

## AGENDA

### BOARD OF MAYOR AND ALDERMEN

August 5, 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. Presentation by Jack Sharry, Insurance Consultant, regarding increases in Health insurance costs.
4. Presentation by Scott Bassett, Independent City Auditor, McGladrey and Pullen to present the audit plan for FY2008.
5. Discussion relative to communication by Attorney Robert Dastin, regarding the transfer agreement between Hands Across the Merrimack, Inc. and the City of Manchester.

### CONSENT AGENDA

6. 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

- A. Pole petitions:
  - #11-1212 1 pole 687 Hall Street
  - #11-1214 1 pole 651 Hall Street
  - #11-1213 1 pole Karatzas Avenue
  - #62991/1.5 1 pole Bemis Savoie Road

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

- B.** Sidewalk petitions:  
439 Proctor Road  
63 Lynwood Lane  
52 Roy Avenue  
72 Ellis Avenue  
355 Rockland Avenue

**Informational to be Received and Filed**

- C.** Communication from Joseph Lahr, Executive Director of MCAM, regarding financial reports year ending July 30, 2008.  
*Note: Report previously forwarded to Mayor and all Aldermen on July 30, 2008.*
- D.** FY08 & FY09 Financial Reports for MCTV  
*Note: Report previously forwarded to Mayor and all Aldermen on July 31, 2008.*
- E.** Communication from Jay Minkarah, Director of Economic Development providing an update on the Manchester Transportation Center.
- F.** Communication from Stephanie Lewry, Executive Director of Intown Manchester, endorsing the proposed Downtown Parking Plan.
- G.** Communication from Keith Murphy, Murphy's Taproom, regarding the proposed Downtown Parking Plan.
- H.** Communication from Bryan Christiansen from Comcast with notification of the franchise fee payment for the 2<sup>nd</sup> Quarter of 2008, along with a backup detailed accounting sheet.

**REFERRALS TO COMMITTEES**

**COMMITTEE ON FINANCE**

- I.** Resolutions:

“Rescinding authorization on unissued Bonds, Notes or Lease Purchases for a Environmental Protection Division- CIP Project that is no longer required.”

“Amending the FY2009 Community Improvement Program, authorizing and appropriating funds in the amount of Five Hundred Sixty Five thousand Dollars (\$565,000) for the FY2009 CIP 612409 788 Elm Street Redevelopment Project.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Six Million Dollars (\$6,000,000) for the FY2006 CIP 710306 Residential Sound Insulation Program.”

“Amending the FY2009 Community Improvement Program, authorizing and appropriating funds in the amount of Fifty Eight Thousand Five Hundred Sixteen Dollars and Thirty one Cents (\$58,516.31) for the FY2009 CIP 510907 Parks Improvement Project.”

“Amending the FY 2009 Community Improvement Program, authorizing and appropriating funds in the amount of Forty Four Thousand Eight hundred Twenty Four Dollars (\$44,824) for the FY2009 CIP 213709 Cities Readiness Initiative- Phase IV Program.”

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

- J.** Communication from Thomas M. Robert regarding assigning old West side founding family names to all of the back streets on the West side of Manchester.
- K.** Communication from Bandy Stanley requesting changes to Sections 70.57 and 70.54 of the Code of Ordinances relative to the Downtown Parking Plan.

#### **REPORTS OF COMMITTEES**

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

- L.** Advising after due and careful consideration, that it has accepted the City’s Monthly Financial Statements (unaudited) for the nine months ended May 31, 2008 and is forwarding same to the Board for informational purposes.  
*(Unanimous vote)*

- M.** Advising, after due and careful consideration, 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
- and is forwarding same to the Board for informational purposes.  
*(Unanimous vote)*
- N.** Advising after due and careful consideration, that it has approved travel summary reports from various City departments.  
*(Unanimous vote)*
- O.** Recommending after due and careful consideration, that a request from the Franco-American Centre for forgiveness of false alarm fees be denied.  
*(Unanimous vote)*

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

- P.** Recommending after due and careful consideration that the following ordinances amendments:
- “Amending Chapter 33: Human Resources of the Code of Ordinances of the City of Manchester by amending Section 33.026 (Carpenter) Class Specifications.”
- “Amending Chapter 33: Human Resources of the Code of Ordinances of the City of Manchester by amending Section 33.026 (Assessors Commercial and Assessors-Residential) Class Specifications.”
- be approved.  
*(Unanimous vote)*
- Q.** Recommending after due and careful consideration, that the provisions of Michelle’s Law which would ensure that seriously ill college students can continue to receive health care insurance through their family’s health insurance even if they are unable to maintain their full-time status, be adopted.  
*(Unanimous vote)*

