

COMMITTEE ON PUBLIC SAFETY, HEALTH AND TRAFFIC

March 18, 2008

5:00 PM

Chairman Shea called the meeting to order.

The Clerk called the roll.

Present: Alderman Shea, O'Neil, Sullivan, J. Roy, Ouellette

Messrs: B. Stanley, D. Robinson, M. Lussier, T. Clark, E. Osborne

Chairman Shea addressed item 3 of the agenda:

3. Presentation by Brandy Stanley, Parking Manager, on the proposed Late Fee Forgiveness Program.

Ms. Brandy Stanley, Parking Manager, stated thank you very much for the opportunity to present the Late Fee Forgiveness Program. Before I get started, one of the things I wanted to tell you is that the PowerPoint presentation that was included in your packet was the first version; there has been a revised version since then. There are just a couple of minor changes, and as I go through the presentation, I'll tell you what those are. The goals of this program are to expand our existing payment options. Currently, we take payments in cash or in check, in person, or through our lock box in the form of checks. We want to make it easier for people to pay for parking tickets in the hopes that more people will pay their parking tickets. We'd like to collect as much outstanding revenue as we can, and one of the things we need to do is clean up and compact the database. The database has very many records and it goes back for five years. The last thing we want to do, once we've pursued all avenues at collecting outstanding balances, is to write off what is uncollectible. What we're planning on doing for the program is to run it from May 15th to July 15th. I know that the package you have says May 1st to June 30th. We had to push that date back two weeks so we could make sure we had the online payment module up and running and tested before we started the program. All the customers in the database that have outstanding parking tickets will be notified in writing and that is the \$10,000 expense. Basically that is postage to send out the notices. Late fees for all tickets issued prior to May 1st would be waived during the two-month program that we're talking about. So, basically, it gives people an opportunity to come in and pay their outstanding parking tickets without incurring the additional late fees. We

will also suspend all of our booting activities during the program. We will continue booting up until May 15th but during the program we would stop booting. We would roll out our online ticket payment option as a part of the program. To go into a little bit more detail about the online ticket payments, we'd like to begin it on May 15, 2008, after it's been fully tested and we make sure that everything works. Customers would be able to pay online with VISA or MasterCard and we would make sure that there were appropriate links in various places throughout the City website. The PIN information would not be listed on any of the City servers. All the credit card information would go through our PCI-compliant payment processing vendor that currently does process online payments for the City with the EPD. We're proposing not to have a service charge to the customer and this is different from the EPD which does charge a convenience charge online. The testing we hope to begin in mid-April. To go into a little bit more detail about the processing fees, we did a lot of research before we came to the recommendation that we didn't want to charge a convenience fee to customers that were paying online. What we found was that the cities without service charges saw payment rates of 40%-80% if there were no convenience charges. Cities with service charges saw less than 25% of their tickets being paid on line. If our goal is to increase the number of people that are actually paying tickets, we want to make it as easy as possible and lower the cost as much as possible for the consumer. With this in mind, the fee structure... basically, we would pay the third party service vendor two and one half percent of the amount of the transaction with a \$1.00 minimum. If we went with the convenience charge, we would have to charge the customer \$2.50, at a minimum, per transaction. We think that would be detrimental to the payment rate because the most common ticket is the \$10.00 expired meter ticket. People are probably not going to be willing to pay an extra \$2.50 just for the convenience of paying online. Our expected result is, obviously, a net benefit for the City because we expect our payment rate to increase somewhere in the neighborhood of 10%. The financial analysis of how this works is we issue an average of about 55,000 parking tickets per year. If 50% of these tickets, given what we've looked at, are paid online, that's actually a realistic number, the cost to the City would be about \$30,000 for payment processing. If our collection rate increases by 10%, our revenue would increase by \$150,000. As you can see, it makes a lot of sense to do this without the service charge. We will realize administrative expense savings in terms of reduced lockbox fees. We do get charged when customers send payments to the lockbox. If fewer customers are sending payments, then we don't have to pay as much. There would be reduced postage for late notices. If more people are paying, then we aren't going to have to send them out notices saying that they owe. We could possibly see a reduction at the window in the Ordinance Violation Bureau. After the program is complete, after the 60-day period, we will reinstate all of the late fees. So, basically, you're getting your late fee waived for 60 days, and if you choose not to take advantage of this opportunity, the late fees are going to go right back on on July 16. We will

resume booting, on an expanded basis. We're going to look at searching for bootable cars overnights, weekends, and devoting additional staff to it. We're also looking to increase the boot fee from its current \$50.00 to \$100. Again, we don't want to get into the same situation we're in right now. We need to change the way we do things, and the online citation payment is one way to change that and then also making it a lot more likely that we're going to catch booted vehicles on the other end is also another way to do that. Finally, what we're planning on doing is sending tickets over 12-months old to a third party collection agency. The collection agency would report outstanding fines to the credit bureaus and all towns participating in RSA 231:130-A would be given a list of registered owners, with outstanding tickets and asked to hold registration. The state law allows us to enter into reciprocal agreement with other cities to hold registration on behalf of the other city. The last thing we're going to do is, once the collections process is completed, we're going to make sure we write off the remaining uncollectible balances. We know that some of that money that's outstanding is uncollectible. This process will allow us to identify how much of it is uncollectible and get rid of it. It may take up to a year to get that all shaken out because we want to make sure that we collect as much as possible. Background information for this particular program is as follows: We have \$1.9 million in outstanding parking tickets due to this City. This represents one and a half years of citation revenue. That \$1.9 million is comprised of parking tickets issued from January 1, 2003 to March 6, 2008. So it's about five years. There are 1,800 vehicles on the boot list and in order to make the boot list you have to have three outstanding violations totaling \$100 or more. Over 50% of the boot list is Manchester residents. We do have an average 75% to 78% collection rate. So, basically, 25% of people that are issued a parking ticket never pay it. This has gone down over time but, it is still a lot lower than it should be. In order to move this process along should the Committee wish, what we're asking is for this Committee to approve the program and a temporary late fee ordinance will be presented to the full Board on April 1st. We have not drafted it because we wanted to make sure that this Committee was okay with what we were proposing. We'd like to pass a permanent ordinance increasing the boot fee for full Board consideration April 1st, although, I will note there are a couple of changes that don't have anything to do with the boot fee that we'd like to make when it goes to the full Board. Also, we're requesting approval of the use of the online citation payment tool and there is actually no ordinance that is required to do that, just Board of Mayor and Aldermen approval. Your packet says that we're asking to suspend the rules. We actually do not have to, so nothing needs to be suspended this evening. I think that's it. If anybody has any questions, I'd be more than happy to respond.

Alderman Ouellette stated thank you, Brandy, for this great presentation. I think it's aggressive. I really like the action and the convenience of paying for things online. I happen to agree with you; I think that more people will use that tool,

especially just to put it right on their credit card or whatnot. The question I have is why are we suspending booting vehicles? Obviously booting the vehicles is for repeat offenders and people who just don't have a respect for the parking rules and regulations of the City. What's the advantage of doing that for the couple of months that you want to do it?

Ms. Stanley responded first of all, we know that there are some people that are going to take advantage of the fact that we're not going to be out booting vehicles. But, in terms of a public relations point of view, we really would like to give those people the opportunity to come in and pay without worrying about the adverse consequences. Again, we are going to continue our current booting schedule from now until May 15th. So, it doesn't do these people that are on the boot list any good to wait until then. If we catch it, we are going to, indeed, boot it. So, really, it's more of a courtesy than anything else.

Alderman Ouellette stated thank you. The other question I had, you already answered, about suspending the rules. I wondered why we would have had to have done that, so, that was already answered.

Alderman J. Roy stated Brandy, I just want a little clarification. I think it's a great idea. It sounds to me like there are two distinct parts. Number one is the amnesty period. But, it also sounds to me like the online payment is something that's going to go on permanently, is that correct?

Ms. Stanley stated that's correct. It will be a permanent program. We saw the two as working together to make each one of them work a little bit better.

Alderman Sullivan stated Ms. Stanley, I guess my question would go to the section on program follow-up. The booting, when it resumes...you said there would be additional staff dedicated to booting. I guess what I'm asking is would this require additional staff from what you have now or would it involve a reallocation of the staff that you currently have within the operation?

Ms. Stanley responded we're not asking for any additional staff. It would just be reallocation.

Alderman O'Neil stated Brandy, do we use one general company to do collections citywide or do you know?

Ms. Stanley stated I believe the Finance Department...I don't know so I'll tell you what I think. I think the Finance Department does have one collection agency.

Alderman O'Neil asked do you happen to know if there is a firm out there specific to parking ticket collections?

Ms. Stanley stated yes, there are. Most of them are larger collection agencies, but they do have divisions just specifically for parking.

Alderman O'Neil asked have you had that discussion with the Finance Officer at all?

Ms. Stanley responded not yet, because we knew that we weren't going to send any collections until we'd finished the amnesty program.

Alderman O'Neil stated so, going forward, that may be a goal. Okay, and RSA 231:130-A, explain that a little bit to me. Is that, if I live in Town A, but work in Manchester and get parking fines, when I go to register my car in Town A, that may come up as a...

Ms. Stanley stated yes. The way, I don't know the exact wording of the RSA, but the way it works in practice is, Manchester can have a reciprocal agreement with the other town saying they're going to exchange outstanding parking ticket information. No town is required to exchange the information. Usually, it's with other towns that have parking meters, but not necessarily always.

Alderman O'Neil asked do you know if we have reciprocal agreements with anyone currently?

Ms. Stanley stated we do have reciprocal agreements with a few cities and I honestly don't know exactly who they are.

Alderman O'Neil stated Deputy Robinson is nodding his head yes.

Mr. Dale Robinson, Ordinance Violations Deputy, stated we presently have an agreement with Nashua. When Manchester residents go to register their car here in Manchester, if they have tickets in Nashua, they're flagged and they're told at that point that they have it. They can either pay downstairs and we send it back to them or they can go and pay in Nashua. And we do the same thing. Just yesterday we had a person that was flagged for \$1,200 in parking tickets. When they went to register, they weren't allowed. They were in here yesterday afternoon paying cash so they could go register their car. So it works very well.

Alderman Ouellette stated the company that specializes in collection of the fees or whatnot or the online portion of it, there's been a lot of reports in the paper

recently of identity theft. Are we sure and can the public who would be using this system be sure that their information would be secure, as best to their ability?

Ms. Stanley stated as best to their ability. This company is Payment Card Industry compliant. They do business with a very large number of municipalities who are notoriously cautious about the use of credit card information. Again, as I said, none of the credit card information will touch the City of Manchester's servers. When they go to the payment screen, it goes away from the server and onto the third party vender's website. So, we don't touch any of that stuff. If you'd like, when we come back on April 1st, I can ask a representative from that particular company to attend the meeting if you have any questions of them.

Alderman Ouellette stated I don't think that would be necessary Mr. Chairman. I just would like some assurance that that's been followed up on. It's really more for the public than it is for my own edification. But, if they're going to use that, they need to know that their information...nothing's perfect, nothing's foolproof...to the best of their knowledge that their system is secure.

Alderman Sullivan stated I just wanted to go back to reciprocity for one brief second. Apparently, there's a reciprocity system within the state. Is there any sort of system set up for out-of-state reciprocity? Say, if someone lived or worked in Methuen or Haverhill and they commuted up here or vice versa...Is there anything like that or am I getting way, way ahead of the game here? Is this a can of worms I don't even want to open?

Ms. Stanley responded no, there isn't, per se. I know that it's easier for us to collect parking tickets for people that live outside of New Hampshire because many...I don't know how many states there are that have restrictions on their DMV information, but I know New Hampshire is one of a very small number of states. It is, actually, relatively easy to get the registered vehicle information in other states, so we have a lot more success than maybe Massachusetts does trying to collect parking tickets from residents in New Hampshire because they can't get the information.

Alderman O'Neil stated I'll move on the recommendation. Do you want me to read them, Alderman Shea, or just go with the recommendations? For the Clerk, I don't know if it's helpful. The only thing, Brandy, what words are we taking out of the third bullet for action requirement? Do we need to report out this evening?

Ms. Stanley stated no, you do not need to report out.

Alderman O'Neil stated so stop at payment tool, then, correct? Matt, do you need me to read this or do you have it?

Alderman O'Neil moved to approve the Late Fee Forgiveness Program, pass a permanent ordinance increasing the boot fee from \$50 to \$100, and to approve the use of the online citation payment tool. The motion was duly seconded by Alderman Ouellette. There being none opposed, the motion carried.

Chairman Shea addressed item 4 of the agenda:

4. Communication from Brandy Stanley, Parking Manager, requesting that Section 70.82 Immobilization of Motor Vehicles for Non-Payment of Parking Fines of the Code of Ordinances be amended to increase the fee for vehicle immobilization from \$50 to \$100.

Alderman Ouellette moved to approve that Section 70.82 Immobilization of Motor Vehicles for Non-Payment of Parking Fines of the Code of Ordinances be amended to increase the fee for vehicle immobilization from \$50 to \$100. The motion was duly seconded by Alderman J. Roy. There being none opposed, the motion carried.

Chairman Shea addressed item 5 of the agenda:

5. Communication from Brandy Stanley, Parking Manager, requesting that the Boy Scouts be permitted to use Arms Park on April 13, 2008 for their annual Hike-a-thon and that Easter Seals be granted twenty (20) one-day parking passes for use in conjunction with their annual "Walk With Me" event at Veteran's Park on June 5, 2008.

Alderman O'Neil moved that the Boy Scouts be permitted to use Arms Park on April 13, 2008, for their annual Hike-a-thon and that Easter Seals be granted twenty (20) one-day parking passes for use in conjunction with their annual "Walk With Me" event at Veteran's Park on June 5, 2008. The motion was duly seconded by Alderman Ouellette. There being none opposed, the motion carried.

Chairman Shea addressed item 6 of the agenda:

6. Communication from Alderman Osborne requesting that additional wording be added to existing "Do Not Block Intersection" signage in two locations: the intersection of Tarrytown Road and Hanover Street, and the intersection of Lake Avenue and Mammoth Road, to read "Maximum Fine \$1,000".

Alderman Sullivan asked would this be to replace the sign immediately or would this be to replace the sign when it's due to be replaced?

Alderman Osborne responded that's replacing it now.

Alderman Sullivan asked okay, and what would the cost of this be, do you know?

Alderman Osborne responded probably around \$20-\$30 per sign?

Alderman Ouellette made a motion to approve this item.

Chairman Shea asked the \$1,000 fine, is that what you're saying?

Alderman O'Neil asked didn't we, at a previous meeting, have a discussion that the \$1,000 is only if we're using the City Ordinance and that the number of tickets issued by police officers...I don't have the numbers in front of me. Maybe Deputy Lussier or Sgt. Flanagan can come up, but I didn't bring the numbers with me, but I thought they had written either limited or no tickets under the state law. So, I don't know if Deputy Lussier remembers the numbers off the top of his head.

Mr. Marc Lussier, Deputy Police Chief, stated it's an easy number to remember. It was zero. We don't write any tickets on the City Ordinance.

Alderman Shea stated I have the numbers, if you want them. RSA 265.69: the fine was \$43.20. There were 40 tickets issued. RSA 205-9: \$72.00. There were 832. The one that pertains to the third one, which is RSA 70-36 there were none.

Mr. Lussier stated I do not have that document with me, but I do recall that we do not write the City Ordinance violations. We write for violations of the criminal code – motor vehicle law.

Alderman Osborne stated the \$1,000 maximum fine comes from a state statute. It doesn't come from City Ordinance. That answer's your question, Mr. O'Neil.

Mr. Lussier stated I think that was something Attorney Tom Clark had come up with. I don't recall where he came up with it.

Mr. Tom Clark, City Solicitor, stated I believe Attorney Arnold looked that up.

Mr. Lussier stated I'm sorry, Tom Arnold.

