

## AGENDA

### BOARD OF MAYOR AND ALDERMEN

**November 14, 2006**

**7:30 PM**

**Aldermanic Chambers  
City Hall (3<sup>rd</sup> Floor)**

1. Mayor Guinta calls the meeting to order in joint session with the Library Trustees.

2. The Clerk calls the roll.

Board of Aldermen: Roy, Gatsas, Long, Duval, Osborne, Pinard,  
O'Neil, Lopez, Shea, DeVries, Garrity, Smith, Thibault, Forest

Library Trustees: Joanne Barrett, Peter Duffy, Joseph Sullivan,  
Kevin Devine, Madeleine Roy, Jeffrey Hickock, Karen Sheehan-Lord

3. Mayor Guinta advises that nominations are in order to fill the expired term of Peter Duffy currently completing the term of Trustee Mary Heath who resigned in March 2006; such nominations to be made for a term to expire October 2013.

4. Following nominations, a motion is in order to close the nominations.

5. Unless there be a motion to suspend the rules to confirm the nominations, all nominations made shall layover to the next meeting.

6. If there is no further business to come before the joint session, a motion is in order to adjourn.

7. Mayor Guinta calls the regular meeting of the Board to order.

8. The Clerk calls the roll.

9. Presentation of the Arts Award to Sally Zyla.
10. Update by Peter Ramsey, Arts Commission Chairman, relative to the public sculpture to be located in the vicinity of the Verizon Wireless Arena.
11. Presentation regarding Pay and Display Meters by Parking Division and Cale Systems.

### **CONSENT AGENDA**

12. 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.

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

- A. On October 27, 2006 approving recommendation that all ideas, suggestions, and recommendations for City property proposed to honor the memory of Officer Briggs be referred to the Committee on Public Safety and Traffic.  
*(Unanimous vote)*
- B. On October 27, 2006 accepting the resignation of Paul Borek as the City's Economic Development Director.  
*(Unanimous vote)*

### **Accept BMA Minutes**

- C. Minutes of BMA meetings held on June 12, 2006 and July 11, 2006 (two meetings).  
*(Available for viewing at the Office of the City Clerk and previously forwarded under separate cover to Mayor and Aldermen.)*

**Approve under Supervision of the Department of Highways**

- D. PSNH pole petition #11-1122 located on Massabesic, Belmont and Auburn Streets;  
PSNH pole petition #11-1123 located on Gay Street; and  
PSNH pole petition #11-1126 located on South Willow Street.

**Informational – to be Received and Filed**

- E. Communication from Robert MacKenzie, Interim Economic Development Director, informing the Board of current marketing initiatives.
- F. Manchester Health Department monthly report summary for October 2006.
- G. Minutes of the MTA Commission meeting held on September 26, 2006 and the amended Ridership Report for August 2006 and the Financial and Ridership Reports for the month of September 2006.
- H. Minutes of the Mayor's Utility Coordinating Committee meeting held on October 18, 2006.

**REFERRALS TO COMMITTEE**

**COMMITTEE ON FINANCE**

- I. Resolutions (from CIP reports):

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Sixteen Thousand Dollars (\$16,000) for the FY2007 CIP 214207 Firesafe Intervention Program.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Forty One thousand Five Hundred Forty Eight Dollars (\$41,548) for FY2007 CJIP 412207 Radiological Emergency Response Plan (RERP) Program.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Three Thousand Six Hundred Twenty Five Dollars (\$23,625) for the FY2007 CIP 811407 Manchester VISTA Initiative Program.”

“Amending the FY2003 and FY2007 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Million One Hundred Seventy Six Thousand One Hundred Twenty Five Dollars and Forty Nine Cents (\$1,176,125.49) for various CIP Projects.”

“Amending the FY2007 Community Improvement Program, amending the Administering Agency to read Highway – Facilities Division for the 2007 CIP 511307 JFK Coliseum Rehabilitation Project.”

“Amending the FY2007 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Eight Thousand Seventy Five Dollars (\$8,075.00) for the FY2007 CIP 610407 Housing Rehab/Lead Hazard Control Program.”

**J.** Resolution: (from BMA actions)

“Amending the FY2007 Community Improvement Program, decreasing Cash funds in the amount of Seventy Seven Thousand Dollars (\$77,000) from various CIP Projects.”

**REPORTS OF COMMITTEES**

**COMMITTEE ON BILLS ON SECOND READING**

**K.** Recommending that Ordinance:

“Amending the Building Code of the City of Manchester as adopted in Section 151.01 of the City of Manchester Code of Ordinances by repealing the 1993 BOCA National Plumbing Code and adopting the 2000 edition of the International Plumbing Code as amended by the State of NH Board of Licensing and Regulation of Plumbers and with further amendments contained herein.”

ought to pass as amended.

