

## COMMITTEE ON PUBLIC SAFETY, HEALTH AND TRAFFIC

**January 15, 2008**

**5:00 PM**

Chairman Shea called the meeting to order.

The Clerk called the roll.

Present: Aldermen Shea, O'Neil, Sullivan, J. Roy, Ouellette

Messrs: J. Hoben, K. Sheppard, T. Arnold, M. Lussier, B. Stanley

Chairman Shea addressed item 3 of the agenda:

3. Alderman Shea advises this is the first organizational meeting of the Committee and requests the Clerk's advice as to typical items addressed by this Committee.

Deputy City Clerk Matt Normand stated the Committee on Traffic shall have jurisdiction over all matters committed to this Committee by Ordinance by the Board of Mayor and Aldermen and the City of Manchester pertaining to regulation 351.815, Chapter 19, as well as the health and safety of the citizens of Manchester and such other matters as may be referred by the Board of Mayor and Aldermen. The Committee shall review all such referrals and after due and careful consideration shall report back to the Board of Mayor and Aldermen. The Clerk would note one final thing. As far as your agenda goes tonight, item ten, which is a tabled item, does not have supporting documentation attached, but it was passed out and it should be in front of you. The supporting documentation that is attached to your agenda that is labeled for item ten is actually for item eleven.

Chairman Shea addressed item 4 of the agenda:

4. Communication from Parking Manager advising of a request of Heidi Roy to use the Arms Lot on Saturday, August 9, 2008 to host a bicycle tour.

On motion of Alderman O'Neil, duly seconded by Alderman Ouellette, it was voted to approve the request to use Arms Lot.

Chairman Shea addressed item 5 of the agenda:

5. Communication from Deputy Traffic Director requesting the Committee's support to the Board in securing an aerial truck in the next budget.

Alderman O'Neil stated it is my understanding is that it is out of service and will remain out of service. Correct?

Mr. Jim Hoben, Deputy Traffic Director, replied yes, the aerial is completely gone. There is a crack in the pedestal so we cannot use it.

Alderman O'Neil asked if we wait, specifically for the next budget process that will be July before the funds are available and I'm guessing there is some significant lead time on bidding this.

Mr. Hoben stated it is probably three or four months.

Alderman O'Neil asked so we could have six to nine months without a permanent bucket truck for the Traffic Division?

Mr. Hoben replied it is a possibility. There was one that we looked at that was a lighter duty truck than the existing one we have that could be available.

Alderman O'Neil stated my point, Mr. Chairman, is if we could refer this to CIP Committee to see if it could be addressed sooner. They are out everyday working on signals. It appears that the Fire Department has been supportive in using their bucket truck, but I can't image that it is available everyday.

Mr. Kevin Sheppard, Highway Department Director, stated when the crack occurred we didn't think it was worth the money to invest in getting it fixed. It was going to be about \$30,000. As far as next year's budget, we hope the Aldermen will consider that vehicle in the MER process and in the meantime, we are looking to lease a bucket truck. We have a quote of about \$2,500 per month. Should the money become available for July, we would bid it out earlier than that with the anticipation that we could get it sooner.

Alderman O'Neil asked are you saying that you think you are okay through the end of this fiscal year with leasing a truck?

Mr. Sheppard replied if necessary, we'll lease a piece if there is no money available.

Alderman J. Roy asked is there a program within the department to replace vehicles so we don't run into this all the time? So we don't have to run a piece into the ground and

wait until it breaks until we replace it? Do you have a program in place? If you do, when was this truck supposed to be replaced?

Mr. Sheppard replied the City has a motorized vehicle replacement account. Every year, we work with the Mayor and the Aldermen to get funding for the request. Part of the issue in the past has been funding for MER and different projects. It hasn't always been fully funded, which is understandable. This truck has been on the list for a couple of years, but money hasn't been available to replace it. Within the department we have a priority list of what vehicles need to be replaced. That rolls into the motorized equipment replacement program, which is submitted as part of the budget process. They request from every department what vehicles need to be replaced. That may be an indirect answer. There is a City program, but funding is tight.

Alderman J. Roy stated yes, it is an indirect answer, but that's okay. How long do you think a truck like this is going to last? Why don't we plan for the future before it is a catastrophic failure like it is now?

Alderman O'Neil replied the problem is that the elected body has failed to properly fund the MER account over the years. The Fire Department has a similar situation with Engine Four. That is permanently out of service because of its cracked frame. I think the buck stops with us to be honest with you. I think the department can provide a list of replacements, but we have failed to follow it over the years.

Alderman J. Roy stated you can't expect a piece of apparatus to last 60 years. You know that the life of a piece of your equipment might be 20 years. If we could plan ahead we wouldn't have to have these emergencies.

On motion of Alderman Ouellette, duly seconded by Alderman O'Neil, it was voted to refer this item to the CIP Committee.

Chairman Shea addressed item 6 of the agenda:

6. Chairman Shea advises the Traffic Division has submitted an agenda which needs to be addressed:

**RESCIND STOP SIGNS - 4 -WAY- EMERGENCY ORDINANCE:**

On Candia Road at Proctor Road, SWC, NEC,(Ord. 0184)

Alderman Pinard

**RESCIND NO PARKING ANYTIME:**

On Renard Street, north side, from a point 60 feet east of Benjamin Street to a point 80 feet easterly (Ordinance number not yet assigned)

Alderman Shea

**RESCIND NO PARKING ANYTIME:**

On Notre Dame Ave., east side, from a point 100 feet north of Wayne Street to a point 50 feet north (Ord.3441)

Alderman Ouellette

**RESCIND NO PARKING ANYTIME:**

On Notre Dame Ave., west side, from a point 180 feet south of Amory Street to a point 73 feet southerly

Alderman Ouellette

**NO PARKING ANYTIME:**

On Notre Dame Ave., west side, from a point 195 feet south of Amory Street to a point to a point 58 feet southerly

Alderman Ouellette

Alderman Ouellette stated I was wondering if anyone could come forward and give more information on rescinding the NO PARKING ANYTIME in the area of Notre Dame Avenue.

Mr. Hoben stated these regulations were put in during Alderman Thibeault's term and it was rolled over.

Alderman Ouellette asked was this a request from Alderman Thibeault?

Mr. Hoben replied correct.

Alderman Ouellette asked is there a net gain or loss in parking when we move this around?

Mr. Hoben replied it would be a net gain. There was an existing Ordinance that we changed in November. One of the owners of the building next door called Kevin Sheppard. On the east side there is a NO PARKING zone in front of the Lafayette Monument, but it was Kevin's suggestion to remove the NO PARKING and pick up two or three spaces.

Alderman Ouellette stated we are picking up four to five spaces.

Alderman J. Roy stated on the stop sign on Candia Road, if I remember correctly, that has been a four way stop for years and years. Is that correct?

Mr. Hoben replied it has been like that for 15 or so years. As part of the state project on Candia Road, the state requested and had those removed.

Alderman J. Roy asked have they already been removed?

Mr. Hoben replied yes.

Alderman J. Roy stated I got a call from an individual who lives right near there and he didn't know they were going to be removed. Apparently, he almost got hit when we was coming out of his driveway. I was surprised that they were already removed. What is the reason for removing those?

Mr. Hoben replied the state feels that it is not warranted as a four way stop.

Alderman J. Roy stated I guess I'm at a loss for words because it seems to be a dangerous situation without a stop sign. People are now going at a rapid speed trying to make it up to the next light at Hanover Street.

Mr. Hoben stated we have been working with the state on this, along with Alderman Pinard.

Alderman Pinard stated this job is funded by the state. The layout was done by the state of New Hampshire. I have been getting calls on it every day. As of right now, the state owns the road. When the state turns the road over to us this coming year, we will be able to decide where we want to put signs or crosswalks or reinstall the four way stop. I do get calls on that every day, but this is the way it stands now.

On motion of Alderman O'Neil, duly seconded by Alderman J. Roy, it was voted to approve the Traffic Division agenda.

Chairman Shea addressed item 7 of the agenda:

7. Chairman Shea advises the Traffic Division has submitted items for discussion:

**DISCUSSION:**

"Do Not Block Intersection" signs  
Increase fines from \$50.00 to \$100.00  
List fine amount on signs  
Alderman Osborne

Alderman Shea stated in deference to Alderman Osborne who is here, I'll let him comment.

Alderman Osborne stated basically, as of now, we have DO NOT BLOCK INTERSECTION signs. I ran out of time last year, which is why I am bringing it up now. The DO NOT BLOCK INTERSECTION signs are all over the City. Traffic blocks up with people trying to take turns on Massabesic Street from Candia Road and that backs

up traffic going the other way. The stacking causes more of a problem. We are upping the fines, which should be done anyway, from \$50 to \$100, \$200 for a second offense, and \$250 for a third offense. By applying a sign underneath the NO BLOCKING signs stating the fine, I think this will catch people's eyes a lot quicker, which will be more effective than just the one sign. I think it will be a good working tool and it needs to be updated anyway.

Mr. Hoben stated I was wondering if the Police could weigh in. I'm assuming that Alderman Osborne researched the fine. It is \$50?

Alderman Osborne replied yes, it was. I think the City Solicitor could answer that.

Mr. Tom Arnold, Deputy City Solicitor, stated the particular offense of blocking an intersection did not have a defined fine, which made it fall under the general fines of the Code of Ordinances, which provides that a first offense is \$50 and a second offense is \$100.

Alderman Shea stated there is nothing in our agenda for the new Traffic Committee members to compare and contrast the different fees for signs. That might be helpful. They need to know what the fines have been and what they might be. It might be helpful for them to review to make a decision. My thought is to consider this tonight and make a decision once they have all the facts involved.

Alderman J. Roy asked how many tickets have been handed out yearly for blocking intersections?

Mr. Hoben replied you would have to refer that to the Police.

Mr. Marc Lussier, Police Department, stated I didn't think that was going to be a topic of discussion. I can get that number for you. During the holidays, we did go out to the malls and cited some people. I would feel more comfortable coming back to you with more accurate information at the next meeting.

Alderman O'Neil stated maybe it is because I live on the east side of the City, but some of the worst places are on Mammoth Road and Lake Avenue. In that area people don't show any courtesy and they end up delaying traffic in other places. It would be interesting how many times the Police have written tickets for it. I think it is an issue in the City and I know we added some personnel to the department so it may be something that they can take a look at. I applaud Alderman Osborne for bringing this forward because I do think it is an issue in the City. People take the chance that they are going to get a ticket and it is really just a hand slap.

Alderman Sullivan asked how many intersections are you looking to designate with these signs?

Alderman Osborne replied whatever the City contains.

Alderman Sullivan asked every intersection in the City?

Alderman Osborne replied every intersection should have a DO NOT BLOCK sign. I don't know why one should have it more than another.

Alderman Sullivan asked do you know what a sign would cost and how many signs would be required?

Alderman Osborne replied that would be for Mr. Hoben. I don't think it would be a lot because we are just adding a small sign to the bottom stating the fine. It is going on already existing signs.

Alderman Shea asked could you bring that information back at the next meeting?

Mr. Hoben stated I don't think there are more than 20 out there.

Alderman Shea asked how much do they run now?

Mr. Hoben replied \$25-\$30 each.

Alderman Shea stated so it would be about \$500.

On motion of Alderman J. Roy, duly seconded by Alderman Ouellette, it was voted to table this item until more information is gathered.

Chairman Shea addressed item 8 of the agenda:

8. Communication from Parking Manager submitting a proposed ordinance amendment for the in vehicle parking meters and requesting the Committee recommend the Board suspend the rules at the February 5<sup>th</sup> meeting to allow for adoption due to timing constraints.

Ms. Brandy Stanley, Parking Manager, stated I'll briefly review the pilot program. Today is the last day of the program. We knew that there was technology out there that would allow people to purchase a transponder that allows them to put funds into an account so they could be deducted when they parked in a paid spot. Basically, what happens is you get one of these transponders for a parking meter, load money onto the account and then

when you park you turn the meter on and it begins counting and deducting money from your account. This means that you don't have to go to the meter and you don't have to pay and display. Everything would be done from inside your car. There were three different types of technology that were available. As the three types were very different, we wanted to test all three of them. We did a 60 day pilot. Overall, the program has been a success. I have only been able to get a meter back from one person out of the 50 who participated. The Ordinance does not end until the end of the month so I gave everyone the option of keeping it. Every single person that has responded has wanted to keep their meter, except for one. That in itself tells me that this is probably going to be a viable program. I am still getting results back from the surveys I sent out this morning. We don't know what vendor we are going to recommend, but we do know that we are going to recommend a vendor on February 5<sup>th</sup>. In the interest of the people who have the meters and not asking for them back, we'd like to ask that this Ordinance be passed tonight. On the 5<sup>th</sup>, I will come back to the full Board with a full report and a recommended vendor and ask that the Ordinance be passed and enrolled at that time.

Alderman O'Neil stated I was surprised because you usually provide very detailed data that helps us in making decisions. It sounds like you are still gathering the information. I have no problem moving this forward, but I would like to see more information about how many people used each of the devices. You said you were doing a survey. Did each individual use all three vendors?

Ms. Stanley replied no. Each individual was selected for one vendor. I have roughly 15 or 20 for each individual meter.

Alderman O'Neil asked you will get a survey back from each individual? I don't have any problem moving this forward, though I would like to see more information before we give final approval of this.

Alderman Ouellette stated I echo Alderman O'Neil's sentiments. I was going to bring up the same questions he did.

On motion of Alderman Ouellette, duly seconded by Alderman O'Neil, it was voted to approve the proposed ordinance and suspend the rules at the February 5<sup>th</sup> meeting to allow for adoption.

Alderman Gatsas stated I happened to be in Concord today and Senator DeVries brought forward a piece of legislation that you were looking for at the state level to change a law that allows for pictures of license plates. I think it is imperative that this information come before this Board before we start listening to a piece of legislation in Concord to make sure we understand the privacy issues if that is a road that this Board wants to go down. I was shocked when I heard it in Concord today before this Board had an

opportunity to weigh in on a measure that affects the City. I would let the Chairman handle this however he wants to.

Alderman Shea stated I'm not quite sure what you mean. Could you go deeper into this so we have a better understanding?

Alderman Gatsas replied there was an opportunity for Senators to bring in legislation through the enrolled bill process. Senator DeVries brought in a piece of legislation that was brought to her by the Chairman of Parking that has to do with taking pictures of license plates. I think from a privacy issue, this Board should understand what that legislation is before it gets too far down the road and the Aldermanic Board doesn't know anything about it. I think it would be beneficial that Ms. Stanley bring that information forward to your Committee.

Alderman Shea asked are you connecting that to this particular item?

Alderman Gatsas replied no, she was sitting before you so I thought I would bring it up. I apologize for not making myself clear. I was just bringing information forward so this Committee could deal with it. I think that from a privacy issue that this Board should understand where that legislation is before it gets down the road too far. We as the Aldermanic Board have not heard anything about this or don't know anything about this, and then all of a sudden questions are going to be starting to be asked. I think it certainly would be beneficial that Ms. Stanley bring that information at least forward to you Committee.

Alderman Shea asked are you connecting that to this particular item or is this separate?

Alderman Gatsas responded no, she was just sitting there before you adjourn because I noticed there was nothing else there. I apologize for not making myself clear. I was just bringing information forward, Mr. Chairman, so that this Committee could deal with it.

Alderman O'Neil asked Brandy, does that have to do with...we looked at one point at some technology that actually the parking consultant had recommended regarding using a small vehicle to do parking enforcement? Is that what Alderman Gatsas is talking about?

Ms. Stanley responded yes it is. I think probably three or four months ago I had given a presentation on mobile parking enforcement to the Traffic Committee and received a request to move forward with it. Basically, the technology is vehicle-mounted cameras that you drive down the street with. It takes pictures of vehicles and license plate numbers and runs it against the scofflaw list, the cars that are on the boot list for having more than \$100 in outstanding parking fines. The number of vehicles on our boot list currently is over 2,000, with \$1.7 million of outstanding parking revenues that are not paid. We were looking for ways to get some of that revenue collected. After that

meeting, Attorney Arnold came forward and let us know that there was actually a state law that was preexisting that prohibited the use of license plate scanning devices. Alderman Gatsas, please accept my apologies for not bringing this to the Board first. I have been working with Attorney Arnold, Senator DeVries, and a number of other parties and it was never suggested that this move forward. I should have come to that conclusion myself and I do apologize for that. What we did was we asked Senator DeVries for her support, as well as those in Concord and Portsmouth for their support, to put in an exception in that law that allows the use of these devices for the enforcement of municipal parking ordinances, which is what I believe Senator DeVries introduced in Concord today.

Alderman Shea stated may I suggest in the future maybe that you touch base with the members of the Committee and anyone else that may be in a position to make a decision. I appreciate Alderman Gatsas bringing it forward to our attention.

Alderman O'Neil stated I just asked Attorney Arnold if Easy Pass shoots your plate. He said it's an exception to the law. We may in the full Board, Mr. Chairman, just want to remind the departments, we ask as a courtesy that they all provide information on legislation that they've asked to be sponsored or taken positions on so that we don't get into these situations.

Alderman Shea stated there are other items which are on the agenda which have been tabled, but we plan on bringing them forth along with other matters when the next meeting would be convened, the third Tuesday in February.

## **TABLED ITEMS**

9. Communication from Alderman Shea proposing the establishment of a Manchester Crime Prevention Committee.  
*(Tabled 12/12/2006)*

This item remained on the table.

10. Report from Police and City Solicitor regarding commercial vehicle definitions, if available.  
*(Tabled 12/04/2007)*  
*(Note: Response from Deputy Public Works Director enclosed.)*

This item remained on the table.

11. Ordinance amendment relating to restrictions on registered sex offenders.  
*(Tabled 09/04/2007 – pending further research by the City Solicitor office; re-tabled 12/04/2007.)*

This item remained on the table.

There being no further business, on motion of Alderman O’Neil, duly seconded by Alderman J. Roy, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee