

COMMITTEE BILLS ON SECOND READING

April 20, 2009

5:00 P.M.

Chairman Osborne called the meeting to order.

The Clerk called the roll.

Present: Aldermen Osborne, DeVries, M. Roy, Pinard, Murphy

Messrs: B. Stanley, T. Arnold, L. LaFreniere

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 Section 70.54 Permit Parking in Lieu of Coin Deposit and Parking Districts by adding Plaza Drive to District 27; add District 30 Granite Street Lot; and correct clerical errors.”

On motion of Alderman M. Roy, duly seconded by Alderman Murphy, it was voted to discuss this item.

Alderman M. Roy stated Ms. Stanley, if you just want to run through the vagueness of clerical errors. I think that was a concern for people that didn't have our agenda.

Ms. Brandy Stanley, Parking Manager, stated okay. If you want I will go through the ordinances in your package. The first one is on the first page, parking district monthly permit rate established. Previously it was just permit rates and monthly just clarifies it a little more. On the next page, when we originally rewrote the ordinance as part of the downtown parking plan we inadvertently left out 1155 Elm Street garage and we are putting it back in. There are no changes to it; we are just putting it back into the ordinance. Two paragraphs down districts 20, 21, 22, 23, 24, and 25 were supposed to be from 8:00 A.M. to 5:30 P.M. That was presented as part of the downtown parking plan. All of those districts represent areas on the street, the Merner lot and the Seal Tanning lot. Those were intended to be cut off at 5:30 P.M. as opposed to 8:00 P.M. and we didn't put that in the ordinance so we are putting it back in. Two pages down on district 27, we recently put in probably one parking meter and probably about eight parking spaces on

Plaza Drive which is right behind 1000 Elm Street, in between the tower and the parking garage. There was room on that street. We put a meter in and we need to add those parking spaces this particular district which is Monday through Friday 8:00 A.M. to 5:30 P.M at \$.50 an hour.

Alderman M. Roy stated while you are there Brandy, we had had discussion a while ago regarding the slanted parking on... I think at the time we were talking about Middle Street or maybe Market Street and it ended up not being wide enough. Was that looked at for Plaza Drive?

Ms. Stanley responded Plaza Drive is actually wide enough to put parallel parking spaces on both sides of the road. Because the meters cost about \$8,000 a piece, we just put it in on the east side. When and if we get another order of meters we will put another one on the other side and that is enough for two parallel rows. Parallel parking tends to be safer. We wouldn't get any more spaces if we put angle parking on one side of the road as opposed to parallel on both. It would be the same.

Alderman M. Roy asked but we would save \$8,000 right?

Ms. Stanley replied we would...

Alderman M. Roy interjected would angle parking on one side of the road create as much as parallel on both?

Ms. Stanley replied I believe it would be about the same but I can check on it and get back to you.

Alderman M. Roy stated if you could. I know this comes up occasionally but you have an incredible amount on your plate with everything that you do. Without the downtown and the city, anytime that we add parking spaces to a street or change a street or look for meter locations, if you could just do the analysis of is it wide enough to go from parallel to angled and create some absorption that would be fantastic.

Ms. Stanley replied sure.

Alderman M. Roy stated thank you.

Ms. Stanley stated the last change is the addition of district 30. This is the Granite Street parking lot which used to be the staging area for the reconstruction of the bridge. It is directly south of the Pandora building. Since we don't expect that property to close until the end of June, what we are looking to do is ordinance it so that we can actually charge rent to those spaces on the lot. We are going to stripe it and at least get at a minimum two months' worth of rent which more than offsets the cost of striping.

Alderman M. Roy asked there is no sunset provision? That will just change when the property is sold?

Ms. Stanley replied no, when the property is sold, I would come back to you to repeal this section of the ordinance.

Alderman M. Roy asked so there is no action that this Board needs to take if it doesn't close in June and gets delayed to July or August? This will keep going forward? The revenue will still be generated?

Ms. Stanley replied yes, that is correct.

On motion of Alderman M. Roy, duly seconded by Alderman Pinard, it was voted that the ordinance amendment ought to pass.

Chairman Osborne addressed item 4 of the agenda:

4. Ordinance Amendments:

“Amending the Zoning Ordinance of the City of Manchester by deleting the references to “Building Department” or “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”.”

On motion of Alderman DeVries, duly seconded by Alderman Murphy, it was voted to discuss this item.

Alderman DeVries asked for the Solicitor, do you believe that there are any violations with our requirements to have a Planning Board meeting that would normally occur with a zoning change by the fact that we have not had a public hearing on this? Do you believe there is a requirement to have a public hearing with this ordinance change?

Mr. Tom Arnold, Deputy City Solicitor, replied there is not a requirement for a public hearing to combine departments. However, if you amend the Zoning Ordinance, then pursuant to state statute there would be a public hearing requirement for that.

Alderman DeVries asked clarification on that comment, if I could. By amending the Zoning Ordinance you mean changing the actual zone or the delineation of that zoning ordinance? Or otherwise actually physically changing the zone? What do you mean by that?

Mr. Arnold replied if you alter the Zoning Ordinance... I could look at the state statute, but my recollection is that if you alter the Zoning Ordinance, a public hearing is required.

Alderman DeVries stated let's further clarify that. The language before us is amending the Zoning Ordinance of the City of Manchester by deleting references that by virtue of our reorganization of Planning and Building Department, we no longer need. So have we amended the Zoning Ordinance by changing the language within the ordinance?

Mr. Arnold stated you may be. However, quite frankly off the top of my head, I am not aware. You may have already held a public hearing on the name changes. I would have to research that to find out.

Deputy City Clerk Normand stated April 7, 2009 was the public hearing.

Alderman DeVries asked that was properly noticed by the state?

Deputy City Clerk Matt Normand replied it was, by the City.

Alderman DeVries stated so hearing that answer, you do believe that this is an entirely appropriate action for this Board to go forward with today?

Mr. Arnold replied I believe so. If there was a public hearing that is the requirement of the statute and I would presume that the rest of the statutory process was met at the time the public hearing was done or thereafter.

Alderman M. Roy asked Tom, there are references within the charter that we have spoken about but I just want on public record. Regarding departments and the charter adoption, can you speak to who has the authority to adjust that and doesn't that make it legally binding?

Mr. Arnold replied again, a charter amendment is subject to statutory provisions for amending the charter. However, where the charter permits you to change ordinances, I don't believe that is subject to statutory provisions for amending the charter. I believe what you are referring to is probably section 3.01 that says "all departments of the City in existence on the effective date of this charter shall remain as then organized unless and until nine aldermen shall vote to establish, eliminate, combine or otherwise reorganize the departmental structure by ordinance to meet the future needs of the city". If you are referring to Planning and Building Departments, I think that is the action the Board took. That would not require a charter amendment. That is being made pursuant to the charter.

Alderman M. Roy stated Leon, our job here is the language, not the minutia of your department, but I still want to voice my concerns regarding taking out Building Commissioner and replacing it with Director of Planning and Community Development. I still personally have a hard time with the fact that we don't have a quote/unquote department within the City as we have known it. That being said, can you talk about what lengths you have gone through to let people know what the department is and where any conflicts...right now we are dealing with the language of the ordinance changes but you have had to deal with some of the changes within the organization. Can you touch upon some of those to relieve people's fears?

Mr. Leon LaFreniere, Building Commissioner, stated sure. I apologize for my late arrival I was dealing with a situation from the office. We have taken a number of steps and this is an ongoing process because we do recognize that it is important that the identity of each department, in the context of respected responsibilities is something that has been long standing within the City. A number of our customers utilize that identity in their normal practice as they conduct business with the City. In that effort, while we felt that it was appropriate given the organizational structure, the scope of services provided and what other municipalities do with that organizational structure as far as naming and identification to call it the Planning and Community Development Department. We have committed to maintaining a strong identification to the Planning and Zoning Division of the department and the Building Regulations Division of the department. We still have our letterhead, for example, for communications that we issue from the Building Regulations side of the department. We still carry that identification. Our phone system greetings reference the Building Regulations Division. Our website certainly does the same thing. We are trying to make sure that that identification still exists so that there is no confusion among our customers and citizens who access our services with regard to where they should go. As I said this will be an ongoing process. We have made some efforts with regard to public service announcements and that sort of thing. We anticipate that will also be a continuing effort that we will be required

