

## **AGENDA**

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

**June 6, 2006**

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

1. Mayor Guinta calls the meeting to order.
2. The Clerk calls the roll.
3. Recognition of contributors to the Manchester Art Fund.
4. Presentation of Arts Award.

### **CONSENT AGENDA**

5. Mayor Guinta 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.

### **Accept BMA Minutes**

- A. Minutes of meetings held on March 6 and March 7, 2006.  
*(Note: available for viewing at the Office of the City Clerk and forwarded under separate cover to Mayor and Aldermen.)*

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

- B. On May 18, 2006 approving the execution of an agreement between the City of Manchester and Town of Goffstown to loan Building and Health inspectors to the Town for a limited duration to assist with necessary inspections due to damages suffered as a result of the floods of May 2006.  
*(Unanimous)*

- C. On May 24, 2006 authorizing the Department of Public Works to enter into a contract committing \$1.5 million – 2007 Bond Resolution for school improvements.  
*(Aldermen Roy, Long, Duval, Osborne, Pinard, O'Neil, Shea, Garrity, Smith, Thibault and Forest voted yea; Aldermen Gatsas, Lopez and DeVries unavailable.)*

**Informational – to be Received and Filed**

- D. Communication from Leon LaFreniere, Building Commissioner, providing a status update of emergency assistance to the Town of Goffstown.
- E. Minutes of the Mayor's Utility Coordinating Committee meeting held on May 17, 2006.
- F. Communication from Kathy DesRoches, Director of Educational Programs at UNH, advising that Jay Davini, Public Utilities Coordinator of the Department of Public Works, has attained the status of Roads Scholar Two.
- G. Communication from Dan LaBerge, expressing concern with the Helping Hands Drug and Alcohol Rehabilitation Permanent Housing Center proposal to be located at Golumb's Market on Union Street.
- H. Communications from Comcast advising of digital service changes beginning June 11 and 20, 2006.
- I. Communication from McGladrey & Pullen, CPA's, providing information relating to their June 30, 2006 audit plan and overall audit approval for the City of Manchester.

**REFERRALS TO COMMITTEES**

**COMMITTEE ON BILLS ON SECOND READING**

- J. Rezoning Petition for property located on Holt Avenue (Lot 716-38) submitted by Attorney John Cronin on behalf of 127 Elm Street, LLC.

- K.** Ordinances submitted by Building Commissioner providing for proposed changes to permit fee schedules, Plumbing & Electrical Codes.

“Repealing the 1993 BOCA National Plumbing Code as adopted in Section 151.01 of the City of Manchester Code of Ordinances and adopting the 2000 edition of the *International Plumbing Code* as amended by the State of New Hampshire Board of Licensing and Regulation of Plumbers.”

“Amending Chapter 1 Administration of the Building code of the City of Manchester providing for increased fees.”

“Amending Chapter 150 Housing Code, Subsection 150.114 and Chapter 155 Zoning Code, Subsection 155.02 of the Code of Ordinances of the City of Manchester providing for increased fees.

### **COMMITTEE ON FINANCE**

- L.** Resolutions:

“Amending the FY 2001, 2002, and 2006 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of One Hundred Seventy Seven Thousand Six Hundred Fifty Dollars (\$177,650) for various CIP Projects.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of One Thousand Two Hundred Dollars (\$1,200) for the 2006 CIP 214506 – Senior Wellness Funding Initiative Program.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Five Thousand Dollars (\$25,000) for the FY2006 CIP 612606 Citywide Marketing Plan Program.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Sixty Thousand Dollars (\$60,000) for FY2006 CIP 713406 Watershed Restoration Project.”

## **REPORTS OF COMMITTEES**

### **COMMITTEE ON ACCOUNTS, ENROLLMENT AND REVENUE ADMINISTRATION**

- M.** Advising that it has accepted the Board of Assessors abatement and overlay account updates and is forwarding same to the Board for informational purposes.  
(Note: available for viewing at the Office of the City Clerk and previously forwarded to the Mayor and Aldermen.)  
*(Unanimous vote)*
- N.** Advising that it has accepted the City's Monthly Financial Statements (unaudited) for the ten months ended April 30, 2006 for FY2006 and is forwarding same to the Board for informational purposes.)  
(Note: available for viewing at the Office of the City Clerk and previously forwarded to the Mayor and Aldermen.)  
*(Unanimous vote)*
- O.** Advising that it has accepted the City's Quarterly Financial Statements (unaudited) for the nine months ended March 31, 2006 and is forwarding same to the Board for informational purposes.  
(Note: available for viewing at the Office of the City Clerk and previously forwarded to the Mayor and Aldermen.)  
*(Unanimous vote)*
- P.** Advising that it has accepted the following Finance Department reports:
- a) department legend;
  - b) open invoice report over 90 days by fund;
  - c) open invoice report all invoices for interdepartmental billings only;
  - d) open invoice report all invoices due from the School Department only;
  - e) listing of invoices submitted to City Solicitor for legal determination; and
  - f) accounts receivable summary/
- (Note: available for viewing at the Office of the City Clerk and previously forwarded to the Mayor and Aldermen.)  
*(Unanimous vote)*

- Q.** Advising that it has accepted a summary of CIP project balances as of March 31, 2006 and is forwarding same to the Board for informational purposes.  
(Note: available for viewing at the Office of the City Clerk and previously forwarded to the Mayor and Aldermen.)  
*(Unanimous vote)*

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

- R.** Recommending that an Ordinance:  
“Amending Sections 33.024, 33.025 & 33.026 (Relating to the Reorganization of the Health Department) of the Code of Ordinances of the City of Manchester.”  
ought to pass.  
*(Unanimous vote with the exception of Alderman Garrity who was absent.)*
- S.** Recommending that an Ordinance:  
“Amending Sections 33.024, 33.025 & 33.026 (Parking Manager) of the Code of Ordinances of the City of Manchester.”  
ought to pass.  
*(Unanimous vote with the exception of Alderman Garrity who was absent.)*
- T.** Recommending that an Ordinance:  
“Amending Chapter 111 Amusements of the Code of Ordinances of the City of Manchester by amending Section 111.71 Curfew For Entertainment, by adding the outdoor entertainment curfew and renumbering sections 111.71-111.73.”  
ought to pass.  
*(Unanimous vote with the exception of Alderman Garrity who was absent.)*
- U.** Recommending that an Ordinance:  
“Amending Chapter 70 Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by adding §70.48(C), deleting 70.78 Basic Penalty and 70.79 Increased Penalty, and creating a new 70.78 Penalty increasing various traffic violations and establishing a new table therein.”  
ought to pass.  
*(Unanimous vote with the exception of Alderman Garrity who was absent.)*

## COMMITTEE ON COMMUNITY IMPROVEMENT

- V.** Recommending that the Board authorize transfer and expenditure of funds in the amount of \$177,650 for various CIP projects, and for such purpose a resolution and budget authorizations have been submitted.  
*(Unanimous vote)*
- W.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$1,200 for FY2006 CIP 214506 Senior Wellness Funding Initiative Program, and for such purpose a resolution and budget authorization have been submitted.  
*(Unanimous vote)*
- X.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$25,000 for FY2006 CIP 612606 Citywide Marketing Plan Program, and for such purpose a resolution and budget authorization have been submitted.  
*(Unanimous vote)*
- Y.** Recommending that the Board accept a Watershed Restoration grant in the amount of \$60,000 from the NH Department of Environmental Services to complete the Nutts Pond Watershed Improvement Project, and for such purpose a resolution and budget authorization have been submitted. The Committee further recommends that Frank Thomas, Public Works Director, be authorized to sign the grant agreement after review and approval by the City Solicitor.  
*(Unanimous vote)*

## COMMITTEE ON FINANCE

- Z.** Recommending that Appropriating Resolutions:

“A Resolution appropriating to the Manchester Airport Authority the sum of \$52,321,042 from Special Airport Revenue Funds for Fiscal Year 2007.”

“A Resolution appropriating the sum of \$16,664,386 from Sewer User Rental Charges to the Environmental Protection Division for Fiscal Year 2007.”

“A Resolution appropriating to the Manchester School Food and Nutrition Services Program the sum of \$5,537,900 from School Food and Nutrition Services Revenues for Fiscal Year 2007.”

“A Resolution appropriating to the Central Business Service District the sum of \$244,000 from Central Business Service District Funds for Fiscal Year 2007.”

*(Note: report of CBSD Advisory Board regarding recommended services for the district enclosed.)*

“Continuation of the Central Business Service District.”

*(Note: report of CBSD Advisory Board recommending geographic area remain the same enclosed.)*

“Appropriating all Incremental Meals and Rooms Tax Revenue Received by the City in Fiscal Year 2007 and held in the Civic Center Fund, for the payment of the City’s Obligations in Said Fiscal Year Under the Financing Agreement.”

ought to pass and layover.

## **COMMITTEE ON HUMAN RESOURCES/INSURANCE**

- AA.** Recommending that the Board establish a policy preventing part-time employees from purchasing health insurance upon retirement.  
*(Unanimous vote; Alderman Garrity absent)*
  
- AB.** Recommending that former retired part-time City employees not be allowed to sign up for health insurance during the open enrollment period.  
*(Unanimous vote; Alderman Garrity absent)*
  
- AC.** Advising that it has approved Ordinance:  
    “Amending Sections 33.024, 33.025 and 33.026 (Airport Financial Manager) of the Code of Ordinances of the City of Manchester.”  
    providing for the establishment of a new class specification, Airport Financial Manager, and is recommending same be referred to the Committee on Bills on Second Reading for technical review.  
*(Unanimous vote; Alderman Garrity absent)*

- AD.** Advising that it has approved Ordinance:  
“Amending Sections 33.024, 33.025 and 33.026 (Canine Handler Supervisor) of the Code of Ordinances of the City of Manchester.”  
providing for the establishment of a new class specification, Canine Handler Supervisor, and is recommending same be referred to the Committee on Bills on Second Reading for technical review.  
*(Unanimous vote; Alderman Garrity absent)*
- AE.** Advising that it has approved Ordinance:  
“Amending Sections 33.024, 33.025 and 33.026 (Painter) of the Code of Ordinances of the City of Manchester.”  
providing for the establishment of a new class specification, Painter, and is recommending same be referred to the Committee on Bills on Second Reading for technical review.  
*(Unanimous vote; Alderman Garrity absent)*
- AF.** Advising that it has approved Ordinance:  
“Amending Section 33.026 of the Code of Ordinances of the City of Manchester providing for updates to Class Specification for Housing Inspector.”  
providing for changes in class specifications, which do not change the title of the position and do not provide for any changes in salary grades of such position and is forwarding same to the Board for adoption.  
*(Unanimous vote; Alderman Garrity absent)*
- AG.** Advising that it has approved Ordinance:  
“Amending Section 33.062, Part-Time Employees, of the Code of Ordinances of the City of Manchester.”  
providing for a change that allows a part-time employee to be granted a step increase upon satisfactory completion of 1,040 hours of work with additional step increases upon the satisfactory completion of 2,080 hours, and is recommending same be referred to the Committee on Bills on Second Reading for technical review.  
*(Unanimous vote; Alderman Garrity absent)*

## COMMITTEE ON JOINT SCHOOL BUILDINGS

- AH.** Advising that it has accepted the monthly report for May 2006 as submitted by DMJM, and if forwarding same to the Board for informational purposes.  
*(Unanimous vote)*
- AI.** Advising that they have authorized the Facilities Division to go out for bids for the roof repair to Hallsville Elementary School.  
*(Unanimous vote)*
- AJ.** Advising that they have approved the expenditure of \$9,000 from contingency to regrout and clean the ceramic tile flooring at Bakersville Elementary School.  
*(Unanimous vote)*
- AK.** Advising that they have approved Change Order #22 in the amount of \$5,745 for various projects.  
*(Unanimous vote)*
- AL.** Advising that they have approved the expenditure of \$26,587.05 from contingency for the installation of new storage lockers for band instruments at Memorial High School.  
*(Unanimous vote)*

## COMMITTEE ON LANDS AND BUILDINGS

- AM.** Recommending that the Board of Mayor and Aldermen find property located on a portion of Second Street (Tax Map 314, Lot 7-A) surplus to city needs and that said property be disposed of through a land swap with David Larivee for a portion of land located on South Main Street (Tax Map 315, Lots 8 and 9). The Committee notes that it finds cause to dispose of the property in such manner in that it has been determined that there are no known City uses for the parcel, and that the land swap will resolve a difficult Trailway passage issue, bring development of the Piscataquog River Trailway closer to final realization, and serve an important public purpose. The Committee additionally notes that it is the Assessor's opinion that the value of both parcels being relatively equal, this is a fair swap and the Tax Collector has indicated no interest in the property as it is not a tax deeded parcel.

The Committee further recommends that the City Solicitor be authorized to prepare such documents as may be required to carry out such land swap and that the Mayor be authorized to execute such instruments as may be required subject to the review and approval of the City Solicitor.

*(Unanimous vote)*

#### **COMMITTEE ON PUBLIC SAFETY AND TRAFFIC**

**AN.** Recommending that a request from Auto City of Manchester to install a “road closed” sign on Depot Street, north side, west of Canal Street, be approved.

*(Unanimous vote)*

**AO.** Recommending that regulations governing standing, stopping, parking and operations of vehicles be adopted and put into effect when duly advertised and posted.

*(Unanimous vote)*

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

- 6.** Nominations to be presented by Mayor Guinta, if available.
- 7.** Confirmation of the nomination of Gerard L. Thibodeau to succeed Jen Drociak as a member of the Conservation Commissioner, term to expire August 1, 2006.  
**A motion is in order to confirm the nomination as presented.**
- 8.** Confirmation of the nomination of Celia Phillips to succeed Jessica Kinsey as a member of the Arts Commission, term to expire December 1, 2007.  
**A motion is in order to confirm the nomination as presented.**

9. Confirmation of nominations to the Fire Commission as follows:  
Omer Beaudoin to succeed Sean Toomey as the labor representative member, term to expire May 1, 2009; and  
Peter Favreau to succeed himself, term to expire May 1, 2009.  
**A motion is in order to confirm the nominations as presented.**
  
10. Confirmation of the nomination of Michael J. Landry as an alternate member of the Planning Board, term to expire May 1, 2007.  
**A motion is in order to confirm the nomination as presented.**
  
11. Mayor Guinta advised that a motion is in order to recess the regular meeting to allow the Committee on Finance to meet.
  
