COMMITTEE BILLS ON SECOND READING

August 4, 2008 **6:00 P.M.**

Chairman Osborne called the meeting to order.

The Clerk called the roll.

Present: Aldermen Osborne, M. Roy, Pinard, Domaingue

Absent: Alderman DeVries

Chairman Osborne addressed item 3 of the agenda:

3. Ordinance Amendment:

> "Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by amending Section 70.57 Parking Rates increasing the rates for parking at various locations throughout the city."

Alderman M. Roy moved for discussion of this item. Alderman Pinard duly seconded the motion. There being none opposed, the motion carried.

Alderman M. Roy stated through our presentation there have been a number of maps and map changes. If the maps do not match the actual verbiage of the ordinance, is that technical review or is that outside of technical review?

Mr. Tom Arnold, Deputy City Solicitor, responded to make sure I understand the question…

Alderman M. Roy asked is this Committee supposed to look at just the Ordinance that is put in front of us or the presentation of the ordinance that is put in front of us? In other words are we reviewing just the language which is in our agenda?

Mr. Arnold replied I guess what I would answer…and it's a case by case determination, but the Bills on Second Reading Committee reviews ordinances for technical corrections and not substantive changes. I realize that's a gray area but that's the charge of the Committee. It's a determination of whether it is a substantive or technical change.

Alderman M. Roy stated with that response I'll make the motion Mr. Chairman, to pass this along to the Board that it has received correct technical review.

Alderman Gatsas asked Mr. Arnold, do you know that there is a motion for reconsideration on this entire parking plan for the agenda tomorrow night?

Mr. Arnold replied yes.

Alderman Gatsas stated so any change that could be made to that parking plan would then have to come before this Committee again.

Mr. Arnold stated that might happen depending on the action the Board takes tomorrow.

Alderman Gatsas stated you just made a statement in response to the question that Aldermen Roy asked, that if there is a substantive change in the parking plan that came before us, then it would have to come to the full Board. This Committee only looks at technical changes.

Mr. Arnold stated that's correct.

Alderman Gatsas stated if the technical changes in this description are not the same information that the Board was given by a diagram then that would be a substantive change.

Mr. Arnold stated it certainly could be.

Alderman Gatsas stated so I am saying that the wording that's in this ordinance is not the same that follows suit with what we saw in that plan. I am not saying that there are big changes but there are changes.

Alderman Lopez stated I believe in totality…

Alderman Gatsas interjected with all due respect, can I get my answer from the City Solicitor? I asked the question and am just waiting for the answer. I know you might not want him to answer it, Mr. Lopez.

Alderman Lopez stated no, I want him to answer it. Let him answer it and then I have a comment.

Mr. Arnold stated it's tough to answer without knowing the details, Alderman.

Alderman Gatsas stated well let's assume that I made a motion tomorrow night to change the Elm Street parking from the proposed $.75 to a dollar and that was the only change in the entire parking scheme. Was that a substantive change?

Mr. Arnold stated yes, I think that would be a substantive change.

Alderman Gatsas stated so it would have to come back to this Committee.

Mr. Arnold stated tomorrow night there is a motion for reconsideration. If the Board votes to reconsider it, then I think that would necessarily moot or obviate any action taken by this Committee tonight. Of course with a motion of reconsideration what it does is put you back to the procedural time when the vote was taken.

Alderman Gatsas stated but again I certainly don't want to make a motion for reconsideration that is going to put a delay on the parking scheme, and I am not talking about the garages or the bags that are put on meters but I am talking about the districts and everything else. If we do that, the next time this Committee would be able to meet would be some time in September unless they called another meeting or unless they recessed this one and then brought it forward during the week to finish this project so that the revenues that Ms. Stanley is looking for would be sufficient. Is that correct?

Mr. Arnold responded they could recess this meeting or they could call another meeting. These meetings, as you know, are held at the call of the Chairman. Complying with 91-A, as long as it is posted 24 hours ahead of time, you could call another meeting or you could recess.

Alderman Gatsas stated so I guess my question is could the Chairman recess this meeting and re-hold it tomorrow night after the full Board makes its motion to either accept reconsideration or not, if he so wished? If we wish to carry this meeting on as a recessed meeting until tomorrow night…

Chairman Osborne stated well, we carried everything here just for review. We have reviewed everything here, what Ms. Stanley wanted to do here.

Alderman Gatsas stated but if you didn't adjourn the meeting and asked for a motion for recess because there is a motion for reconsideration, and if that changes tomorrow night, that means you would have to go through the three day calendar process for a new hearing. If you recess this and continue this meeting for tomorrow night, then we could meet in the middle or after the reconsideration motion is heard. Then we could just either go with that or rehear what is before us and make the change and move it forward.

Chairman Osborne stated we have a motion on the floor. Mr. Roy, did you want to rescind that motion?

Alderman M. Roy responded no. The question that Alderman Gatsas is referencing that I asked pertained only to this: Are we looking at the verbiage in the ordinance, not what streets are contained but the streets that are there, not hours? The Board has the discretion to suspend the rules and not send it back to Bills on Second Reading tomorrow night. It also has the ability, when we take on the reconsideration, to go ahead and wipe out everything that is done by this Committee tonight as the Solicitor said, bringing us back to the original vote. That being said, what we are voting on tonight is just the specific technical review of the ordinance as it is presented in our agenda. Does it meet the technical review? It does. Our job is done. Send it to the full Board. If the full Board's action tomorrow night is to reconsider, this is a moot point.

There was no second offered on Alderman M. Roy's motion to send this item to the full Board

Alderman Domaingue stated it is my understanding…and Brandy if you could give me a yes or no answer to this it will probably go smoother…that there are some changes to this parking plan that can be categorized as substantive?

Ms. Brandy Stanley, Traffic Manager, responded that's correct.

Alderman Domaingue stated that being the case, I really don't understand why we are voting on the technical ordinance that is going to change tomorrow.

Alderman M. Roy stated just scanning forward in our agenda, I believe there is something outside of parking and Matt, correct me if I am wrong.

Deputy City Clerk Matt Normand stated yes, you have the Fire code.

Alderman M. Roy stated if we could deal with the Fire code issue and then come back to Alderman Domaingue's request to recess, that would at least accomplish something for being here.

Chairman Osborne asked so you don't want to take items 4 and 5 with it?

Alderman M. Roy stated no, if we recess the meeting, Mr. Chairman, we recess the meeting. The final item goes with it. So I would prefer to take care of the Fire code issue and then revisit the recess.

Alderman Lopez stated Mr. Arnold, on many occasions during my time here, the Bills on Second reading has passed something on to the Board and at the Board level the final authority rests with the Board and there have been many amendments that came out of the Board after the Ordinance was presented and it was passed by the Board and that procedure has been in for ten years that I know of. Is there a change that we are indicating here?

Mr. Arnold stated no, I don't believe so. We are talking about the power of the Committee, not the power of the full Board.

Alderman Lopez stated that's correct, the power of the Board. Secondly, if Brandy Stanley has got something to change at the Board level, the ordinance in its totality as it is here before the Bills on Second Reading comes before the Board of Mayor and Aldermen and any Alderman can make an amendment. If that amendment passes that become part of the ordinance. Am I correct?

Deputy City Solicitor Arnold stated generally, I think you are correct, yes.

Alderman Lopez stated thank you. I just wanted to remind the Bills on Second Reading Committee.

Alderman Gatsas stated it kind of sounds like there are some changes, Brandy. It sounds like some Aldermen know about it but others of us are in the dark. Is there a reason why if one Alderman was shared a change that that change would not be shared with every member of this Board?

Alderman Lopez stated let me correct.

Alderman Gatsas interjected wait, I am asking her the question. Thank you, Mr. Alderman. I have the floor.

Alderman Lopez stated I know you have the floor but you are insinuating something against this Alderman.

Alderman Gatsas stated I didn't insinuate anything against you. I asked a question of the parking person. Does one Alderman know about it and the others don't?

Ms. Stanley responded Alderman, I have discussed a couple of the changes with a couple of the Aldermen. However, there is a letter addressing the changes on the agenda for tomorrow night that was distributed with all of the packets detailing all of the changes.

Alderman Gatsas stated okay. That's a fair answer.

Chairman Osborne addressed item 6 of the agenda:

6. Ordinance Amendment:

> "Repealing the 2000 Edition of the *International Fire Code*, adopted in Section 92.05 of the City of Manchester Code of Ordinances, and adopting the 2006 Edition of the *International Fire Code*, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Manchester; and providing for the issuance of permits and the collecting of fees for hazardous uses or operations."

Alderman M. Roy moved that the ordinance ought to pass. Alderman Pinard duly seconded the motion. There being none opposed, the motion carried.

Alderman Domaingue moved to recess the meeting until tomorrow evening, August 5, 2008. Alderman Pinard duly seconded the motion. The motion carried, with Alderman M. Roy being duly recorded as voting in opposition.

On August 5, 2008, Chairman Osborne called the meeting back to order, upon recess of the August 4, 2008 BMA meeting. .

The Clerk called the roll.

Present: Aldermen Osborne, M. Roy, Pinard, Domaingue

Absent: Alderman DeVries

Chairman Osborne addressed item 3 of the agenda:

3. Ordinance Amendment:

> "Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by amending Section 70.57 Parking Rates increasing the rates for parking at various locations throughout the city."

Alderman Pinard moved that the ordinance amendment ought to pass. Alderman M. Roy duly seconded the motion. The motion passed, with Alderman Domaingue abstaining.

Chairman Osborne addressed item 5 of the agenda:

4. Ordinance Amendment:

> "Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by amending Section 70.54 Permit Parking in Lieu of Coin Deposit increasing certain parking permit fees and creating new parking districts."

Alderman M. Roy moved that the ordinance amendment ought to pass. Alderman Pinard duly seconded the motion. The motion passed, with Alderman Domaingue abstaining.

5. Ordinance Amendment:

> "Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by amending Section 70.48 Denomination of Coin to be Deposited and Time Allotted Therefore eliminating the minimum credit card transaction and restricting the transfer of Pay and Display Receipt between parking districts."

Alderman M. Roy moved that the ordinance amendment ought to pass. Alderman Pinard duly seconded the motion. The motion passed, with Alderman Domaingue abstaining.

There being no further business, on motion of Alderman M. Roy, duly seconded by Alderman Pinard, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee