

AGENDA

COMMITTEE ON BILLS ON SECOND READING

April 6, 2010
Aldermen DeVries, Lopez,
Arnold, Corriveau, Shaw

6:00 PM
Aldermanic Chambers
City Hall (3rd Floor)

1. Chairman DeVries calls the meeting to order.
2. The Clerk calls the roll.
3. Ordinance Amendment:

“Amending Chapter 92 Fire Prevention of the Code of Ordinances of the City of Manchester by establishing annual Radio Master Box fees per building and increasing the charges for fire system inspections and false alarms.”

If the Committee so desires, a motion is in order that the ordinance amendment ought to pass.

4. Ordinance Amendment:

“Amending Chapter 93 Alarms of the Code of Ordinances of the City of Manchester by increasing the annual Alarm permit renewal fee and restructuring the false alarm fee schedule.”

If the Committee so desires, a motion is in order that the ordinance amendment ought to pass.

5. Ordinance Amendment:

“Amending Section 111.45 Amusement Device License and Fees of the Code of Ordinances of the City of Manchester by increasing the license fee associated with each so called ‘video poker’ machine or ‘slot’ machine.”

If the Committee so desires, a motion is in order that the ordinance amendment ought to pass.

6. Ordinance Amendments:

“Amending Appendix A of the Subdivision and Site Plan Regulations of the City of Manchester providing for the establishment of new fees.”

“Amending Appendix A of the Subdivision and Site Plan Regulations of the City of Manchester providing for the increase of certain fees.”

“Amending Chapter 155 Zoning Code, Subsection 155.02 of the Code of Ordinances, and providing for the increase of certain fees.”

If the Committee so desires, a motion is in order that the ordinance amendments ought to pass.

7. Ordinance Amendment:

“Amending the Building Code of the City of Manchester as adopted in Chapter 151.01 of the City of Manchester Code of Ordinances, by adding the 2009 edition of the International Existing Building Code as an additional tool in regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings.”

If the Committee so desires, a motion is in order that the ordinance amendment ought to pass.

8. Ordinance Amendment:

“Amending Section 70.78 to increase the penalty for parking within 15 feet of a fire hydrant.”

If the Committee so desires, a motion is in order that the ordinance amendment ought to pass.

9. Ordinance Amendment:

“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 adding Section (G) Parking Regulations Compact Part of City”

If the Committee so desires, a motion is in order that the ordinance amendment ought to pass.

10. Ordinance Amendment:

“Amending Chapter 70.55 Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by establishing (G) Use of residential parking permits and adding a sentence to section (1) and a new section (4) for parking regulations compact part of the city.”

If the Committee so desires, a motion is in order that the ordinance amendment ought to pass.

11. Ordinance Amendment:

“Amending Section 70.54 of the Code of Ordinances of the City of Manchester by establishing a City Hall Parking Lot and removing Seal Tanning and Granites Street Lots.”

If the Committee so desires, a motion is in order that the ordinance amendment ought to pass.

12. Ordinance Amendment:

“Establishing a special purchasing procedure relating to the Employee Assistance Program and substance abuse counseling for City employees.”

If the Committee so desires, a motion is in order that the ordinance amendment ought to pass.

13. Ordinance Amendment:

“Amending Chapter 35 of the Code of Ordinances by inserting a new section 35.037, Roadway Improvement Reserve Account.”

If the Committee so desires, a motion is in order that the ordinance amendment ought to pass.

TABLED ITEMS

A motion is in order to remove any item from the table.

14. Ordinance Amendment:

“Amending Section 33.60 Standby Duty by adding a new section (D).”

(Note: Tabled 11/24/09; Department Head to review Ordinance.)

15. A report of the Committee on Administration/Information Systems respectfully recommends, after due and careful consideration, that the proposed amendments to the Peddler’s Ordinance be forwarded to the Committee on Bills on Second Reading.

(Unanimous vote)

(Note: Tabled 11/24/09; City Solicitor to review Ordinance.)

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

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Administration/Information Systems respectfully recommends, after due and careful consideration, that Ordinance Amendment:

“Amending Chapter 92 Fire Prevention of the Code of Ordinances of the City of Manchester by establishing annual Radio Master Box fees per building and increasing the charges for fire system inspections and false alarms.”

ought to pass and be referred to the Committee on Bills on Second Reading for technical review.

(Unanimous vote with the exception of Alderman DeVries who was absent)

Respectfully submitted,


Clerk of Committee

At a meeting of the Board of Mayor and Aldermen held March 16, 2010 on a motion of Alderman O’Neil, duly seconded by Alderman Long, the report of the Committee was accepted and its recommendations adopted.


City Clerk

James A. Burkush
Chief of Department



City of Manchester
Fire Department

January 15, 2010

To: Board of Mayor and Alderman
From: Chief James Burkush
Re: Ordinance Updates

Code of Ordinances Sec: 92.25: *Annual Fees* were last amended 11/05/2003.

The Fire Department recommends the following:

Add the language to section 92.25, following paragraph (A).

“Each additional building monitored by a Radio Master Box shall be charged an annual fee of \$100.00 per building per calendar year. New systems shall be charged a pro-rate amount of \$25.00 per quarter until December 31 of the installation year after which the annual fee will take effect on January 1”.

The Fire Department estimates additional revenues of \$12,000.00 for FY2011 if directed by the BMA. (Master Box billing is in January, completed for the year).

Change the following paragraph in section 92.22; *Inspections* last amended 04/16/2002 (C) The initial inspection of an installed fire alarm system shall be performed by the Fire Department at a charge of ~~\$50.00 per person per hour required~~ \$100.00 per hour with minimum fee being \$100.00

The Fire Department estimates this language will result in less confusion and increased accuracy in billing; net revenue unchanged.

Yours in Fire Safety,


James A. Burkush, Chief

James A. Burkush
Chief of Department



City of Manchester
Fire Department

January 14, 2010

To: Board of Mayor and Alderman
From: Chief James Burkush
Re: False Alarm Charges

Code of Ordinances Sec: 92.26: *False Alarm Charges* were last updated 2-7-95.

The Fire Department recommends the following:

- (A) The first five fire alarms in excess of the limit, the amount of ~~(\$50)~~ \$100 per alarm.
- (B) All false alarms in excess of five above the limit, the amount of ~~(\$100)~~ \$200 per alarm.
- (c) The false alarm limits shall be based on the number of alarm initiating devices connected to the fire alarm as follows:

Devices	Limit of False Alarms Per Year
1-125	5
126-250	10
Over 250	15
251-375	15
376 or more	20

Currently, the Fire Department collects \$12,000 to \$14,000 in false alarm fees. We estimate this new schedule would result in additional revenue of \$12,000 to \$14,000 for FY2011.

Yours in Fire Safety,

James A. Burkush, Chief

City of Manchester New Hampshire

In the year Two Thousand and Ten

AN ORDINANCE

"Amending Chapter 92 Fire Prevention of the Code of Ordinances of the City of Manchester by establishing annual Radio Master Box fees per building and increasing the charges for fire system inspections and false alarms."
Page 1 of 2

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amend the Code of Ordinances by deleting language as stricken (-----) and inserting new as bolded (bold). Sections of the following chapters that remain unchanged, appear in regular type.

§ 92.22 ALARM INSTALLATION; INSPECTIONS.

- (A) The review of an alarm system plan shall be performed by the Fire Department at a charge of \$1 per device with the minimum fee being \$50.
- (B) The review of a sprinkler system plan shall be performed by the Fire Department at a charge of \$1 per device with a minimum fee being \$50.
- (C) The initial inspection of an installed fire alarm system shall be performed by the Fire Department at a charge of ~~\$50 per person~~ **\$100** per hour required with the minimum fee being \$100.
- (D) Reinspections of installed alarm systems shall be billed at a rate of \$150 per person per hour with a minimum charge of \$300.

§ 92.25 ANNUAL FEES.

- (A) All master fire alarm box owners shall pay an annual user fee for each calendar year in the amount of \$480. New systems installed shall be charged a pro rata amount of \$40 per month or part of a month until December 31 of the installation year after which the annual fee will take effect on January 1. **Each additional building monitored by a Radio Master Box shall be charged an annual fee of \$100 per building per calendar year. New systems shall be charged a pro-rata amount of \$25 per quarter until December 31 of the installation year after which the annual fee will take effect on January 1.**

City of Manchester New Hampshire

In the year Two Thousand and Ten

AN ORDINANCE

“Amending Chapter 92 Fire Prevention of the Code of Ordinances of the City of Manchester by establishing annual Radio Master Box fees per building and increasing the charges for fire system inspections and false alarms.”

Page 2 of 2

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

§ 92.26 FALSE ALARM CHARGES.

Any property owner having a fire alarm system on his or its premises and installed to warn occupants of fire, which causes a response by the Fire Department, shall pay the city a charge for false alarms to which the Fire Department responds in each calendar year as follows:

(A) The first five false alarms in excess of the limit, the amount of \$50 \$100 per alarm.

(B) All false alarms in excess of five above the limit, the amount of \$100 \$200 per alarm.

(C) The false alarm limits shall be based on the number of alarm-initiating devices connected to the fire alarm system as follows:

<i>Devices</i>	<i>Limit of False Alarms Per Year</i>
1 - 125	5
126 - 250	10
Over 250	15
251 - 375	15
376 or more	20

II. These Ordinances shall take effect upon passage.

To the Board of Mayor and Aldermen of the City of Manchester:

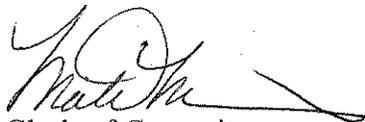
The Committee on Administration/Information Systems respectfully recommends, after due and careful consideration, that Ordinance Amendment:

“Amending Chapter 93 Alarms of the Code of Ordinances of the City of Manchester by increasing the annual Alarm permit renewal fee and restructuring the false alarm fee schedule.”

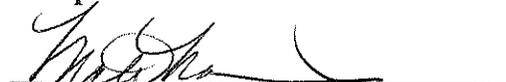
ought to pass and be referred to the Committee on Bills on Second Reading for technical review.

(Unanimous vote with the exception of Alderman DeVries who was absent)

Respectfully submitted,


Clerk of Committee

At a meeting of the Board of Mayor and Aldermen held March 16, 2010 on a motion of Alderman O’Neil, duly seconded by Alderman Lopez, the report of the Committee was accepted and its recommendations adopted.


City Clerk

OFFICE OF THE CITY CLERK
(Potential Revenue Increases)

Vital Records Division Revenue

- Marriage Ceremony (Perform ceremonies in-house at \$55.00 ea.)