- R.** Recommending after due and careful consideration that the following ordinances amendments:

“Amending Chapter 33: Human Resources of the Code of Ordinances of the City of Manchester by amending Section 33.061 (B) Temporary Assignments, compensating acting department heads while so assigned.”

be approved.  
(*Unanimous vote*)

- S.** Recommending after due and careful consideration that the following ordinances amendments:

“Amending Chapter 33: Human Resources of the Code of Ordinances of the City of Manchester by amending Section 33.027 (D) Employee Recruitment and Selection, posting vacant department head positions or anticipated vacancies for five working days within the City prior to advertising to the public.”

be approved.  
(Alderman Gatsas, Lopez, Garrity and Pinard voted yea.  
Alderman Shea voted nay.)

- T.** Advising after due and careful consideration, that the proposal submitted by Mayor Guinta of a new department of Facilities, Grounds and Recreation has been received and filed.

(*Unanimous vote*)

- U.** Advising after due and careful consideration, that communication from Vincent A Wenners, Jr. requesting the Committee to reconsider position details for Edward Pepin, Inventory Specialist with Water Works has been received and filed.

(*Unanimous vote*)

- V.** Recommending, after due and careful consideration, that the Department Head/City Officer Residency Requirement ordinance be referred to public hearing on a date to be determined by the City Clerk.

(*Unanimous vote*)

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

7. Nomination of Eric Fischer to represent Ward 12 on the Board of School Committee submitted by Alderman Domaingue.

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

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

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

9. Confirmation of nominations made by Mayor Guinta:

**Revolving Loan Fund Board**

Michael J. Simoneau, term to expire June 1, 2009.

**Safety Review**

Stephen Hebert to succeed Michael Skelton, term to expire March 15, 2009.

**Conservation Commission**

Edward O'Brien to succeed Gregg Sargent, as an alternate member, term to expire August 1, 2009.

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

10. Communication from Pamela Goucher, Interim Director of Planning submitting the Planning Board's nomination of Ray Clement to succeed himself as a member of the Southern New Hampshire Planning Commission, term to expire June 30, 2011.

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

11. Notice for reconsideration given by Alderman Gatsas on the motion to accept the report of Committee on Public Safety, Health & Traffic relating to various ordinance amendments to Chapter 70 Motor Vehicles and Traffic of the Code of Ordinances and referring same to the Committee on Bills on Second Reading for technical review.

*(Motion having carried with Aldermen Sullivan, J. Roy, Osborne, Pinard, O'Neil, Shea, Garrity, and Ouellette voting yea, and Alderman M. Roy, Gatsas, DeVries, and Domaingue voting nay.)*

*Note: Should Alderman Gatsas or any member having voted in the affirmative so desire, a motion may be in order to reconsider.*

12. Report of Committee on Bills on Second Reading, if available.

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

13. Report of Committee on Community Improvement, if available.  
**Ladies and Gentlemen, what is your pleasure?**
14. Report of Committee on Lands and Buildings, if available.  
**Ladies and Gentlemen, what is your pleasure?**
15. Report of Committee on Accounts, Enrollment and Revenue Administration, if available.  
**Ladies and Gentlemen, what is your pleasure?**
16. Report of Committee on Human Resources/Insurance, if available.  
**Ladies and Gentlemen, what is your pleasure?**
17. A motion is in order to recess the meeting to allow the Committee on Finance to meet.
18. Mayor Guinta calls the meeting back to order.
19. Report of Committee on Finance, if available.  
**Ladies and Gentlemen, what is your pleasure?**
20. 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.
21. Mayor Guinta calls the meeting back to order.
22. Report of Committee on Accounts, Enrollment and Revenue Administration, if available.  
**Ladies and Gentlemen, what is your pleasure?**

23. Petition for demolition and removal of hazardous buildings at 335 Lake Avenue.  
**Ladies and Gentlemen, what is your pleasure?**
  
24. Communication from Glen Ohlund, Economic Development Office, relative to the Community Revitalization Tax Relief Incentive Application. (RSA 79-E) for 790 to 796 Elm Street (Map 153, lots 17 and 18).  
**If the Board so desires a motion would be in order to grant the request for a period of five years and further authorize staff to execute all related documents.**
  
25. Communication from Samantha Appleton, Director of Public Relations for Intown Manchester, requesting curtailment of parking enforcement during the Taste of Downtown Manchester event to be held on September 10, 2008 from 5-8 PM.  
**Ladies and Gentlemen, what is your pleasure?**
  
26. Communication from Attorney Cheryl LePine Beliveau, requesting on behalf of her client, that the City eliminate two parking lot spaces on Map 292 Lot 11 and further requesting permission to access the petitioner's parking lot from this parcel.  
**Ladies and Gentlemen, what is your pleasure?**
  
27. Communication from Matthew Normand, Deputy City Clerk, submitting a warrant pursuant to RSA 466:14 to be issued to the Chief of Police for civil forfeitures for unlicensed dogs; requesting authorization for the City Clerk to remove names from the listing as deemed appropriate.  
**Ladies and Gentlemen, what is your pleasure?**
  
28. Warrant to be committed to the Tax Collector for collection under the Hand and Seal of the Board of Mayor and Alderman for the collection of sewer charges.  
*(Note: Clerk to present amount at meeting)*  
**Ladies and Gentlemen, what is your pleasure?**

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

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Hundred Ninety Seven Thousand Two Hundred Twenty Five Dollars (\$197,225) for the 2009 CIP 411709, SCBA Update & Replacement Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Two Hundred Seventy Five Thousand Dollars (\$275,000) for the 2009 CIP 411609, Police Portable Radio Replacement Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Hundred Thousand Dollars (\$100,000) for the 2009 CIP 510509, Rockingham Recreational Trail Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Two Hundred Thousand Dollars (\$200,000) for the 2009 CIP 612309, Neighborhood Revitalization Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Three Hundred Thousand Dollars (\$300,000) for the CIP 710109, Residential 50/50 Sidewalk/Curb Program.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Hundred Fifty Dollars (\$150,000) for the 2009 CIP 711109, Annual Bridge Rehabilitation Program/Design-Biron St. Bridge Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Three Million Two Hundred Eleven Thousand Five Hundred Dollars (\$3,211,500) for the 2009 CIP 711209, Annual ROW Reconstruction Program.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Hundred Thousand Dollars (\$100,000) for the 2009 CIP 711509, Sidewalk Discretionary Fund Program.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Five Hundred Thousand Dollars (\$500,000) for the 2009 CIP 711609, Storm Drain Infrastructure Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Two Hundred Fifty Thousand Dollars (\$250,000) for the 2009 CIP 711709, Storm Water Utility Study/Design Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Hundred Fifty Thousand Dollars (\$150,000) for the 2009 CIP 711809, Street Light Safety & Rehabilitation Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Hundred Fifty Thousand Dollars (\$150,000) for the 2009 CIP 712009, Elm Street Mast Arm Replacement Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Hundred Thousand Dollars (\$100,000) for the 2009 CIP 712109, Traffic Signal Reconstruction Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Dollars (\$1,000,000) for the 2009 CIP 810209, Strategic Planning for Facilities- Police- Fire- Highway Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Eight Hundred Thousand Dollars (\$800,000) for the 2009 CIP 810309, Motorized & Electronic Equipment Replacement (MEER) Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Hundred Thousand Dollars (\$100,000) for the 2009 CIP 810409, Hallsville School Roof Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Two Million Seven Hundred Fifty Thousand Dollars (\$2,750,000) for the 2009 CIP 310209, Open Classroom Elimination- HGF Project.”

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

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

“Rescinding authorization on unissued Bonds, Notes or Lease Purchases for an Environmental Protection Division- CIP Project that is no longer required.”

“Amending the FY2009 Community Improvement Program, authorizing and appropriating funds in the amount of Five Hundred Sixty Five thousand Dollars (\$565,000) for the FY2009 CIP 612409 788 Elm Street Redevelopment Project.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Six Million Dollars (\$6,000,000) for the FY2006 CIP 710306 Residential Sound Insulation Program.”

“Amending the FY2009 Community Improvement Program, authorizing and appropriating funds in the amount of Fifty Eight Thousand Five Hundred Sixteen Dollars and Thirty one Cents (\$58,516.31) for the FY2009 CIP 510907 Parks Improvement Project.”

“Amending the FY 2009 Community Improvement Program, authorizing and appropriating funds in the amount of Forty Four Thousand Eight hundred Twenty Four Dollars (\$44,824) for the FY2009 CIP 213709 Cities Readiness Initiative- Phase IV Program.”

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

#### **TABLED ITEMS**

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

31. 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

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

*(Tabled 06/05/2007)*

32. 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.)*

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

*(Tabled 09/05/2006)*

33. 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)*

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

34. NEW BUSINESS  
A. Communications  
B. Aldermen

35. If there is no further business a motion is in order to adjourn.