*(Unanimous consent with exception of Aldermen Gatsas and Garrity who were absent.)*

- L.** Recommending that Ordinance:  
“Amending Section 33.054 (B)(@)(Overtime Compensation/Comp Time) of the Code of Ordinances of the City of Manchester.”  
ought to pass as amended.  
*(Unanimous consent with exception of Aldermen Gatsas and Garrity who were absent.)*
- M.** Recommending that Ordinance:  
“Amending Section 33.076(A), Special Leave of the Code of Ordinances of the City of Manchester.”  
ought to pass as amended.  
*(Aldermen Duval and Pinard voted yea. Alderman Lopez opposed. Aldermen Gatsas and Garrity were absent.)*
- N.** Recommending that Ordinance:  
“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.”  
ought to pass.  
*(Unanimous consent with exception of Aldermen Gatsas and Garrity who were absent.)*
- O.** Recommending that Ordinance:  
“Amending Chapter 117: Food Service Establishments, Section 117.19 Permit Fee, providing for increased fees.”  
ought to pass.  
*(Unanimous consent with exception of Aldermen Gatsas and Garrity who were absent.)*

### **COMMITTEE ON COMMUNITY IMPROVEMENT**

- P.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$16,000 for the FY2007 CIP 214207 Firesafe Intervention Program and for such purpose an amending resolution and budget authorization has been submitted.  
*(Unanimous Vote)*

- Q.** Recommending that the Board authorize acceptance and expenditure of funds in the amount \$41,548 for the FY2007 CIP 412207 Radiological Emergency Response Plan (RERP) Program and for such purpose an amending resolution and budget authorization has been submitted.  
*(Unanimous Vote)*
- R.** Recommending that the Board authorize acceptance, transfer and expenditure of funds for various projects primarily resulting from the so called “mothers day” flood , fund sources anticipated through FEMA and State funds, and for such purpose an amending resolution and budget authorizations have been submitted.  
*(Unanimous vote)*
- S.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$23,625 for the FY2007 CIP 811407 Manchester VISTA Initiative and for such purpose an amending resolution and budget authorization has been submitted.  
*(Unanimous Vote)*
- T.** Recommending that the Board approve a sewer abatement request in the amount of \$52.20 for 1381 Union Street as recommended by the Environmental Protection Division.  
*(Unanimous Vote)*
- U.** Recommending that a request for extension of CIP #210205 – Public Health Preparedness project from August 31, 2006 to June 30, 2007 be approved; and for such purpose a budget authorization has been submitted.  
*(Unanimous Vote)*
- V.** Recommending that it has approved a request to not accept recent bids for vehicle purchases and allow the purchasing agent to go forth with purchasing off State contracts.  
*(Unanimous Vote)*
- W.** Recommending that a request to formalize transfer of a vehicle from Welfare to the Facilities Division for the Clerk of the Works; and acquisition of a surplus vehicle for the Building Automation Specialist, with the understanding that an appropriate vehicle will be requested in the FY08 budget.  
*(Unanimous Vote)*

- X.** Recommending that the Board approve change in administering agency for the \$1.775 million JFK Rehabilitation project from the Parks Department to the Highway Department and for such purpose an amending resolution and budget authorization has been submitted.  
*(Unanimous Vote)*
- Y.** Recommending that the Board authorize transfer and expenditure of funds in the amount of \$8,075 for the FY2007 CIP 610407 Housing Rehab/Lead Hazard Control Program and for such purpose an amending resolution and budget authorization has been submitted.  
*(Unanimous Vote)*

### **COMMITTEE ON JOINT SCHOOL BUILDINGS**

- Z.** Advising that it has accepted the monthly report for September 2006 as submitted by DMJM, and is forwarding same to the Board for informational purposes only.  
*(School Committee Member Beaudry and Aldermen Thibault, Roy and Long voted in favor, School Committee Members Herbert and Gelinas were absent.)*
- AA.** Advising that it has accepted and approved the School Facilities Improvement Project Change Order No. 25, and is forwarding same to the Board for informational purposes.  
*(School Committee Member Beaudry and Aldermen Thibault, Roy and Long voted in favor, School Committee Members Herbert and Gelinas were absent.)*
- AB.** Advising that it has approved the payment of \$2,500 to the vendor for the pumps at the Central High garage and would seek restitution from Gilbane, and is forwarding same to the Board for informational purposes.  
*(School Committee Member Beaudry and Aldermen Thibault, Roy and Long voted in favor, School Committee Members Herbert and Gelinas were absent.)*

### **COMMITTEE ON LANDS AND BUILDINGS**

- AC.** Recommending that the Board of Mayor and Aldermen find property known as Map 692, Lot 10 located on Granite Street surplus to City needs and that the Mayor be authorized to dispose of same by executing deeds releasing all rights, title, interest, or claims in said property.

The Committee advises that it finds just cause to dispose of such through sale to an abutter as the property serves no public purpose, only an abutter can benefit from an acquisition, and conveyance of the parcel when merged with Lot 14 will place same back on the tax rolls of the City. The Committee recommends sale to the abutters Marcel L. and Sylvia Beliveau of 11 Farmer Lane and owners of 78 Douglas Street conditional upon lot consolidation with Lot 14 at a price of Ten Thousand Dollars (\$10,000.00), a value deemed reasonable by the Board of Assessors.

*(Unanimous vote)*

- AD.** Recommending that a request of Moore Center Services, Inc. to have the City release a reverter provision for property located at 132 Titus Avenue be approved.

The Committee recommends that the City Solicitor be authorized to prepare and review any necessary documents and that the Mayor be authorized to execute same relating to the release of the reverter provision by the City.

*(Unanimous vote)*

- AE.** Recommending that a request by Attorney David Nixon for a revocable license on unused City land immediately northerly of Dockside II Condominiums located at 51 Riverfront Drive be granted and approved as enclosed herein subject to the review and approval of the City Solicitor.

*(Unanimous vote)*

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

- AF.** 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.**

13. Nominations to be presented by Mayor Guinta, if available.
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 Committee on Public Safety/Traffic, regarding ordinance for pay and display meters, if available.  
**Ladies and Gentlemen, what is your pleasure?**
18. Report of Committee on Community Improvement recommending that the Board of Mayor and Aldermen adopt the provisions of RSA 79-E and for such purpose a resolution is submitted. The Committee notes the Planning Director has been requested to review the matter and provide a report to the Board regarding potential districts.  
*(Unanimous vote)*  
*(Note: Report of Planning enclosed, recommends adoption of resolution and referral to Manchester Economic Development Office to develop application and procedures.)*  
**If the Board so desires, a motion is in order to accept the report and request MEDO to submit proposed procedures including applications to the CIP Committee for review.**
19. State Legislative update presented by Mayor Guinta, if available.

20. Communication from Castagna Consulting on behalf of Junker Equipment Division, Inc. submitting an offer to purchase equipment located at 163 Hancock Street at a total price of \$50,000.

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

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

“Amending the Building Code of the City of Manchester as adopted in Section 151.01 of the City of Manchester Code of Ordinances by repealing the 1993 BOCA National Plumbing code and adopting the 2000 edition of the International Plumbing Code as amended by the State of NH Board of Licensing and Regulation of Plumbers and with further amendments contained herein.”

“Amending Section 33.054 (B)(@)(Overtime Compensation/Comp Time) of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.076(A), Special Leave of the Code of Ordinances of the City of Manchester.”

“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 Chapter 117: Food Service Establishments, Section 117.19 Permit Fee, providing for increased fees.”

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

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

23. Mayor Guinta calls the meeting back to order.

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

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

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

“A Resolution Adopting the Provisions of RSA 79-E, Community Revitalization Tax Relief Incentive.”

**A motion is in order that the Resolution pass and be Adopted.**

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

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Sixteen Thousand Dollars (\$16,000) for the FY2007 CIP 214207 Firesafe Intervention Program.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Forty One Thousand Five Hundred Forty Eight Dollars (\$41,548) for FY2007 CIP 412207 Radiological Emergency Response Plan (RERP) Program.”

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“Amending the FY2007 Community Improvement Program, decreasing Cash funds in the amount of Seventy Seven Thousand Dollars (\$77,000) from various CIP Projects.”

**A motion is in order that the Resolutions pass and be Enrolled.**

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

“Amending the Building Code of the City of Manchester as adopted in Section 151.01 of the City of Manchester Code of Ordinances by repealing the 1993 BOCA National Plumbing code and adopting the 2000 edition of the International Plumbing Code as amended by the State of NH Board of Licensing and Regulation of Plumbers and with further amendments contained herein.”

“Amending Section 33.054 (B)(@)(Overtime Compensation/Comp Time) of the Code of Ordinances of the City of Manchester.”

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“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 Chapter 117: Food Service Establishments, Section 117.19 Permit Fee, providing for increased fees.”

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

## **TABLED ITEMS**

**A motion is in order to remove any of the following items from the table for discussion.**

- 28.** Report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include property currently zoned IND (Industrial) located on the south side of Gold Street east of the former Lawrence Branch of the B&M Railroad and including the following three lots Tax Map 875-14, 875-15, 875-16.”

ought to pass.

*(Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)*

*(Tabled 09/05/2006)*

- 29.** Report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the R-3 (Urban Multi-family) zoning district to include property currently zoned R-1B (Single-family) located on a portion of Tax Map 691 Lot 143-1 that will be on the north side of a proposed Gold Street Bypass and adjacent to Bradley Street and the New St. Augustin’s Cemetery.”

ought to pass.

*(Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)*

*(Tabled 09/05/2006)*

- 30.** Report of the Committee on Bills on Second Reading recommending that Ordinance:

“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.”

ought to pass as amended.

*(Unanimous vote except for Alderman Gatsas who was absent.)*

*(Note: Informational meeting has held; **suggested amendment by Planning Director enclosed**)*

*(Tabled 10/03/2006)*

**31. NEW BUSINESS**

- a) Communications
- b) Aldermen

**32.** Communication from the Chief Negotiator requesting to meet with the Board to discuss union negotiations.

**A motion is in order to recess the regular meeting to meet with the Chief Negotiator to discuss union negotiations.**

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

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