Alderman Osborne stated I asked him what was the maximum fine that could be levied against somebody in this particular state statute and they said \$1,000. So, this is what I'm going by. I put on the sign: Maximum Fine \$1,000. So, there's nothing lying about the situation.

City Solicitor Thomas Clark stated the maximum fine for violation of state law is generally \$1,000. It very seldom is ever enforced. There is a standard fee schedule that the courts follow for these types of tickets.

Chairman Shea asked is there a fine for \$1,000 ever? I mean, I've never heard of one.

Mr. Lussier stated I couldn't see anybody being fined \$1,000 for blocking an intersection.

Chairman Shea stated no, me neither. For blocking an intersection, \$1,000. I mean, that's big money.

Alderman Osborne stated we will have to change the statute up at the State House then. Whatever. All I'm try to get at, Committee, is that I'm putting something out there to make people think twice before they block an intersection. The statute is there for \$1,000 so, so be it. I mean, if they see that, they're not going to run into the intersection more readily than what they are now, that's for sure. That's all I'm getting at. I'm not trying to fine everybody out there \$1,000. But it puts you on alert.

Alderman Ouellette stated Mr. Chairman, the reason why I made the motion is because, out of respect to the Alderman from Ward 5, these signs are for locations in Ward 5 and it seems to me that the Alderman is having some difficulty with these particular intersections in his ward. I feel that he is being proactive in trying to resolve a situation. Does anybody think that a fine is going to be \$1,000? No. No one at this table thinks that they're going to be paying \$1,000 for blocking the intersection. But, the Alderman is trying to be proactive in his ward and he knows best how to serve his constituents and he knows the area best. Obviously there's a problem there. He wants to address it in the way he sees fit, and out of the respect to the Alderman, I think we should approve it. Thank you, Mr. Chairman.

Alderman O'Neil stated Deputy, I guess I didn't hear that when we talked about this last time, that it's really a Ward 5 specific issue. I am aware of some of the intersections in Ward 5 where there are problems. Has the Police Department done any targeted enforcement at those intersections that you're aware of?

Mr. Lussier stated not that I'm aware of.

Alderman O'Neil asked will the Police Department do some targeted enforcement at those intersections?

Mr. Lussier stated yes. I haven't spoken with Alderman Osborne recently, that I can recall, about some of those intersections. I'd be happy to get some people up there and have them do some enforcement.

Alderman O'Neil stated thank you. Alderman Osborne and I are going to go to our graves with this difference of opinion, but he believes in signs; I believe in tickets.

Alderman Osborne stated again, we cannot have the police force sitting there 24/7, sitting on Lake Ave and Mammoth Road. That's impossible. So, what I'm trying to do here is alleviate a lot of the problems for the people traveling on Mammoth Road and Hanover Street. They lock up that intersection going on Tarrytown Road from Mammoth Road, coming down from the golf course there, and, if they lock that up, it backs right back up to Mammoth Road again, sometimes. So, this is what I'm trying to do. I'm not trying to make it hard for any people. I just want to make it easier for them.

Chairman Shea stated there was a motion. Is there a second to the motion?

Alderman Ouellette stated I made the motion, yes, Mr. Chairman.

Chairman Shea asked is anyone willing to second the motion?

The motion was duly seconded by Alderman J. Roy.

Alderman O'Neil are these specific to Ward 5?

Alderman Osborne responded those two locations are only in my ward.

Alderman O'Neil asked did we ever get a list of where they all were? We may have at one point.

Alderman Osborne responded yes, you had a list in the last...

Alderman O'Neil asked how many were there?

Alderman Osborne stated eleven.

Alderman O'Neil asked and do you remember where they are?

Alderman Osborne stated well, there were some in Ward 9. Mr. Garrity spoke last time here.

Alderman O'Neil asked was he in favor or against them? I don't recall.

Alderman Osborne stated he was against the signs, in general. But as far as my ward alone, it's another situation. I think I run my ward well.

Chairman Shea stated well, we have a motion to accept, a second. I'd like a roll call vote.

Alderman O'Neil asked can I make an amendment that they be done with the approval of the ward Alderman? If Alderman Osborne wants them, let him. If Alderman Garrity doesn't want them...

Alderman Osborne stated well, that's all we're doing here.

Alderman O'Neil stated, no it's not. No, no no. By passing this, they go on every...

Alderman Osborne stated all I'm asking for is those two locations.

Deputy City Clerk Normand stated two intersections.

Alderman Osborne stated if you guys don't want to put them in your ward, that's fine with me.

Alderman O'Neil stated, so we're not doing Mammoth and Massabesic, or Mammoth and Candia?

Alderman Osborne stated no, that's Ward 7. It's just my ward, that's it.

Chairman Shea stated we're going to take a roll call, anyway.

A roll call vote was taken. Aldermen Ouellette, O'Neil, J. Roy, and Sullivan voted yea. Alderman Shea voted nay. The motion passed.

Alderman O'Neil stated let me make one comment, if I may. There better be some police action out there. Or I'll vote to take them down.

Alderman Osborne stated when they put the signs up, they won't need police.

Chairman Shea addressed item 7 of the agenda:

7. Communication from Kevin Sheppard, Public Works Director, regarding a request from the NH Department of Transportation for approval to place permanent I-93 Detour Guidance Signs along Route 28 (South Willow Street).

Alderman O'Neil moved to approve this item. The motion was duly seconded by Alderman Sullivan. There being none opposed, the motion carried.

Chairman Shea addressed item 8 of the agenda:

8. Chairman Shea advised the Traffic Division has submitted an agenda which needs to be addressed:

RESCIND NO PARKING ANYTIME:

On Page Street, west side, from a point 500 feet north of Candia Road to a point 60 feet north (Ord. 8934).

Alderman Pinard

On A Street, south side, from a point 30 feet west of South Main Street to a point 75 feet westerly (Ord. 2533).

Alderman Smith

RESCIND NO PARKING LOADING ZONE:

On Rimmon Street, east side, from a point 148 feet south of Kelley Street to a point 24 feet south.

Alderman Ouellette

RESCIND NO PARKING – LIVE PARKING ONLY DURING SCHOOL HOURS- EMERGENCY ORDINANCE:

On Jewett Street, east side, from Hayward Street to Merrill Street.

Alderman Shea

NO PARKING ANYTIME:

On Witt Avenue, east side, from Cilley Road northerly to the dead end.
Alderman Garrity

On A Street, south side, from South Main Street to a point 105 feet westerly.
Alderman Smith

NO PARKING ANYTIME – EMERGENCY ORDINANCE:

On Boynton Court, east side, from a point 75 feet south of Valley Street to the dead end.

Alderman Shea

NO PARKING 7 AM – 3 PM – MONDAY/FRIDAY – EMERGENCY ORDINANCE:

On Jewett Street, east side, from Hayward Street to Merrill Street.

Alderman Shea

ADDEDNUM

NO PARKING ANYTIME:

On Market Street, east end of the street, from the south end of the street to a point 25 feet north.

Alderman Sullivan

Alderman O’Neil moved to approve the Traffic Division’s Agenda, including the Addendum. The motion was duly seconded by Alderman J. Roy. There being none opposed, the motion carried.

TABLED ITEMS

9. Communication from Alderman Shea proposing the establishment of a Manchester Crime Prevention Committee.
(Tabled 12/12/2006)

This item remained on the table.

10. Report from Police and City Solicitor regarding commercial vehicle definitions, if available.
(Tabled 12/04/2007)
(Note: Response from Deputy Public Works Director enclosed.)

This item remained on the table.

11. Communication from Mitch Sawaya, owner of the Strange Brew Tavern at 88 Market Street, requesting that he be allowed to temporarily close a portion of Franklin West Back Street each week from Thursday through Saturday between the hours of 5:00 p.m. and 11:00 p.m.
(Tabled 2/19/08 – to provide time for the abutters and Mr. Sawaya to work out an agreement regarding his request and return to the Committee.)

This item remained on the table.

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

A True Record. Attest.

Clerk of Committee