\$5,000

- Notary Fees (Increase charge from \$2 to \$5)

\$1,000

Business Licensing Division Revenue

- Alarm Fees (Two changes below:)

\$9,500

False Alarm Schedule Restructured

\$3,000

Renewal permits raised from \$20 to \$30

\$12,500

- Video Poker Machines (Increase from \$1,500 to \$2,000)

\$55,000

Total Additional Revenue Potential

\$73,500

City of Manchester New Hampshire

In the year Two Thousand and Ten

AN ORDINANCE

“Amending Chapter 93 Alarms of the Code of Ordinances of the City of Manchester by increasing the annual Alarm permit renewal fee and restructuring the false alarm fee schedule.”

Page 1 of 4

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amend the Code of Ordinances by deleting language as stricken (-----) and inserting new as bolded (bold). Sections of the following chapters that remain unchanged, appear in regular type.

§ 93.03 PERMIT REQUIRED; APPLICATION; FEE.

(B) Upon receipt of a completed application form and a nonrefundable permit fee of \$30 for a new permit and ~~\$20~~ **\$30** for annual permit renewal.

§ 93.14 FALSE ALARM NOTIFICATION.

(A) The holder of an alarm permit or the person in control of an alarm system shall be subject to warning, fines and suspension or loss of the permit (any alarm owned, operated, or leased by any federal, state, county or local government agency will not be subject to fines) depending on the number of false alarm notifications emitted from an alarm system within a 12-month period from July 1 through June 30.

(B) Number of false alarm notifications; action taken.

(1) For the first ~~three~~ **two** false alarm notifications, no action will be taken.

(2) The activation of ~~four~~ **three** or more false alarms within a 12-month period from July 1 through June 30, will be handled according to the following schedule:

(a) The ~~fourth and fifth~~ **third** false alarms will be billed a \$25 service charge ~~per occurrence~~ which shall be considered a bill owed by the permit holder to the city.

City of Manchester New Hampshire

In the year Two Thousand and Ten

AN ORDINANCE

“Amending Chapter 93 Alarms of the Code of Ordinances of the City of Manchester by increasing the annual Alarm permit renewal fee and restructuring the false alarm fee schedule.”

Page 2 of 3

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

(b) The fourth false alarm will be billed a \$50 service charge which shall be considered a bill owed by the permit holder to the city.

1. Each service charge incurred for the third and fourth false alarms at the premises described in the permit holder's permit shall be paid within 30 days from date of receipt thereof. Failure to make payment within 60 days from date of receipt shall result in revocation of the permit holder's permit until payment is received.

(c) The sixth ~~sixth~~ fifth false alarm shall result in a \$100 service charge (which includes a \$25 reinstatement fee) which shall be considered a bill owed by the permit holder to the city and revocation of the permit holder's permit in the following manner:

1. The permit holder shall be given ten days advance written notification that the permit holder's permit will be revoked, the written notice shall set forth the reasons for such revocation.

2. The notice shall specify the specific date of revocation, and that any response by the Police Department will result in an assessment of \$100 to alarms that occur at the premises described in the permit after the date of revocation, in addition to any other fees incurred under this schedule.

3. Reinstatement of the permit will be made upon receipt of all fees owed to the city under this chapter and upon compliance with the following conditions:

a. After the sixth ~~sixth~~ fifth false alarm, the alarm permit holder shall be required to have his alarm system inspected by a licensed and certified installer. Certificate of such inspection will be sent to the Police Department, and a copy of the inspection will be posted on the premises where the alarm system is maintained. The certificate will indicate the date of the inspection and the typed name and signature of the inspector.

City of Manchester New Hampshire

In the year Two Thousand and Ten

AN ORDINANCE

“Amending Chapter 93 Alarms of the Code of Ordinances of the City of Manchester by increasing the annual Alarm permit renewal fee and restructuring the false alarm fee schedule.”

Page 3 of 4

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

b. A letter from the inspector will accompany the certificate, explaining what corrective action was taken to assure against further false alarms, either by repairing the systems, checking for proper installation and/or training the user in the proper use of the system.

(d) The ~~seventh~~ **sixth** false alarm shall result in a written notification to the permit holder that upon activation of the next false alarm, the permit holder's permit will be revoked. The ~~seventh~~ **sixth** false alarm will be billed a \$150 service charge, which shall be considered a bill owed by the permit holder to the city.

(e) The ~~eighth~~ **seventh** false alarm shall result in revocation of the permit holder's permit in the manner described in division (B)(b)1 (B)(c)1. through 3. of this section, except the false alarm will be billed at \$300 ~~\$200~~ (which includes a \$50 reinstatement fee) and shall be considered a bill owed by the permit holder to the city.

(f) ~~The ninth false alarm shall result in a written notification to the permit holder that upon activation of the next false alarm the permit holder's permit will be revoked. The ninth~~ **eighth** false alarm will be billed a \$350 service charge, which shall be considered a bill owed by the permit holder to the city.

(g) ~~The ninth false alarm shall result in a written notification to the permit holder that upon activation of the next false alarm the permit holder's permit will be revoked. The ninth false alarm will be billed a \$400 service charge, which shall be considered a bill owed by the permit holder to the city.~~

(h) The tenth false alarm and each subsequent false alarm, the permit holder's permit shall be revoked in the manner described in division (B)(b)1. through 3. of this section and also that an inspection of the premises shall be conducted by a representative of the Police Department, along with a representative of the permit holder's alarm company and a representative of the permit holder. The tenth false alarm and each subsequent false alarm will be billed a \$500 service charge, which shall be considered a bill owed by the permit holder to the city.

City of Manchester
New Hampshire

In the year Two Thousand and Ten

AN ORDINANCE

“Amending Chapter 93 Alarms of the Code of Ordinances of the City of Manchester by increasing the annual Alarm permit renewal fee and restructuring the false alarm fee schedule.”

Page 4 of 4

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

(C) Any person who operates a newly installed system will not be subject to false alarm notifications action during the 30 days following the system completion provided a permit application is received by the Chief. The completion date shall be certified by a person where the system is professionally installed, or the date of the purchase receipt for self-installed systems.

(D) Any person operating a nonpermitted alarm system will be subject to a citation and assessment of a \$100 fee for each alarm without benefit of the notifications provided for in this section. Subsequent submittal of an alarm permit application shall have all previously received alarms counted in accumulating the five notification total.

(E) Alarm activations, caused by actual criminal offense or with evidence of a criminal attempt, shall not be counted, nor false alarm notifications accumulated.

II. These Ordinances shall take effect upon passage.

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Administration/Information Systems respectfully recommends, after due and careful consideration, that Ordinance Amendment:

“Amending Section 111.45 Amusement Device License and Fees of the Code of Ordinances of the City of Manchester by increasing the license fee associated with each so called ‘video poker’ machine or ‘slot’ machine.”

ought to pass and be referred to the Committee on Bills on Second Reading for technical review.

(Aldermen Lopez, O’Neil and Corriveau voted yea, Alderman Osborne voted nay and Alderman DeVries was absent)

Respectfully submitted,


Clerk of Committee

At a meeting of the Board of Mayor and Aldermen held March 16, 2010 on a motion of Alderman O’Neil, duly seconded by Alderman Lopez, the report of the Committee was accepted and its recommendations adopted.


City Clerk

City of Manchester New Hampshire

In the year Two Thousand and Ten

AN ORDINANCE

“Amending Section 111.45 Amusement Device License and Fees of the Code of Ordinances of the City of Manchester by increasing the license fee associated with each so called ‘video poker’ machine or ‘slot’ machine.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amend the Code of Ordinances by deleting language as stricken (-----) and inserting new as bolded (bold). Sections of the following chapters that remain unchanged, appear in regular type.

§ 111.45 AMUSEMENT DEVICE LICENSE AND FEES.

(C) Any person applying for an initial amusement device license or renewing an amusement device license shall, prior to receipt of same, pay a license fee for each device used, played, or exhibited for use or play in accordance with the schedule set herein:

(1) For each so-called “slot” machine that, by application of the element of chance, may deliver, or entitle the person playing or operating the machine to receive premiums or tokens; or an amusement device that displays a poker hand or delivers a ticket with a poker hand symbolized on it that may entitle the player to a prize if the poker hand displayed by the machine or symbolized on the ticket constitutes a winning hand; or an amusement device that, even though it does not dispense prizes or tokens, has the features and characteristics of a gaming device that upon insertion of multiple coins changes the format and/or outcome of the game, the license fee is ~~\$1,500~~ **\$2,000**.

- II. This Ordinance shall take effect upon passage.

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Administration/Information Systems respectfully recommends, after due and careful consideration, that Ordinance Amendments:

“Amending Appendix A of the Subdivision and Site Plan Regulations of the City of Manchester providing for the establishment of new fees.”

“Amending Appendix A of the Subdivision and Site Plan Regulations of the City of Manchester providing for the increase of certain fees.”

“Amending Chapter 155 Zoning Code, Subsection 155.02 of the Code of Ordinances, and providing for the increase of certain fees.”

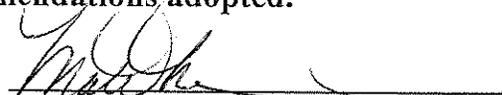
ought to pass and be referred to the Committee on Bills on Second Reading for technical review.

(Unanimous vote with the exception of Alderman DeVries who was absent)

Respectfully submitted,


Clerk of Committee

At a meeting of the Board of Mayor and Aldermen held March 24, 2010 on a motion of Alderman Lopez, duly seconded by Alderman Shea, the report of the Committee was accepted and its recommendations adopted.


City Clerk



CITY OF MANCHESTER
PLANNING AND COMMUNITY DEVELOPMENT

Planning and Land Use Management
Building Regulations
Community Improvement Program
Zoning Board of Adjustment

Leon L. LaFreniere, AICP
Director

Pamela H. Goucher, AICP
Deputy Director - Planning & Zoning

Matthew M. Sink
Deputy Director - Building Regulations

To: Ald. Mike Lopez, Chairman
Committee on Administration/Information Systems

From: Leon L. LaFreniere, AICP *LLF*
Planning and Community Development Director

Date: March 19, 2010

Subject: Proposed Revenue Enhancements

Attached please find ordinance changes reflecting the proposed revenue enhancements which were discussed at the Special Committee meeting on March 9, 2010.

Please note that we have provided two scenarios for changes to the fees charged for variances, special exceptions, administrative appeals and equitable waivers.

I will be available to discuss these ordinances at your next meeting.

City of Manchester
New Hampshire

In the year Two Thousand and Ten

AN ORDINANCE

“Amending Appendix A of the Subdivision and Site Plan Regulations of the City of Manchester providing for the establishment of new fees.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

I. Appendix A of the Subdivision and Site Plan Regulations is hereby amended as follows:
(Note: old text shown as struck-through, new text shown italicized.)

The following fees are hereby established:

Subdivision and Site Plan Regulations

Application Fee - \$25.00

Conditional Use Permit - \$150

Mergers - \$75

II. This Ordinance shall take effect upon its passage.

City of Manchester
New Hampshire

In the year Two Thousand and Ten

AN ORDINANCE

“Amending Appendix A of the Subdivision and Site Plan Regulations of the City of Manchester providing for the increase of certain fees.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

**I. Appendix A of the Subdivision and Site Plan Regulations is hereby amended as follows:
(Note: old text shown as struck-through, new text shown italicized.)**

Subdivisions/lot line adjustments – base fee of ~~\$200~~ *\$250* plus ~~\$75~~ *\$100* per new lot ;
Site Plans/Planned developments – base fee of ~~\$200~~ *\$250* plus ~~\$75~~ *\$100* per residential dwelling
or ~~\$75~~ *\$100* per 1,000 SF new gross floor area;

II. This Ordinance shall take effect upon its passage.

City of Manchester
New Hampshire

In the year Two Thousand and Ten

AN ORDINANCE

"Amending Chapter 155 Zoning Code, Subsection 155.02 of the Code of Ordinances, and providing for the increase of certain fees."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,
as follows:

I. Chapter 155, Subsection 155.02 of the City of Manchester Code of Ordinances is hereby amended as follows: (Note: old text shown as struck-through, new text shown italicized.)

Chapter 155 Zoning Code

All other variances, special exceptions, administrative appeals, equitable waivers - ~~\$150~~ *\$200*;

II. This Ordinance shall take effect upon its passage.

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Administration/Information Systems respectfully recommends, after due and careful consideration, that the proposed Building Code Ordinance Amendment:

“Amending the Building Code of the City of Manchester as adopted in Chapter 151.01 of the City of Manchester Code of Ordinances, by adding the 2009 edition of the International Existing Building Code as an additional tool in regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings.”

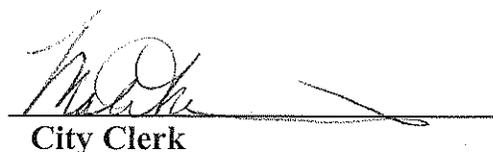
be referred to a public hearing.

(Unanimous vote)

Respectfully submitted,


Clerk of Committee

At a meeting of the Board of Mayor and Aldermen held March 2, 2010 on a motion of Alderman Lopez, duly seconded by Alderman Roy, the report of the Committee was accepted and its recommendations adopted.


City Clerk



CITY OF MANCHESTER
PLANNING AND COMMUNITY DEVELOPMENT

Planning & Land Use Management
Building Regulations
Community Improvement Program
Zoning Board of Adjustment

Leon L. LaFreniere, AICP
Director

Pamela H. Goucher, AICP
Deputy Director Planning & Zoning

Matthew M. Sink
Deputy Director Building Regulations

MEMORANDUM

To: Honorable Board of Mayor and Aldermen

Date: January 25, 2010

From: Leon L. LaFreniere, AICP 
Director of Planning and Community Development

In Board of Mayor and Aldermen

Date: 2/2/10

On motion of Ald. O'Neil

Seconded by Ald. Roy

Voted to refer to the Committee on
Administration/Information Systems.


City Clerk

Subject: Proposed Building Code amendment

Attached is a proposed ordinance amendment adopting the 2009 edition of the International Existing Building Code as part of the group of model codes enforced by the City when existing buildings are proposed to be altered or rehabilitated.

It is not intended to replace any existing codes but to augment them in an effort to provide options to building owners, their tenants or developers looking to invest in and upgrade their properties while spurring economic development and encouraging the re-use of otherwise under or un-used buildings.

At the advisement of the Mayor, I respectfully request that this proposal be forwarded to the Committee on Administration for review.

7-2

City of Manchester New Hampshire

In the year Two Thousand and Ten

AN ORDINANCE

“Amending the Building Code of the City of Manchester as adopted in Chapter 151.01 of the City of Manchester Code of Ordinances, by adding *the 2009 edition of the International Existing Building Code* as an additional tool in regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

Note: Deletions noted or shown as ~~struck-through~~; new text shown *italicized*.

SECTION 1. The following sections are hereby revised as follows:

Amend the opening paragraph to read as follows:

Repealing the 1987 BOCA National Building Code as adopted in Section 151.01 of the City of Manchester Code of Ordinances, and adopting the 2000 editions of the International Building Code, International Mechanical Code and the International Fuel Gas Code, *the 2009 edition of the International Existing Building Code*, as well as the 1999 edition of The National Electric Code and the 1993 edition of the BOCA Plumbing Code; establishing minimum regulations governing buildings and structures; and establishing fees for the issuance of permits and certificates for the construction and occupancy of buildings and structures.

CHAPTER 34 EXISTING STRUCTURES.

Amend section 3401.3 as follows:

3401.3 Compliance with other codes. Alterations, repairs, additions, *relocation*, and changes of occupancy to existing structures shall comply with the provisions for alterations, repairs, additions, *relocation*, and changes of occupancy in the *International Existing Building Code, 2009 Edition*, International Fire Code 2000 Edition, International Fuel Gas Code, 2000 Edition, BOCA National Plumbing Code, 1993 Edition, International Mechanical Code, 2000 Edition.

SECTION 2. The following amendments shall be made part of the International Existing Building Code:

INTERNATIONAL EXISTING BUILDING CODE, 2009 EDITION

101.1 Title. These regulations shall be known as the Existing Building Code of the *City of Manchester, New Hampshire*, hereinafter referred to as “this code”.

101.4.2 Buildings previously occupied. The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the International Fire Code, ~~or the International Property Maintenance Code~~, or as is deemed necessary by the code official for the general safety and welfare of the occupants and the public.

City of Manchester New Hampshire

In the year Two Thousand and Ten

AN ORDINANCE

“Amending the Building Code of the City of Manchester as adopted in Chapter 151.01 of the City of Manchester Code of Ordinances, by adding the 2009 edition of the International Existing Building Code as an additional tool in regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. ~~Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall govern.~~

103.1 Creation of enforcement agency. ~~The Department of Building Safety Planning and Community Development Department is hereby created~~ the enforcement agency of this code, and the official in charge thereof shall be known as the code official.

104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provision of this code, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner's representative, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the ~~Department of Building Safety Planning and Community Development Department.~~

104.10.1 Flood hazard areas. For existing buildings located in flood hazard areas for which repairs, alterations and additions constitute substantial improvement, the code official shall not grant modifications to provisions related to flood resistance ~~unless a determination is made that:~~ in compliance with Section 7.03 of the Zoning Ordinance of the City of Manchester.

Note: Delete remainder of section.

105.2 Work exempt from permit. ~~Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be in any manner in violation of the provisions of this code or other laws or ordinances of this jurisdiction. Permits shall not be required for the following: shall comply with Section 105.2 of the Building Code of the City of Manchester.~~

Note: Delete remainder of section

105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the ~~Department of Building Safety~~ for that purpose. Such application shall:

1. Identify and describe the work in accordance with Chapter 3 to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.

City of Manchester New Hampshire

In the year Two Thousand and Ten

AN ORDINANCE

“Amending the Building Code of the City of Manchester as adopted in Chapter 151.01 of the City of Manchester Code of Ordinances, by adding the 2009 edition of the International Existing Building Code as an additional tool in regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

4. Be accompanied by construction documents and other information as required in Section 106.3.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the code official.

109.3.7 Other inspections. In addition to the inspections specified above, the code official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws. ~~that are enforced by the Department of Building Safety.~~

110.2 Certificate issued. After the code official inspects the building and finds no violations of the provisions of this code or other laws. ~~that are enforced by the Department of Building Safety,~~ the code official shall issue a certificate of occupancy that shall contain the following:

1. The building permit number .
2. The address of the structure .
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the code official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy in accordance with the provisions of the International Building Code.
9. The type of construction as defined in the International Building Code.
10. The design occupant load and any impact the alteration has on the design occupant load of the area not within the scope of the work.
11. If fire protection systems are provided, whether the fire protection systems are required.
12. Any special stipulations and conditions of the building permit.

City of Manchester New Hampshire

In the year Two Thousand and Ten

AN ORDINANCE

“Amending the Building Code of the City of Manchester as adopted in Chapter 151.01 of the City of Manchester Code of Ordinances, by adding the 2009 edition of the International Existing Building Code as an additional tool in regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

Section 302 ADDITIONS

302.2 Flood hazard areas. For building and structures in flood hazard areas established in Section 7.03 of the City of Manchester Zoning Ordinance 1612.3 of the International Building Code, any addition that constitutes “substantial improvement” of the existing structures, as defined in Section 1612.2 of the International Building Code, shall comply with the flood design requirements for new construction, and all aspects of the existing structure shall be brought into compliance with the requirements for new construction for flood design.

~~For building and structures in flood hazard areas established in Section 1612.3 of the International Building Code, any additions that do not constitute substantial improvement or substantial damage of the existing structure, as defined in Section 1612.2 of the International Building Code are not required to comply with the flood design requirements for new construction.~~

Section 303 ALTERATIONS

303.2 Flood hazard areas. For buildings and structures in flood hazard areas established in Section 7.03, of the City of Manchester Zoning Ordinance 1612.3 of the International Building Code any alteration that constitutes substantial improvement of the existing structure as defined in Section 1612.2 of the International Building Code shall comply with the flood design requirements for new construction, and all aspects of the existing structure shall be brought into compliance with the requirements for new construction for flood design.

~~For buildings and structures in flood hazard areas established in Section 1612.3 of the International Building Code, any alterations that do not constitute substantial improvement or substantial damage of the existing structure as defined in Section 1612.2 of the International Building Code, are not required to comply with the flood design requirements for new construction.~~

Section 304 REPAIRS

304.5 Flood hazard areas. For building and structures in flood hazard areas established in Section 7.03 of the City of Manchester Zoning Ordinance 1612.3 of the International Building Code, any repair that constitutes substantial improvement of the existing structure, as defined in Section 1612.2 of the International Building Code, shall comply with the flood design requirements for new construction and all aspects of the existing structure shall be brought into compliance with the requirements for new construction for flood design.

~~For buildings and structures in flood hazard areas established in Section 1612.3 of the International Building Code, any repairs that do not constitute substantial improvement or substantial damage of the existing structures, as defined in Section 1612.2 of the International Building Code, are not required to comply with the flood design requirements for new construction.~~

City of Manchester New Hampshire

In the year Two Thousand and Ten

AN ORDINANCE

“Amending the Building Code of the City of Manchester as adopted in Chapter 151.01 of the City of Manchester Code of Ordinances, by adding the 2009 edition of the International Existing Building Code as an additional tool in regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

Section 308 HISTORIC BUILDINGS

308.2 Flood hazard areas. Within flood hazard areas established in accordance with Section 7.03 of the City of Manchester Zoning Ordinance, ~~1612.3 of the International Building Code,~~ where the work proposed constitutes substantial improvement, ~~as defined in Section 1612.2 of the International Building Code,~~ the building shall be brought into conformance with Section 1612 of the International Building Code.

Note: Delete remainder of section

1101.4 Flood hazard areas.

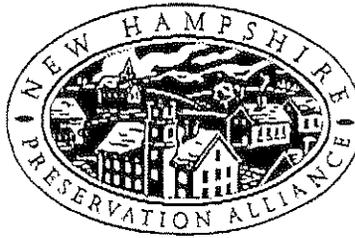
Note: Delete all exceptions.

1201.2 Conformance. The building shall be safe for human occupancy as determined by the International Fire Code ~~and the International Property Maintenance Code.~~ Any repair, alteration, or change of occupancy undertaken within the moved structure shall comply with the requirements of this code applicable to the work being performed. Any field-fabricated elements shall comply with the requirements of the International Building Code or the International Residential Code as applicable.

1301.2 Applicability. Structures existing prior to *September 4, 2001*, in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this chapter or the provisions of Chapters 4 through 12. The provisions of Sections 1301.2.1 through 1301.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R and S. These provisions shall not apply to buildings with occupancies in Group H or Group I.

1301.3.2 Compliance with other codes. Buildings that are evaluated in accordance with this section shall comply with the International Fire Code ~~and International Property Maintenance Code.~~

SECTION 3. That the City Clerk shall certify to the adoption of this ordinance, and cause the same to be published as required by law; and this Ordinance shall take effect and be in force from and after its approval as required by law.



BOARD OF DIRECTORS

CHAIR

MICHAEL BRUSS
BRADFORD

March 16, 2010

VICE CHAIR

ROBERT O. WILSON, D.D.S.
HOPKINTON

The Honorable Mike Lopez
Chair

SECRETARY

KEN VISCARELLO
MANCHESTER

Committee on Administration
City of Manchester
One City Hall Plaza
Manchester, NH 03101

TREASURER

KATHY BOOLE SHIELDS
CANTERBURY

Re: Adoption of International Existing Building Code

ANDI AXMAN
EPSOM

Dear Alderman Lopez and committee members:

SUSAN BOOTH
CANTERBURY

The New Hampshire Preservation Alliance urges your committee to recommend the adoption of the International Building Code by the City of Manchester. The Preservation Alliance is the statewide non-profit historic preservation organization with 1,600 individual, business and organizational members across the state.

DORIS BURKE
GOFFSTOWN

PAULA CABOT
LOUDON

JEANANNE FARRAR
KEENE

The City of Manchester has been a leader in using preservation and cultural and heritage activities to enhance Manchester's community life and economy. **A building code that supports life safety issues and addresses properties of existing buildings is good for our economy, environment and the character of the City's communities.**

JEFFREY D. GILBERT
RYE

HOLLIS HARRINGTON, JR.
NASHUA

ETOILE H. HOLZAEFFEL
NEW CASTLE

Investment in labor-intensive rehabilitation work creates more jobs and keeps more money circulating in local economies that new construction. **We believe this code will add predictability to the development process for owners and investors of old buildings as well as local code officials, and increase the viability of certain structures.**

JOHN W. MERKLE, AIA
PORTSMOUTH

RICHARD M. MONAHAN, JR., AIA
PETERBOROUGH

CHRISTOPHER ROGERS, C.P.A.
FRANCESTOWN

Please contact me with any questions at 224-2281, and thank you for your work on this important topic.

STEPHEN TAYLOR
MERIDEN

MICHAEL B. TULE
MILFORD

Sincerely,

Jennifer Goodman
Executive Director

LINDA UPHAM-BORNSTEIN, PH.D.
LANCASTER

CHRISTOPHER P. WILLIAMS, AIA
MERIDITH

EXECUTIVE DIRECTOR
JENNIFER GOODMAN



NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES

State of New Hampshire, Department of Cultural Resources
19 Pillsbury Street, Concord, NH 03301-3570
TDD Access Relay NH 1-800-735-2964
www.nh.gov/nhdhr

603-271-3483
FAX 603-271-3433
preservation@dcr.nh.gov

March 16, 2010

The Honorable Mike Lopez
Chair
Committee on Administration
City of Manchester
One City Hall Plaza
Manchester, NH 03101

Committee on Admin. Hearing 4:30 PM 3/16/2010

Post-It® Fax Note	7671	Date	3/16/2010	# of pages	2
To	Hon. Michael Lopez	From	Linda Wilson		
Co./Dept.	Chair, Comm. on Admin.	Co.	NH Div. Hist. Res.		
Phone #	603-665-8058	Phone #	603-271-6434		
Fax #	603-624-6481	Fax #	603-271-3433		

(City Clerk)

Re: Adoption of International Existing Building Code®

Dear Alderman Lopez, and Members of the Committee on Administration:

The NH Division of Historical Resources is pleased to know that your committee is considering whether to recommend adoption of the International Existing Building Code® by the City of Manchester. The Division of Historical Resources has testified in favor of the IEBC before the New Hampshire State Building Code Review Board, and we strongly encourage New Hampshire municipalities to adopt it.

As stated in the attached summary, there are perceptions that rehabilitation of older and historic buildings is made difficult by conflicting and inflexible code requirements intended primarily for new construction. The International Existing Building Code® is a member of the International Code collection and a companion code to the International Building Code®. The IEBC contains requirements intended to encourage the use and reuse of existing buildings. The scope covers repair, alteration, addition and change of occupancy for existing buildings, while achieving appropriate levels of safety by offering alternatives and options to new construction requirements. While the IBC has the ability to address existing buildings, its treatment of them is less comprehensive and systematic than the IEBC. Using the IEBC offers greater predictability for reuse of older buildings, not only for design professionals, investors, and owners, but also for local officials and firefighters. Several New Hampshire communities have already adopted the IEBC; at the national level nineteen states, the District of Columbia, and many individual municipalities have also adopted it and are using it successfully.

As our state's largest city and one with an extraordinary, world-renowned stock of historic buildings, Manchester's adoption of the International Existing Building Code® would be an exemplary and productive strategy for protecting history and public safety while revitalizing the city, saving energy, and strengthening the tax base.

Sincerely,

Linda Ray Wilson

Linda Ray Wilson
Deputy State Historic Preservation Officer

cc: Elizabeth H. Muzzey, Director, NHDHR / State Historic Preservation Officer
Jennifer Goodman, Executive Director, NH Preservation Alliance

INTERNATIONAL EXISTING BUILDING CODE®

*This information is excerpted and edited from a summary prepared by
Bob Puschendorf, Nebraska Deputy State Historic Preservation Officer*

Building codes establish minimum requirements to address public health, safety and general welfare through means to protect and safeguard the public through fire safety, structural strength, energy conservation, sanitation, means of egress from buildings, occupancy limits, and adequate light and ventilation in the construction of new buildings or rehabilitation of existing buildings.

International Code Council

The International Code Council, a membership association dedicated to building safety and fire prevention, develops the codes used to construct residential and commercial buildings, including homes and schools. Most U.S. cities, counties and states that adopt codes choose codes developed by the International Code Council. The International Building Code is issued by the International Code Council.

International Building Code®

The International Building Code is founded on broad-based principles that make possible the use of new materials and new building designs. It focuses on new building construction activities and materials. The code is founded on principles intended to establish provisions consistent with the scope of a building code that adequately protects public health, safety and welfare. The International Building Code is the predominant model for jurisdictions in Nebraska.

International Existing Building Code®

There are perceptions that rehabilitation of older and historic buildings is made difficult by conflicting and inflexible code requirements intended primarily for new construction. The International Existing Building Code (IEBC) is a companion code to the IBC. It contains requirements intended to encourage the use and reuse of existing buildings. The scope covers repair, alteration, addition and change of occupancy for existing buildings, while achieving appropriate levels of safety by offering options to new construction requirements in the building code. While the IBC has the ability to address existing buildings, it is less comprehensive and systematic than the IEBC.

Preservation of older building stock is important both for economic and environmental sustainability. Meeting appropriate life safety in existing buildings is critical to maintaining this important investment and tax base in our communities, large and small. Encouraging buildings to be rehabilitated and maintained is a prudent and productive strategy for successful communities.

Public Hearing - March 16, 2009
Oral Testimony Presented to
Committee on Administration/
Information Systems respect-
fully submitted by Artemis S. Paras
to Chairman Michael Lopez and
Committee members

The amendment states that the 2009 edition of the
International Existing Building Code will be added to the
City's Building Code adopted in Chapter 151.01 of the
City's Code of Ordinances (ord. passed 9-4-01.)

City of Manchester
New Hampshire

In the year Two Thousand and one

Chapter 151:
Building Regulations
151.01 Adoption of
International Building Code

AN ORDINANCE

218

Note that all
codes referenced
and adopted do
not support an
edition of 2009.

Repealing the 1987 BOCA National Building Code as adopted in Section 151.01 of the City
of Manchester Code of Ordinances, and adopting the 2000 editions of the International
Building Code, International Mechanical Code and the International Fuel Gas Code, as well
as the 1999 edition of The National Electric Code and the 1993 edition of the BOCA
Plumbing Code; establishing minimum regulations governing buildings and structures; and
establishing fees for the issuance of permits and certificates for the construction and
occupancy of buildings and structures.

How will a standalone edition of the family of
codes interface with existing editions in Section 151.01
of the city's Code of Ordinances? What effort was
made to bring up above-named codes to be consistent
with the proposed 2009 edition of current proposed Building
Code Ordinance amendment?

Special BMA meeting 04/23/01 pg. 4 - "International Building Code
provides alternatives for compliance when existing structures
are renovated, or have changes in occupancy.

2001 Ordinance adopting 2000 edition of International Building Code
pg 2 103.1 Bldg. Dept. enforcement agency for this code, Bldg. Dept. official
in charge, Building official #103.2 Bldg. Commissioner, appointed
as provided in Charter.

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Public Safety, Health and Traffic respectfully recommends, after due and careful consideration, that Ordinance Amendment:

“Amending Section 70.78 to increase the penalty for parking within 15 feet of a fire hydrant.”

ought to pass and be referred to the Committee on Bills on Second Reading for technical review.

(Unanimous vote)

Respectfully submitted,



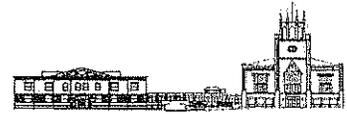
Clerk of Committee

At a meeting of the Board of Mayor and Aldermen held February 2, 2010 on a motion of Alderman Osborne, duly seconded by Alderman Long, the report of the Committee was accepted and its recommendations adopted.



City Clerk

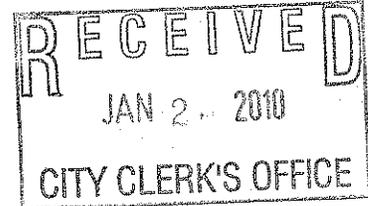
CITY OF MANCHESTER PARKING DIVISION



Brandy Stanley
Parking Manager
bstanley@manchesternh.gov

January 25, 2010

Chairman Jim Roy
Committee on Public Safety, Health & Traffic
One City Hall Plaza
Manchester, NH 03101



Re: Correction to section 70.78: penalty for parking in front of a fire hydrant

Dear Chairman Roy:

Last month, the Committee and the Board of Mayor and Aldermen reinstated the penalty for parking in front of a fire hydrant, previously passed in December 2007.

When I received the official report from the City Clerk's office, I reviewed the submission I sent to the traffic committee and saw that I put the incorrect late fee in the fee table. The fee after 30 days should have been \$100 rather than the original fine of \$75.

Please accept my apology for the oversight, and I have attached the fee table again, reflecting the correct fees.

I thank you in advance for your consideration.

Sincerely,

Brandy Stanley
Parking Manager
City of Manchester

CC: Bill Sanders

City of Manchester New Hampshire

In the year Two Thousand and

AN ORDINANCE

“Amending §70.78 to increase the penalty for parking within 15 feet of a fire hydrant.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

I. Amend the Code of Ordinances by inserting new language as bolded (**bold**), and deleting existing language as ~~struck through~~. Portions of the following sections that remain unchanged appear in regular type.

§ 70.78 PENALTY

(A) Each owner or operator of a vehicle found in violation of any provision of Chapter 70 may pay in person or by mail to the Ordinance Violations Bureau the penalty for each violation pursuant to the following table:

VIOLATION	BASIC PENALTY	INCREASED PENALTY (After 30 days from the notice of violation)	INCREASED PENALTY (After 60 days from the notice of violation)
Expired Parking Meter	\$10	\$20	\$24
Overtime Parking-Meter	\$15	\$30	\$36
Permit Parking Only	\$15	\$30	\$36
Occupying more than one parking stall	\$15	\$30	\$36
Overtime Parking- No Meter	\$30	\$60	\$72
No Parking Zone	\$50	\$75	\$90
No Parking Tow Zone	\$50	\$75	\$90
Fire Lane	\$50	\$75	\$90
Parking Within 15 Feet of Fire Hydrant	\$75	\$75 \$100	\$120
Parking Within 5 Feet of Private Driveway	\$50	\$75	\$90
Handicapped Parking Space-Access Aisle	\$100	\$200	\$240
Handicapped Zone	\$250	\$300	\$360
Failure to display pay & display receipt	\$10	\$20	\$24
Commercial Vehicle Prohibited Overnight Parking	\$50	\$100	\$120

(B) Any violation of Chapter 70 not identified elsewhere in the code shall be issued pursuant to Section 38.06(B) of this code.

II. This ordinance shall take effect upon passage.

8-3

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Public Safety, Health and Traffic respectfully recommends, after due and careful consideration, that Ordinance amendment:

“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 adding Section (G) Parking Regulations Compact Part of City”

be approved.

The Committee further notes that the Parking Manager will work with the Fire Department on existing and future parking spaces which are closer to fire hydrants than 15 feet.

(Unanimous vote)

Respectfully submitted,



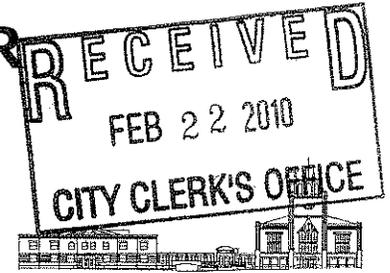
Clerk of Committee

At a meeting of the Board of Mayor and Aldermen held March 16, 2010 on a motion of Alderman O'Neil, duly seconded by Alderman Arnold, the report of the Committee was accepted and its recommendations adopted.


City Clerk



CITY OF MANCHESTER
PARKING DIVISION



Brandy Stanley
Parking Manager
bstanley@manchesternh.gov

February 22, 2010

Chairman Jim Roy
Committee on Public Safety, Health & Traffic
One City Hall Plaza
Manchester, NH 03101

Re: Parking Regulations – Compact Part of the City

Dear Chairman Roy:

Attached is a proposed change for section 70.36 of the city's code of ordinances. There are several places throughout the downtown area (the compact part of the city) where parking spaces are striped and marked closer to fire hydrants, intersections, etc. than what is allowed in section 76.36 and state RSA 265:69. However, RSA 265:70 specifies that 265:69 shall not supersede local ordinances adopted to regulate parking in the compact part of the city.

In other words, state RSA 265.70 allows the city to establish parking spaces closer to fire hydrants than 15 feet, closer to an intersection than 30 feet, etc. in the compact part of the city. While the city has done this in several places downtown, section 70.36 does not include provision for exceptions.

The proposed revision allows the city to establish parking spaces within this provision and makes legitimate those spaces that have already been signed and striped.

Please let me know if you have any questions.

Sincerely,

Brandy Stanley
Parking Manager
City of Manchester

CC: Bill Sanders

TITLE XXI MOTOR VEHICLES

CHAPTER 265 RULES OF THE ROAD

Stopping, Standing or Parking

Section 265:69

265:69 Stopping, Standing or Parking Prohibited in Specified Places. – Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person, except a person driving an emergency vehicle, shall:

I. Stop, stand or park a vehicle:

- (a) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (b) On a sidewalk;
- (c) Within an intersection;
- (d) On a crosswalk;
- (e) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone;
- (f) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (g) Upon any bridge or other elevated structure upon a way or within a highway tunnel;
- (h) On any railroad tracks;
- (i) At any place where official signs prohibit stopping;
- (j) In any parking place, whether on public or private property, specially designated for a person with a walking disability by means of a sign as required by RSA 265:73-a stating that the space is reserved for a person with a walking disability or displaying the international accessibility symbol, unless that person has a special plate or placard issued or recognized pursuant to RSA 261:86 or RSA 261:88, and the person who qualifies for the plate or placard is being transported to or from the parking place. Notwithstanding the provisions of title LXII or any other provision of law, a person who violates the provisions of this subparagraph shall be fined a minimum of \$250;
- (k) On any controlled access highway;
- (l) In the area between roadways of a divided highway, including crossovers;
- (m) In or overlapping into any access aisle. Notwithstanding the provisions of title LXII or any other provision of law, a person who violates the provisions of this subparagraph shall be fined a minimum of \$50 for a first offense and a minimum of \$100 for each subsequent offense.

II. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

- (a) In front of a public or private driveway;
- (b) Within 15 feet of a fire hydrant;
- (c) Within 20 feet of a crosswalk at an intersection;
- (d) Within 30 feet upon the approach to any flashing signal, stop sign, or traffic control signal located at the side of a roadway;
- (e) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly signposted;
- (f) At any place where official signs prohibit standing.

III. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:

(a) Within 50 feet of the nearest rail of a railroad crossing;

(b) At any place where official signs prohibit parking. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

Source. RSA 262-A:71. 1963, 330:1. 1981, 146:1; 284:2, 3; 479:43, 44. 1988, 65:3. 2003, 71:2, eff. Jan. 1, 2004.

TITLE XXI MOTOR VEHICLES

CHAPTER 265 RULES OF THE ROAD

Stopping, Standing or Parking

Section 265:70

265:70 Local Ordinances Not Superseded. – The provisions of RSA 265:69 shall not supersede the provisions of any local ordinance which has been adopted to regulate parking in restricted areas in the compact part of any city or town.

Source. RSA 262-A:71-a. 1971, 127:1. 1981, 146:1, eff. Jan. 1, 1982.

City of Manchester
New Hampshire

In the year Two Thousand and Ten

AN 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 adding Section (G) Parking Regulations Compact Park of City.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amend the Code of Ordinances by inserting new language as bolded (**bold**) and deleting existing language as ~~struekthrough~~ . Portions of the following sections that remain unchanged appear in regular type.

§ 70.36 STOPPING, STANDING, OR PARKING PROHIBITED.

(G) **Parking Regulations – Compact Part of the City of Manchester**

1. Exemptions to the above regulations are allowed in the compact part of the city if the parking spaces are clearly signed and the pavement is marked appropriately.

- II. These ordinances shall take effect upon their passage.

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Public Safety, Health and Traffic respectfully recommends, after due and careful consideration, that a communication from the Parking Division submitting a proposed ordinance amendment prohibiting the use of residential parking permits in parking lots or any time zone of one hour or less has been approved.

(Unanimous vote)

Respectfully submitted,



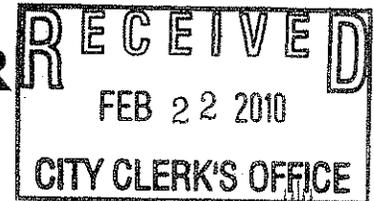
Clerk of Committee

At a meeting of the Board of Mayor and Aldermen held March 16, 2010 on a motion of Alderman O'Neil, duly seconded by Alderman Arnold, the report of the Committee was accepted and its recommendations adopted.


City Clerk



CITY OF MANCHESTER
PARKING DIVISION



Brandy Stanley
Parking Manager
bstanley@manchesternh.gov

February 22, 2010

Chairman Jim Roy
Committee on Public Safety, Health & Traffic
One City Hall Plaza
Manchester, NH 03101

Re: Residential Permit Parking

Dear Chairman Roy:

Attached is a proposed change for section 70.55 of the city's code of ordinances dealing with residential permit parking. The City of Manchester has always had a policy stating that residential permits are not valid in parking lots or in any time zone of 1 hour or less, and this policy is routinely distributed with every residential permit issued.

Recently, this policy has been challenged by a permit holder and inserting these terms into the residential parking ordinance will make the policy enforceable. For example, there are several 15 minute spaces on Mechanic Street that are ordained to accommodate the YMCA and several tenants in the Brady Sullivan Plaza building, such as the post office and restaurant take-out patrons. Similarly, the spaces outside City Hall are ordained for 1 hour parking on City Business.

If the ordinance remains as it is without the proposed changes, residential permit holders are eligible to park in these spaces without being subject to the posted time limits.

Sincerely,

Brandy Stanley
Parking Manager
City of Manchester

CC: Bill Sanders

City of Manchester
New Hampshire

In the year Two Thousand and Ten

AN ORDINANCE

“Amending Chapter 70.55 Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by establishing (G) Use of residential parking permits and adding a sentence to section (1) and a new section (4) for parking regulations compact part of city.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amend the Code of Ordinances by deleting language as stricken (-----) and inserting new as bolded (bold). Sections of the following chapters that remain unchanged, appear in regular type.

§ 70.55 RESIDENTIAL PERMIT PARKING.

(G) Use of residential parking permits.

(1) A residential parking permit shall not authorize the holder thereof to stand or park a motor vehicle in such places or during such times as stopping, standing, or parking of motor vehicles is prohibited or set aside for specified types of vehicles, nor exempt the holder from the observance of any traffic regulations other than a parking time limitation within a residential permit parking zone. **A residential parking permit shall not authorize the holder to park in any time zone of one hour or less.**

(2) A parking permit shall be valid only in the residential parking permit area for which it is issued.

(3) No person shall furnish any false information to the city in connection with the obtaining of any permit authorized hereunder. Any permit issued upon such false information or attached to a different vehicle shall be null and void.

(4) **A residential parking permit shall be used only for on-street parking, and is not authorized for use in city parking lots.**

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Public Safety, Health and Traffic respectfully recommends, after due and careful consideration, that a communication from the Parking Division submitting a proposed Ordinance amendment establishing a City Hall Parking Lot comprised of seven spaces off of Stark Street and three off of Hampshire Lane and removing the Seal Tanning and Granite Street Lots has been approved.

(Unanimous vote)

Respectfully submitted,

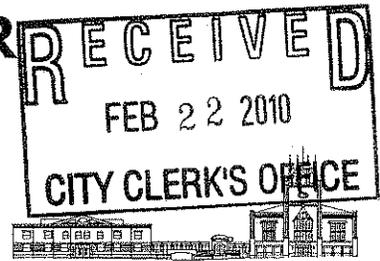

Clerk of Committee

At a meeting of the Board of Mayor and Aldermen held March 16, 2010 on a motion of Alderman O'Neil, duly seconded by Alderman Arnold, the report of the Committee was accepted and its recommendations adopted.


City Clerk



CITY OF MANCHESTER
PARKING DIVISION



Brandy Stanley
Parking Manager
bstanley@manchesternh.gov

February 22, 2010

Chairman Jim Roy
Committee on Public Safety, Health & Traffic
One City Hall Plaza
Manchester, NH 03101

Re: City Hall, Seal Tanning and Granite Street Parking Lots

Dear Chairman Roy:

Attached is a proposed change for section 70.54 of the city's code of ordinances dealing with parking lots. During discussions with the Mayor's Office about parking outside of city hall, it came to our attention that the 7 parking spaces just off of Stark Street behind the City Hall Annex and the 3 parking spaces off of Hampshire Lane have never been ordinances.

As a result, the existing 1 hour parking on city business signage is technically not enforceable. The attached revision to section 70.54 establishes these 10 parking spaces as the "City Hall Parking Lot" and specifies the 1 hour parking policy.

Additionally, as a matter of housekeeping, we have removed the Seal-Tanning and Granite Street parking lots, as the sale of these properties to the abutter has been finalized.

Please let me know if you have any questions.

Sincerely,

Brandy Stanley
Parking Manager
City of Manchester

CC: Bill Sanders

City of Manchester New Hampshire

In the year Two Thousand and

Ten

AN ORDINANCE

“Amending Section 70.54 of the Code of Ordinances of the City of Manchester by establishing a City Hall Parking Lot and removing Seal-Tanning and Granite Street Lots.”

Page 1 of 6

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amend the Code of Ordinances by deleting language as stricken (-----) and inserting new as bolded (**bold**). Sections of the following chapters that remain unchanged appear in regular type.

§ 70.54 PERMIT PARKING IN LIEU OF COIN DEPOSIT AND PARKING DISTRICTS.

(A) The other provisions of §§ 70.76 through 70.82 of this chapter notwithstanding, vehicles may be lawfully parked in compliance with the requirements of this section, provided that the permit issued pursuant to this section is displayed by being hung from the rear view mirror or fully visible on the passenger side of the dashboard of said vehicle.

(B) In accordance with policies and procedures as are approved by the Committee on Traffic and Public Safety, the Parking Manager or his/her designee is hereby authorized to issue parking permits at monthly fees, or school semester fees under contractual arrangement, as prescribed herein. Such permits shall allow parking in lieu of the deposit of the required coin in any metered parking space unless otherwise posted or in any parking space designated by posting "Permit Parking Only" located in any of the following districts during the times prescribed:

Parking District	Monthly Permit Rate Established
8:00 a.m. to 5:30 p.m. Monday through Friday Downtown On-Street - area to include 10 hour metered spaces east of Canal Street, excluding Elm Street	\$45.00
5:30 p.m. to 10:00 p.m. Monday through Friday, and Saturday 8:00 a.m. to 10:00 p.m. Civic Center Event decal - any 10-hour meter in all districts not otherwise posted	\$35.00

City of Manchester
New Hampshire

In the year Two Thousand and

Ten

AN ORDINANCE

"Amending Section 70.54 of the Code of Ordinances of the City of Manchester by establishing a City Hall Parking Lot and removing Seal-Tanning and Granite Street Lots."

Page 2 of 6

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

8:00 a.m. to 5:30 p.m. Monday through Friday Other Parking Lots - Hartnett Lot Middle Street Lot	\$50.00
Pearl Street Lot Pine Street Lot Canal Street Lot	
8:00 a.m. to 8:00p.m. Monday through Friday 1155 Elm Street Garage	\$75.00
<u>24 hours, 7 days per week</u> Parking Only Rines Center (1528 Elm Street) area to include the Rines Center parking lot and garage. Parking restricted to Rines Center employees and visitors only.	Rines Center
<u>8:00am-6:00pm Monday through Friday</u> City Hall Parking Lot 1 Hour on City Business Only Area to include lot off Stark Street and 3 spaces off Hampshire Lane	
<u>8:00 a.m. to 5:30 p.m. Monday through Friday</u> District 20	\$45.00
Area: Commercial Street both sides, bounded on the north by Canal Street and on the south by Arms Street. Dow Street both sides easterly from Commercial Street to the railroad tracks. Bedford Street east side from Kidder Street to a point 272 feet southerly.	
District 21 UHN Student rate by semester	\$45.00 \$ 25.00

City of Manchester
New Hampshire

In the year Two Thousand and

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AN ORDINANCE

“Amending Section 70.54 of the Code of Ordinances of the City of Manchester by establishing a City Hall Parking Lot and removing Seal-Tanning and Granite Street Lots.”

Page 3 of 6

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

Area: Bedford Street both sides, bounded on the north by a point 272 feet south of Kidder Street and on the south by a point 855 north of Pleasant Street; Spring Street both sides bounded on the east by Bedford Street and on the west by Commercial Street; Commercial Street both sides bounded on the north by Arms Street and on the south by Waumbec Street; Arms Street, both sides bounded by Commercial Street on the east and Stark Street on the south; Stark Street both sides, bounded by Commercial Street to the east, and Mungalls Street to the west; Arms Lot, Arms extension Lot, Arms Outer Lot and Bedford Lot.

District 22

\$45.00

Area: Bedford Street both sides bounded by a point 855 feet north of Pleasant Street and Granite Street to the south; Commercial Street, both sides bounded by Waumbec Street to the north and Granite Street to the south; Phillippe Cote Street both sides bounded by Commercial Street at each end; Textile Court south side from Commercial Street to the dead end; Pleasant Street, both sides bounded by Bedford Street to the east, Commercial Street to the west; (to be added) North State Street, Mulsey Street and Payson Street.

District 23

\$45.00

Area: South Bedford Street west side bounded on the north by Depot Street and on the south to the dead-end; South Commercial Street both sides bounded on the north by Granite Street and on the south by South Bedford Street

City of Manchester
New Hampshire

In the year Two Thousand and

Ten

AN ORDINANCE

“Amending Section 70.54 of the Code of Ordinances of the City of Manchester by establishing a City Hall Parking Lot and removing Seal-Tanning and Granite Street Lots.”

Page 4 of 6

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

District 24 \$45.00

Area: Myrna lot	Per-Hour	Rate	
	0-1	\$.75	
	1-2	\$1.50	
	2-3	\$2.25	
	3-4	\$5.25	
	4-5	\$8.25	
	5-6	\$11.25	
	6-7	\$14.25	
	7-8	\$17.00	Daily Maximum

District 25 \$45.00

~~Area: Seal-Tanning Lot~~

~~————— No permit issued under the authority of this section shall be valid in any other metered space or in any other area. No permit shall be issued for a period in excess of one year. The permits authorized by this section shall not entitle the holders thereof to either priority or guaranteed parking.~~

District 26 (8am-8pm Zone)

Elm Street from West Auburn Street to Bridge Street; Kosciuszko Street; Lowell Street from Elm Street to Chestnut Street; Concord Street from Elm Street to Chestnut Street; Amherst Street from Elm Street to Chestnut Street; Hanover Street from Elm Street to Chestnut Street; Manchester Street from Elm Street to Chestnut Street; Merrimack Street from Elm Street to Chestnut Street; Central Street from Elm Street to Chestnut Street; West Auburn Street from Canal Street to Elm Street; Depot Street from Canal Street to Elm Street; Old Granite Street from Canal Street to Elm Street; West Central Street; West Merrimack Street from Canal Street to Elm Street; Franklin Street from Pleasant Street to Market Street; Middle Street from Canal Street to Franklin Street; Market Street from Canal Street to Franklin Street.

City of Manchester
New Hampshire

In the year Two Thousand and

Ten

AN ORDINANCE

“Amending Section 70.54 of the Code of Ordinances of the City of Manchester by establishing a City Hall Parking Lot and removing Seal-Tanning and Granite Street Lots.”

Page 5 of 6

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

District 27 (\$.75 per Hour Zone)

8:00 a.m. to 8:00 p.m. Monday through Friday:

Elm Street from West Auburn Street to Bridge Street; Kosciuszko Street; Lowell Street from Elm St. to Chestnut Street; Concord Street from Elm Street to Chestnut Street; Amherst Street from Elm Street to Chestnut Street; Hanover Street from Elm Street to Chestnut Street; Manchester Street from Elm Street to Chestnut Street; Merrimack Street from Elm Street to Chestnut Street; Central Street from Elm Street to Chestnut Street; West Auburn Street from Canal Street to Elm Street; Depot Street from Canal Street to Elm Street; Old Granite Street from Canal Street to Elm Street; West Central Street; Pleasant Street from Canal Street to Elm Street; West Merrimack Street from Canal Street to Elm Street; Franklin Street from Pleasant Street to Market Street; Middle Street from Canal Street to Franklin Street; Market Street from Canal Street to Franklin Street;

8:00 a.m. to 5:30 p.m. Monday through Friday:

Stark Street from Canal Street to Elm Street; Mechanic Street from Canal Street to Elm Street; Spring Street from Canal Street to Elm Street; Pleasant Street from Canal Street to Elm Street; Plaza Drive from Spring Street to Mechanic Street.

District 28 (Arena Event Zone)

Elm Street from West Auburn Street to Valley Street; Willow Street from Cedar Street to Lake Avenue; West Auburn Street from Elm Street to Pine Street; Lake Avenue from Elm Street to Pine Street; Chestnut Street from West Auburn Street to Merrimack Street; Cedar Street from Chestnut Street to Pine Street; Spruce Street from Chestnut Street to Pine Street; Central Street from Chestnut Street to Pine Street; Pine Street from Lake Avenue to Merrimack Street.

City of Manchester
New Hampshire

In the year Two Thousand and

Ten

AN ORDINANCE

“Amending Section 70.54 of the Code of Ordinances of the City of Manchester by establishing a City Hall Parking Lot and removing Seal-Tanning and Granite Street Lots.”

Page 6 of 6

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

District 29 (Stadium Event Zone)

South Bedford Street; Bedford Street from Granite Street to Middle Street; South Commercial Street; Commercial Street from Granite Street to Stark Street; Phillippe Cote Street; Pleasant Street from Commercial Street to Bedford Street; Textile Court.

District 30 _____ \$45.00

Area: ~~Granite Street Lot~~

- II. These ordinances shall take effect upon their passage.

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Administration/Information Systems respectfully recommends, after due and careful consideration, that Ordinance amendment:

“Establishing a special purchasing procedure relating to the Employee Assistance Program and substance abuse counseling for City employees.”

ought to pass and be referred to the Committee on Bills on Second Reading for technical review.

The Committee further recommends that the City Solicitor draft a contract with Tom Jordan and others for employee assistance and counseling services and return to the Board for approval.

(Unanimous vote with the exception of Alderman DeVries who was absent)

Respectfully submitted,



Clerk of Committee

At a meeting of the Board of Mayor and Aldermen held March 24, 2010 on a motion of Alderman O’Neil, duly seconded by Alderman Lopez, the report of the Committee was accepted and its recommendations adopted.



City Clerk



CITY OF MANCHESTER
Board of Aldermen

MEMORANDUM

To: Board of Mayor and Aldermen
From: Daniel O'Neil *DPO*
Date: March 24, 2010
Re: Queen City Employee Assistance Program

As you may be aware, the Director of our Employee Assistance Program Tom Jordan and our Youth Counselor/Substance Abuse Evaluator Judy Cooper are both planning on retiring. Their retirements are eminent and both would like to retire by the end of June. The citizens of Manchester are very fortunate to have had both Tom and Judy as employees. Their retirements will be a significant loss to our employees, the young people of our city and the city as a whole.

Mayor Gatsas has challenged the BMA to come up with innovating and cost saving opportunities. I am very concerned about where the loss of Tom and Judy will leave us. With that said, I asked Tom to propose a program that will continue to provide a high level of community assistance to our employees and young people. Attached to this letter is the proposal. I think you will find the proposal well thought out and detailed. It will provide our citizens an opportunity to save on expenses, while retaining use of Tom and Judy's expertise and experience, along with support from other well known experts, Bob Kelley and Joe O'Sullivan. This proposal continues utilizing our great OYS Youth Outreach Worker Dan Duval to man the substance abuse hotline along with support from Tom and Judy. This maintains the current level of coverage.

I have briefed Mayor Gatsas and Chairman Lopez on the proposal and was encouraged by both to bring it forward as soon as possible. I apologize to my colleagues for not being able to speak with you sooner, but I have spent the last four days gathering background information that hopefully will be helpful in our discussions.

I do not believe we have time to attempt to hire replacements for Tom or Judy nor do I think there is a great pool of EAP/Substance Abuse talent to draw from. I also don't believe there is enough time to do an RFP for these services. I do not believe that we will find a vendor with the experience and commitment that Tom, Judy, Bob and Joe have and will provide in the future. Our EAP/substance abuse evaluations are all about quality and not about quantity.

I would like to recommend to my colleagues that we act on this proposal as soon as possible.

QUEEN CITY EMPLOYEE ASSISTANCE PROGRAM

Proposal

There are elements that all legitimate employee assistance programs (EAP) provide. As with all contractual services, the detailed levels of services to be provided are crucial. This includes items such as the names and credentials of the clinicians who will provide services, the guaranteed response time and the exact nature of services provided. Below are the components that our group sees as crucial.

1. Coverage: A trained and experienced EAP professional must be available twenty-four hours every day. An answering service or a weekday-only services option is token coverage. Our group guarantees that emergencies will receive an initial personal response within three (3) hours **any day**.

2. Location: The private Manchester Employee Assistance Program will maintain an office on Elm Street in Manchester. This constitutes an enormous advantage for employees who want local access and a convenient location. This promotes use of services.

3. Credentials: The four (4) individuals in our group have been substance abuse professionals for decades. They bring expertise, experience, credibility and connections. The person who contracts our group will not receive services from an inexperienced or unnamed professional. The attached resumes delineate the first hand experience and qualifications of the principals who will be providing the services. They are:

A. Thomas Jordan, MLADC: Director of the Manchester Employee Assistance Program (EAP);

B. Robert O. Kelley, MLADC, LCMHC: Current Substance Abuse Professional (SAP) for the City of Manchester.

C. Judy Cooper, MLADC: Counselor at the Manchester Office of Youth Services

D. Joseph O'Sullivan, LADC (MA): Recently retired Director of the Northstar (ComEdison) Employee Assistance Program (EAP);

4. Primary Services:

a. Substance Abuse Professional Services (evaluations; treatment/education development; completion of all DOT paperwork; three counseling/educations sessions; consultation with the City of Manchester.

b. Crisis Intervention: Immediate response to personal, family, psychological or substance-related services. Direct services where appropriate and referrals in other cases.

c. Counseling/Guidance: Short-term therapy (maximum of six sessions); advice and guidance in other areas of expertise (e.g. gambling problems; family dynamics problems; dealing with substance-abusing family members; basic financial resources); direct referrals to other professionals (with whom our group already has extensive and direct experience) in other cases (e.g. legal consultation; serious financial problems; psychiatric disorders.)

d. Supervisor and Employee Trainings: This would include two (2) annual "Reasonable Suspicion" training sessions for all supervisors; four (4) annual DOT policy and procedures training for employees of the City of Manchester.

e. Supervisor Consultation: When confronted with a substance-related issue or any other work-related problem, supervisors could call as many times as needed for information on either DOT standards and procedures or City of Manchester policy and procedures.

5. Protections: The following will be provided as components of the contract:

a. Credibility: Supervisors and employees know the professionals involved and as a result are far more likely to use the services.

b. Confidentiality/privacy: Every principal has worked for year in positions that have been governed by 42 CFR Part Two (federal Confidentiality Alcohol and Drugs.)

c. Accountability: The City of Manchester will not be dealing with a corporation. It knows all the principals in our group and has had extensive past contracts. An EAP is only as effective as its professionals. You will know exactly who to contact before, during and after any event.

6. Additional Services: Our group will provide the basic form and literature:

- a. Brochures and business cards
- b. EAP posters, videos and applicable newsletters
- c. Referral lists (to credible and known local professionals)
- d. DOT policy and procedures training and interpretation
- e. Personnel Policy manual and form development
- f. Indemnification of liability for the City of Manchester
- g. EAP/DOT education and information services
- h. Annual utilization summary (standard EAP format)

RANGE AND SPECIFICATION OF EAP SERVICES

1. Private and Confidential Office Space located on Elm Street in Manchester
2. Telephone coverage every day – 24 hours each day
3. Commitment to an immediate response to every call within three hours (maximum)
4. Immediate consultation with employees by the appropriate licensed EAP professional (youth and family issues; substance-related problems; mental health intervention) initially by telephone and then by establishing an actual appointment within 72 hours
5. Three experienced, well-known and licensed clinicians to personally meeting with employees
6. Adolescent evaluations and counseling services (at least six sessions) from Judy Cooper, who has done so for the Office of Youth Services for the past 17 years
7. Substance evaluations and counseling services (at least six sessions) from Thomas Jordan, who has done so for the City of Manchester EAP for the past 21 years
8. Substance evaluations, mental health counseling (at least six sessions), Substance abuse Professional services (e.g. supervisory/employee training; consultation; SAP evaluations) from Robert Kelley, who has done the latter for the City of Manchester EAP for the past ten year.
9. Coverage and response by EAP Partners on a rotating basis
10. EAP orientation, training and management from Joseph O’Sullivan, who has provided these services to Public Service Company of New Hampshire and Northstar/ComEdison
11. Unlimited telephone or personal consultation with the Department of Human Resources, department supervisors and managers, union representatives
12. Promotion of the EAP service by: educational forums; posters in schools, departments and union offices; specialized information sessions
13. Crisis response services (e.g. critical incident debriefing services)
14. Employee orientation sessions - three annually
15. Supervisory training sessions (e.g. DOT Reasonable Suspicion training) – three annually

EAP BUDGET DESCRIPTION
Services – Personnel

The following is a summary of the services and the EAP program individuals who will provide these services for the upcoming year:

1. Telephone Coverage – 24/7 EAP Partners
2. Adolescent Evaluation and Counseling Services (Judy Cooper)
3. EAP Counseling, Consultation and Referral (Tom Jordan)
4. SAP and Mental Health Counseling Services (Robert Kelley)
5. Employee and Supervisory Consultation and Presentations (Joseph O'Sullivan)
6. Overhead (Office Space; telephone; EAP materials)

EAP Cost Estimate

	Total	General Fund Portion
Salaries	\$146,99	\$114,121
Medical Benefits	\$23,376	\$17,532
Social Security	\$11,245	\$8,730
City Pension	\$26,606	\$20,655
Sick Days	\$8,480	\$6,583
Total Cost	\$216,278.89	\$167,621
Rent		\$9,500
SAP Robert Kelley		\$5,000
MFD/Local 856 EAP		\$8,000
Telephone EAP		\$2,100
Total		\$192,221

EAP 2009 Information

517 Phone calls

320 Cases opened

125 of cases opened were internal counseling

195 of cases opened were covered by health insurance

75 Youth Evaluation Cases

City of Manchester
New Hampshire

In the year Two Thousand and Ten

AN ORDINANCE

"Establishing a special purchasing procedure relating to the Employee Assistance Program and substance abuse counseling for City employees."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

That notwithstanding the provisions of the Procurement Code (Ordinance Chapter 39) or any other ordinance within the Code of Ordinances of the City of Manchester, the City may enter into an agreement with Tom Jordan and others to provide an Employee Assistance Program and substance abuse counseling for three years.

This ordinance shall take effect upon passage.

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Administration/Information Systems respectfully recommends, after due and careful consideration, that the proposed Ordinance from the City Solicitor creating a special revenue reserve account for the excavation fee program be approved and referred to the Committee on Bills on Second Reading for technical review.

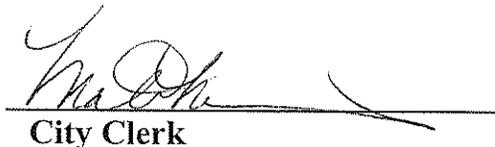
(Unanimous vote)

Respectfully submitted,



Clerk of Committee

At a meeting of the Board of Mayor and Aldermen held March 2, 2010 on a motion of Alderman Lopez, duly seconded by Alderman Roy, the report of the Committee was accepted and its recommendations adopted.


City Clerk

DRAFT

ROADWAY IMPROVEMENT RESERVE ACCOUNT

- (A) There is hereby established a Roadway Improvement Reserve Account into which all fees generated from the Roadway Degradation Fee shall be deposited. The Finance Officer shall record earnings realized from the investment of the balance in the account.
- (B) The Board of Mayor and Aldermen may appropriate the balance or a portion of the balance in the account during the annual budget for the purpose of roadway improvements. Roadway improvements shall include but not be limited to expenses associated with reconstruction, repaving, sidewalk construction and repair.
- (C) No available balance in the Roadway Improvement Reserve Account shall be utilized for any purpose other than those authorized herein without the specific approval of two-thirds of the Aldermen-Elect.

City of Manchester
New Hampshire

In the year Two Thousand and ten

AN ORDINANCE

An Ordinance amending Chapter 35 of the Code of Ordinances
by inserting a new section 35.037, Roadway Improvement Reserve Account.

BE IT ORDAINED, By the Board of Mayor and Alderman of the City of Manchester,
as follows:

35.037 Roadway Improvement Reserve Account.

- (A) There is hereby established a Roadway Improvement Reserve Account into which all fees generated from the Roadway Degradation Fee shall be deposited. The Finance Officer shall record earnings realized from the investment of the balance in the account.
- (B) The Board of Mayor and Aldermen may appropriate the balance or a portion of the balance in the account during the annual budget for the purpose of roadway improvements. Roadway improvements shall include but not be limited to expenses associated with reconstruction, repaving, sidewalk construction and repair.
- (C) No available balance in the Roadway Improvement Reserve Account shall be utilized for any purpose other than those authorized herein without the specific approval of two-thirds of the Aldermen-Elect.

City of Manchester
New Hampshire

In the year Two Thousand and Nine

AN ORDINANCE

Amending Section 33.60 Standby Duty by adding a new section (D)

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,
as follows:

NEW SECTION (D)

33.60 STANDBY DUTY

(D) Office of Youth Services. Employees of the Office of Youth Services who are assigned to rotating coverage of the Substance Abuse Hotline shall be compensated at the rate of \$210.00 per week.

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Administration/Information Systems respectfully recommend, after due and careful consideration, that the proposed amendments to the peddler's ordinance be forwarded to the Committee on Bills on Second Reading.

(Unanimous vote)

Respectfully submitted,



Clerk of Committee

At a meeting of the Board of Mayor and Aldermen held August 18, 2009 on a motion of Alderman O'Neil, duly seconded by Alderman Pinard, the report of the Committee was accepted and its recommendations adopted.



City Clerk



*Matthew Normand
City Clerk*

CITY OF MANCHESTER
Office of the City Clerk

MEMORANDUM

TO: Committee on Administration/Information Systems
Ald. O'Neil, Garrity, Osborne, Pinard, Lopez

FROM: Matthew Normand
City Clerk

DATE: June 29, 2009

RE: Amendments to the Peddler's Ordinance

Recently, I was asked that I look into revising the current ordinances that regulate City peddlers. As requested, I have submitted some suggested changes to Chapter 115: Solicitations, Sales, Peddlers, and Fairs of the Code of Ordinances of the City of Manchester. While the majority of the proposed amendments are general "house-keeping" changes, the amendment to Section 115:45(B) in the attached document attempts to address a recurring problem of licensed peddlers that bid on locations within the City for the sole purpose of preventing others from obtaining a license for the same location. These peddlers typically have no intention to ever operate at the location and the City has little recourse in trying to promote a level "playing field" for all vendors.

As the Clerk's Office deliberated on how to best address this issue, I believe we have come up with an alternative that may correct the problem without the need of an ordinance change. Since the problem originates from locations that are put out to bid by the Clerk's Office (i.e. City Hall Plaza), I believe that added language in the Bid Instructions would solve the problem without mandating the changes for all peddlers which may have unintended consequences later on. I have also attached a copy of the most recent bid documents used earlier this season which includes the proposed language (Item 7 bolded on page 3 of the bid documents) we would use next year if the Committee agrees to the alternative.

If you have any questions before the meeting, you may reach me at (603) 624-6473. Thank you.

PROPOSED ORDINANCE CHANGES

§ 115.01 DEFINITIONS.

DISQUALIFYING CRIMINAL CONVICTION. Any felony convictions, any conviction involving harassment, violence, theft, fraud, loitering, prowling, or endangering the welfare of a child or incompetent **or any criminal conviction involving a child or incompetent.**

§ 115.43 TRAFFIC REGULATIONS.

Peddling from a motor vehicle is subject to any and all restrictions contained in the traffic regulations of the city except that peddling from a motor vehicle is prohibited where parking is controlled by parking meters **or Pay & Display meters.**

§ 115.44 PROHIBITED CONDUCT.

A peddler shall not:

(A) Operate his business on any street, sidewalk, park, parkway or in any other public place unless his peddler's license specifies that peddling in such public place is permitted thereunder.

(B) Vend within **600** feet of the grounds of any elementary or secondary school between one-half hour prior to the start of the school and one-half hour after dismissal at the end of the school day.

(D) Vend within 1,000 feet of the same street of any public assembly building ~~while such building is in use~~ unless his peddler's license specifies that peddling in such place is permitted thereunder.

§ 115.45 FRAUD; REVOCATION OF LICENSE.

(A) Any licensed peddler who shall be guilty of any fraud, cheating or misrepresentation, whether through himself or through an employee, while acting as peddler in the city, or who shall sell any goods, merchandise, service, or wares other than those specified in the application for a license shall be deemed guilty of a violation of this subchapter.

(B) **Annual licenses issued pursuant to Section 115.40 shall be revoked if the licensee has failed to conduct normal business activities for five consecutive days, twice in a three month period.**

(C) Any person violating any provisions of this subchapter shall have his license revoked. Upon request of the City Clerk the licensee shall surrender his license. Upon conviction of violations under this section, no license shall be issued to such person for a period of three years unless permission is granted by the Committee on Administration.

(D) Any peddler having his license revoked may request ~~in writing~~ reconsideration by the Committee on Administration. **The request must be made in writing within ten days of the date of notice. The Committee on Administration shall set a hearing date, notifying the applicant or licensee of said hearing date. The hearing will be held at the earliest possible date and the matter shall be decided within a reasonable time. The applicant or licensee will be notified of the decision of the Committee, and the decision by the Committee to deny, restrict, suspend, or revoke a business license shall be final.**

OFFICE OF THE CITY CLERK

MANCHESTER, NH

STANDARD INSTRUCTIONS TO BIDDERS – VENDING LOCATION

These instructions are standard for all proposals issued by the City of Manchester, Office of the City Clerk, for the issuance of vending locations. The City of Manchester may delete, supersede, or modify any of these standard instructions for a particular proposal by indicating such change in the section headed (“Special Instructions to Bidders”).

1. The attached proposal is signed by the bidder with full knowledge of, and agreement with, the general specifications, conditions and requirements of this bid.
2. Return copy of proposal on the enclosed form. Only Bid Proposal forms obtained and signed for at the Office of the City Clerk will be accepted.
3. Submit proposal in an envelope marked with the bidder’s name and address on the upper left hand corner.
4. Bids to be addressed to Office of the City Clerk, One City Hall Plaza, Manchester, NH 03101, c/o Matt Normand, Acting City Clerk. Clearly mark envelope with the title of the bid and the date and time of opening as shown in the “Invitation to Bid.”
5. Bids received later than the time and date specified will not be considered. Amendment to or withdrawal of bids received later than the time and date set for the bid opening will not be considered.
6. Bidders may be present at opening of bids.

STANDARD INSTRUCTIONS TO BIDDERS

7. Bidders shall submit proposed payment amount in spaces provided on the bid proposal form.
8. The City reserves the right to reject any and all bids, to waive technical defects, and to make awards by item or total as may be in the best interest of the City. If a bidder desires to bid on an “all or nothing” basis, he shall so indicate on the bid schedule. When an “all or nothing” bid is submitted the bidder must bid on every item on the bid schedule.
9. The City of Manchester may withhold acceptance of or reject any merchandise that is found, upon examination, not to meet the specification requirements if indicated. When rejected, it shall be removed by the contractor (vendor) within ten (10) days after notification of rejection.
10. Bidder shall post the full amount of his bid as a bid bond, which will be retained by the City should a contract not be executed within ten (10) days after notification of bid award. Bidder(s) not awarded a contract will have their bond returned within ten (10) days of bid award.

CITY OF MANCHESTER
OFFICE OF THE CITY CLERK
ONE CITY HALL PLAZA
MANCHESTER, NH

CONTRACT PROPOSAL

for

CITY HALL PLAZA VENDING

Date of Bid Opening: **Wednesday, April 28, 2009**

Time: **1:30 P.M.**

INVITATION TO BID

Sealed bids will be received in the Office of the City Clerk no later than the date and time set forth above, for the issuance of the vending location listed herein.

Matt Normand, Acting City Clerk
Office of the City Clerk

STANDARD INSTRUCTIONS

See "Standard Instructions to Bidders" attached to the Contract Proposal.

SPECIAL INSTRUCTIONS TO BIDDERS

1. Questions on specifications may be referred to Kevin M. Kincaid, Business Licensing, Business Licensing & Enforcement Division, Office of the City Clerk.
2. Delivery to be made to Office of the City Clerk, One City Hall Plaza, Manchester, New Hampshire.

SPECIAL INSTRUCTIONS
City Hall Plaza Vending

Vendor has exclusive rights to vend their products at the assigned facility commencing May 1, 2009 through April 30, 2010.

Dates vary according to type of facility assigned.

Vendor must agree to the following:

1. Vendor must have in their possession all licenses and permits necessary as prescribed by the City Clerk and City Health Department.
2. Vendor must possess liability insurance in accordance to regulations set by City Risk Manager.
3. Vendor agrees to maintain all areas affected by his operations in a clean and responsible manner.
4. Vendor must operate from an area, at their designated facility, as specified by the Department.
5. Vendor will not create a safety hazard at any time during their operations.
6. Vendor must pay full amount stated in bid proposal prior to operating at awarded facility.
7. **The privilege to operate at a location that has been awarded in conjunction with this bid process shall be revoked if the licensee has failed to conduct normal business activities for five consecutive days, twice in a three month period at that location. A licensee (hereinafter referred to as the "awardee") may submit notification in writing to the City Clerk that they wish to suspend their activities at this location (i.e. during the winter season) thirty (30) days prior to ceasing operations. The City Clerk reserves the right to issue a temporary license to another peddler during that period. Should the awardee wish to resume activities at the location, a notification of intent must be submitted in writing to the City Clerk fourteen (14) days prior to reinstatement of the privileges at the location.**
8. All necessary permits, payments and certificates must be presented to the Office of the City Clerk no later than April 30, 2009.
9. Vendor agrees to sell only items specified in contract so as not to conflict with wares of other designated vendors.
10. Vendor agrees to follow all applicable municipal rules, regulations and ordinances and applicable rules, regulations and statutes of the State of New Hampshire.
11. Failure to abide by any of the above preset conditions may result in loss of vending privilege.

PROPOSAL

SEALED PROPOSALS WILL BE RECEIVED AT THE OFFICE OF THE CITY CLERK,

ONE CITY HALL PLAZA, MANCHESTER, NH 03101 UNTIL

1:30 P.M. ON WEDNESDAY, APRIL 28, 2009.

Vendor Name _____

Street Address _____

City _____ State _____ Zip Code _____

Phone # _____ Cell # _____

Product(s) _____

Vending Location

Proposed Bid Amount

City Hall Plaza _____