12. Mayor Guinta calls the meeting back to order.

### **OTHER BUSINESS**

13. Report(s) of the Committee on Finance, if available.  
**Ladies and Gentlemen, what is your pleasure?**
  
14. State Legislative update presented by Mayor Guinta, if available.
  
15. Report of Committee on Bills on Second Reading recommending that an Ordinance:  
“Amending Section 70.78 Basic Penalty to provide a specific penalty for parking in a driveway and for parking in front of a fire hydrant.”  
ought to pass.  
*(Unanimous vote with the exception of Alderman Garrity who was absent.)*  
**If Item U of the Consent Agenda relating to Traffic fines and penalties has been accepted, a motion is in order to receive and file this item.**

**16. Ordinances: (A motion is in order to read by titles only.)**

“Amending Sections 33.024, 33.025 & 33.026 (Relating to the Reorganization of the Health Department) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025 & 33.026 (Parking Manager) of the Code of Ordinances of the City of Manchester.”

“Amending Chapter 111 Amusements of the Code of Ordinances of the City of Manchester by amending Section 111.71 Curfew For Entertainment, by adding the outdoor entertainment curfew and renumbering sections 111.71-111.73.”

“Amending Chapter 70 Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by adding §70.48(C), deleting 70.78 Basic Penalty and 70.79 Increased Penalty, and creating a new 70.78 Penalty increasing various traffic violations and establishing a new table therein.”

**These Ordinances having had their second reading by titles only, the question is on passing same to be enrolled.**

**17.** Mayor Guinta advises that a motion is in order to recess the regular meeting to allow the Committee on Accounts, Enrollment and Revenue Administration to meet.

**18.** Mayor Guinta calls the meeting back to order.

**19.** Report of the Committee on Accounts, Enrollment and Revenue Administration, if available.

**Ladies and Gentlemen, what is your pleasure?**

**20.** Communication from Leo Bernier, City Clerk, inquiring as to when the Board wishes to schedule its regular monthly meeting in July as the first Tuesday will be the 4<sup>th</sup> of July, Independence holiday.

**Ladies and Gentlemen, what is your pleasure**

21. Communication from Robert MacKenzie, Director of Planning, requesting extensions of CIP projects as listed.

**Ladies and Gentlemen, what is your pleasure?**

22. Ordinance: **(A motion is in order to read by title only.)**

“Amending Section 33.026 of the Code of Ordinances of the City of Manchester providing for updates to Class Specification for Housing Inspector.”

**This Ordinance having had the approval of the Human Resources Committee, if the related report has been accepted, a motion is in order that the Ordinance pass and be Ordained.**

23. Ordinances: **(A motion is in order to read by titles only.)**

“Amending Sections 33.024, 33.025 & 33.026 (Relating to the Reorganization of the Health Department) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025 & 33.026 (Parking Manager) of the Code of Ordinances of the City of Manchester.”

“Amending Chapter 111 Amusements of the Code of Ordinances of the City of Manchester by amending Section 111.71 Curfew For Entertainment, by adding the outdoor entertainment curfew and renumbering sections 111.71-111.73.”

**These Ordinances have had their third and final reading by titles only, the question is on passing same to be ordained.**

24. Bond Resolution: **(A motion is in order to read by title only.)**

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Five Hundred Thousand Dollars (\$1,500,000) for the 2007 CIP 310207, School Facility Improvements Project.”

**If the Board so desires, a motion is in order that the Bond Resolution pass and be enrolled.**

**25. Resolutions: (A motion is in order to read by titles only.)**

“Amending the FY 2001, 2002, and 2006 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of One Hundred Seventy Seven Thousand Six Hundred Fifty Dollars (\$177,650) for various CIP Projects.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of One Thousand Two Hundred Dollars (\$1,200) for the 2006 CIP 214506 – Senior Wellness Funding Initiative Program.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Five Thousand Dollars (\$25,000) for the FY2006 CIP 612606 Citywide Marketing Plan Program.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Sixty Thousand Dollars (\$60,000) for FY2006 CIP 713406 Watershed Restoration Project.”

**If the Board so desires, a motion is in order that the Resolutions pass and be enrolled.**

**26. NEW BUSINESS**

- a) Communication
- b) Aldermen

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