

AGENDA

BOARD OF MAYOR AND ALDERMEN

July 11, 2006

**7:30 PM
Aldermanic Chambers
City Hall (3rd Floor)**

1. Mayor Guinta calls the meeting to order.
2. The Clerk calls the roll.
3. Recognition of 34 high school seniors who will be entering military service.
4. Presentation of Certificate of Appreciation to the City for its assistance during the flooding in May by Seacoast Career Schools.
5. Presentation of Report on Refugee Resettlement in Manchester.
6. Presentation regarding development in the Gold Street area including petition to amend zoning districts submitted on behalf of GFI Gold Street, LLC now to include Map 875, Lots 14, 15 and 16 as recommended by the Planning Director, various agreements and future actions to be considered by the Board.
(Following presentation, a motion would be in order to refer the proposed zoning amendments to Public Hearing on Monday, August 7, 2006 at 6 PM in the Aldermanic chambers of City Hall and further to authorize execution of agreements enclosed subject to the review and approval of the City Solicitor.)
7. Report relative to the Seal Tanning and Granite Street Parking Lots, if available.
8. Discussion relative to the Manchester Employees' Contributory Retirement System.

CONSENT AGENDA

9. 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 7, 2006; March 21, 2006 (two meetings); March 29, 2006; April 4, 2006 (two meetings); April 17, 2006; April 18, 2006 (two meetings); May 2, 2006 (two meetings); and May 3, 2006.
(Note: available for viewing at the Office of the City Clerk and forwarded under separate cover to Mayor and Aldermen.)

Ratify and Confirm Poll Conducted

- B. On May 31, 2006 approving the setting of polling hours for the State Primary Election to be held on September 12, 2006 from 6 AM until 7 PM.
(Unanimous vote)

Approve under supervision of the Department of Highways subject to the availability of funding

- C. Sidewalk Petitions – 50/50 Program FY2007.
(Note: available for viewing at the Office of the City Clerk and forwarded under separate cover to Mayor and Aldermen.)

Approve under supervision of the Department of Highways

- D. PSNH Pole Petition #11-1112 located on Ash Street;
PSNH Pole Petition #11-1113 located on Faltin Drive; and
Verizon Pole Petition #9AAYZB located on Bowman Street.

Informational – to be Received and Filed

- E.** Manchester Health Department monthly report summary, June 2006.
- F.** Copy of a communication from school nurses expressing their concerns pending possible transfer to the Manchester School District.
(Note: response from the Health Director enclosed.)
- G.** Minutes of the June 21, 2006 meeting of the Mayor's Utility Coordinating Committee.
- H.** Minutes of the April 25 and May 30, 2006 meetings of the MTA Commission and the Financial and Ridership Reports for the months of April and May 2006.
- I.** Communication from the NH Division of Historical Resources advising that on June 14, 2006 Stark Park was entered into the National Register of Historic Places.
- J.** Copy of a communication from Congressman Bradley relative to flooding in May 2006.

REFERRALS TO COMMITTEES

COMMITTEE ON BILLS ON SECOND READING

- K.** Proposed Zoning Changes as follows:

“Amending the Zoning Ordinance of the City of Manchester by revising the CV (Conservation) zoning district boundary along the Piscataquog River.”

“Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include all of Tax Map 381, Lot 47.”

“Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include property currently zoned R-1B(PO) (Residential One Family/Professional Office Overlay) located on the northeasterly side of South Willow Street.”

“Amending the Zoning Ordinance of the City of Manchester by changing the expiration period of variances, special exceptions, and conditional use permits in Article 15.03 to be consistent with the expiration period in Article 14.02.”

“Amending the Zoning Ordinance of the City of Manchester by inserting additional language into Article 6.10 Special Lot sizes in the R-2 District for clarification and consistency with the original intent of the special lot sizes in this district.”

“Amending the Zoning Ordinance of the City of Manchester by adding language to Article 10.09B 2 regarding the use of front yard areas for parking in residential districts.”

“Amending the Zoning Ordinance of the City of Manchester by adding language to 5.11 Table of Accessory Uses regarding the storage of unregistered automobiles.”

“Amending the Zoning Ordinance of the City of Manchester by revising the definition of Lot Width in Article 3.03 Definition of Terms.

“Amending the Zoning Ordinance of the City of Manchester by adding language to Article 9.07 to restrict the location of electronic message boards and flashing signs.”

“Amending the Zoning Ordinance of the City of Manchester by adding language to Article 10.06(C) regarding required loading spaces.”

“Amending the Zoning Ordinance of the City of Manchester by establishing the Lake Massabesic Protection Overlay District (LMPOD) to protect the Lake Massabesic drinking water supply in the City of Manchester.”

“Amending the Zoning Ordinance of the City of Manchester by establishing the Manchester Landfill Groundwater Management Zone (ML-GMZ) Overlay district to monitor groundwater quality in the vicinity of Dunbarton Road and Front Street.”

(Concurrent referral to the Committee on Bills on Second Reading and to a public hearing on Monday, August 7, 2006 at 6 PM in the Aldermanic Chambers of City Hall.)

L. Design Guidelines for the Arena Overlay District.

(Note: available for viewing at the Office of the City Clerk and forwarded under separate cover to Mayor and Aldermen.)

(Concurrent referral to the Committee on Bills on Second Reading and to a public hearing on Monday, August 7, 2006 at 6 PM in the Aldermanic Chambers of City Hall.)

REPORTS OF COMMITTEES

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

M. Recommending that the 4th quarter FY2006 write off list for the accounts receivable module be approved.

(Unanimous vote)

N. Advising that it has accepted the City’s Monthly Financial Statements (unaudited) for the eleven months ended May 31, 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 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)

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

P. Advising that it has approved Ordinance:

“Amending the Code of Ordinances of the City of Manchester by repealing Chapter 94: Noise Regulations in its entirety and inserting a new Chapter 94: Noise Regulations.”

and is recommending same be referred to the Committee on Bills on Second Reading for technical review.

(Unanimous vote)

COMMITTEE ON BILLS ON SECOND READING

Q. Recommending that ordinance amendments:

“Amending Sections 33.024, 33.025 and 33.026 (Airport Financial Manager) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025 and 33.026 (Canine Handler Supervisor) of the Code of Ordinances of the City of Manchester .”

ought to pass.

(Aldermen Duval, Lopez, Garrity and Pinard voted yea; Alderman Gatsas abstained.)

R. Recommending that ordinance amendments:

“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.”

be referred to a public hearing on Monday, August 7, 2006 at 6 PM in the Aldermanic Chambers of City Hall.

(Aldermen Duval, Lopez, Garrity and Pinard voted yea; Alderman Gatsas abstained.)

S. Recommending that ordinance amendment:

“Amending the Zoning Ordinance of the City of Manchester by extending the R-SM (Residential Suburban Multi-Family) zoning district to include property currently zoned IND (Industrial) located on the south side of Holt Avenue between East Industrial Park Drive and Waverly Street and known as Tax Map 716, Lot 38.”

be referred to a public hearing on Monday, August 7, 2006 at 6 PM in the Aldermanic Chambers of City Hall.

(Aldermen Duval, Lopez, Garrity and Pinard voted yea; Alderman Gatsas abstained.)

COMMITTEE ON JOINT SCHOOL BUILDINGS

T. Advising that it has authorized processing of legal expense payments from the School Facilities Improvement Project Contingency regarding Gilbane.
(School Committee Members Beaudry, Herbert, Gelinas and Alderman Roy voted yea; Aldermen Thibault and Forest were absent.)

U. Advising that it has authorized execution of DMJM Contract Amendment #3, as enclosed herein.
(School Committee Members Beaudry, Herbert, Gelinas and Alderman Roy voted yea; Aldermen Thibault and Forest were absent.)

COMMITTEE ON LANDS AND BUILDINGS

- V. Recommending that a request of the Currier Museum of Art for an easement to allow footings of a replacement and proposed retaining walls to encroach onto Beech and Prospect Streets rights of way be approved as described in the description enclosed herein and incorporated by reference, subject to review and approval of the City Solicitor and Public Works Director, with any related costs for document preparation and recording to be borne by the Currier Museum; and further that the Mayor be authorized to execute any documents relating to such transaction subject to the review and approval of the City Solicitor.

(Unanimous vote)

- W. Recommending that the City relinquish municipally controlled air rights held over the parking lot immediately South of the Jefferson Mill building to Brady Sullivan Properties in consideration of Brady Sullivan constructing, at their own expense, a deck providing parking for tenants. Additionally, Brady Sullivan is to convey to the City of Manchester rights to construct a riverwalk along the Merrimack River adjacent to the western wall/property line of their building. The Committee further recommends that execution of such relinquishment be made subject to the approval of the City Solicitor and Public Works Director.

(Unanimous vote)

- X. Recommending that the Board of Mayor and Aldermen find property located at L Chenette Street known as Map 0372, Lot 0010-A surplus to City needs and further that:

In accordance with RSA 80:80 the Mayor be authorized to dispose of certain property situated at L Chenette Avenue, known as Map 0372, Lot 0010-A by executing deeds releasing all rights, title interest, or claims in said property. Said property was acquired by the City of Manchester by virtue of Tax Collector's deed dated November 21, 1994, and recorded in the Hillsborough County Registry of Deeds, Volume 5593, Page 1655, on November 23, 1994.

The Committee advises that it finds just cause to dispose of such through sale to an abutter as the property can serve no public purpose, there is only one direct abutter to Lot 10A whose acquisition of said lot would adequately resolve a building encroachment problem. The Committee recommends sale to the abutters Donald J. Pouliot and Nancy E. Pouliot of 95 Brent Street conditional upon lot consolidation with Lot 10 at a price of Four Thousand One Hundred Fifty-dollars (\$4,150.00), a value deemed reasonable by the Board of Assessors.

The Committee further recommends that the Tax Collector and City Solicitor be authorized to proceed with disposition and prepare such documents as may be required, and that the Finance Officer be authorized to credit tax deed accounts as deemed necessary. Pursuant to Statute requirements, enclosed is an ordinance which is recommended for referral to the Committee on Bills on Second Reading.

(Unanimous vote)

COMMITTEE ON PUBLIC SAFETY AND TRAFFIC

Y. Advising that it has approved the Wayfinding Signage concept and request that staff return to the Committee with specific signage that will be placed in the pilot area consisting of the downtown and a small portion of the west side.

(Unanimous vote)

Z. Recommending that the Board approve the Traffic Signal Agreement between the City of Manchester and the Town of Bedford, as enclosed herein, and further that the Mayor be authorized to execute the agreement subject to the review and approval of the City Solicitor.

(Unanimous vote)

AA. 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.

10. Nominations to be presented by Mayor Guinta, if available.
11. Confirmation of the nomination of Gerard L. Thibodeau to succeed Jen Drociak as a member of the Conservation Commission, term to expire August 1, 2006.
A motion is in order to confirm the nomination as presented.
12. **A motion is in order to accept the resignation of David Jespersen as a member of the Manchester Transit Authority, term to expire May 2007.**
13. Communication from Alderman Long submitting the nomination of Carol Ann Williams to succeed David Jespersen as a member of the Manchester Transit Authority, term to expire May 2007.
Per Rule 20 a motion is in order that the nomination layover until the next meeting.
14. Mayor Guinta advises that a motion is in order to recess the regular meeting to allow the Committee on Finance to meet.
15. Mayor Guinta calls the meeting back to order.

OTHER BUSINESS

16. Report(s) of the Committee on Finance, if available.
Ladies and Gentlemen, what is your pleasure?
17. Report of the Committee on Community Improvement relative to a petition for discontinuance of a portion of So. Bedford Street, if available.
Ladies and Gentlemen, what is your pleasure?

18. Report of the Committee on Lands and Buildings relative to the Ash Street School, if available.

Ladies and Gentlemen, what is your pleasure?

19. State Legislative update presented by Mayor Guinta, if available.

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

“Amending Sections 33.024, 33.025 and 33.026 (Airport Financial Manager) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025 and 33.026 (Canine Handler Supervisor) of the Code of Ordinances of the City of Manchester .”

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

21. 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.

22. Mayor Guinta calls the meeting back to order.

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

Ladies and Gentlemen, what is your pleasure?

24. Communication from Frank Thomas, Public Works Director, requesting authorization to accept State funds and execute any related documents for the Household Hazardous Waste Collection Project to be held on Saturday, October 14, 2006.

A motion is in order to accept the funds, remand for the purpose intended, and authorize the Public Works Director to execute any documents necessary to carry out the project.

25. Communication from Chuck DePrima, Deputy Director, relative to an Executive Order issued by the NHDES to the City mandating the completion of either repair or removal of the Black Brook Dam.
Ladies and Gentlemen, what is your pleasure?
26. Warrant to be committed to the Tax Collector for collection under the Hand and Seal of the Board of Mayor and Aldermen for the collection of sewer charges.
(Note: Clerk to present amount at meeting.)
Ladies and Gentlemen, what is your pleasure?
27. Ordinances: **(A motion is in order to read by titles only.)**

“Amending Sections 33.024, 33.025 and 33.026 (Airport Financial Manager) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025 and 33.026 (Canine Handler Supervisor) of the Code of Ordinances of the City of Manchester .”

“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 third and final reading by titles only, the question is on passing same to be Ordained.

28. Resolution:

“Resolution adopting the provisions of RSA 261:54 Additional Fees for Registration Permits.”

If the Board so desires, a motion is in order that the Resolution be Adopted.

TABLED ITEM

A motion is in order to remove the following item from the table for discussion.

- 29.** Report of the Committee on Human Resources/Insurance recommending that the Board establish a policy preventing part-time employees from purchasing health insurance upon retirement.

(Tabled 06/06/2006)

30. NEW BUSINESS

- a) Communications
- b) Aldermen

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