

## **AGENDA**

### **BOARD OF MAYOR AND ALDERMEN**

**September 6, 2005**

**7:30 PM  
Aldermanic Chambers  
City Hall (3<sup>rd</sup> Floor)**

- 1.** Mayor Baines calls the meeting to order.
- 2.** The Clerk calls the roll.
- 3.** Recognition of contributors to the Manchester Art Fund.
- 4.** Announcement by Peter Telge of the Fall Charity Festival scheduled for Saturday, September 24, 2005 at Arms Park to benefit the Special Olympics, Kristen's Gift, Make-A-Wish Foundation and the Alzheimer's Association.
- 5.** Discussion with Heritage United Way regarding request for use of City Seal on community needs assessment.
- 6.** Update and 6-month comparison of the number of daily visits over the prior year of 2004 of the William B. Cashin Senior Activity Center's first year submitted by Barbara Vigneault, Elderly Services Director.

### **CONSENT AGENDA**

- 7.** Mayor Baines advises if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

### **Ratify and Confirm Polls Conducted**

- A.** On August 17, 2005 approving changing time of the public hearing regarding a proposed amendment to the Manchester City Charter resulting for a voter petition initiative scheduled for September 6, 2005 from 5:00 PM to 5:30 PM.  
*(Aldermen Roy, Gatsas, Guinta, Sysyn, Osborne, Porter, Lopez, Shea, DeVries, Garrity, Smith, Thibault and Forest voted yea. Alderman O'Neil unavailable.)*
- B.** On August 25, 2005 approving a leave of absence without pay and benefits for Francesco DiGirolamo, part-time security officer.  
*(Unanimous vote)*
- C.** On August 29, 2005 approving a Special Primary Election on Tuesday, November 8, 2005 for the District 10 State Representative seat vacated by William K. Clayton.  
*(Unanimous vote)*

### **Approve under supervision of the Department of Highways**

- D.** PSNH Pole Petition #11-1077 located on Union Street;  
PSNH Pole Petition #11-1078 located on Lake Shore and Candia Roads;  
PSNH Pole Petition #11-1079 located on Candia Road;  
PSNH Pole Petition #11-1080 located on Massabesic Street; and  
PSNH Pole Petition #11-1081 located on Brown Avenue.

### **Informational – to be Received and Filed**

- E.** Minutes of the Mayor's Utility Coordinating Committee meetings held on July 20, 2005 and August 17, 2005.
- F.** Minutes of the MTA commission meetings held on June 28, 2005 and July 26, 2005 and the Financial and Ridership Reports for the months of June and July 2005.

## **REFERRALS TO COMMITTEES**

### **COMMITTEE ON BILLS ON SECOND READING**

#### **G. Ordinances:**

“An Ordinance amending the Ordinances of the City of Manchester by adding a new Section 32.104 Department of Senior Services.”

“An Ordinance amending the Ordinances of the City of Manchester by amending Sections 32.105, 32.106, 32.107, 32.108, 32.109 and 32.110 substituting language of ‘Senior’ for ‘Elderly’.”

## **REPORTS OF COMMITTEES**

### **COMMITTEE ON BILLS ON SECOND READING**

#### **H. Recommending that Ordinances:**

“Amending Chapter 30: City Officials and Employees of the Code of Ordinances of the City of Manchester by adding §30.49 Office of Independent City Auditor and §30.50 Duties of Independent City Auditor.”

“Amending Sections 36.15 Issuance of Warrant for Collection; Notice to City Auditor and 36.17 Abatement Before Payment of the Code of Ordinances of the City of Manchester by replacing the term City Auditor with the term Independent City Auditor and Finance Officer.”

“Amending Section 36.16 Records and Reports of Abatements, 36.18 Abatement After Payment, and 36.35 Special Account for Taxes and Assessments of the Code of Ordinances of the City of Manchester by replacing the term City Auditor with the term Finance Officer.”

ought to pass.

*(Unanimous vote)*

**I.** Recommending that Ordinance:

“Amending Chapter 32, Conservation Commission, Section 32.092 Composition; Terms, of the Code of Ordinances of the City of Manchester.”

ought to pass.

*(Unanimous vote)*

**J.** Recommending that Ordinance:

“Amending Section 33.025 (Community Health Nurse) of the Code of Ordinances of the City of Manchester.”

ought to pass.

*(Unanimous vote)*

**K.** Recommending that Ordinance:

“Amending the Code of Ordinances of the City of Manchester by adding a new Chapter 54: Storm Water to Title V: Public Works.”

ought to pass, and further that the ordinance be referred to a public hearing to be held on Monday, September 26 at 5:30 PM in the Aldermanic Chambers.

*(Unanimous vote)*

**L.** Recommending that Ordinance:

“Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by amending Section 70.40 Towing by increasing the towing fees.”

ought to pass.

*(Unanimous vote)*

**M.** Recommending that Ordinance:

“Amending the Code of Ordinances of the City of Manchester by creating a new section within Chapter 111: Amusements establishing regulations for noise activities conducted in outdoor concert venues throughout the city and inserting new penalties in Section 111.99: Penalty to enforce these regulations.”

ought to pass and layover.

*(Unanimous vote)*

**N.** Recommending that Ordinance:

“Amending Chapter 115: Solicitations, Sales, Peddlers, and Fairs of the Code of Ordinances of the City of Manchester by inserting new definitions and application requirements.”

ought to pass.

*(Unanimous vote)*

**O.** Recommending that Ordinance:

“Authorizing the Mayor to Dispose of Certain Tax Deeded Property Known as West Haven Road, Map 0922/Lot 0039-A.”

ought to pass.

*(Unanimous vote)*

**COMMITTEE ON JOINT SCHOOL BUILDINGS**

**P.** Recommending that the City and School District seek reimbursement for damages that occurred at Central High School if it is found that said damage was due to the negligence of any third party subject to Board of Mayor and Aldermen and School Board approval.

*(Unanimous vote)*

**Q.** Advising that they have approved adding football lockers to the Memorial High School locker room with funding to come from the furniture, fixtures and equipment line item for the project.

*(Unanimous vote)*

## COMMITTEE ON LANDS AND BUILDINGS

- R.** Recommending that the attached policy regarding the private use of the former Portsmouth Branch Railroad Right-of-Way be approved.  
*(Aldermen Osborne, Porter and Thibault voted yea; Aldermen Roy and Gatsas voted nay.)*
- S.** Recommending that the Water Works Director be authorized to enter into an agreement with Anagnost Companies, Inc. and the Manchester Housing and Redevelopment Authority for the sale of 16+/- acres of property on Karatzas Avenue subject to the following conditions:
- 1) that the Committee and the Board of Mayor and Aldermen find the property surplus to City needs;
  - 2) that the Committee receive reports for Planning, Tax Collector and Assessors as provided by law;
  - 3) that the Committee and the Board of Mayor and Aldermen agree on the purchase price; and
  - 4) that the proposed disposition of property provides for workforce housing and just cause is found to sell same to the aforementioned parties as is consistent with law.
- (Aldermen Roy, Gatsas and Thibault voted yea; Aldermen Osborne and Porter voted nay.)*
- T.** Recommending that the Board of Mayor and Aldermen approve a proposal from J P Sercel Associates, Inc. to acquire and develop the French Hall property at Hackett Hill for \$1.3 million and authorize the Manchester Housing and Redevelopment Corporation to move forward with the sale.  
*(Aldermen Roy, Porter and Thibault voted year; Aldermen Gatsas and Osborne voted nay.)*
- U.** Recommending that the Manchester Housing and Redevelopment Corporation be authorized to proceed with the acquisition of the Masters property located at 354 Hackett Hill Road at a negotiated price of \$275,000.00  
*(Unanimous vote)*

## COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- V. Recommending that a request from Intown Manchester to allow free parking downtown on Wednesday, September 14, 2005 from 4:30 PM until 8 PM for their Taste of Downtown event be approved.  
*(Unanimous vote)*
  
- W. Advising that a request from Jane Beaulieu, Mill City Festival Director to place signs at the entrance to the City on I-293 south at the Amoskeag and Queen City Avenue exits, I-293 north at the Queen City Avenue and Granite Street exits, and on I-93 north and south exits at Hanover Street to announce the festival on September 10 & 11, 2005 has been granted and approved with the stipulation that For Manchester be responsible for the cost and erection of said signs and that it be under the direct supervision of the Highway Department.  
*(Unanimous vote)*
  
- X. Recommending that the agreement between the City of Manchester and Central Parking for the operation of the Victory Garage be extended through December 31, 2005.  
*(Unanimous vote)*
  
- Y. Recommending that regulations governing standing, stopping, parking and operations of vehicles be adopted and put into effect when duly advertised and posted.

**LADIES AND GENTLEMEN, HAVING READ THE CONSENT AGENDA, A MOTION WOULD BE IN ORDER THAT THE CONSENT AGENDA BE APPROVED.**

- 8. Nominations to be presented by Mayor Baines, if available.

9. Confirmation of the nominations to the Police Commission as follows:  
Thomas J. Hammond to succeed James McDonald, Sr., term to expire September 15, 2008; and  
John Tenn to succeed himself, term to expire September 15, 2008.  
**A motion is in order to confirm the nominations to the Police Commission as presented.**
  
10. Confirmation of the nominations to the Board of Recount as follows:  
Alderman William Shea to succeed himself, term to expire October 1, 2008;  
Peter McDonough to succeed himself, term to expire October 1, 2008; and  
Andre Martel to succeed himself, term to expire October 1, 2008.  
**A motion is in order to confirm the nominations to the Board of Recount as presented.**
  
11. Confirmation of the nominations to the Revolving Loan Fund as follows:  
Joseph G. Fremeau to succeed himself, term to expire August 1, 2008;  
Robert A. Greenwood to succeed himself, term to expire August 1, 2008;  
Peter R. Madden to succeed himself, term to expire August 1, 2008;  
James Bell to succeed himself, term to expire August 1, 2008;  
David B. Eaton to succeed himself, term to expire August 1, 2008; and  
Larry Allard to succeed Edward N. O'Brien, term to expire August 1, 2008.  
**A motion is in order to confirm the nominations to the Revolving Loan Fund as presented.**
  
12. Mayor Baines advises that a motion is in order to recess the regular meeting to allow the Committee on Finance to meet.
  
13. Mayor Baines calls the meeting back to order.

### **OTHER BUSINESS**

14. Report(s) of the Committee on Finance, if available.  
**Ladies and Gentlemen, what is your pleasure?**

15. Mayor Baines recommends the City of Manchester make a civic contribution to assist Easter Seals in flood related repairs to their facility.  
**Ladies and Gentlemen, what is your pleasure?**
  
16. Actions, if any, regarding proposed amendment to the Manchester City Charter resulting from a voter petition initiative providing for the insertion of Section 6.15 Limitation on Budget Increases.  
*(Note: Related communication from State agencies advising that the proposed amendment cannot be placed on the ballot enclosed.)*  
**Ladies and Gentlemen, what is your pleasure?**
  
17. Communication from Kevin Clougherty, Finance Officer, seeking the Board's authorization to transfer an amount not to exceed \$10,000.00 from Contingency to the Manchester Economic Development Office to cover costs of an appraisal and any other expenses associated with the possible sale of the Center of New Hampshire Garage from the City to Louis N. Vinios of JPA Corporation, Real Estate Development and Management.  
**Ladies and Gentlemen, what is your pleasure?**
  
18. Communication from Paul Martineau, Welfare Commissioner, requesting Board approval of an unpaid leave of absence for Patricia VanDenBerghe, such time already having been taken.  
**Ladies and Gentlemen, what is your pleasure?**
  
19. Communication from Attorney James Merrill, on behalf of Manchester Downtown Visions, LLC, submitting a petition to revoke consent granted to Langer Place, Inc. relative to a site plan previously submitted in April 2005.  
**Ladies and Gentlemen, what is your pleasure?**
  
20. Copy of a communication from Secretary of State, William M. Gardner, and Senior Assistant Attorney General, Orville B. Fitch, II, relative to the proposed Incompatibility of Office charter amendment.  
*(Note: supplemental communication anticipated to be forwarded under separate cover.)*  
**Ladies and Gentlemen, what is your pleasure?**

**21. NEW BUSINESS**

- a) Communications
- b) Aldermen

**22.** If there is no further business, a motion is in order to adjourn.