

**COMMITTEE ON
BILLS ON SECOND READING**

December 10, 1996

Ald. Wihby, Elise, Clancy,
Pariseau, Cashin

6:00 PM

Executive Conference Room

Chairman Wihby called the meeting to order.

The Clerk called the roll.

Present: Ald. Wihby, Clancy, Pariseau and Cashin.

3. Ordinance:

“An Ordinance Adopting and Enacting a New Code of Ordinances for the City of Manchester, NH; Establishing the Same; Revising, Amending, Restating, Codifying, and Compiling Certain Existing General Ordinances of the City Dealing With Subjects Embraced in Said Code; Providing for the Effective Date of Such Code and a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When this Ordinance Shall Become Effective.”

Ald. Pariseau moved that the Ordinance ought to pass. Ald. Cashin duly seconded the motion.

Discussion ensued where Paul Bergeron, of the City Clerk's office, and Asst. Solicitor Arnold explained that the recodification attempted to take everything that was current and recodify it into one complete book that was compiled in a fashion easily referenced. It was a process that would take more time to remove all of the outdated law contained therein. It was noted that there were no substantial changes made to the code without a former action of the Board.

There being no further discussion, Chairman Wihby called for a vote on the motion that the ordinance ought to pass. The motion carried.

4. Ordinances:

“Authorizing the Mayor to dispose of certain tax deeded property known as 243 East High Street, Map 410, Lot 7.”

“Authorizing the Mayor to dispose of certain tax deeded property known as 398-400 Hanover Street, Map 289, Lot 15.”

On motion of Alderman Clancy, duly seconded by Alderman Cashin, it was voted that the ordinances ought to pass.

5. Ordinance Amendments:

“Amending the Code of Ordinances of the City of Manchester by deleting Sections 14-1, 14-5.7, and 14-6, License and Business Regulations, in their entirety and inserting new Sections 14-1, 14-5.7, and 14-6, providing for changes in licensing regulations.”

“Amending the Code of Ordinances of the City of Manchester by deleting Sec. 14-207(b)(8) and Sec. 14-207(g), Taxicab drivers license, providing for changes in taxicab driver drug testing procedures and replacing them with new Sections.”

Alderman Cashin moved that the ordinances ought to pass. Alderman Clancy duly seconded the motion.

In response to question, Clerk Bergeron advised that there were no additional fees being placed in the ordinance, the change was to standardize the type of testing required.

Chairman Wihby called for a vote. There being none opposed the motion carried.

6. Ordinance Amendments:

“Amending Sections 18-24 (Cemetery Supervisor, Parks Maintenance Ski/Aquatic Supervisor, Recreation Utility Supervisor, Parks, Recreation and Cemetery Irrigation Worker, Parks Utility Supervisor and Victim/Witness Advocate) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 18-25 (Cemetery Supervisor, Parks Maintenance Ski/Aquatic Supervisor, Recreation Utility Supervisor, Parks, Recreation and Cemetery Irrigation Worker, Parks Utility Supervisor and Victim/Witness Advocate), of the Code of Ordinances of the City of Manchester.”

“Amending Sections 18-26 (Cemetery Supervisor, Parks Maintenance Ski/Aquatic Supervisor, Recreation Utility Supervisor, Parks, Recreation and Cemetery Irrigation Worker, Parks Utility Supervisor and Victim/Witness Advocate), of the Code of Ordinances of the City of Manchester.”

On motion of Alderman Clancy, duly seconded by Alderman Pariseau, it was voted that the ordinances ought to pass.

7. Ordinance Amendment:

“An ordinance amending Chapter 21 A Sewer Use Ordinance.”

Alderman Pariseau moved that the ordinance ought to pass. Alderman Cashin duly seconded the motion. In response to question Asst. Solicitor Arnold advised that the intent was to change the definition of human excrement to meet state statute, there was no fee being added.

Chairman Wihby called for a vote on the motion. The motion carried.

8. Ordinance Amendment:

“Amending the Code of Ordinances of the City of Manchester by deleting Section 7 1/2-7, ‘Assessment and collection’ in Central Business Service Districts, in its entirety and inserting a new Section 7 1/2-7 ‘Assessment and collection’”.

(Note: BMA referred ordinance amendment to Committee on 11/19/96.)

Clerk Bergeron advised that the ordinance was not necessary, the recodification company had suggested the change to meet law, but the Solicitor had advised that there had been a change in the law and it was felt the city need not change its ordinance to comply. Asst. Solicitor Arnold concurred.

On motion of Alderman Pariseau, duly seconded by Alderman Cashin, it was voted that the ordinance be deemed inexpedient to legislate.

9. Report of the Committee on Bills on Second Reading relative to a proposed amendment to compensation for boards and commissions of the City of Manchester, referred back to Committee by the BMA on 12/3/96 for further review.

(Note: information to be provided by the Finance Department at the meeting.)

Alderman Pariseau moved to receive and file this item. Alderman Cashin duly seconded the motion.

A lengthy discussion ensued where Chairman Wihby noted that there were different pays for different commissions, and that they had agreed to this in the budget. The committee reviewed a report from the Finance Department which reflected only the ZBA could not be absorbed within the Planning Department’s budget. Alderman Pariseau and Alderman Cashin felt that the commissioners should be compensated at least a token for the work they perform for the city. Alderman Clancy was in agreement feeling they performed a service and many also used their vehicles to review sites such as the ZBA and Planning Board members. He was familiar with the services

provided by other commissions as well and felt they should be compensated. Alderman Cashin suggested that the Planning Director could pay the ZBA from his budget and if he fell short at the end of the year could come before the Board and the Board would provide the necessary funds from contingency if necessary at that time. He noted that Planning had returned funds to the city in recent budget years and perhaps some of it would be absorbed.

Chairman Wihby called for a vote. The motion carried with Chairman Wihby duly recorded in opposition.

10. Report of CIP Committee recommending sale of Map 222, Lots 78 and 52 to Roland Cloutier.
(Note: Mr. Cloutier has withdrawn his interest in purchasing the property.)

Clerk Johnson advised that Mr. Cloutier had withdrawn his interest in purchasing the parcel for unknown reasons, but noted in her last discussion he was speaking of selling his own property and perhaps this played a role in his request to withdraw. Clerk Johnson requested that the ordinance be deemed inexpedient and the matter referred to the CIP Committee as there was a liability issue with a barn on the property.

On motion of Alderman Cashin, duly seconded by Alderman Clancy, it was voted to receive and file this item and refer the matter back to the Committee on CIP.

TABLED ITEMS

11. Proposed revision to Chapter 8. Finances, of the Code of Ordinances of the City of Manchester.
(Tabled 8/26/96)

This item remained on the table. Chairman Wihby requested that the Finance Department appear at the next meeting to explain the changes being proposed.

12. Ordinance Amendment:

“Amending the Code of Ordinances of the City of Manchester by deleting Chapter 17, Section 17-12, Curfew for Children, and replacing it with a new Section 17-12, Curfew for Children.”

(Tabled 8/26/96)

This item remained on the table. Chairman Wihby requested the Police Department appear at the next meeting to address this issue.

13. Ordinance Amendment:

“Amending the Zoning Ordinances of the City of Manchester by modifying Section 4.03 Item 71 and Article VII limiting parking lots for business uses within residential zones, as further amended by deleting Section 4.03 Item 45.”

(Note public hearing held 9/30/96 and tabled on 11/12/96 pending further review by the Planning Director - communication from the Planning Director dated 12/4/96 enclosed herein.)

On motion of Alderman Cashin, duly seconded by Alderman Pariseau, it was voted to remove this item from the table for discussion.

A handout was distributed to the committee reflecting amendments proposed by the Planning Director.

Alderman Pariseau moved to amend the ordinance to the Planning Director's handout. Alderman Cashin duly seconded the motion. The Planning Director briefly explained the “grandfathering” of pending site plans and current locations in the city having parking as determined by state law. Additionally, he explained that the current interpretation by the Building Commissioner was that utilizing parking for business purposes in residential zones was allowed and if the ordinance were passed with the amendments it would not be allowed. A business would have to petition for rezoning or receive a variance from the Board of Adjustment.

Chairman Wihby called for a vote following discussion. The motion carried with none recorded in opposition.

There being no further business to come before the Committee, on motion of Alderman Pariseau, duly seconded by Alderman Clancy, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee

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