

BOARD OF MAYOR AND ALDERMEN

December 4, 2007

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

Mayor Guinta called the meeting to order.

The Clerk called the roll. Thirteen Aldermen were present.

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

Absent: Alderman Forest

CONSENT AGENDA

Mayor Guinta advised 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.

Pole Petitions – to be approved under the direct supervision of the Department of Highways

- A. PSNH Pole Petition #11-1181 located on Union Street.

Informational – to be Received and Filed

- B. Official results of the Non-Partisan Municipal General Election held on November 6, 2007 submitted by Leo R. Bernier, City Clerk.

- C. Manchester Health Department Monthly Report Summary, November 2007.

REPORTS OF COMMITTEE

COMMITTEE ON BILLS ON SECOND READING

- E. Recommending that Ordinance Amendment:
“Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester; 70.57 by revising Sections (1) and (5) to reflect current operating practices for hours of operation; and adding new Sections (7) and (8) to add the current daily maximum charge and lost chip fee.”
ought to pass.
(Unanimous vote.)

(Note item redressed for informational purposes later in meeting)

HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN DUVAL, DULY SECONDED BY ALDERMAN O’NEIL, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.

- D. Communication from Leo R. Bernier, City Clerk, submitting a draft ordinance providing for changes in salaries for the Mayor and members of the Board of Aldermen and School Committee to become effective July 1, 2008 if adopted by the Board.

Alderman Shea moved to receive and file this communication. The motion was duly seconded by Alderman Smith.

Alderman DeVries stated I think we heard during the public session that there certainly is some desire by the public to understand the costs of employees. And I’m hoping that maybe we can have our Human Resources Department put together a clarification of the highest cost for Aldermen and the lowest cost for Aldermen and who’s being paid what.

At the request of **Alderman Shea**, a roll call vote was taken. Aldermen Shea, DeVries, Garrity, Smith, Thibault, Roy, Gatsas, Long, Duval, Osborne, Pinard, O'Neil, and Lopez voted yea. *The motion carried.*

Report of Committee on Bills on Second Reading

F. Recommending that Zoning Ordinance Amendment:

“Amending the Zoning Ordinance of the City of Manchester by revising the requirements for the Neighborhood Business District (B-1) to provide more flexibility in uses allowed, dimensional requirements and parking.”

ought to pass.

(Unanimous vote with the exception of Alderman Gatsas who was opposed.)

Alderman DeVries stated if you remember, we had a public hearing and through Bills on Second Reading changing some of the B-1 districts in the City. There was some discussion at that time. I think that Bob MacKenzie from the Planning Department might have some clarification of language, and I don't know if he wants to bring it up now. I think this will be up again later. Did you have any new language that you wanted to distribute to us tonight?

Mr. Bob MacKenzie, Planning Director, responded I believe a letter was submitted separately from the package by the Clerk's office, and in that I was recommending, after reviewing with the Building Commissioner and reviewing the state liquor statutes, that for now we eliminate two items: One of those is the restaurants under 5,000 square feet serving alcoholic beverages. The other one is basically the social clubs. I did that because the language was not crystal clear. It did seem apparent that the Board was concerned about the potential for bars in the neighborhood districts. The language is simply not clear enough at this time to recommend that. I do still think it would be useful at some point for small restaurants who want to serve wine with a meal that they might have that opportunity to get the permits. But the language has to be more specific in our zoning ordinance dealing with that and consistent with the state liquor statutes. I'm recommending the Board amend the proposed ordinance by eliminating those two provisions. I did review a few others with the staff that I know Alderman DeVries and

perhaps a couple of other Aldermen had some concerns with. I still believe, given the size of the zoning districts, that they can be useful to the neighborhoods, that they can be items that bring the neighborhood together and form a central point. Some of those items, for example, were theaters and cinemas; I know there was a concern with. But I still believe that these can be useful to the neighborhoods and useful to the neighborhood business areas.

Alderman DeVries moved to amend the report by amending the ordinance and deleting two sections as recommended by Mr. MacKenzie. The motion was duly seconded by Alderman Duval.

Alderman O'Neil stated I never saw this letter. I don't know how many others...

Alderman DeVries stated I think it was handed out tonight.

Mayor Guinta stated Alderman O'Neil has not received a copy. If someone could provide him with one, I'm going to accept the motion by Alderman DeVries, seconded by Alderman Duval.

Alderman DeVries stated one piece of clarification that Mr. MacKenzie has given to me was the depth of the B-1 district, which is an extreme limiting factor. I believe you stated that that was 100 feet.

Mr. MacKenzie stated typically most of the zones, such as Webster Street, it's only 100 feet deep, and I think that's the same with both Amory and Kelley Streets and most of Massabesic Street. So it does range a little bit, 100 or sometimes 120 feet. But that would significantly limit the size of any future buildings within those Neighborhood Business Districts.

Alderman DeVries stated thank you very much. That I did find to be rather reassuring and it did alleviate a lot of the concerns that I had when I first saw this. So the motion is amending the ordinance?

Mayor Guinta responded correct.

Alderman Osborne stated I'd like to ask Mr. MacKenzie a couple of questions. I wasn't at that committee meeting. I watched some of it and I sent a letter into it. Basically, Massabesic, or in my Ward anyway, parking is at a premium in that area. The businesses that are in there now really need whatever parking they have in front of their establishments. I want to know from Mr. MacKenzie if any of these letters have been certified as sent to all of these businesses in these areas?

Mr. MacKenzie responded no. Technical changes to the wording do not get mailed to the property owners.

Alderman Osborne stated if we were to take away parking and make a walking/shopping situation like you were talking about, how do you think they would feel by taking their parking away that they have now, and they've been there so many years that way? And then there is the spillage off into the areas of the residential areas. The residential people, let's say within a three block radius of Massabesic Street, should be notified as well maybe.

Mr. MacKenzie stated I'll start with your first question. The ordinance does not take away any existing parking, any on-street parking, or anything like that. If business owners have parking, that is fully permitted. The only thing that this takes away is a mandatory requirement for a number of parking spaces per use. So owners can still provide the number of parking spaces they may need, but then they don't have to overbuild and put parking lots where we'd like to see buildings. One of the goals here is

to have a pedestrian friendly environment where you can walk down a street and there are four or five different stores, rather than walking by large, vacant parking lots. In theory, in the long term, I think that that will actually benefit our tax base. If you do not have to provide parking that you don't need, that area can actually go into building and be a more productive use, in terms of assessed value.

Alderman Osborne stated I don't think you'll find it that way in this area here. I don't think you're going to find a lot of extra parking anyway, and to put new businesses there also, I can't think of a lot of places that new businesses would go either. So, in that aspect...the way it's handled now with the ZBA and the Planning Boards, isn't that handled in a proper way, the way it's going now?

Mr. MacKenzie responded the difficulty is most of these places have variance issues, and under state law and state statutes, the technical requirements to grant a variance are very strict. You have to have a hardship on the property and it cannot really be an economic hardship. So if somebody wants to expand their internal business, but they don't meet the frontage requirements, they could go to the Zoning Board of Adjustment. But if that's appealed, in many of these cases it's not likely that their appeals would be upheld. The variance process is not an easy process to go through in terms of legal procedures.

Alderman Osborne stated so what you're telling me, the businesses that are there now are grandfathered in as far as parking. Is that what you're saying?

Mr. MacKenzie responded yes.

Alderman Osborne continued and then when the new businesses come in, their parking is going to be where? If you're not going to have anything to tear down, let's say properties to make parking, where are these people's customers coming from?

Mr. MacKenzie responded first of all many of these small businesses...and I'll look at Kelley Street where we have a couple of new businesses...

Alderman Osborne interjected can we talk about Massabesic Street?

Mr. MacKenzie stated well, I'm more familiar...I want to give you an example because the City worked hard to help a property owner...

Alderman Osborne stated I understand. I don't mind about Kelley Street. If the Aldermen over there approve it, I have no problem with it. I'm more worried about Massabesic Street seeing as I was born in that Ward and I'd like to know how somebody is going to survive opening a new business. I've been in business 40 years. Somebody opening a new business in that area with no parking, I don't know how they're going to exist by neighborhood shopping. I think we're fooling ourselves with all the shopping centers out there.

Mayor Guinta stated but that's up to the business owner, and we hope to create neighborhood commerce. So, it's up to the business owner.

Alderman Gatsas stated I look at small scale assembly, fabrication, and craftsmen's businesses, with no outside storage or machinery. Can you give me an example of a fabrication business that would be allowed?

Mr. MacKenzie responded for example, we used to have on the west side a rocker store, a Canadian rocker store, where they actually put together these rockers and they sold them retail. Another example would be the stained glass store on Kelley Street. So these are small-scale businesses, craftsmen-type businesses. A larger industrial operation probably would not go in this area, but someone who fixes furniture, restores furniture, would fall under those categories.

Alderman Gatsas asked what about a sheet metal company?

Mr. MacKenzie responded a sheet metal company would be listed under a heavier industrial use.

Alderman Gatsas asked that's not fabrication?

Mr. MacKenzie responded there's a difference between actually creating sheet metal...the Building Department would view that more as an industrial use rather than a small-scale assembly and fabrication.

Alderman Gatsas stated private elementary or secondary school.

Mr. MacKenzie stated yes, what would you like to know about those?

Alderman Gatsas stated so that means a daycare center can open up without having the restrictions that they currently must face?

Mr. MacKenzie responded they would still have to face the restrictions in terms of outside play space, which is a state requirement. They still have to be licensed by the state, and so those restrictions would not change.

Alderman Gatsas stated the only problem I have with this is that this ordinance change really doesn't affect the entire City. It affects, I believe, the last count when Mr. MacKenzie counted, there were ten different locations in the City. And I'm not too sure if the abutters of those ten locations are familiar with these changes that certainly would incorporate what we're looking to change, and some of them are good, and certainly with the understanding that the membership fraternal and social organizations and clubs have been removed, they're a little bit more palatable. The problem is it's not a total-city

change; it's only ten small areas throughout the City and abutters should understand what those changes are. I don't think we've ever notified abutters in those districts that there was going to be a public hearing that just concerned their neighborhood.

Alderman O'Neil stated just for clarification on your letter, is there something we should be pursuing with the members of the Manchester delegation regarding some changes in state law?

Mr. MacKenzie responded I don't think it's a state law issue. It's really that right now we only have a couple of classifications under our zoning ordinance. And pubs, for example, would fall under restaurants serving alcoholic beverages. I think eventually we should have a more finely graded separation. So, for example, a sit down restaurant serving wine and beer should be handled differently than a pub with a bar at it where you don't have to have a full meal. We don't have that separation right now. I think we should at some point because there is a big difference and potentially a big difference in impact on the neighboring property owners.

Alderman O'Neil asked doesn't the State Liquor Commission look at those separately as well?

Mr. MacKenzie responded yes, they already look at them separately, but again, it's our zoning ordinance that's controlling as well.

Alderman O'Neil asked so you don't believe that there needs to be a change to the liquor laws or liquor rules and regulations? It's more of a zoning issue?

Mr. MacKenzie responded it's more of a zoning issue, yes.

Alderman Lopez stated the only comment I'd like to make is we had a public hearing and we've had testimony all in favor of doing this in the neighborhoods. The Planning Board testified also, and they've been working on a master plan now for a couple of years. The public sees them on TV as well as we do, working very, very hard. And I know that I've been at some of the meetings and I know that some of the other Aldermen have too. People want things in their neighborhoods. They want good lighting; they want small businesses in their neighborhoods. The idea of maybe a barbershop that a person is going to walk to, two or three blocks away, as long as there's good lighting. And people know people in the neighborhood. The items that were taken off tonight, I think that's fine. If any other Alderman has a public hearing, if you want something out of here, I think we just have to move ahead and take it out, but I think it's a good ordinance. A lot of people have worked hard in order to get the neighborhoods up to par, so to speak. The people in the neighborhoods really want this type of changes because one of the major testimonies at the public hearing, if we all recall...and Mr. MacKenzie, I'll let you answer this. If we don't do all these changes, the people are in violation today, a lot of people. Would you comment on that?

Mr. MacKenzie responded yes, we're finding that a large majority of all the current businesses just are not compliant with the zoning ordinance, and we find them hesitant to go to the boards. They're small businesses; they want to make improvements to their business, but they're hesitant to go to boards because they're normally not as familiar with the processes. New businesses that want to go into these, we actually sometimes hand-hold them to help them through the process, but they tend to be a little gun-shy about coming to the City.

Alderman Duval stated this is the start of a very important process for our community. There are a number of pockets that exist around our City that have been there for many, many years, mostly comprised of a number of small buildings with small square footage. I think the efforts of the people that were directly involved with the authorship of this

change in ordinance did an incredible job. I supported it in the committee in the format that was proposed by Planning. I think it's important for our City to sort of rejuvenate and revitalize these small pockets that exist across our City. One thing that was brought up in committee that wasn't mentioned tonight but sort of stuck in my mind is when someone is given a variance for one of these small shops, it's impossible for the City to go back and change them, despite the fact that we may not be pleased after they are in operation. With this ordinance, this Board or future boards can go back and actually change it. The Board would have the authority to remove certain types of business operations, so I think as a means to rejuvenate and revitalize certain areas of our City, like we all witnessed in west Manchester on Kelley Street, which I think was quite phenomenal and very impressive, I think this is sort of a springboard in that direction, so I encourage my colleagues to support it as amended by Alderman DeVries. I think it's a reasonable compromise. I would have been happy with its format as it came out of committee, but this is acceptable and I think we should pass this tonight.

Alderman Osborne stated I just have one more comment. As far as my area, Ward 5, Massabesic Street, I'd feel better if these people were notified as far as businesses and residents in the immediate area. I know that none of these people were really notified, and I would feel better if they came up here at the public hearing. At least if they were notified, and they don't show up, well then that's the way it's to be. Other than that, I'd feel better if they were notified on this. Otherwise I have no problem with the rest of the City if this is the way they want to go, but the way it is right now, I'd be against Massabesic Street until they were notified. Thank you.

Mayor Guinta called for a vote on the motion to amend the report and the ordinance.
The motion carried with Aldermen Gatsas and Osborne duly recorded in opposition.

On motion of Alderman DeVries, duly seconded by Alderman Duval, it was voted to accept the report as amended.

Alderman DeVries stated Your Honor, I'm sorry, I don't think Item E was pulled off the agenda but if we might consider Item E before we move on from the Consent Agenda, I have one question for Parking that I'd like to bring up, with apologies.

Mayor Guinta stated that's okay go ahead.

Report of the Committee on Bills on Second Reading -

E. Recommending that Ordinance Amendment:

“Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester; 70.57 by revising Sections (1) and (5) to reflect current operating practices for hours of operation; and adding new Sections (7) and (8) to add the current daily maximum charge and lost chip fee.”

ought to pass.

(Unanimous vote.)

Alderman DeVries stated I see that there's a change on the hours of the parking garage and I'm just wondering if somebody can comment if during a snow emergency, does that mean that individuals would not be able to park in that garage free until after 10:00 PM?

Ms. Brandy Stanley, Parking Manager, responded there is a change in the hours listed on the ordinance but what we're asking for with respect to the hours reflects what has actually been in place since the Verizon Arena was built. When the on-street meter ordinance was reduced from 10:00 at night to 8:00 at night, I don't believe the appropriate ordinance change was made for the Victory Parking Garage. So as it stands now and has been for several years, parking is available free of charge in the Victory Garage between 10:00 PM and 7:00 AM during snow emergencies, and that's not a change from the way it has been.

4. Nominations to be presented by Mayor Guinta, if available.

Mayor Guinta stated pursuant to section 3.14(b) of the City Charter, please find the following nominations:

Heritage Commission

Christopher Newton to succeed Gregory Faltin, due to term limit, term to expire January 1, 2011;

Stephanie McLaughlin to succeed Gregory Goucher, due to term limit, term to expire January 1, 2011; and

Kristy Stuart to succeed Christopher Newton as an alternate member, term to expire January 1, 2010.

Highway Commission

William Houghton to succeed himself, term to expire January 15, 2011; and
Joan Flurey to succeed herself, term to expire January 15, 2011.

Personnel Appeals Board

Paul Martel to succeed himself, term to expire March 1, 2010.

Senior Services Commission

Jeff Dobe to succeed himself, term to expire January 1, 2011.

Mayor Guinta stated that these nominations will layover to the next meeting of the Board pursuant to Rule 20 of the Board of Mayor and Aldermen.

On motion of Alderman Roy, duly seconded by Alderman Duval, it was unanimously voted to suspend the rules and confirm nominations as follows;

Christopher Newton to the Heritage Commission.
William Houghton and Joan Flurey to the Highway Commission;
Paul Martel as a member of the Personnel Appeals Board; and
Jeff Dobe as a member of the Senior Services Commission,

as presented all of whom were succeeding themselves on said Boards.

5. Confirmation of the nomination of Crystal Nadeau to succeed Peter Ramsey (term limit) as a member of the Arts Committee, term to expire December 1, 2010.

On motion of Alderman Duval, duly seconded by Alderman Osborne, it was voted to confirm this nomination as presented.

6. Confirmation of the nomination of James Dunphy to succeed Phillip M. Stone (deceased) as a member of the Board of Trustees of Trust Funds, term to expire January 2011.

On motion of Alderman Garrity, duly seconded by Alderman Long, it was voted to confirm this nomination as presented.

7. Confirmation of the nomination of A. Joseph Dion to succeed Harold Sullivan (resignation) as an alternate member of the Planning Board, term to expire May 1, 2008.

On motion of Alderman Thibault, duly seconded by Alderman Garrity, it was voted to confirm this nomination as presented.

8. Confirmation of the nomination of Michael Skelton to succeed Craig Smith (resignation) as a member of the Safety Review Board, term to expire March 15, 2009.

On motion of Alderman Smith, duly seconded by Alderman Shea, it was voted to confirm this nomination as presented.

OTHER BUSINESS

9. A report of the Committee on Public Safety, Health and Traffic was presented recommending that a request of the Parking Manager for closure of streets for ABC news coverage during the presidential primary be granted and approved. The Committee further recommends that the Board authorize street closures considered necessary by the Police Department, Parking Division and City Clerk for any other news-casting events or activities relating to the Presidential Primary Election in January 2008.

On motion of Alderman Shea, duly seconded by Alderman Roy, it was voted to accept, receive and adopt the report.

10. Communication from Leo R. Bernier, City Clerk, requesting the Board set the polling hours for the State of NH Presidential Primary Election scheduled for Tuesday, January 8, 2008, from 6:00 AM until 7:00 PM.

On motion of Alderman Pinard, duly seconded by Alderman Long, it was voted to approve this request.

11. Community Revitalization Tax Relief Incentive Application submitted by Max Pruna for property located at 30 Amherst Street (aka Map 4, Lot 9).

On motion of Alderman Osborne, duly seconded by Alderman Pinard, it was voted that the application be referred to a public hearing to be held on Tuesday, December 18, 2007, at 5:30 PM in the Aldermanic Chambers of City Hall.

12. Communication from Gerard Fleury, Executive Director of the MECRS, seeking the Board's support of five housekeeping measures for a single piece of legislation in the 2008 legislative session.

Alderman Thibault made a motion to approve this request. The motion was duly seconded by Alderman Duval.

Alderman DeVries stated Mr. Fleury, I was hoping that under number four, Contributions, that paragraph, maybe you could offer some clarity on what's being accomplished there.

Mr. Gerard Fleury, Executive Director of the MECRS, stated you're referring to the section on the repeal of the worker's compensation offset?

Alderman DeVries responded it's on page three, number four, Contributions.

Mr. Fleury stated yes, there's a rather simple explanation for that. Back in 1986, the retirement system acted to adopt provisions of IRS section 414(h) as becoming an employer pick up. The contributions made by members of the plan are treated as pre-tax

dollars, and in a general review of our statutes over the last year, we found that that had never really been documented within the statute. We thought that would be a good idea if we put that in so that if we ever had a review by the IRS, that all of our ducks were in a row. We went to our legal counsel to get the exact wording of how that should be done. So this simply ratifies what we've been doing since 1986.

Alderman DeVries asked is that actually a legal term, 'picked up dollars'?

Mr. Fleury responded that's taken from the IRS regulation.

Mayor Guinta called for a vote on the motion. The motion carried, with Alderman Gatsas abstaining.

TABLED ITEMS

- 13.** 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)*

This item remained on the table.

- 14.** 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)

This item remained on the table.

- 15.** Report of the Committee on Community Improvement advising that it has requested staff to prepare documents to provide that the City agree to extend the term on the 2nd mortgage relating to Lowell Terrace Associates property located at the northwest corner of Lowell and Chestnut Streets to coincide with the expiration of the existing first mortgage in 2013.

(Unanimous vote)

(Tabled 05/15/2007. Additional materials provided by Finance enclosed.)

This item remained on the table.

- 16.** A Majority report of the Committee on Bills on Second Reading recommending that Ordinance:

"Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Residential One Family District (R-1B), being a portion of Tax Map 381, Lot 47 with an address of 466 South Willow Street and abutting South Lincoln, South Willow and Parkview Streets. A majority of the property is currently zoned B-2 and the petition would extend the B-2 to include the entire lot."

be denied at this time.

The Committee notes that the business owner should work with the neighborhood and may return with a petition after addressing issue as noted in a communication from Alderman Garrity enclosed herein.

(Aldermen Garrity, Pinard and Duval in favor. Aldermen Lopez and Gatsas opposed.)

(Tabled 06/05/2007)

A Minority report of the Committee on Bills on Second Reading recommending that Ordinance:

"Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Residential One Family District (R-1B), being a portion of Tax Map 381, Lot 47 with an address of 466 South Willow Street and abutting South Lincoln, South Willow and Parkview Streets. A majority of the property is currently zoned B-2 and the petition would extend the B-2 to include the entire lot."

ought to pass.

The minority advises that the proposed zoning, in its opinion, is consistent with the highest and best use of the property and that neighborhood concerns can be best addressed through the development process at the Planning Board level, therefore, that such rezoning should be considered subject to the Planning Board approving any plans for development of the property.

S/Alderman Lopez
(Tabled 06/05/2007)

(Note: additional communications from Alderman Garrity and petitions enclosed.)

This item remained on the table.

17. Report of the Committee on Human Resources/Insurance advising that it has approved the reclassification of the Legislative Assistant (Grade 16) position in the Highway Department to Purchasing Assistant (Grade 12) and for such purpose recommends that the related ordinance be referred to the Committee on Bills on Second Reading for technical review.
(Unanimous vote with the exception of Alderman Garrity who was absent.)
(Tabled 11/07/2007)

On motion of Alderman Lopez, duly seconded by Alderman Shea, it was voted to remove this item from the table.

Alderman Lopez moved to accept the report, noting it had been held over for a meeting for Alderman O'Neil. Alderman Duval seconded the motion. Mayor Guinta noted that there had been no alternative resolution to the matter and called for a vote. The motion carried with Aldermen Roy and DeVries recorded in opposition. Alderman O'Neil was absent from the room, but returned as the vote was cast, and requested to be recorded in opposition. The motion carried.

18. NEW BUSINESS

A report of the Committee on Public Safety, Health and Traffic was presented advising that it had approved Ordinance:

“Amending §70.78 to increase the penalty for parking within 15 feet of a fire hydrant.

and recommending that the Board of Mayor and Aldermen suspend the rules and place the Ordinance on its second reading at this time to Enroll without referral to the Committee on Bills on Second Reading.

The Committee further recommended that the Police Department be authorized to order tickets at this time with such penalty provisions in anticipation of adoption of the Ordinance at the December 18, 2007 meeting of the Board.

Alderman Osborne moved to accept the report. The motion was duly seconded by Alderman Garrity.

Alderman Osborne stated I just want to suspend the rules regarding sending this to the Bills on Second Reading and bring it right forward to the next Board meeting.

Deputy City Clerk Johnson stated we’re going to get the report first and then we’ll look for that motion.

Alderman Lopez asked on that 15 feet within the fire hydrant, does anybody know the exact rules of the fire hydrant? Because we have fire hydrants that are three feet parking, six feet parking, nine feet parking, so have we checked this out? Because right out here by the City Hall in front of the parking lot, there’s a fire hydrant and that’s three feet from where a car can park.

Alderman Osborne stated well then that striping is wrong because from what I understand from the ordinance it’s 15 feet on each side of a fire hydrant. That’s what it’s supposed to be. Isn’t that so?

Mayor Guinta asked Alderman Osborne, was there any staff recommendation at the committee level?

Alderman Osborne stated we brought this up...

Mayor Guinta asked was there any staff recommendation?

Alderman Osborne asked from who, from the Police Department?

Mayor Guinta responded from any department.

Alderman Osborne stated they had no problem with it. Nobody has any problem with it.

Mayor Guinta asked was there a recommendation from the Police Department that this ought to pass?

Alderman Osborne responded yes.

Alderman Lopez stated I'd just like an official reference on the...

Alderman Osborne stated Deputy Chief Simmons could come up.

Mayor Guinta asked would you like to table it for the next meeting?

Alderman Lopez stated I think we need some real clarification on the fire hydrant, whether it's three feet, five feet, six feet or ten feet. You know, ten feet from the fire hydrant; that's twenty feet on each side. And if we go around the City, all of them are not equal.

Mayor Guinta stated I'll accept a motion to table.

Deputy City Clerk Johnson stated Your Honor, before you accept that motion, could the Clerk just clarify one thing for you? It's a penalty ordinance. It needs to come back at the next meeting regardless. If you table it this evening, it can't pass until next year and the Police Department is trying to order their tickets. They could put off, I presume, ordering tickets for two weeks, but you're now talking about well over a month at that point. So you could change the ordinance next week if you wanted to, or not pass it, but if you don't take an action on the ordinance tonight, you're not going to be looking at it again until the middle of January.

Mayor Guinta stated so we take the action tonight with the final reading in two weeks. Meanwhile we get information from Parking and Police.

Alderman Osborne stated Your Honor, it is what it is now.

Mayor Guinta asked does that suffice, Alderman Lopez?

Alderman Lopez responded that's fine.

Mayor Guinta called for a vote on the motion. *There being none opposed, the motion carried.*

The Ordinance was presented.

“Amending §70.78 to increase the penalty for parking within 15 feet of a fire hydrant.

On motion of Alderman Roy, duly seconded by Alderman Osborne, it was voted to waive reading of the ordinance.

On motion of Alderman Roy, duly seconded by Alderman Osborne, it was voted to enroll the ordinance as presented. None were recorded in opposition.

Alderman Osborne asked Your Honor, just to clarify myself here, can I ask the City Solicitor what he knows about the ordinance on fire hydrants? Isn't it 15 feet on each side of a fire hydrant?

Mr. Tom Clark, City Solicitor, responded I don't have that with me tonight. I didn't know that was coming up.

Alderman Osborne stated it is what it is though, Mayor. They've been getting tickets right along whether it's five feet, ten feet or 100 feet. They shouldn't be in front of a fire hydrant anyway.

Alderman O'Neil stated Your Honor, that's what the issue is here. People are parking in front of fire hydrants.

A report of the Committee on Public Safety, Health and Traffic was presented recommending that the Salvation Army be provided six meter bags during the month of December free of charge for use as a loading/unloading zone in front of their location.

On motion of Alderman Garrity, duly seconded by Alderman Thibault, it was voted to accept the report.

Alderman Gatsas stated Your Honor, after listening about whether somebody authorized or didn't authorize a pay raise, or two pay raises and somebody getting paid for an additional month rather than being terminated immediately and not being paid an additional month, it's time now I think that we send it to the proper committee for it to go to public vote that the School District become a department of the City. I think that

watching what we watched in the last two weeks and how the taxpayers' money wasn't being protected, I think it's an opportunity for the voters in the City of Manchester to have an opportunity to vote on that.

Alderman Gatsas moved to sent the issue of the School Department becoming a department of the City to a standing committee so that the proper wording by the City Solicitor can be put together and brought forward. The motion was duly seconded by Alderman Shea.

Mayor Guinta called for a vote on the motion to refer the Charter question to the Committee on Administration. *There being none opposed, the motion carried.*

- 14.** Report of the Committee on Human Resources/Insurance recommending that the City of Manchester self-insure the dental insurance program for employees effective January 1, 2008.
*(Unanimous vote.)
(Tabled 11/07/2007)*

Alderman O'Neil stated Your Honor, I'm not sure if this is lost somewhere, but if you recall, we tabled the self-insurance and the dental. I was looking for some answers to some questions and I think it might have accidentally got left off the agenda. We actually held a second meeting. It's not on the agenda but I am willing to pull it and approve. I asked Ginny some questions and I got answers. It somehow got missed. Ginny, am I correct on that?

Ms. Virginia Lamberton, Human Resources Director, responded yes you are. I think there was an error made that it wasn't...

Alderman O'Neil interjected I don't want to hold it up any longer. I asked the questions and got the answers.

*On motion of **Alderman O'Neil**, duly seconded by **Alderman Duval**, it was voted to remove this item from the table and accept, receive and adopt the report.*

*There being no further business, on motion of **Alderman Shea**, duly seconded by **Alderman Smith**, it was voted to adjourn.*

A True Record. Attest.

City Clerk