

## COMMITTEE ON BILLS ON SECOND READING

April 5, 2011

5:15 PM

Chairman DeVries called the meeting to order.

The Clerk called the roll.

Present: Aldermen DeVries, Lopez, Arnold, Corriveau, Shaw

Messr.: T. Soucy

Chairman DeVries addressed item 3 of the agenda:

3. Ordinance Amendment:

“Amending Section 92.09 Fees of the Code of Ordinances of the City of Manchester by adding subsection (H) thereby establishing a site inspection and fee for a recreational fire permit.”

Alderman Arnold moved that the Ordinance Amendment ought to pass. The motion was duly seconded by Alderman Corriveau.

Alderman Shaw asked what exactly is a recreational fire permit?

Chairman DeVries replied I happen to serve on the committee that it was done through prior to it going to the board. What they are hoping to establish, and you may be familiar with this from outside towns, is a limited fire permit to allow live burns in a fire pit in a safe, previously inspected location. There is a fee that accompanies that because this will require an onsite inspection of the site to be utilized. Unfortunately, I don't have anyone from the Fire Department. I know the Chief is not in town.

Alderman Shaw asked are we not allowed to burn those little fire pits in the backyard?

Chairman DeVries replied today, no, you are not allowed to do so. A lot of people do them. They are often called chimaeas, but there has to be a grate in place that prevents sparks from escaping onto surrounding structures. There has to be

maintained a 25 foot setback from combustible structures and that is why the Fire Department is going to be out inspecting the area of use. This doesn't open up the door for each and every outside burn. Certainly trash is not going to be allowed to be burned.

Chairman DeVries called for a vote on the motion that the Ordinance Amendment ought to pass. There being none opposed, the motion carried.

Chairman DeVries addressed item 4 of the agenda:

4. Ordinance Amendment:

“Amending the Code of Ordinances of the City of Manchester by amending Chapter 94 Noise Regulations thereby creating a new subsection which exempts City-sponsored fireworks displays or licensed fireworks displays emanating from City property.”

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

Alderman Corriveau stated the Ordinance right now is changed to read, ‘any City-sponsored fireworks display or fireworks display approved by the City in conjunction with a specific licensed event and emanating from City property, public recreational area or civic stadium’. My question is in regards to the phrase ‘approved by the City’. By City, do we mean the Board of Mayor and Aldermen, the Committee on Administration, the City Clerk? I guess I’m looking for some clarity. Maybe it is defined elsewhere in the Ordinance, but the use of City in that particular phrase I wasn’t clear on.

City Clerk Matthew Normand stated we did work with the Solicitor’s Office and in terms of this Ordinance, the Fire Department has to do an inspection and give permit approval for fireworks. This would also include a licensed event by the City Clerk’s Office that also has to get those same Fire approvals so it covers all those bases. If it is something that the City is aware of and has approved, this would be permissible.

Alderman Corriveau asked so in regards to the permissible sound pressure levels emanating from the fireworks displays approved by the City, who approves the fireworks display? Whose jurisdiction is that?

City Clerk Normand replied the actual firework display is done by the Fire Department, Fire Prevention, that goes and inspects the pyrotechnics. The event itself is typically licensed by the City Clerk's Office which for us to issue that license requires signoffs from various agencies, Fire being one of them.

Alderman Corriveau asked so at the end of the day, the approval actually comes from the City Clerk's Office?

City Clerk Normand replied yes, but if your question is specific to the pyrotechnics themselves, that is done by the Fire Department and the State Fire Marshal.

On motion of Alderman Lopez, duly seconded by Alderman Arnold, it was voted that the Ordinance Amendment ought to pass.

Chairman DeVries addressed item 5 of the agenda:

5. Ordinance Amendment:

“Amending Section 92.09 Fees of the Code of Ordinances of the City of Manchester by adding subsection (I) thereby establishing an application and fee for a welding and/or hot work permit in an occupied building.”

On motion of Alderman Lopez, duly seconded by Alderman Arnold, it was voted that the Ordinance Amendment ought to pass.

Chairman DeVries addressed item 6 of the agenda:

6. Ordinance Amendment:

“Amending Chapter 117 Food Service Establishments of the Code of Ordinances of the City of Manchester by Increasing Fees for Food Service Establishments and other Health Department Inspection Services.”

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

Alderman Lopez stated Tim, I know when we went through Committee...how important was it for you to increase these particular fees in the economy the way it is?

Mr. Tim Soucy, Public Health Director, replied the last time we increased fees on the food service establishments in Manchester was five years ago so we are looking at a 10% increase which ranges anywhere from \$10 to \$50 per year for the average establishment in Manchester. The larger establishments are up to \$50 and the smaller establishments are \$10. Large supermarkets are about an additional \$100 for a permit for a given year. We project that it will be an additional \$20,000 in revenue for the fiscal year 2012 budget.

