anything? Are you going to provide that to the Committee? Can we take this off and you present it again or what? You have a signed contract.

Ms. Angell responded I have a signed contract. If you need me to or if you just want to do it as informational that we are going to be supporting the School's website, they have agreed to that.

Chairman Lopez stated we can receive and file it.

Ms. Angell stated yes.

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

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