to make sure that people understand what our range and scope of services are, how we can provide assistance and how that contact information should come into the office. In addition to that we have taken efforts to provide some fairly intensive cross training with all of our administrative support staff to educate those individuals who meet with the public on a regular basis to the services and functions that they may not, previous to the consolidation, have been involved with. When someone contacts our office, which we try to arrange as a single point of contact for those uninitiated...anybody they talk to who is in a position of that initial public contact has the resources and the knowledge necessary to guide those individuals in the right direction. I am sure most of you have been up to our offices on the second floor of the annex and we have temporary signage up that clearly identifies the Building regulations on one side of the hall, where permitting takes place and that sort of thing and then the Planning and Zoning on the other side of the hall. We are working on a signage and graphics package right now that will hopefully better communicate that. We are aware of those comments and frankly that was one of our large concerns when we started looking at the consolidation, that those identities be maintained, because we do think it is important to both recognize for the public's contacts with our department what we do from a functional standpoint but also with regard to our public safety component. We feel it is important that that also be recognized within the context of how our divisions are identified and how those functions are circulated among their customer base.

Mrs. Artemis Paras, 1275 Hanover Street, stated good evening Chairman Osborne and respected members of the Committee on Bills on Second Reading. When I first moved here I asked Leona Dykstra what a bill was and she told me it was a legislative bill. Anyway, I hope the Aldermen can understand that going through this maze of words is a nightmare. Even for those of us who can read it all, it is very hard to understand what is the ultimate effect or effects of this piece of legislation before you. Now when the Aldermen approved recently the merger, and I believe you have already approved some of these ordinances because I hear the Building Department no longer exists. It is the Building Division of the big umbrella, the mega department, Planning and Community Development. What concerns me is that initially there was a big push to get this through; rules were suspended and it passed. Then, because any amendments to the Zoning Ordinances pursuant to state law have to have a public hearing at the local level, that is what brought me to the first meeting. I am happy to hear that some of the Aldermen heard me speak at the public hearing, questions asked by Alderman Mark Roy, I thank you. Because of the determination, which I heard, I am going to throw this at you. I don't mean literally throw it, just have you ask yourselves this question. Would it not have been more appropriate from day one when this idea generated to assess the functions first and the duties of the departments in question? At some point that may have to be done for all departments. We have to know what purpose does each department serve? What are the functions and the duties required? Only

then can we think about merging functions, duties. It can be an impossible dream to achieve, if we think that this is going to achieve better customer services. I think it will make just the opposite. Secondly, costs savings. Look at the class specifications coming out of Human Resources. I talked about that at the public hearing. Leon LaFreniere is still Planning Director, but if you go below, what do you read? Planning & Community Development. There was a legal notice in the paper just the other day. Planning Department staff. It was all regarding stimulus funds. The words just shift. Who is going to enforce to say be consistent with Planning and Community Development? Another problem is, I had a former legislator tell me, you know I am not sure that all of this is legal or lawful. What is very curious, you will see very often on these job descriptions, you have to be aware of state and local laws prescribed in statutory language whether it is state, federal, regulations, laws, etc... I am not even sure that we are complying here even with the divisions in state law under Planning and Zoning. For example, Leon has said that he is going to be the Building Inspector also. I also suggested last time that we may have an operational system of designating, delegation of authority. You might recall I mentioned that. How many designees are we going to have? I was talking about this whole issue with a former Alderman, a very good friend of mine. He is a great guy. Do you know what he said to me? He said, Artemis, how are we going to know how we are going to pay for what services? I guess I have an ideal and a dream that all of the class specifications should reflect the functions and duties and I cannot see that happening. I brought the class specification here with me. You are entitled to see it and it goes on and on but one thing I do request of this Committee, and I hope you find it reasonable... I cannot support an ought to pass today and I will tell you why. We have a financial problem in a city with the budget. We are in the throes of putting a budget together. I can't understand how this was approved when we are uncertain as to what we are going to be able to fund. I want to mention that because we have budgetary concerns and we don't know what the ultimate effect is going to be from this total reorganization and because I have noticed things that I draw to your attention, I would like to suggest that you please give consideration to laying this over and anyone who wants to call me I can provide more information and I would be happy to assist you in any way I can. I spent a lot of time on this and I cannot support this. At this point in time I think there are too many unanswered questions and I hope the Committee members would concur that the timing is wrong. I thank you, Chairman Osborne, and I thank the Committee members for listening carefully and paying attention.

Alderman M. Roy stated Artemis, our Bills on Second Reading Committee can only look at the language not budgetary impacts but I can assure you that many, if not all of us, are looking at what this will do to the City budget and that is being monitored.

On motion of Alderman M. Roy, duly seconded by Alderman Pinard, it was voted that the ordinance amendment ought to pass. Chairman Osborne voted in opposition.

Chairman Osborne addressed item 5 of the agenda:

5. Rezoning Ordinance Amendment:

“Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Residential Two Family District (R-2), including portions of two lots, Tax Map TPK1, Lot 61 (3 Master Street) and Tax Map TPK1, Lot 69 (800 Second Street). The intent being that the entirety of these two lots would be in the B-2 District.”

On motion of Alderman M. Roy, duly seconded by Alderman Murphy, it was voted to discuss this item.

Alderman M. Roy asked Leon, do you know if ASJ Holdings and Stanley Holdings are the same entity?

Mr. LaFreniere replied I do not know that. I can check.

Alderman M. Roy stated my concern when you look at the GIS on that, the City now owns a strip of what I would believe would be the paper section of Hill Street surrounded by two, possibly one, commercial entities. Again that would be something that I think would have direct public impact if there was to be a road or an access or something put along Master Street and into the back of another commercial entity. I just wanted that on the record as to when this comes back. I believe I heard this does need to go to a public hear. If it does go to a public hearing, I would like to see those answers out there as to legal opinion on Hill Street, the paper section, as well as if this could create additional development behind the residential area.

Mr. LaFreniere stated it definitely has the potential of creating some additional development I believe. I don't know if those two ownership entities are one and the same; however, they are definitely related in some form. Any development that would take place out there would require site line approval and public hearing process. The lines were drawn to the center line of both the developed street as well as the paper street because that is the standard practice when applying zoning lines. I understand your questions and we will try and get some information for you.

Alderman M. Roy stated right, but if they are the same entity, we own the strip right down the center. My concern is, one, putting that 50x200 foot section on our tax rolls to

increase our tax base, as nominal as it may be, it is worth getting it off the books. The second part is, again you are now tying the commercial zone to the T section of Hill Street which would help work things through a site regulations or a planning process.

Mr. LaFreniere stated I don't think the proposed zoning line crosses that paper street though. I think it goes right down the center of it.

Alderman M. Roy stated it actually cuts it off. Hill Street runs north to south and the zoning line comes across perpendicular by my estimation of about 50 feet into the paper section. So right now....

Mr. LaFreniere interjected okay, I understand.

Alderman M. Roy continued they are R-2 zoned. With this change it would become a commercial zone.

Mr. LaFreniere stated that portion yes. That is correct.

Alderman M. Roy stated the part abutting the improvements.

Mr. LaFreniere stated that is correct.

On motion of Alderman M. Roy, duly seconded by Alderman DeVries, it was voted to send the ordinance amendment to a public hearing with the date to be set by the City Clerk.

TABLED ITEM

6. Ordinance Amendment:

“Amending Chapter 33: Human Resources of the Code of Ordinances of the City of Manchester by adding a new Section 33.100 Residency Requirements thereby establishing a requirement of residency within the city of Manchester for City Officers and Department Heads.”

(Note: The Committee has requested additional information to come from the City Solicitor's office. Tabled 12/01/08)

Chairman Osborne stated I would like a motion to remove item 6 from the table to be received and filed.

Alderman M. Roy stated as much as I agree with you, Mr. Chairman, the conversation came up with Alderman O'Neil and after last week's meeting I would prefer that

anything taken off the table, whatever Alderman has been pushing it, is here to speak to it on being received and filed. This actually came from Alderman Gatsas.

Alderman Gatsas stated thank you Mr. Chairman. The question is whether we are going to table or receive and file the residency. My understanding is that we were going to at least allow the public an opportunity to talk on this.

Chairman Osborne asked what you want to do with this is have a public hearing?

Alderman Gatsas replied we can either do that or put it back on the table.

Alderman M. Roy stated your concern was to receive and file it.

Chairman Osborne stated well, yes. It has been here since last year and nothing is being done or said. I thought it should be passed on.

Alderman Gatsas stated I think the City Solicitor has taken a look at the constitutional law and it talks about all employees. I would never suggest that we would do it with all employees. It is very clear that this is an ordinance that talks about only department heads. The legislation that the City Solicitor has brought forward and the court cases that he brought forward dealt with all employees at two or three different municipalities. My intent was never for residency for all employees.

Alderman M. Roy stated I would like to leave this on the table and let's get the Aldermen with concerns out to talk about it when we have more time.

Chairman Osborne asked when are we going to do this?

This item remained tabled.

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

A True Record. Attest.

Clerk of Committee