

# AGENDA

## BOARD OF MAYOR AND ALDERMEN

**May 6, 2008**  
**Mayor and all Aldermen**

**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. 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.

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

- A.** Sidewalk Petitions:  
100 Allen Street  
14 Harriman Street  
80 Holly Ave.  
90 Holly Ave.  
161 Huse Road  
432 Joseph Street  
50 Leo Street  
397 No. Bay Street  
74 Seames Drive  
753 Union Street  
96 Avon Street  
433 North Bay St.

**Informational to be Received and Filed**

- B. Communication from the Acorace Family acknowledging appreciation for the Board's expression of sympathy.
- C. Copy of communication from Carol Johnson, City Clerk, to the Board of School Committee regarding requests to contain costs and provide a safe environment at polling places in September and November.
- D. Communication from William Sanders, Finance Officer, submitting the Spending & Planned Overtime Report #7.

**Refer to Public Hearing to be set by the City Clerk, Planning Board and Committee on Bills on Second Reading**

- E. Communication from Alderman Lopez submitting an amendment to the Zoning Ordinance relative to setback provisions for auto dealerships.

**Receive and Refer to Finance Officer for review and report to School Board, Mayor and all Aldermen.**

- F. Communication from Dave Gosselin and Stephen Dolman posing questions relating to the payments received by the City from the School Department and other outside groups for use of the Gill Stadium.  
**Ladies and Gentlemen, what is your pleasure?**

**REFERRALS TO COMMITTEES**

**COMMITTEE ON FINANCE**

- G. Resolutions:

“Amending the FY2008 Community Improvement Program, authorizing and appropriating funds in the amount of One Thousand Five Hundred Dollars (\$1,500) for the FY2008 CIP 612508 Community Assessment Project.”

“Amending the FY2008 Community Improvement Program, authorizing and appropriating funds in the amount of Five thousand Seven Hundred and One Dollars (\$5,701) for the FY2008 CIP 210808 STD Clinical and DIS Program.”

“Amending the FY2008 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Five Thousand Dollars (\$25,000) for the FY2008 CIP 210108 HIV Counseling & Testing Program.”

“Amending the FY2008 Community Improvement Program, authorizing and appropriating funds in the amount of Five Thousand Nine Hundred Dollars (\$5,900) for the FY2008 CIP 210308 Immunization Services.”

“Amending the FY2008 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty One Thousand Five Hundred Fifty Three Dollars (\$21,553) for the FY2008 CIP 210708 School Based Dental Services.”

“Amending the FY2008 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000) for the 2008 CIP 214308 Pandemic Flu Planning – Phase III Program.”

“Amending the FY2006 and FY2008 Community Improvement Programs providing for the reduction of Sixty thousand Two Hundred Sixty-Two Dollars and Four Cents (\$60,262.04) from various CIP Projects.”

“Amending the FY2008 Community Improvement Program, authorizing and appropriating funds in the amount of One Thousand Eight Hundred Seventy Five Dollars (\$1,875) for the FY2008 CIP 713408 Chronic Drain Project.”

“Authorizing the Finance Officer to effect a transfer of Eighty One Thousand Dollars (\$81,000) from Contingency to the Building Department.”

## **REPORTS OF COMMITTEES**

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

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

“Amending Section 33.064 Employees Injured in the Line of Duty to apply to all employees and to require the repayment of sick leave benefits upon determination of employee eligibility for workers compensation benefits.”

“Amending Chapter 70: Motor Vehicles And Traffic of the Code of Ordinances of the City of Manchester by amending Section 70.82 Immobilization of Motor Vehicles for Non-Payment of Parking Fines increasing the fee for immobilization and inserting reference to the Parking Division.”

“Amending Sections 33.024, 33.025, & 33.026 (Purchasing Assistant) 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 expanding the Residential Parking Permit Zone #6 in Section 70.55(D) (6) to include Mechanic Street, north side, between Elm Street and Canal Street.”

ought to pass.

*(Unanimous vote.)*

**I. Recommending that Ordinance:**

“Amending Section 70.45 of the Code of Ordinances to clarify responsibilities of the Parking Division.”

ought to pass.