Alderman Lopez stated this has nothing to do with your budget. Is that correct?

Mr. Soucy replied I will tell you that I did include the \$20,000 in my revenue projections so should this not pass, I would ask that the Board, through their budget deliberations, remove that revenue projection moving forward.

Chairman DeVries stated I'm stretching to recollect this entire discussion while it was at the full Board level, but I do recall some discussion that indicated that the actual costs of fulfilling these inspections and licensing today is greater than what you bring in with the inspection fee. One might say that the taxpayers already supplement this particular business activity. Would you agree?

Mr. Soucy replied we current bring in about \$175,000 to \$180,000 in revenue for the current permit structure. The food protection program encompasses about 2.5% FTEs of our staff time.

Chairman DeVries stated two and a half full time equivalents.

Mr. Soucy stated that's correct. I don't have those numbers in front of me, but when you look at salary, benefits, depreciation on vehicles, fuel, and equipment, certainly the cost of the program exceeds the money that we bring in in revenue. I would also argue that this is a core public health function that we provide in the community.

Chairman DeVries asked would you like to refresh the Committee and those listening and trying to keep up with us at home as to what you actually accomplish with these inspections?

Mr. Soucy replied with our food protection program, we inspect every food service establishment in the City of Manchester a minimum of twice a year, once every six months. If we identify a critical item violation during inspection, it is

automatically followed up with a re-inspection to ensure that that critical item violation has been corrected. If a restaurant were to fail, there are provisions for full inspections within days of the original inspection. We also provide food handler education. We sponsor at least two sessions a year that average between 200 and 400 people per session. We go on site to do food handler training. We do disease investigation if someone reports that they were ill from a restaurant. All of that is encompassed with this permit fee.

Alderman Corriveau stated I noticed that in addition to the fee increases it looks like class 4A and class 4B are classes that are now being done away with.

Mr. Soucy stated the class 4s are the temporary food service establishments and we had two different fee structures: one was for a restaurant or food service establishment in Manchester that currently had a permit, they would pay \$50 for a temporary food service permit. If Alderman Corriveau's Restaurant wanted to set up at an event downtown and bring in all temporary equipment, we would permit you for that because you are working off your licensed facility. Someone coming in from outside the City would pay \$100 for that fee because it requires an inspection. What we ran into were events like the Made in New Hampshire Expo where blanket permits were being pulled by the organizations and they would pay that \$100 fee, but our cost to do the inspection, to do the leg work up front, greatly superseded that number. We have moved to a \$15 per vendor per day flat rate so we get away from the blanket permits. This is more equitable in terms of our staff time that is required to actually do the inspections of temporary events.

Alderman Corriveau asked is that in a different proposal or a new Ordinance?

Mr. Soucy replied no, that is in here. If you look at class 4 you will see that the old ones were...we renamed the temporary food service establishment at the \$15 per day per vendor and struck the old class 4A and 4B. I do want to maintain that we did keep all non-profits at no fee. We had originally proposed a small fee at the Committee on Administration and we did bring that back to no fee for non-profits.

Alderman Corriveau stated to follow up, this \$15 per vendor per day that is going to help recoup a lot of the losses we incur when the City hosts these larger sort of expos or food service events.

Mr. Soucy stated that's correct. If you look apples to apples with the \$50 to \$100, we would probably lose a little bit of money, but when you look at those big events that had been given one blanket permit, it is pretty much a wash in a year's time.

Chairman DeVries stated I would remind the Committee that this being Bills on Second Reading and not a policy Committee, as you have often reminded me, we are looking for technicalities and errors in the Ordinance, not weighing in on policy.

On motion of Alderman Arnold, duly seconded by Alderman Corriveau, it was voted that the Ordinance Amendment ought to pass.

Chairman DeVries addressed item 7 of the agenda:

7. Ordinance Amendment:

“Amending Chapter 91 Health and Sanitation of the Code of Ordinances of the City of Manchester by Updating Technical Language and Increasing Fees for Health Department Inspection Services.”

On motion of Alderman Corriveau, duly seconded by Alderman Arnold, it was voted that the Ordinance Amendment ought to pass.

Chairman DeVries stated this is just a technical language change.

Mr. Soucy stated this one also includes one fee increase for outdoor swimming pools and natural bathing areas from \$125 to \$175 as well as the technical language which was a DES requirement.

Chairman DeVries addressed item 8 of the agenda:

8. Ordinance Amendment:

“Amending Chapter 53 On-site Sewage Disposal Systems of the Code of Ordinances of the City of Manchester by Updating Technical Language for Health Department Inspection Services.”

On motion of Alderman Corriveau, duly seconded by Alderman Shaw, it was voted that the Ordinance Amendment ought to pass.

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

A True Record. Attest.

Clerk of Committee