

COMMITTEE ON BILLS ON SECOND READING

June 20, 2000

Upon Conclusion of Special BMA

Chairman Wihby called the meeting to order.

The Clerk called the roll.

Present: Aldermen Wihby, Sysyn, Clancy, Pinard, Cashin

Messrs: R. MacKenzie

Chairman Wihby addressed Item 3 of the agenda:

Ordinance Amendment:

"Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zone to include properties currently zoned I-3 (General Industrial) in the area generally on either side of March Avenue between John E. Devine Drive and Home Depot and generally on either side of John E. Devine Drive from Gold Street to Sam's Club to include the following parcels: Tax Map 438, Lots 2, 3, 4A, 4B, 5A and 5B."

Chairman Wihby stated this is the rezoning we just heard. I know that Planning hasn't looked at it yet, neither the Planning Board nor the Planning staff. I know they have some concerns.

On motion of Alderman Pinard, duly seconded by Alderman Clancy, it was voted to table this item.

Chairman Wihby stated I know we had some discussion about notifying the people on Gold Street. Do you think you could do that, Bob? Get a list of people on Gold Street in that vicinity or in that residential neighborhood to let them know that we are looking at this? They can respond to you or the Planning staff of somebody and if it is a big enough concern, maybe we can just have another public hearing afterwards.

Mr. MacKenzie replied one thing is that it is a lot of work preparing notices to abutters and getting it right. Our staff right now is pretty stressed out with other projects and other issues that the Board has asked us to do so I am a little concerned about whether our staff could actually handle that or not.

Alderman Clancy asked whom would you give it to.

Chairman Wihby stated how about just a notice and someone could walk around that neighborhood and pass it out.

Alderman Clancy stated maybe a flyer.

Mr. MacKenzie asked if people wanted to provide input to you as Aldermen or a Committee would you suggest that they write information.

Chairman Wihby answered my feeling is that they could contact the Planning staff and if you think there is a big enough concern, we can just set-up another public hearing and let them come to it. If we think we can take care of their concerns, then you can come back to us with a recommendation based on what you heard. I was kind of concerned that I didn't hear them say today we are willing to take some of our property and make it into a recreational area and take care of the rest. I guess I expected that today. It doesn't seem like they even offered that. The main concern is that we want the neighbors to be able to voice their concerns.

Alderman Clancy stated if you have a lot of people calling with problems, we can have another public hearing. Fair enough?

Mr. MacKenzie replied would the Committee like us in any way to negotiate with Public Service and talk about the issues such as the parkland.

Alderman Clancy stated that would be a good idea. We could give them a heads up and tell them we are looking for some land down there.

Alderman Cashin stated, Bob, I think you know what we are looking for. One, we want the abutters notified so if they have any problems they can let us know and if we find that there is enough interest in it we will have another public hearing. Two, we want Public Service to sit down and negotiate or do something for a couple of acres or whatever it takes down there to work it out with the neighbors if possible. I think the motion is to table it and give you an opportunity to get this done and get back to us. Is that basically what we are talking about?

Chairman Wihby replied yes. Do you understand, Bob?

Mr. MacKenzie answered yes, I do.

Chairman Wihby addressed Item 4 of the agenda:

Communication from Alderman Vaillancourt requesting a public hearing be scheduled to consider a Charter Revision as follows:

"Should the provision in the city charter, establishing aldermen-at-large and school committee at-large position, be maintained?"

and noting that the language of such question should be reviewed by the City Solicitor.

Chairman Wihby asked what do you mean actual Charter Revision would read as follows. Is that what they would actually read at the polls?

Deputy Solicitor Arnold answered these are the actual sections that would be modified to reflect the change in the number of Aldermen. As you are aware, certain sections refer to that.

Chairman Wihby asked would this show up. Is the voter going to see this or just the question?

Deputy Solicitor Arnold answered as I recall the actual question is on the ballot, but the legal notice has to cite the whole amendment.

Chairman Wihby asked so all of 1, 2 and 3 would be the legal notice but the question would only be what it says there. That one sentence? So, basically the motion would be to accept the City Solicitor's report and put this on the ballot in November.

Deputy Solicitor Arnold answered the motion would be to send this to a public hearing on July 31, 2000.

Alderman Pinard moved to refer this to a public hearing on July 31, 2000.

Alderman Wihby duly seconded the motion for discussion.

Alderman Vaillancourt stated my original idea was to try to put a proposal forward where yes would really mean yes, however, I do understand the City Solicitor's idea of wording it this way where you actually have to say no to mean yes. It is a problem but I think legally this is probably the best way to do it. Is that correct?

Deputy Solicitor Arnold replied I feel that the question is whether to amend the Charter. That is the question that is being asked and that is why it should be worded this way.

Alderman Vaillancourt asked so if you wanted to keep the Aldermen At-Large you would vote no and if you wanted to get rid of them you would vote yes.

Deputy Solicitor Arnold answered that is correct.

Alderman Vaillancourt stated it is a little backwards, but I think we have the best opportunity to get a sample of the people at this time because this is 1) a Presidential year, and 2) if it were on the November ballot it would probably be, according to the Secretary of State, when you are likely to get your best turnout of people who will be voting this year. So, I think we will have the healthiest sample and I think there will be a suitable amount of discussion so that we will get a valid result.

Alderman Lopez stated I would just like to speak in reference to trying to eliminate the Aldermen At-Large. This process went through the Charter Commission and it was voted by the Board of Mayor and Aldermen and put on the ballot during the last process and it was defeated to keep the Aldermen At-Large. I think this thing has been kicked around because one individual or one party when this is a non-partisan election wants to bring this in at this time and I think it is wrong. I wish the Committee would vote not to put this on the ballot. Thank you.

Chairman Wihby replied my understanding was that this was brought in by...well it was one of the recommendations from the Concerned Taxpayers, which I don't think is one party. All we are doing today is voting to send this to a public hearing on July 31 to get input from residents to see what they want to do. At that point, we would be voting it up or down technically.

Alderman Levasseur stated the only thing that I have a problem with out of this is if we redistrict the 14 districts again and there is a lot of talk about 14 districts, does the City want to have 16 people in this Chamber. I am not sure...I think the redistricting is supposed to take place within the next year or two and if the redistricting does take place and there is a lot of positive talk out there to go to 14 wards in the City of Manchester and when we were discussing this at Committee level on the Republican Committee side, it was a question of how much larger do you want to get. So, I think 14 is a good number. I am just worried about it going to 16 and I think that is probably the argument that makes more sense. Not whether it is partisan or against any individuals. I think it comes down to how big do we want to get and I think 14 is going to be enough for this room.

Alderman Vaillancourt stated Alderman Lopez alluded to the fact that this was voted on earlier and that is true, however, as you will recall it was voted on earlier prior to Aldermen At-Large ever being elected. This was two years ago and it was confusing to the people at that time because they weren't at all familiar with how the situation would work. I think it was probably incorrect that it be voted on prior to actual experiencing it after the Charter Commission did, in fact, vote for this. I think we will have had by the time we vote for this in November three years so people will have a better idea and this did not come forward because of one particular party. I understand that one party wanted it and I did hear that the Concerned Taxpayers would for it also, but this came forward because people had called me and it is something that without saying whether I would even vote for it or against it, I think people should have the right to vote for this as I think the people ought to have the right to vote for many things and I will abide by the will of the people.

Chairman Wihby stated we should note that this isn't because of the Aldermen who are currently At-Large. I don't think you got calls saying that the Aldermen in the At-Large seats weren't doing their job. It was just that they felt it wasn't necessary.

Alderman Vaillancourt replied the argument, I believe, was framed three years ago and it still is the same. Not only for Aldermen, but School Board At-Large and it costs the City, I think, between \$30,000 and \$40,000 depending on health plans and things and my concern is not the same as Alderman Levasseur's. It is strictly whether the people want this or not.

Alderman Cashin stated if we are going to go to 14 Aldermen, then we can discuss the Aldermen At-Large at that time. To discuss the Aldermen At-Large at this particular time is, I think, premature. No one worked harder than I did to beat the Charter. I campaigned against it, I worked against it, I attended the hearings, and I did it all because there are certain portions of that Charter that even to this day I disagree with. However, it did pass and we have Aldermen At-Large. It has only been a few years that we have had them. I feel we ought to give it a chance. As far as I am concerned, we should receive and file this item and get on with the business at hand.

Alderman Levasseur stated, Alderman Cashin, you have been on this Board for 30 years and I know you have had some battles and you have taken your lumps, but you have also won a lot of battles and I agree with you on the Charter. I think that the Charter wasn't the right way to go and if I would have been an Aldermen when you were fighting against it I would have supported you 100%, but just because it passed doesn't mean that certain parts of it or the Charter should always be there for the rest of our lives. I don't want you to give up the battle just because of one

thing or another. I agree with you that there is a lot in this Charter that I don't like. I don't like a lot of things that have been take away from the Aldermen. I think it has weakened this Board more than anything. I don't think it is a time, just because people passed it...you know people passed it as a whole not knowing that there were a lot of divisible parts in there that probably could have been taken out and just because this other thing about the School, things pass and things change. It doesn't mean we stop fighting. For that reason, I would hope you would continue on that path because I would help and support you on anything to do with that.

Alderman Cashin responded what I said was if and when we decide we are going to change from 12 to 14 Aldermen, and then we can address the Aldermen At-Large. I feel it is premature to do it at this point in time. That is all I am saying.

Alderman Hirschmann stated I don't have a pro or con opinion about it. The best thing we can do is put it on the ballot and feel the pulse of the people. The closer you are to the people, the better informed you are going to be. Let the people decide.

Chairman Wihby stated let me explain this process. All we are doing today is voting to send it to a public hearing. After the public hearing, it comes back to this Committee again and this Committee will vote it up or down and send it to the full Board. We are only voting for a public hearing today. We are not voting to put it on the ballot. We are just voting to send it to a public hearing.

Chairman Wihby called for a vote on the motion. The motion carried with Aldermen Cashin and Sysyn duly recorded in opposition.

Chairman Wihby addressed Item 5 of the agenda:

Communication from the Director of Planning relative to commercial/industrial development trends bordering the City adjacent to residential neighborhoods and suggesting a policy be developed in order to protect residential neighborhood interests.

Mr. MacKenzie stated I want to make the Board aware of what is going on in some of these locations around the City because more and more in some of your wards you are going to be receiving complaints about truck traffic and new projects. We have new commercial/industrial projects in Goffstown, Auburn, Bedford and Londonderry that could impact on neighborhoods. I am not sure what the answer is. I just wanted to make you aware of these before they happen.

Chairman Wihby asked what can we do.

Mr. MacKenzie answered I think first the Board should be aware of each one of these and in each case advocate. The Goffstown project is directly on the City line. There are single family homes on Philip Street and Goffstown Back Road.

Chairman Wihby asked what can we do with that. If we are unhappy with it, we just tell them we are unhappy and that is it? If we wanted to do something in that area of Goffstown Back Road, what could we do?

Mr. MacKenzie answered I am not sure.

Alderman Cashin stated when Wal-Mart or the nursing home was going to be built in Bedford, they were going to come up to a residential area and we opposed the street.

Mr. MacKenzie replied yes. I know there was an issue in your ward where we ultimately worked with Bedford to provide additional buffering to close that or discontinue that little street.

Alderman Cashin stated I know that Goffstown Back Road would be hard to close, but it can be done if we really want to do it. I don't think it is a highway. We could at least sit down with somebody in Goffstown and say look you have to cooperate or else. This is happening...it has happened out on Donald Street in Bedford, right on the line. It happened down on 3A on the Manchester line. The towns are just crowding us. Maybe we could do it in a cooperative manner and sit down and talk with the Selectmen or whoever you talk to and try to work something out. If not, we are really going to get squeezed and I think you can see it coming Bob. I am willing to sit down and talk to anybody.

Mr. MacKenzie replied I think as a minimum the City should and I don't know who the spokesman would be, but the City should be expressing to these towns because Goffstown may not notice that the same thing is happening on the Bedford, Londonderry and Auburn side, I think the City should be expressing its case.

Alderman Cashin moved to have the Mayor or a designee represent the City in expressing concerns over commercial/industrial projects of neighboring towns impacting our City. Alderman Clancy duly seconded the motion.

Alderman Pariseau stated we have a mutual agreement with these towns dealing with regional impact where we notify these towns and they notify us. When Goffstown notified us of their public hearing, did anyone from the City go and check. Isn't that the purpose?

Alderman Pinard asked isn't Alderman Thibault on the Southern NH Planning Commission.

Alderman Cashin answered he is, yes.

Chairman Wihby asked did you go, Bob.

Mr. MacKenzie answered the Board had requested me here for a meeting that particular night so I could not go to Goffstown. I was aware of the meeting. I don't think the Town of Goffstown determined it a project of regional impact. Communities are supposed to look at every project that goes on and if they see a project that could have regional impact, they are supposed to make a decision on that. I am not sure if Goffstown has made that decision yet. If it is a project of regional impact, the Southern NH Planning Commission actually can get involved and look at the impact and start analyzing.

Alderman Pariseau stated they sent a letter dated April 28 telling us about what is coming up before their Planning Board. I would suspect that if we, the City, had a concern that someone would have been there to express our concern and it didn't happen.

Mr. MacKenzie replied yes. I referred the matter immediately to the Mayor. The Mayor said we should be looking at that and sent it to the Board. The time requirements are such that...I wouldn't want to go to Goffstown and represent that I am representing the Board of Mayor and Aldermen because there was no decision by the Board. I would not go without something being said by either the Mayor or the Board to tell me what to say to these towns.

Chairman Wihby asked, Alderman Pariseau, did you get the memo on May 8 from Bob MacKenzie to the Mayor.

Alderman Pariseau answered yes.

Chairman Wihby stated that is where he is telling him that he has another meeting and he never got any direction to have someone else attend or anything else after that May 8 memo.

Alderman Pariseau replied well I would imagine that Mr. MacKenzie would have sent the Deputy Planning Director if he had a concern about development going on in Goffstown or wherever.

Mr. MacKenzie responded I would note, Alderman, that there is no Deputy Planning Director.

Alderman Pariseau asked what is his name.

Mr. MacKenzie answered he is a Planner on the staff.

Alderman Cashin stated, Alderman Pariseau, I think what Mr. MacKenzie is saying is that he didn't have the authority from either the Mayor or the Board to represent us and say anything so he didn't. I can understand the position he was in.

Alderman Pariseau replied well there is no reason to take any action tonight either because the meeting was May 11 so it is foolish to have it on the agenda. So what?

Alderman Cashin stated well at least we can make our feelings known. This is the first time I have seen this. I didn't know there was a problem until tonight. Now I think as long as we know it, we ought to refer it to the Mayor's Office and let him decide what he wants to do. Does he want to talk to them and represent Manchester and see what we can work out or does he want to delegate someone or a group or whatever? We have to do something. We can't just ignore it.

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

TABLED ITEM

6. Rezoning petition from Brown Avenue residents requesting that their properties located between the lights on Brown Avenue, down to the bridge, be rezoned from residential to commercial.
(Tabled 2/2/00 - Airport working on solutions.)

This item remained on the table.

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

A True Record. Attest.

Clerk of Committee