

## AGENDA

### BOARD OF MAYOR AND ALDERMEN

April 21, 2009  
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. Discussion regarding the City's Health Insurance Provider.  
*(Note: Representatives from WBS Workplace Benefits Solutions will be in attendance.)*
4. Presentation by Bernice Lopez, U.S. Census Bureau, giving an overview of Census 2010 operations.  
*(Note: Information to be sent to the Board under separate cover, if available.)*

### CONSENT AGENDA

5. 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:  
  
27 Apple Hill Court  
748 Beech Street

**Approve under supervision of the Department of Highways**

**B. Pole petitions:**

#11-1237	1 pole located on Hanover Street
#11-1240	1 pole located on Island Pond Road
#12-0270	1 pole located at 52 Debloice Street

**Information to be Received and Filed**

- C.** Approved minutes from the Commission meeting held February 24, 2009, February 2009 Financial Report, and February 2009 Ridership Report submitted by Carey Roessel, Executive Director MTA.
- D.** Communication from Bryan Christiansen, Comcast, regarding Service Changes.
- E.** Communication from Charlene Courtemanche, Chamber of Commerce, submitting a report of the year-end statistics for the Manchester Information Center.
- F.** Monthly Bulletin from the City of Manchester Health Department for April 2009.
- G.** Communication from Jay Minkarah regarding Wall Street Tower.
- H.** Listing of solid waste violations forwarded by the Special Committee on Solid Waste Activities.
- I.** Report of properties serviced by the Highway Department forwarded by the Special Committee on Solid Waste Activities.
- J.** Manchester Solid Waste Report forwarded by the Special Committee on Solid Waste Activities.

## REFERRAL TO COMMITTEE

### COMMITTEE ON FINANCE

**K. Resolutions:**

“Amending the FY2007 and 2009 Community Improvement Program, authorizing and appropriating funds in the amount of One Million Two Hundred Thirty-Nine Thousand Six Hundred Twenty-Four Dollars (\$1,239,624) for the FY2009 CIP 711109 Annual Bridge Rehabilitation Program/Design Nazaire Biron Bridge.”

“Authorizing the Finance Officer to effect a transfer of One Million Two Hundred Thirty-Nine Thousand Six Hundred Twenty-Four Dollars (\$1,239,624) for the 2009 CIP 711109 Annual Bridge Rehabilitation Program/Design and Construction Nazaire Biron Bridge.”

“Amending the FY2009 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Fifty Thousand (\$150,000) for the FY2009 CIP 713709, Intersection Improvement Project.”

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

**L. Bond Resolution:**

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Hundred Fifty Thousand Dollars (\$150,000) for the 2009 CIP 713709, Intersection Improvement Project.”

**M. Appropriating Resolution:**

“Resolution ‘Approving the Community Improvement Program for 2010, Raising and Appropriating Monies Therefore, and Authorizing Implementation of said program’.”

## REPORTS OF COMMITTEES

### COMMITTEE ON COMMUNITY IMPROVEMENT

- N. Recommending that a request for sewer abatement for 499 Riverdale Avenue be granted and approved in the amount of \$224.10 as recommended by EPD.**

*(Unanimous vote)*

- O.** Recommending that a request for sewer abatement for 287-289 Lowell Street be denied as recommended by EPD
- P.** Recommending that a request for sewer abatement for 1-7 Hartshorn Way be denied as recommended by EPD.  
*(Unanimous vote)*
- Q.** Recommending that a request from Martin Boldin, Director of Office of Youth Services, for a contract amendment to a grant for Alcohol and Other Drug Prevention Services be approved.  
*(Unanimous vote)*
- R.** Recommending that the petition to release and discharge from public servitude a portion of Gaines Street be approved.  
*(Unanimous vote)*
- S.** Recommending that the request from Mark Brewer, Airport Director, for acquisition of a new Canine vehicle to be added to the Airport fleet be approved.  
*(Unanimous vote)*
- T.** Recommending that the request from Bruce Thomas, Engineering Manager, to complete work as part of the City's Chronic Drain Program as funding becomes available be approved.  
*(Unanimous vote)*
- U.** Recommending that the recommendation from Leon LaFreniere, Director of Planning and Community Development, for Central Business District Revitalization Reserve Funds to be used for a summer movie series in Veterans Park be approved.  
*(Unanimous vote)*
- V.** Recommending that the request from Carey Roessel, MTA, for funding for the MTA Downtown Circulator Project be approved.  
*(Unanimous vote)*
- W.** Advising that the update on the Neighborhood Stabilization Program submitted by Sam Maranto has been received and filed.  
*(Unanimous vote)*

- X.** Recommending that the request from Leon LaFreniere, Director of Planning and Community Development, of an Anti-Displacement and Relocation Plan pertaining to activities funded with NSP monies be approved.  
*(Unanimous vote)*
- Y.** Advising that the communication from James Burkush, Fire Chief, requesting that \$8,022.04 be taken out of CIP #411304 to purchase two Self Contained Breathing Apparatus (SCBA) units has been received and filed.  
*(Unanimous vote)*
- Z.** Advising that the update from staff regarding potential opportunities for collaboration with the State of New Hampshire in connection with the impending move of the Manchester District Court has been received and filed.  
*(Unanimous vote)*
- AA.** Recommending that the request for acceptance of ESG funds in the amount of \$766,545 and CDBG funds in the amount of \$500,831 be approved. The Committee further recommends that the request for ESG funds to be used for the City's Ten-Year Strategy to end homelessness and the CDBG funds to be allocated to the Neighborhood Revitalization Project be approved.  
*(Unanimous vote)*
- BB.** Recommending that the communication from Fred Rusczek, Executive Director of Child Health Services, requesting reconsideration of the Mayor's 12% budget cut of FY2009 CIP allocations to his agency has been received and filed.

The Committee has requested that a recommendation for FY2010 come from Fred Rusczek.

*(Unanimous vote)*

- CC.** Recommending that \$100,000 of open encumbrances be paid by MHRA for CIP cash project 650300 - Hackett Hill Development.

The Committee notes that it has required that MHRA provide documentation for the remainder of open encumbrances for CIP #650300 totaling \$67,592.65.

*(Unanimous vote with the exception of Alderman Smith who voted in opposition.)*

- DD.** Recommending that no further expenditures be made against CIP cash projects 510807 - Park Improvement program and 650300 - Hackett Hill Development.

The Committee notes that the current unencumbered balance of these two projects totals \$252,531.69.

*(Unanimous vote)*

- EE.** Recommending that the request from Kevin Sheppard, Public Works Director, to modify the budget authorization for CIP project 712009 - Elm Street Mast Arm Replacement, be approved.

*(Unanimous vote)*

### **PUBLIC SAFETY, HEALTH & TRAFFIC**

- FF.** Recommending that regulations for standing, stopping, parking and operation of vehicles be adopted as noted and those inconsistent therewith be repealed.

*(Unanimous vote)*

- GG.** Recommending that the requests for the use of Arms Parking Lot, Pearl Street Parking Lot and Merrimack Street be approved.

*(Unanimous vote)*

- HH.** Advising that it has approved ordinance:

“Amending Chapter 70 Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by amending Section 70.36 Stopping, Standing and Parking by establishing a fine for the fraudulent use of walking disability placards or plates.”

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

*(Unanimous vote)*

- II.** Advising that it has approved ordinances:

“Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by repealing section 70.81 Penalty For Other Violations and replacing in its entirety a new section 70.81 Penalty For Other Violations and Judicial Review.”

“Amending Chapter 38: Code Enforcement of the Code of Ordinances of the City of Manchester by amending Section 38.05 Service of Citation to add an additional method of service for all citations.”

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

*(Unanimous vote)*

**JJ.** Advising that it has approved ordinances:

“Amending Chapter 70 Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by amending section 70.78 Penalty and establishing a new increased penalty schedule.”

“Amending Chapter 71 Snow Emergency Regulations of the Code of Ordinances of the City of Manchester by amending Section 71.99 Penalty and establishing an increased penalty schedule.”

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

*(Unanimous vote)*

#### **COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS**

**KK.** Recommending that the request from Chuck DePrima, Acting Director of Parks, Recreation & Cemetery Department, for the Fair permit fee to be waived for the City’s Independence Day Celebration be approved.

*(Unanimous vote)*

**LL.** Recommending that the request from Mike Vecchiarelli for the Fair permit fee to be waived for the annual Manchester Earth Day Celebration be approved.

*(Unanimous vote)*

**MM.** Recommending that the Stationery Savings Report submitted by Mindy Salamone-Abood, Purchasing Agent, be accepted.

*(Unanimous vote)*

**NN.** Recommending that the following ordinance amendment:

“Amending Section 97.34 Encumbrances Prohibited of the Code of Ordinances of the City of Manchester by extending the dates of operation for downtown sidewalk encumbrances and allowing the City Clerk to permit portable signage placed within the public right-of-way.”

be approved and recommends same be referred to the Committee on Bills on Second Reading for technical review.

*(Unanimous vote)*

- OO.** Advising that the communication from the Manchester taxi industry has been referred to the City Clerk's office with a recommendation to come back to the Committee.  
*(Unanimous vote)*
- PP.** Advising that the cell phone policy submitted by Jennie Angell, Director of Information Systems, has been approved for the Information Systems Department.  
*(Unanimous vote with the exception of Alderman Garrity who voted in opposition.)*
- QQ.** Advising that the discussion relating to the merger of the Planning and Community Development Department and the Building Department has been received and filed.  
*(Unanimous vote)*

#### **SPECIAL COMMITTEE ON SOLID WASTE ACTIVITIES**

- RR.** Advising that the City Solicitor has updated the Committee that Corcoran Environmental Services has filed Chapter 11 in U.S. Bankruptcy in the District of Maine; they intend to maintain contact with all parties; and will continue to monitor the situation.  
*(Unanimous vote)*

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

6. Communication from Michael Poisson advising the Board of his resignation from the Conservation Commission and the Planning Board.  
**Ladies and Gentlemen, what is your pleasure?**
7. Nomination(s) to be presented by Mayor Guinta, if available.  
**Ladies and Gentlemen, what is your pleasure?**
8. Confirmation of nominations made by Mayor Guinta:

#### **Planning Board**

Donna Daneke as an alternate member, term to expire May 1, 2011.

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

9. Legislative Update presented by Mayor Guinta, if available.  
**Ladies and Gentlemen, what is your pleasure?**
  
10. Report(s) of Committee on Bills on Second Reading, if available.  
**Ladies and Gentlemen, what is your pleasure?**
  
11. Report(s) of Committee on Accounts, Enrollment and Revenue Administration, if available.  
**Ladies and Gentlemen, what is your pleasure?**
  
12. A motion is in order to recess the meeting to allow the Committee on Finance to meet.
  
13. Mayor Guinta calls the meeting back to order.
  
14. Report(s) of the Committee on Finance, if available.  
**Ladies and Gentlemen, what is your pleasure?**
  
15. Ordinances: **(A motion is in order to read by titles only.)**

“Amending 70.54 Permit Parking in Lieu of Coin Deposit and Parking Districts of the Code of Ordinances of the City of Manchester by adding Plaza Drive to District 27; adding District 30 Granite Street Lot; and correcting clerical errors.”

“Amending the Zoning Ordinance of the City of Manchester by deleting the references to “Building Department” of “Planning Department” and replacing all with the name “Planning and Community Development Department”.”

“Amending the Zoning Ordinance of the City of Manchester by deleting the references to “Building Commissioner” and “Planning Director” and replacing both with “Director of Planning and Community Development Department”.”

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

16. 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.
17. Mayor Guinta calls the meeting back to order.
18. Report of Committee on Accounts, Enrollment and Revenue Administration, if available.  
**Ladies and Gentlemen, what is your pleasure?**
19. Warrant to be committed to the Tax Collector for collection under the Hand and Seal of the Board of Mayor and Aldermen for the collection of sewer charges.  
*(Note: Clerk to present amount at the meeting)*  
**Ladies and Gentlemen, what is your pleasure?**
20. Communication from William Sanders, Finance Officer, submitting and updated budget forecast for FY2009, if available.  
**Ladies and Gentlemen, what is your pleasure?**
21. Resolutions: **(A motion is in order to read by titles only.)**

“Amending the FY2007 and 2009 Community Improvement Program, authorizing and appropriating funds in the amount of One Million Two Hundred Thirty-Nine Thousand Six Hundred Twenty-Four Dollars (\$1,239,624) for the FY2009 CIP 711109 Annual Bridge Rehabilitation Program/Design Nazaire Biron Bridge.”

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

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

“Amending 70.54 Permit Parking in Lieu of Coin Deposit and Parking Districts of the Code of Ordinances of the City of Manchester by adding Plaza Drive to District 27; adding District 30 Granite Street Lot; and correcting clerical errors.”

“Amending the Zoning Ordinance of the City of Manchester by deleting the references to “Building Department” of “Planning Department” and replacing all with the name “Planning and Community Development Department”.”

“Amending the Zoning Ordinance of the City of Manchester by deleting the references to “Building Commissioner” and “Planning Director” and replacing both with “Director of Planning and Community Development Department”.”

**These ordinances having had their final reading 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.** Recommendation from the Special Committee on Riverfront Activities receiving unanimous vote that the City purchase a certain .2633 acre parcel of land located at 2 Line Drive under the terms and conditions identified in the attached purchase and sales agreement.

*(Note: The Board voted to accept and adopt the recommendation of the committee and it was then vetoed by Mayor Guinta. Additional communications have been provided by Pamela H. Goucher, Interim Planning Director and Leon L. LaFreniere, Building Commissioner, and forwarded to Board on September 8, 2008; Retabled 03/10/2009.)*

- 24.** NEW BUSINESS  
A. Communications  
B. Aldermen

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