*(Aldermen Osborne, DeVries, M. Roy, Pinard voted yea; Alderman Domaingue was opposed.)*

## **COMMITTEE ON COMMUNITY IMPROVEMENT**

**J.** Recommending that the request from Charles DePrima, Acting Parks, Recreation and Cemetery Director, to dispose of the original wooden floor once used to cover the concrete ice rink bed at JFK Coliseum be approved.  
*(Unanimous Vote)*

**K.** Recommending that the request from Charles DePrima, Acting Parks, Recreation and Cemetery Director, for \$64,580 in additional funding to cover the City portion (25%) to complete the Bass Island Flood Restoration Project this spring/summer be approved, and such funding provided through internal transfer within the Parks Improvement Project # 510907.  
*(Unanimous Vote)*

**L.** Recommending that a petition for discontinuance of a portion of Union East Back Street beginning at Concord Street and running Northerly 270.55 to Lowell Street be referred to a Road Hearing with the date to be set by the City Clerk.  
*(Unanimous Vote)*

- M.** Recommending that a request for acceptance and expenditure of FEMA funds in the amount of \$1,875 for Bodwell Road drain line under the 713408 Chronic Drain Project be approved, and for such purpose a resolution and budget authorization have been submitted.  
*(Unanimous vote.)*
- N.** Recommending that a request for the acceptance and expenditure of the State Division of Economic Development grant in funds totaling \$1,500 to be used for conduction of community wide economic self-assessment be approved; and for such purpose an amending resolution and budget authorization have been submitted.  
*(Unanimous vote.)*
- O.** Recommending that a request for acceptance and expenditure of State of NH health grants for the following:  
\$25,000- HIV Counseling & Testing  
\$5,900- Immunization Services  
\$21,553-School Based Dental Services  
\$10,000-Pandemic Flu Planning-Phase III  
\$5,701-STD Clinical & DIS Program  
be approved; and for such purpose an amending resolution and budget authorizations have been submitted.  
*(Unanimous vote.)*
- P.** Recommending that reductions totaling \$60,262.04 be made to the FY2006 and FY2008 CIP cash programs; and for such purpose an amending resolution has been submitted.

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

- Q.** Recommending that regulations for standing, stopping, parking and operation of vehicles be adopted as noted and those inconsistent therewith be repealed.  
*(Unanimous vote.)*

- R.** Recommending that a request by Child Health Services to use the Pearl Street Lot for their annual bike safety day on Sunday, May 18, 2008, be granted and approved.  
*(Unanimous vote.)*

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

4. Nominations to be presented by Mayor Guinta, if available.  
**Ladies and Gentlemen, what is your pleasure?**
5. Confirmation of Jane E. Gile to the position of Human Resources Director, submitted by Mayor Guinta.  
**Ladies and Gentlemen, what is your pleasure?**
6. Confirmation of nominations made by Mayor Guinta:  
**Planning Board**  
A. Joseph Dion to succeed Todd Connors, term to expire May 1, 2011; and  
Jack Brady to succeed Raymond Clement, term to expire May 2011;  
**Planning Board Alternate**  
Louis DeMato to succeed A. Joseph Dion as an alternate member, term to expire May 1, 2011.  
**Fire Commission**  
Paul Harrington to succeed Peter Morin, term to expire May 1, 2011.  
**Ladies and Gentlemen, what is your pleasure?**
7. Mayor Guinta advises that a motion is in order to recess the meeting to allow the Committee on Finance to meet.
8. Mayor Guinta calls the meeting back to order.

9. Report(s) of Committee on Finance, if available.  
**Ladies and Gentlemen, what is your pleasure?**
  
10. Report of Committee on Bills on Second Reading recommending that the Board consider adoption of Ordinance:  
    “Amending Sections 33.024 and 33.025 (Custodial Services Supervisor – Police; Equipment Maintenance Superintendent I – Police; Equipment Maintenance Superintendent II – Fire; and Equipment Mechanic II – Fire) of the Code of Ordinances of the City of Manchester.”  
with information relating to this Ordinance to be presented to the Board of Mayor and Aldermen.  
**Ladies and Gentlemen, what is your pleasure?**
  
11. Legislative Update to be presented by Mayor Guinta.  
**Ladies and Gentlemen, what is your pleasure?**
  
12. Notice for Reconsideration given by Alderman Garrity relative to acceptance of the Special Committee on Solid Waste Activities report that Corcoran Environmental be released from the Dunbarton Road site on the condition that they bring evidence on a firm commitment acceptable to the City Solicitor of an alternative location in the City of Manchester; all of the remaining terms and conditions in the contract shall remain the same.  
*(Note: Aldermen DeVries and Garritys having voted in the negative; Aldermen M. Long, Gatsas, J. Roy, Osborne, Pinard, O’Neil, Lopez, Shea, Smith, Ouellette, Domaingue having voted in the affirmative; Alderman Sullivan was absent from the vote.)*  
**Ladies and Gentlemen, what is your pleasure?**
  
13. Communication from Alderman Lopez requesting that a special committee of Police, Fire Building Maintenance and two alderman named by the Chairman look at a proposal to expand the Police Station into two bays of the Central Fire Department and have the fire Chief study plans for a new fire station that is going to meet the needs of Manchester into the future before rebuilding any fire station.  
**Ladies and Gentlemen, what is your pleasure?**

14. Communication from Alderman O'Neil suggesting the City cancel its membership to the New Hampshire Municipal Association/Local Government Center and remove the annual dues from the next operating budget.

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

15. Communication from David Smith, MTA, requesting the Board's approval of a new bus shelter location, on Auto Center road at Wal\*Mart.

**If the Board so desires, a motion is in order to approve the request subject to the review and approval of the Public Works Director; and authorize execution of a permit for same.**

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

Amending Section 33.064 Employees Injured in the Line of Duty to apply to all employees and to require the repayment of sick leave benefits upon determination of employee eligibility for workers compensation benefits."

"Amending Chapter 70: Motor Vehicles And Traffic of the Code of Ordinances of the City of Manchester by amending Section 70.82 Immobilization of Motor Vehicles for Non-Payment of Parking Fines increasing the fee for immobilization and inserting reference to the Parking Division."

"Amending Sections 33.024, 33.025, & 33.026 (Purchasing Assistant) 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 expanding the Residential Parking Permit Zone #6 in Section 70.55(D) (6) to include Mechanic Street, north side, between Elm Street and Canal Street."

"Amending Section 70.45 of the Code of Ordinances to clarify responsibilities of the Parking Division."

**These ordinances having had their second readings 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 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. Purchase and Sale Agreement between 1848 Associates and the City for “Phillippe Cote Street” and “Granite Street Lot” submitted by Jay Minkarah, Economic Development Director.

**If the Board so desires, a motion is in order to authorize the Mayor to execute such agreement for an on behalf of the City, subject to the review and approval of the City Solicitor.**

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

“Amending the FY2008 Community Improvement Program, authorizing and appropriating funds in the amount of One Thousand Five Hundred Dollars (\$1,500) for the FY2008 CIP 612508 Community Assessment Project.”

“Amending the FY2008 Community Improvement Program, authorizing and appropriating funds in the amount of Five Thousand Seven Hundred and One Dollars (\$5,701) for the FY2008 CIP 210808 STD Clinical and DIS Program.”

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“Authorizing the Finance Officer to effect a transfer of Eighty One Thousand Dollars (\$81,000) from Contingency to the Building Department.”

**A motion is in order that the resolutions ought to pass and be Enrolled.**

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

Amending Section 33.064 Employees Injured in the Line of Duty to apply to all employees and to require the repayment of sick leave benefits upon determination of employee eligibility for workers compensation benefits.”

“Amending Sections 33.024, 33.025, & 33.026 (Purchasing Assistant) 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 expanding the Residential Parking Permit Zone #6 in Section 70.55(D) (6) to include Mechanic Street, north side, between Elm Street and Canal Street.”

“Amending Section 70.45 of the Code of Ordinances to clarify responsibilities of the Parking Division.”

**These ordinances having had their final readings by titles only, the question is on passing same to be Ordained.**

## TABLED ITEMS

*(A motion is in order to remove any item from the table.)*

- 23.** Communication from Carol Johnson, City Clerk, providing the Board a report on the current status of activities at the Office of the City Clerk.  
*(Tabled 2/19/2008)*  
*NOTE: Available for viewing at Office of City Clerk; previously forwarded to Mayor and all Aldermen.*

- 24.** 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: Available for viewing at Office of City Clerk; previously forwarded to Mayor and all Aldermen.*

**25. 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)*

*NOTE: Available for viewing at Office of City Clerk; previously forwarded to Mayor and all Aldermen.*

**26. 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)*

**27. NEW BUSINESS**

A. Communications

B. Aldermen

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