

COMMITTEE ON PUBLIC SAFETY, HEALTH AND TRAFFIC

September 15, 2008

5:15 PM

Chairman Shea called the meeting to order.

The Clerk called the roll.

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

Messrs.: Alderman Osborne, Alderman M. Roy, K. Sheppard, T. Soucy,
J. Shirley, T. Arnold, B. Stanley, M. Sawaya, C. Ross

Chairman Shea addressed Item 3 of the agenda:

3. Discussion relating to the sanitation of toters citywide.

Alderman Osborne asked could we have Mr. Sheppard come forward please? As I was relating to Mr. Sheppard, we have a lot of problems in a lot of wards with the garbage containers and we are just trying to think of some way, especially in the summertime, to sanitize some of these containers and toters and garbage cans that are out there. There was some sort of mechanism that I spoke to Mr. Sheppard about on what we could get to sanitize these in some way. I don't know if he has come up with anything or not.

Mr. Kevin Sheppard, Public Works Director, responded the Health Director, Tim Soucy, and I have talked about this and I have talked to our Superintendent as well. I am not too sure we want to start taking the role of sanitizing. We can actually contract out for cleaning of toters. I know that Alderman Osborne talked about tablets or something for the toters as well.

Alderman Osborne stated you will find that there are a lot of these in my ward and probably Ward 7 or 4 or the inner City wards...there are a lot of absentee landlords and they are not properly kept up so when they roll them back in that is the way they stay and you find a lot of maggots in a lot of these barrels and it is not a very sanitary thing, especially for the people who have to pick it up. I think it is the something that the City is going to have to take on somewhat in order to curb the problems we are having in the inner City especially. That is why I wanted to bring it up to the Committee. Maybe people have some ideas on how they feel about this situation.

Chairman Shea asked the intent of this is for everyone to have a toter at our expense?

Mr. Sheppard answered no I think the intent is...I think Alderman Osborne's concern is that with these toters a lot of people don't put bags inside them and use them as a dumpster or bags are in there and they break open and then when we tip them sometimes the bag will break and the guys do try to bang them a couple of times but when they put them back down sometimes there is residue that is left in the toter and over time that residue sometimes creates an odor. I know, myself, what I do is try to clean mine once in awhile. I believe when you are talking about absentee landlords that is not happening and that is what he is concerned about.

Chairman Shea asked is there any way we can encourage them to do that? In other words are we saying in essence that we have to...and again this is the first I have heard of it, but are we saying that we want to order them to be sanitary? I have had two barrels for five years and I know what maggots are certainly and they were more prevalent then than they are now because we have better regulations but what are we saying to people who don't clean out their toters?

Mr. Sheppard answered maybe Tim Soucy can come up and help me with that answer. I am not too sure whether it is considered a health hazard and I am not too sure whether we want to get involved in cleaning these or it should be the responsibility of the property owners.

Mr. Tim Soucy, Health Director, stated I agree with Kevin. How we have dealt with it in the past is based on an individual compliance issues. If there are issues with a property, we will address it with the property owner on a case by case basis based on complaints that we receive in our office.

Alderman J. Roy asked Tim, is there any system that you know of that is available that would work? The idea of a pellet to me doesn't make any sense because every time you dump the toter out the pellet is going to disappear.

Mr. Soucy answered there are commercial products available. Dumpster companies will typically use them because there is some economy to doing it in a 20 or 30 yard dumpster versus an individual toter. We looked at a couple of products and made some very crude cost estimates and assuming that there are 20,000 garbage cans in the City, and we know there are 12,000 toters from a couple of years ago...to do a very basic...you are looking at about \$90,000 a year to dump some kind of a crystal based deodorizer in every toter once a week to minimize odor. There are certainly some costs. There would be other some issues about the safety of Kevin's crews using this and how it would be used. Do we even have the authority to put something in something that is privately owned is probably a question that would need to be addressed. Our current ordinance does not necessarily specify anything about maintaining containers but that may be something that the Committee wants to look at

to maybe add some language that toters or garbage cans must be maintained and if they are not then it becomes a citable offense under City ordinance.

Alderman Ouellette stated I am glad you mentioned your last point because I think that along with owning a building comes responsibility. As we all know in our different wards some people take the responsibility regardless of whether they are an absentee owner or not. There are many absentee owners who are very responsible and keep a very neat and very well kept property. Unfortunately, those are the ones that when you talk about absentee owners take offense to some of the things that the people who aren't responsible are doing. Most of the times people who aren't responsible don't even live in the City or the state. That has been my experience anyway. I think your point that we need to make owners responsible, not just for garbage and health issues, but also for issues within their buildings, we need to get back to that. I know that I am going to be a lot more vigilant than I have been since I became an Alderman in January in terms of reporting things to your office, Tim, that I feel may be a problem and I know that you are going to be very responsive and look into these and I appreciate that. I think the responsibility is on the owners and I think that the people who pick up the garbage every day who work for the Highway Department...you know if something is borderline I don't think they would say anything but if there is something that really catches their attention that there is a problem I think they would report it to the proper supervisors and action would be taken. I think your point is well taken in terms of getting some language in an ordinance, something enforceable with teeth so we can start dealing with this problem because I do agree with Alderman Osborne that this is an issue that is rearing its ugly head in the City.

Alderman O'Neil asked Tim, do you happen to know...you mentioned earlier there are approximately 10,000 toters in the City but how many times do you get complaints on them from a public health standpoint?

Mr. Soucy responded from an odor standpoint we probably get a dozen during the summertime. It is not a large number. It is usually based on where they place the cans. Sometimes they place them right on the property line or right up against an abutting neighbor's home and at that point we usually do a site visit and request that they be moved and cleaned.

Alderman O'Neil asked would you agree with the statement that whether it is a toter or a regular garbage can or if it is a single family home or outside of the required district of toters and people can just put their garbage out in no container that if there is a public health issue we address it?

Mr. Soucy replied we do.

Alderman O'Neil replied whether it is toters or regular garbage cans or just bags, correct?

Mr. Soucy answered that is correct and we have the ability...for a very simple garbage complaint either Kevin's staff or my staff can follow-up on that, and getting to Alderman Ouellette's point if it is much bigger then we engage the NET team when we believe that there are multiple issues at that property.

Alderman O'Neil stated I am guessing...and I even had a discussion with Alderman Osborne about this but many of these residences or properties that he is talking about would fall under the certificate of compliance program correct.

Mr. Soucy responded if they are tenements, yes.

Alderman O'Neil stated maybe we should find out if that is on the checklist and if it is not maybe it should be and they can look at that as part of the certificate of compliance. They look at many other items.

Alderman Osborne asked Tim, is there anything on the books now for something like this?

Mr. Soucy answered no there is not. I looked at it this afternoon. What there is that may help us is under the food code there is a provision for restaurants as a condition of their license and it talks about solid waste being disposed of often enough to prevent the development of odor and the attraction of insects and rodents. We may be able to tweak that with some language that containers shall be maintained to prevent the development of odor and attraction of insects and rodents and insert that into the container section of the City ordinance so that when we do have an issue and someone doesn't want to comply we have the authority to then begin issuing them a summons.

Alderman Osborne asked could you and the City Solicitor work on that?

Mr. Soucy replied sure, we could draft something for your review and get it back to the Committee.

Alderman Osborne stated I was just thinking mainly where we have the biggest problem of course is in the inner city with multi-families and summertime. I wouldn't worry too much about year round with this. I am just talking about June, July and August let's say. I have had people call me lots of times that they couldn't even open the window in their bedroom because the smell was so bad.

Mr. Soucy responded it is certainly a quality of life issue.

Alderman Osborne stated definitely, and if we are going to wait for everybody to do that I think we will be waiting a long time. At least if we can get something on the books like you said and if we could put some teeth in it that is the big thing. If there is no teeth in it and just a slap on the hand then they are going to keep doing it, especially the absentee landlords. I am not talking about all absentee landlords here but there are a lot of people and maybe they are good too but they live out-of-state like was mentioned in Florida or Georgia or wherever they are and they have a manager or management company and I guess some of them don't pay too much attention either. I am trying to help in my ward especially and I am sure other wards feel the same way that it is really terrible out in those alleys sometimes, especially when it is hot. It is really bad. I would appreciate what you are going to do.

Alderman O'Neil asked Tim if there is a public health issue now...we don't need any new ordinances. If it is a public health issue the law is there to address it today correct?

Mr. Soucy answered that is correct.

Alderman O'Neil stated we don't need anything new.

Mr. Soucy replied we do not. The way the ordinance is currently written it is about maintaining property.

Alderman O'Neil stated so if there is a problem the law can be enforced. I don't know that we need anything else.

Chairman Shea stated we do have a large agenda. I will allow one more comment.

Alderman Osborne stated I want to follow-up with that. Like I said before, we might have something on the books but what kind of teeth does that have?

Mr. Soucy replied it would be the same level of enforcement as this. Failure to comply would result in the issuance of a summons.

Alderman Osborne asked what is the summons on that?

Mr. Soucy responded \$100 fine.

Alderman Osborne asked first or second offense?

Mr. Soucy answered first.

Alderman Osborne asked then what?

Mr. Soucy replied I believe it goes to \$200.

Alderman Osborne stated well anyway, you can still look into it and make sure it is tweaked properly.

Chairman Shea asked what is the Committee's decision?

Alderman O'Neil moved to receive and file. Alderman J. Roy duly seconded the motion. Chairman Shea called for a vote. There being none opposed, the motion carried.

Chairman Shea addressed Item 4 of the agenda:

4. The Traffic and Parking Divisions have submitted an agenda which needs to be addressed:

RESCIND STOP SIGNS:

On Mulsey Street at Bedford Street – SWC

On Philippe Cote Street, northern terminus at Commercial Street – SWC
(Ord. 2511)

On Philippe Cote Street, southern terminus at Commercial Street – NEC, SWC
(Ord. 2512)

Alderman Sullivan

STOP SIGN – 3 -WAY - EMERGENCY ORDINANCE:

On Granite Street at Dyson Street – SWC

Alderman Smith

STOP SIGNS – 4 –WAY – EMERGENCY ORDINANCE:

On Taylor Street at Young Street, SEC, NWC

Alderman Shea

NO PARKING ANYTIME:

On Wheelock Street, west side, from Goffe Street to Frederick Street

Alderman Smith

On Alsace Street, west side, from a point 167 feet north of Amory Street to a point 23 feet northerly

Alderman Ouellette

On Front Street, north side, from River Front Drive to a point 60 feet east

Alderman Domaingue

NO PARKING ANYTIME – EMERGENCY ORDINANCE:

On Douglas Street, south side, from Putnam Street to a point 555 feet west
On Douglas Street, south side, from the Douglas Street Athletic Field Driveway to a point 220 feet east
Alderman Ouellette
On Trolley Street, east side, from a point 195 feet north of Hickory Street to a point 400 feet northerly
Alderman DeVries

RESCIND NO PARKING ANYTIME – EMERGENCY ORDINANCE:

On McQuesten Street, north side, from a point 105 feet east of Second Street to Hill Street
(Ord. 9043)
Alderman Smith

CROSSWALKS:

On Young Street, east and west of Taylor Street
On Taylor Street, north and south of Young Street
Alderman Shea

RESCIND NO PARKING LOADING ZONE – 8AM – 5 PM – MONDAY – SATURDAY – EMERGENCY ORDINANCE:

On Bridge Street, north side, from a point 60 feet east of Union Street to Union Street East Back Street
Alderman Jim Roy

15 MINUTE PARKING – 8AM -6PM- EMERGENCY ORDINANCE:

On Bridge Street, north side, from a point 60 feet east of Union Street to Union Street East Back Street
Alderman Jim Roy

RESCIND 1 HOUR PARKING:

On Amory Street, north side, from Cartier Street to Dubuque Street (Ord. 8074)
Alderman Ouellette

TWO HOUR PARKING 8AM – 6PM – MONDAY – SATURDAY:

On Canton Street, east side, from Auburn Street to Cedar Street
Alderman Osborne

STOP SIGNS – 4 – WAY:

On South Porter Street at Purdue Street, SEC, NWC (speed survey and accident review underway by Police Traffic Division)
Alderman DeVries

RESCIND

METERS – 2 HOURS:

Middle Street, north side, from a point 80 feet east of Canal Street to a point 90 feet west of Franklin Street (Ord. 7731)

Lowell Street, south side, from Chestnut Street to Pine Street (Ord. 7705)

Lowell Street, north side, from a point 20 feet east of Chestnut Street to a point 130 feet easterly (Ord. 7707)

Amherst Street, north side, from Chestnut Street to a point 75 feet west of Pine Street

(Ord. 6369)

Amherst Street, south side, from a point 130 feet east of Chestnut Street to a point 40 feet west of Pine Street (Ord. 7609)

Manchester Street, south side, from a point 100 feet east of Nutfield Lane to a point 60 feet west of Chestnut Street (Ord. 7713)

Manchester Street, north side, from Elm Street to Chestnut Street (Ord. 7714)

Vine Street, west side, from Concord Street to a point 115 feet north of Amherst Street

(Ord. 7476)

Central Street, both sides, from Elm Street to Chestnut Street (Ord. 2774)

Stark Lane, south side, from a point 30 feet west of Hampshire Lane to Canal Street

(Ord. 7987)

Stark Street, north side, from Canal Street to United Way (Ord. 7400)

Lake Avenue, north side from a point 45 feet west of Chestnut Street to a point 90 feet east of Manhattan Lane (Ord. 7537)

Pine Street, east side, from Monadnock Lane to Merrimack Street (Ord. 7789)

Chestnut Street, west side, from a point 305 feet south of Merrimack Street to Central Street (Ord. 7675)

Chestnut Street, east side, from Amherst Street to Hanover Street (Ord. 7680)

Chestnut Street, east side, from Central Street to Lake Avenue (Ord. 7681)

Chestnut Street, west side, from Central Street to Lake Avenue (Ord. 7677)

Chestnut Street, east side, from Concord Street to Amherst Street (Ord. 7679)

Chestnut Street, west side, from Concord Street to Amherst Street (Ord. 2831)

Chestnut Street, west side, from Manchester Street to a point 52 feet south of Hanover Street (Ord. 7673)

Elm Street, east side, from a point 110 feet north of Pearl Street to Bridge Street (Ord. 7593)

Elm Street, west side, from a point 445 feet south of Stark Street to West Merrimack Street (Ord. 7914)

2 HOUR PARKING

Chestnut Street, west side, from a point 75 feet north of Hanover Street to Amherst Street (Ord. 2833)

Spring Street, north side, from a point 40 feet west of Elm Street to a point 200 feet east of Canal Street (Ord. 7396)

NO PARKING:

Middle Street, north side, from Franklin Street to a point 90 feet west (Ord. 3400)

Manchester Street, south side, from a point 50 feet east of Elm Street to a point 55 feet east of Nutfield Lane (Ord. 6485)

Manchester Street, south side, from Elm Street to a point 20 feet easterly (Ord. 7192)

NO PARKING LOADING ZONE -8AM-5PM- MONDAY-FRIDAY:

Manchester Street, south side, from a point 55 feet east of Nutfield Lane to a point 45 feet east (Ord. 6485)

Manchester Street, south side, from Chestnut Street to a point 60 feet westerly (Ord. 3291)

Elm Street, west side, from Depot Street to a point 70 feet north (Ord. 8159)

NO PARKING LOADING ZONE:

Vine Street, west side, from Concord Street to a point 115 feet north of Amherst Street (Ord. 8798)

PARKING FOR MAYOR'S VEHICLE ONLY:

Spring Street, north side from Elm Street to a point 40 feet westerly (Ord. 7394)

TIME LIMIT 6AM-5PM MONDAY- FRIDAY, EXCLUDING HOLIDAYS:

1155 Elm Street (2 Ordinances – 8940, 8941)

METERS – 10 HOURS MON-FRI 5PM-8PM, SAT 8AM-8PM:

Elm Street, west side, from a point 20 feet north of Depot Street to a point 50 feet northerly (Ord. 8290)

ADD

METERS – 2 HOURS:

Middle Street, north side, from Franklin Street to a point 80 feet east of Canal Street

Central Street, north side, from Elm Street to Chestnut Street

Central Street, south side, from Elm Street to a point 117 feet east of Manhattan Lane

Central Street, south side, from a point 149 feet east of Manhattan Lane to Chestnut Street

Stark Street, north side, from a point 18 feet west of Hampshire Lane to a point 287 feet west of Hampshire Lane
Stark Street, north side, from a point 299 feet west of Hampshire Lane to Canal Street
Chestnut Street, west side, from a point 75 feet north of Hanover Street to Amherst Street
Elm Street east side, from a point 110 feet north of Pearl Street to a point 40 feet north of Pearl Street
Elm Street, east side, from Pearl Street to Bridge Street
Elm Street, west side, from a point 445 feet south of Stark Street to a point 156 feet north of West Merrimack Street
Elm Street, west side, from a point 132 feet north of West Merrimack Street to West Merrimack Street

METERS – 10 HOURS:

Lowell Street, south side, from Chestnut Street to Pine Street
Lowell Street, north side, from a point 20 feet east of Chestnut Street to a point 130 feet easterly
Amherst Street, north side, from Chestnut Street to a point 75 feet west of Pine Street
Amherst Street, south side, from a point 130 feet east of Chestnut Street to a point 40 feet west of Pine Street
Lake Avenue, north side, from a point 45 feet west of Chestnut Street to a point 90 feet east of Manhattan Lane
Pine Street, east side, from Monadnock Lane to Merrimack Street
Pine Street, west side, from Hanover Street to a point 165 feet northerly
Chestnut Street, west side, from a point 305 feet south of Merrimack Street to Central Street
Chestnut Street, west side, from Merrimack Street to a point 150 feet south
Chestnut Street, east side, from Amherst Street to Hanover Street
Chestnut Street, both sides, from Central Street to Lake Avenue
Chestnut Street, both sides, from Concord Street to Amherst Street
Chestnut Street, west side, from Manchester Street to a point 52 feet south of Hanover Street
Spring Street, north side, from Elm Street to a point 200 feet east of Canal Street

METERS – 10 HOURS - NO PERMIT PARKING:

Manchester Street, south side, a point 50 feet east of Elm Street to Chestnut Street
Manchester Street, north side, from Elm Street to Chestnut Street

NO PARKING LOADING ZONE -8AM-5PM- MONDAY-FRIDAY:

Vine Street, west side, from Concord Street to a point 115 feet north of Amherst Street

15 MINUTE PARKING:

Central Street, south side, from a point 117 feet east of Manhattan Lane to a point 149 feet east of Manhattan Lane
Lake Avenue, north side, from Manhattan Lane to a point 40 feet easterly

15 MINUTE PARKING -8AM-5PM- MONDAY-FRIDAY:

Stark Street, north side, from a point 287 feet west of Hampshire Lane to a point 299 feet west of Hampshire Lane

15 MINUTE PARKING -8AM-6PM- MONDAY-SATURDAY:

Elm Street, west side, from a point 156 feet north of West Merrimack Street to a point 132 feet north of West Merrimack Street

NO PARKING LOADING ZONE 8AM-6PM-MONDAY-SUNDAY:

Elm Street, west side, from Depot Street to a point 70 feet north

RESCIND 15 MINUTE PARKING:

Old Granite Street, south side, from a point 100 feet east of Granite Street to a point 50 feet east (Ord. 6510)
Alderman Sullivan

15 MINUTE PARKING:

Old Granite Street, south side, from a point 442 feet west of Elm Street, to a point 482 feet west of Elm Street. Monday through Friday, 8am-5pm
Alderman Sullivan

RESCIND METERS – 10 HOURS:

Old Granite Street, north side, from a point 105 feet west of Elm Street to a point 85 feet east of Granite Street (Ord. 8323)
Alderman Sullivan

RESCIND METERS – 2 HOURS:

Old Granite Street, south side, from a point 150 feet east of Granite Street to Hampshire Lane (Ord. 7272)
Alderman Sullivan

METERS – 10 HOURS:

Old Granite Street, north side, from a point 105 feet west of Elm Street to a point 413 feet west of Elm Street
Old Granite Street south side, from a point 152 feet west of Elm Street to a point 442 feet west of Elm Street
Alderman Sullivan

RESCIND NO PARKING:

Old Granite Street, south side, from Granite Street to a point 100 feet easterly
(Ord. 3456)

Old Granite Street, north side, from Granite Street to a point 85 feet easterly
(Ord. 3455)

Old Granite Street, south side, from Hampshire Lane to Elm Street (Ord. 3458)
Alderman Sullivan

NO PARKING ANYTIME:

Old Granite Street, north side, from a point 413 feet west of Elm Street to
Granite Street

Old Granite Street, south side, from Elm Street. to a point 152 feet west of
Elm Street

Old Granite Street south side, from a point 482 feet west of Elm Street to
Granite Street

Alderman Sullivan

TRAFFIC SIGNALS:

Huse Road and Lowe's
Alderman DeVries

RESCIND YIELD SIGN:

On South Willow Street at Huse Road, SEC
Alderman DeVries

STOP SIGNS – EMERGENCY ORDINANCE:

On Oliver Street at Somerville Street, SEC
Alderman Shea

STOP SIGNS – 4-WAY:

On South Porter Street at Purdue Street, SEC, NWC (speed survey and accident
history study underway by Manchester Police)

Alderman DeVries

NO PARKING ANYTIME:

On Lake Ave., north side, from a point 75 feet east of Wilson Street to a point 23
feet east

On Lake Ave., south side, from a point 75 feet east of Wilson Street to a point 19
feet east

Alderman Osborne

NO PARKING ANYTIME – EMERGENCY ORDINANCE:

On Tarrytown Road, west side, from Mammoth Road to a point 115 feet southerly

On Tarrytown Road, west side, from a point 210 feet south of Mammoth Road to
Hanover Street

Alderman Jim Roy

On Conant Street, north side, from Notre Dame Ave. to Blucher Street

On Notre Dame Ave., west side, from Walsh Ave. to a point 82 feet north

Alderman Ouellette

RESCIND NO PARKING ANYTIME:

On Merrimack Street, south side, from Chestnut Street to Pine Street (Ord. 3392)

Alderman Sullivan

On Tarrytown Road, west side, from Mammoth Road to Hanover Street

Alderman Jim Roy

RESCIND NO PARKING ANYTIME - EMERGENCY ORDINANCE:

On Conant Street, north side, from Main Street to Blucher Street

On Notre Dame Ave., east side, from Conant Street to a point 270 feet north

Alderman Ouellette

RESCIND NO PARKING DURING SCHOOL HOURS – EMERGENCY ORDINANCE:

On Notre Dame Ave., west side, from Conant Street to Walsh Ave.

Alderman Ouellette

RESCIND NO PARKING BUS STOP DURING SCHOOL HOURS – EMERGENCY ORDINANCE:

On Notre Dame Ave., west side, from Walsh Ave. to Hecker Street

Alderman Ouellette

NO STOPPING, STANDING OR PARKING - EMERGENCY ORDINANCE:

On Conant Street, north side, from Main Street to Notre Dame Ave

On Notre Dame Ave., east side, from Conant Street to a point 270 feet north

Alderman Ouellette

NO STOPPING, STANDING OR PARKING – 7AM-8AM/2PM-3PM ON SCHOOL DAYS –EMERGENCY ORDINANCE:

On Notre Dame Ave., west side, from Conant Street to Walsh Ave.

On Notre Dame Ave., west side, from a point 82 feet north of Walsh Ave. to Hecker Street

Alderman Ouellette

PARKING FOR POLICE VEHICLES ONLY:

On Merrimack Street, south side, from Chestnut Street to Pine Street

Alderman Sullivan

CROSSWALKS:

On Spruce Street, west of Canton Street
On Spruce Street, east of Cypress Street
Alderman Osborne
On Conant Street, north of Walsh Ave
Alderman Ouellette

PAINTED PARKING STALLS:

On Notre Dame Ave., west side, from Conant Street to Hecker Street
Alderman Ouelette

RESCIND PARKING 30 MINUTES- EMERGENCY ORDINANCE:

On Maple Street, east side, from Lowell Street to a point 50 feet south (Ord. 3340)
Alderman Jim Roy

ONE HOUR PARKING – EMERGENCY ORDINANCE:

On Maple Street, east side, from Lowell Street to a point 50 feet south
Alderman Jim Roy

CROSSWALK:

On North Bay Street, south of Theodore Road
Alderman Mark Roy

NO PARKING DURING SCHOOL HOURS:

On Theodore Road, south side, from North Bay Street to Chestnut Street
On Chestnut Street, west side, from a point 36 feet south of Theodore Road to a point 22 feet
Alderman Mark Roy

Deputy City Clerk Matt Normand stated the traffic agenda also includes the addendum that was handed out this evening.

Alderman Sullivan stated I have one item I would like to remove and table for the time being. It is on Page 6, the second paragraph, Elm Street, east side from a point 40 feet north of Pearl Street to Pearl Street. There are some relatively minor outstanding concerns there and I would like to have those addressed before we move forward with this.

On motion of Alderman Sullivan, duly seconded by Alderman O'Neil, it was voted to table the above item.

Alderman O'Neil stated I want to go on record on the stop sign issue. My understanding from past discussions we have had here is that stop signs need to

meet a warrant. There is actually a liability to the City just throwing them up without meeting that warrant. I know there is a manual out there. We just accepted an update on the fire code a month or so ago, and we accepted updates on the building code but we don't seem to use the traffic code that exists in making decisions about stop signs. I am going to vote against all of the four-way stop signs. I think at some point the City needs to accept the unified traffic code and follow it as we follow other national codes to prevent liability. I believe there are all kinds of liability issues in the City on these four-way stop signs. I am going to vote against those and I have one other item.

Chairman Shea asked is everyone in favor of everything other than what Alderman O'Neil is talking about? I will take a vote.

Alderman Ouellette stated point of order. There is one more item I would like to take off. I think we should probably take that off before we vote. That would be No Trucks Allowed 9:30 PM until 7 AM on Taylor Street from Grove Street to a point 55 feet northerly.

Alderman Sullivan moved to approve the traffic agenda with addendums with the exception of the above item. Alderman J. Roy duly seconded the motion. Chairman Shea called for a vote. The motion carried with Alderman O'Neil being duly recorded in opposition of all three-way and four-way stop signs.

Chairman Shea stated we will now discuss the No Trucks Allowed on Taylor Street submitted by Alderman Osborne.

Alderman O'Neil stated I received a call and went over and met with the gentleman who runs the business over on Massabesic Street regarding this on Friday afternoon with Atty. Solomon. I will tell you I have a concern that if we pass this we are going to put that business out. There is no way they can operate if we pass this. There are 35 or 40 jobs involved and ten of which are Manchester residents. To the best of my knowledge this has been loading docks ever since I was a kid in this City when Pepsi was bottling there. Just on the other side of them is Alltex Uniform. They run trucks in and out of there and have a bigger fleet than the electrical supply company. In my discussions with the gentleman, Mr. Crabtree, he indicated that when he became aware of this he moved the tractor trailer to try to help work with the neighbors. He moved it on the other side of the building to be unloaded I believe but we are talking about five trucks that need to go out to other sites early in the morning and without their ability to do that I think they are out of business to be honest with you. I do not plan on voting in support of this. I think the gentleman from the electrical supply company recognized the problem and has tried to make changes and put procedures in place with their drivers. I think they are doing everything they can to try to be good neighbors and

I commend them for that.

Alderman Osborne stated I don't know where to start. You have that in front of you. You have all of these people on Dearborn Street in front of you here. Everybody on that street has complained that they can't sleep. We have a quality of life issue here. I was born in that ward. I know it very well, trust me. We didn't have any 18 wheelers going in there at 2 AM and 4 AM with Pepsi Cola. We can't use that as a structure for what is there now. I know what is going on. You have all of these people that petitioned in front of you here. I could have had them all show up tonight but I didn't think it was necessary. I am the Alderman in that ward. I have lived there all my life and I know as well as you do what goes on there. It is nothing new to me. I am not from New Jersey or anything like that. I am just sticking up for my constituents there. I understand the business that is there and I don't think they are going to go out of business by not bringing trucks in at 2 AM and 4 AM. I don't believe that. They can wait a day before they make that delivery. There is always a way. I think that is just...on my part I don't like hearing that because it sounds like some sort of a blackmail situation. If they lived there I don't think they would appreciate it either. I am sticking up for my constituents here 100% and even the signs they have posted on the back there, #2, I guess the City Solicitor could talk to you about it. That is a residential area. That is not even zoned commercial back there on Dearborn Street. That is residential. I will fight this tooth and nail. So Mr. Solicitor, could you give us a little background on Dearborn Street?

Mr. Thomas Arnold, Deputy City Solicitor, answered not that you couldn't give Alderman. You and I were up there in the back of that building and there are a number of residents who I understand have expressed some disappointment with the noise level but beyond that I couldn't tell you what the zoning up there is. It may well be residential but I haven't looked at the zoning code to determine that.

Alderman Osborne stated it is residential.

Chairman Shea asked may I hear from someone representing that company?

Mr. Jim Shirley, Attorney, stated I represent Don March who is here in the Chambers tonight. Don is the owner of the building. Don is the owner of Seaman Supply Company. Seaman Supply moved to this location in 1988. They opened their operation in 1988 and they continued in business. Prior to that they had been on Valley Street. It is a business that has been in Manchester for over 50 years. They sold the business to CLS, which is the current operator and the manager of CLS, Jim Crabtree, is here tonight also with Atty. Steve Solomon because of very significant concerns about the impact that this proposed ordinance would have on their business.

Chairman Shea asked when was the sale done so we can have some type of time reference?

Mr. Shirley answered Seaman sold the business to CLS, Capital Light & Supply in 2002 and they have been operating there since that time. Seaman, or essentially Don March, continues to own the building so there are two parties of interest here – the owner of the property and CLS, which is the lessor of the property.

Chairman Shea asked so in 2008 is there anything different in the operation from 2002?

Mr. Shirley responded it is my understanding that there has been no change.

Chairman Shea asked so in other words the same number of vehicles have come and gone according to your understanding?

Mr. Shirley answered that is correct. I think it is important to understand that there is a delivery made by tractor trailer, one delivery per night to that loading dock. The material is on rolling cases and it is my understanding that the delivery can be made in 20 to 30 minutes. After that tractor trailer departs the box vans that CLS uses are cross loaded to go out to the job sites and the other branches of CLS. So there is only one tractor trailer that goes in. When the box vans are loaded, they are loaded behind closed doors. The accommodations that I understand CLS has made is that they have turned off the back-up beepers on the trucks and they have cautioned their docking employees to proceed as quietly as they can and they have attempted to talk to the neighbor across the street. Kevin Bell is the owner of the property at 65 Dearborn Street. By the way, the petition that has been presented to you only includes three people. One of them is Kevin Bell at 65A Dearborn and the other one is his tenant at 65B Dearborn and the third person who signed the petition in favor of this change in the law is the building on the other side. If you would be interested I have some pictures and a diagram and I can distribute it to each one of you. I think it would help the discussion.

Chairman Shea asked does the truck come from Valley Street onto Taylor and then go to Dearborn?

Atty. Shirley answered that is correct.

Chairman Shea stated so basically it doesn't impact Watson or any other street other than Dearborn.

Mr. Shirley responded that is right and beyond...if you look at Tab 1 of the handout the CLS building is depicted and the loading dock is cross-hatched. Across the street you will see a little bracket and that is a vacant lot that Seaman Supply Company owned and continues to own. When the tractor trailer comes in, it pulls into the vacant lot in back across the street into the loading dock and then once that departs in the 20 to 30 minute timeframe, the CLS vans back in there and are cross loaded. Tab 2 is an aerial map of the same thing. Tab 3 depicts the existing situation, which is that in 1988 an ordinance was passed that permitted truck traffic from a point 345 north of Grove Street. So if you refer back to your map you will see that that ordinance specifically allowed truck traffic up to the loading dock but not beyond. Tab 4 is pictures. The first one, which is labeled 079, is a picture of the loading dock. There is a CLS box van there. That is what the box vans look like. The next picture, which is 080, is a sign across the street from the loading dock to make sure that the trucks coming out of the loading dock turn left because the traffic to the right is restricted. There are no trucks allowed to the right. 081 is the sign that tells the public there is no through truck traffic and that is just on the north side of the loading dock. Because of the compliance there is an emergency regulation enacted and I think Mr. Crabtree can speak to this in detail if necessary but the short version is that the Traffic Department put up the No Trucks Beyond This Point as an emergency regulation because of the compliance. This was done several weeks ago and then due to some consultation with the City Solicitor's Office I think it was agreed that it would not be enforced until this matter was brought before your Committee. 083 is a picture of the neighborhood. 084 is a picture of 64 Dearborn Street where Mr. Bell and his tenant, who have been the primary people who have voiced concerns about the unloading, live.

Chairman Shea stated we have a limited amount of time.

Mr. Shirley responded okay 085 is the unloading cages and 086 is a picture of the other businesses with forklifts unloading onto the street. The last thing here is simply...Tab 5 is the emergency regulation. As was said before, there are only three people...it is not a whole neighborhood. There are three people, two of whom are in the same building and this is a person who purchased this property in 2006 apparently as an investment property.

Chairman Shea stated I appreciate your discussion and I thank you for it. We are kind of in a limited amount of time here. I just noticed we only have about 12 minutes left.

Alderman J. Roy stated I have one question. The box vans when they are loaded, are the doors closed? The overhead doors?

Mr. Shirley answered while they are loading the overhead doors are closed; yes.

Alderman J. Roy asked so they are completely contained within the building?

Mr. Shirley answered correct.

Alderman J. Roy stated Mr. Chairman, just to let you know I grew up in that area too and in fact some of my very close friends resided in that very building on Dearborn Street. That vacant lot...do you still allow the residents to use that during the winter time for parking? It was always a very nice gesture. They have been in business for...Dearborn Street, you can't take a truck up Dearborn Street anyway. You can't. I know you can't. You have to come in through Taylor and you go past the other uniform place and then you come in and go into that business. I am with Alderman O'Neil. I don't want to see any difficulties for the business. I think they are working pretty hard to appease the people in the neighborhood and keep the noise down just by what they have done with the truck and unloading it and having those vans inside the building with the doors down to load them up. I am not in favor of this either. Thank you.

Alderman Ouellette stated really quickly I just want to echo the sentiments of my two colleagues on the Committee. I think the company has bent over backwards to try and work with the neighbors and I am glad to see that they have. This has been a business for many, many years. It is kind of like if you are a daytime sleeper and you work at night and you purchase a home in the flight path of the airport you are certainly not going to petition for them not to fly any planes. I am against this.

Chairman Shea stated Alderman Osborne, why don't you conclude and then I will take a vote.

Alderman Osborne stated first of all, when he said there are only three, I have a petition here with 20 names on it. Whether you are a homeowner or rent you still have to sleep. I think we should all sleep there one night and find out...well not now because it will be kind of quiet but when this was all happening I think you would find a different situation. Basically it up to the Committee, that's for sure, but it is not the right thing to do. I will find other avenues I am sure. It is residential there and I lived there all my life and Pepsi Cola never had that kind of thing there. They loaded on the other side of the docks. Also, you have a sign posted right there on that dock stating that you only take deliveries from 9 AM until 6 PM or 7 PM. It says nothing about 10 PM to 7 AM. All of the sudden they are going in there from 10 PM to 7 AM with 18 wheelers. You can't close a door on an 18 wheeler. That is impossible. It blocks the road. It is a safety hazard with that 18 wheeler sticking out on Dearborn Street.

On motion of Alderman Ouellette, duly seconded by Alderman O'Neil, it was voted to receive and file the ordinance request for No Trucks Allowed from 9:30 PM until 7 AM on Taylor Street, from Grove Street to a point 55 feet northerly.

Chairman Shea addressed Item 5 of the agenda:

5. Communication from Jeff Eisenberg, President of Manchester Monarchs, requesting permission to place yard signs at area businesses, major roads and rotaries throughout the city from Saturday, October 4, 2008 through Saturday, October 18, 2008 to promote the upcoming season.

Alderman O'Neil moved to approve the request with the condition that they pick them all up. Alderman Sullivan duly seconded the motion. Chairman Shea called for a vote. There being none opposed, the motion carried.

Chairman Shea addressed Item 6 of the agenda:

6. Recommendation of the Special Committee on Parking in the vicinity of high schools that Chapter 70 of the Motor Vehicles And Traffic of the Code of Ordinances of the City of Manchester be amended by adding a new Residential Parking Permit Zone #8 in Section 70.55(D) (8) Residential Parking Permit Zone #8.

Note: Referred by the Board of Mayor and Aldermen 9/2/08

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

Alderman J. Roy asked Ms. Stanley to come forward.

Ms. Brandy Stanley, Parking Manager, stated this should probably be tabled.

Alderman J. Roy stated that is what I was going to say. We shouldn't act on this today should we? It came out of the Special Committee on Parking in the vicinity of high schools, and it went to the Board and they asked to send it here. I believe Alderman DeVries is going to be working on this. So we should probably table it?

Ms. Stanley replied we should table this one and the next item on the agenda as well.

7. Recommendation of the Special Committee on Parking in the vicinity of high schools that regulations for standing, stopping, parking and operation of vehicles be adopted as noted and those inconsistent therewith be repealed.

Note: Referred by the Board of Mayor and Aldermen 9/2/08

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

On motion of Alderman J. Roy, duly seconded by Alderman O'Neil, it was voted to table Items 6 and 7.

Chairman Shea addressed Item 8 of the agenda:

8. Ratify and confirm poll conducted August 20th approving "No parking" signs for St. George Cathedral on Hanover Street for September 12, 2008 to September 14, 2008 for Glendi.

On motion of Alderman O'Neil, duly seconded by Alderman J. Roy it was voted to ratify and confirm the poll.

Chairman Shea addressed Item 9 of the agenda:

9. Communication from Brigit M. Ryan, American Cancer Society, requesting permission to paint pink ribbons in the intersections of Elm Street and North Street, Elm Street and Bridge Street and Elm Street and Granite Street for an event to be held on October 19, 2008.

On motion of Alderman Sullivan, duly seconded by Alderman O'Neil, it was voted to approve the request.

Chairman Shea addressed Item 10 of the agenda:

10. Communication from Krista Stadnicki, Northside Animal Hospital, requesting permission and installation of directional signs for the facility.

Alderman Ouellette moved to approve the request.

Alderman J. Roy asked do we know what these signs are going to be and where they are going to be and all that kind of stuff?

Alderman O'Neil stated I thought we were trying to...I remember that Bob MacKenzie has made a number of presentations to us and I thought we were trying to get away from all of these directional signs. I see the Public Works Director is shaking his head. I thought we had kind of drawn a line that we were going to stop doing them.

Chairman Shea asked so what do you want to do?

Alderman O'Neil stated Alderman Ouellette if you recall we had Burger King before us at one time and we didn't allow it down on South Willow Street.

Alderman Ouellette withdrew his motion.

Alderman M. Roy stated since this property is in the northern part of Ward 1 and does sit against the commercial location of Shop and Save, I would just ask that in that receive and file motion we ask or send a message from the Clerk's Office to ask what size signs and what they are looking for. I know they have a sign on the front of the property. I think it has been there longer than we have had a sign ordinance. I would like to see if we can help them out with their business somehow.

Chairman Shea stated as long as they put it in Hooksett we don't have to worry. I think it is on the Manchester/Hooksett line so they could just push it a couple of inches and we would be all set.

On motion of Alderman O'Neil, duly seconded by Alderman J. Roy, it was voted to receive and file.

Chairman Shea addressed Item 11 of the agenda:

11. Communication from Jim Costello, Marcel's Way, requesting the use of Arms Park on May 9, 2009 for Marcel's Way 6th Annual 5K road race and fundraising walk.

Chairman Shea stated there are two parts to that request. The first part has to do with that but the second part has to do with 70 spaces for employees for free parking. Why don't we take these separately?

On motion of Alderman O'Neil, duly seconded by Alderman Ouellette, it was voted to approve the request for the use of Arms Park on May 9.

Chairman Shea stated the second part has to do with the 70 spaces free of charge for the employees of the Verizon. I think we voted at one time and weren't in favor of that. There is going to be a circus in town and I guess they want the circus people to use their parking lot but the people who work there they want them to be able to park free during that time.

Alderman O'Neil asked didn't we already do this one?

Alderman Ouellette stated I think we did it for the dinosaur thing.

Alderman O'Neil asked Brandy, did we do this before for them?

Ms. Stanley answered yes.

Chairman Shea stated I don't want to speak for her but Brandy, if you want to come up and discuss this...because some of us were in favor of this and some of us were opposed to it.

Ms. Stanley stated I think the City has pretty much always allowed the Verizon employees free parking on the streets when they have large shows like the dinosaur show and the circus shows. The City has always allowed their employees to park for free on the streets. My understanding is this has been going on since the arena was built. I don't know if it had been brought to this Board on a more frequent basis but since I have been here I have been bringing it to the Board every time and it has always been approved. I think the question is a policy decision for the Board as to whether you want to continue to allow Verizon employees to park for free in metered spaces.

Chairman Shea stated so what we are doing in essence is allowing people who work for an entity to park free during the time that other people who work for entities have to pay. Is that really what it amounts to?

Ms. Stanley responded in cases like this yes.

Alderman O'Neil stated we have done it in the past. We can't blame...it is how the facility was designed. It is only an issue for a limited amount of events during the year. We closed the street at one point for the circus. It is just part of having the arena.

Alderman O'Neil moved to approve the request. Alderman Sullivan duly seconded the motion. Chairman Shea called for a vote. The motion carried, with Chairman Shea being duly recorded in opposition.

NEW BUSINESS

Request submitted by Brandy Stanley, Parking Manager, from the Manchester Police Department for ten parking passes, valid for the duration of the Michael Addison trial. The ten parking passes would be valid on the street on in the Pine Lot and would be issued to the Police Department for distribution at their discretion

On motion of Alderman Ouellette, duly seconded by Alderman O'Neil, it was voted to approve the handout.

TABLED ITEM

12. Communication from Mitch Sawaya, owner of the Strange Brew Tavern at 88 Market Street, requesting that he be allowed to temporarily close a portion of Franklin West Back Street each week from Thursday through Saturday between the hours of 5:00 p.m. and 11:00 p.m.

Note: Mr. Sawaya to meet with abutters in order to work out an agreement relative to his request and report back to the Committee.

(Tabled 2/19/08)

On motion of Alderman J. Roy, duly seconded by Alderman O'Neil, it was voted to remove Item 12 from the table.

Alderman J. Roy stated I see that the people involved in this are here. This is something that we looked at quite awhile ago and seeing that it is going to be a pilot program I think Mitch has shown that he works very well with the neighbors down there and if there are any concerns he addresses them rather quickly. I believe that Alderman O'Neil has some information about coverage by the Police Department in that area as well.

Chairman Shea stated there is a neighbor in the audience, Mr. Ross.

Alderman J. Roy stated both of them are here. Mitch and Mr. Ross are here.

Chairman Shea stated I am not sure what you want to do. Do you want both people to come up?

Alderman J. Roy responded absolutely.

Chairman Shea stated why don't we hear from Mitch first and then Mr. Ross.

Mr. Mitch Sawaya stated I think the way we left it before was someone, I think Alderman O'Neil, was going to have further discussion with Mr. Ross and you were going to check with the police and see what the track record was and see how we were handling our issues. I have only heard bits and pieces of how that all came out but what we had talked about was making this a pilot program where we did something on Saturdays and Sundays.

Chairman Shea asked was there a recent meeting? I am not aware of that.

Mr. Sawaya answered I believe the only meetings that have happened have been between some of the Aldermen and the police. We have already met with the Highway Department and the other departments that were involved.

Chairman Shea asked there were no recent meetings with you?

Mr. Sawaya replied no, not with me.

Chairman Shea stated I know we left it here and I am not sure what happened.

Alderman O'Neil stated there was a meeting set-up for Alderman Sullivan and I to meet with the police. Unfortunately Alderman Sullivan had a change in schedule and was not able to join. The Police Department provided information on calls to service in the lot. Actual incidents in the lot that were registered per the address of the lot were minimal. That was provided by Deputy Lussier I believe.

Chairman Shea asked was this recently?

Alderman O'Neil answered I don't remember when it was but some time ago I believe.

Chairman Shea asked like in July?

Alderman O'Neil answered I honestly don't remember. I have spoken with Deputy Lussier in great detail about this. I have also spoken with Chief Mara. I know they have made some internal changes regarding the detail at the Strange Brew. It is a standard order that that officer will be required to go up in the parking lot at closing time. I spoke with Chief Mara today believing that maybe this was going to come up again. He again reiterated, and this is for Atty. Ross and his wife, his full commitment from the Chief of Police that everything will be done to make sure that the parking lot is safe and that any behavior from the Chief's standpoint will not be tolerated and people will be arrested. There is my observation when we had our Friday night marathon standing out when we had a break outside there is a lot of activity going into that parking lot from many establishments well beyond Strange Brew. The young people were coming from all directions – from the south, east and north to get to it. I would be comfortable doing the pilot with the assurance from the Police Chief that conduct in the lot is not going to be tolerated. I don't think that is necessarily Strange Brew's issue. I think it is a City issue; a downtown issue.

Mr. Sawaya stated I want to make sure I add one more thing to that. I think one of the concerns that Mr. Ross has had is the closing time issue that comes up with people heading to the parking lot. There are a lot of people who go to that parking lot late at night but what we are talking about for this program is opening the alleyway from noon until 10 PM. At that point, we wouldn't serve out in that alley anymore and people wouldn't be allowed out in that alley anymore. Also, during that time as it is now people are in that alley smoking since the smoking ordinance passed. We now

have people out there monitoring the level of noise. There would be no music or anything like that out there but I think if I understand it right Mr. Ross's biggest concern is from about 11 PM until whatever time people are finally gone. That is what is waking him up at night if I understood it correctly.

Chairman Shea asked Mr. Ross, would you care to comment?

Mr. Cliff Ross stated I just want to point out that our complaints aren't necessarily old business. Within the last three months a tenant of ours and my daughter-in-law witnessed two savage fistfights outside of Strange Brew, outside the front door and then down near our property with all kinds of cheering going on. On another occasion not far removed in time, there was somebody that was apparently a police officer or something to do with corrections who had a car parked directly in front of our front door and people looked into the car and saw what apparently was identification that it was owned by a corrections officer so they came up on my front lawn and took a tremendous granite stone from our rock garden and smashed the car to pieces. That was reported to the police. The police came and according to my tenant the policeman said that this neighborhood has gone crazy. In another instance, we came out the front door of our place at 79 Middle Street and there was a pool of blood in the parking lot. Somebody had been plugged by a baseball bat and we have no information that the assailant came from Strange Brew but there was a big crowd that gathered on my front lawn and my son made the mistake of asking them to get off the front lawn in a respectful manner and they quickly identified two motor vehicles in the parking lot as belong to us. They kicked in my fender and tried to break off the window and they ripped the antenna off of our car in such a way that it dented the roof. My neighbors, the settlement company next door, put up a flagpole in the alleyway area and it was smashed to pieces immediately. I have no complaint with the people using that space up until 10 PM as Mitch asks but I am concerned about the entire situation. I had occasion to go into Strange Brew in the last three weeks to complain about something and I encountered one of the most polite and cooperative bartenders I ever met. I spoke about the situation to him and he said that it is hard for them to have a policeman go outside to supervise what is going on outside because of the possibility of fights in the bar. I think there is an obligation to attend to both areas and that neighborhood was never like that before. I like Mitch. He runs a very good place. He provides a lot of happiness to a lot of people but it is a dangerous situation down there. Now truthfully it has gotten better and I think it might be as a consequence of the Chief of Police putting more people out there and patrolling a little better. We hope it will continue and we simply ask that you do whatever you can to help the situation from becoming a tragic situation, and good luck to Mitch and his business.

Chairman Shea asked Mitch is it possible for you to hire a second policeman to supervise the people?

Mr. Sawaya responded the problem that we are talking about is the Franklin Street parking lot. When we hire a police detail we hire one and his job is supposed to be to monitor anything that goes on on my property. What we are talking about is in that parking lot there are all kinds of incidences that go on. The incident that Mr. Ross is talking about when the guy was clubbed, the best we can figure is that it came from one of the neighborhood houses. People knew this guy and they followed him into the parking lot. The only thing you can really do about that is insist on having a police detail in that parking lot at night.

Chairman Shea replied no what I am saying is if you were to run a pilot program and allow the back area to be an area for socializing would you in turn have a second policeman because of the problems inside that may occur? Somebody can't be two places at once. In other words would you be able to do that financially? Is that something that you can't afford financially?

Mr. Sawaya answered it is an expensive proposition to add a second police officer. It is \$188 per policeman per night.

Chairman Shea responded I didn't realize it was that expensive.

Alderman O'Neil stated I have nothing but the utmost respect for Atty. Cliff Ross. He is one of the great citizens of our City and I say that very honestly and I would do nothing, nothing that I thought would make a bad situation for him or his wife. I have nothing but the utmost respect, Cliff, for you and your wife. I have the full confidence and commitment from the Chief of Police that the Franklin Street parking lot is a targeted area by the Police Department and that the Chief will use all efforts to make sure that the behavior in there changes, especially at closing time of all of the establishments in downtown Manchester and it is with that confidence, Cliff, that I am in favor of trying this pilot program with Strange Brew in the alley. I really think they are two different issues. I have the full commitment...I even spoke to the Chief again this afternoon and he committed to me that he will do everything in his power to enforce the law in that parking lot.

Chairman Shea stated perhaps Cliff, you could get in touch with the Chief of Police and explain that at a meeting held today a commitment was made by him that there would be additional security. His number is 668-8711, ext. 301.

Mr. Sawaya stated one of the things that we implemented after the last meeting was we actually insisted...we have no control over what the police do after they go. Once they sign out with us in the inside of the building they weren't taking any responsibility beyond that. We have insisted that they walk around the neighborhood and make sure that no one is left loitering. We had Chief Mara's backing on that so

we were able to get that done. Prior to that, it was pretty much once they were done in my building they would get in their cars and drive off. That is definitely a factor.

Alderman Ouellette asked Mitch, do you also employ bouncers as well?

Mr. Sawaya answered I do. On a Friday or Saturday night there are five bouncers spread throughout the building

Alderman Ouellette stated getting to Chairman Shea's point, instead of considering hiring a second officer obviously you can just send one of the bouncers around to make sure everything is okay.

Mr. Sawaya responded it actually carries more credibility having the officer go around so that is what we typically try to do. My guys have authority within the building but once you are outside that building, they have no legal authority at all. It becomes very difficult for them to get involved in anything. So that officer, we will absolutely use him to go around.

Alderman Ouellette responded as long as somebody does it because I think that would clear up any issues during that time. I agree with Alderman O'Neil that it is a separate issue and a police issue in terms of the parking lot and Atty. Ross's issues, which aren't any fun I am sure. I am sure that the Chief will address that.

Mr. Ross stated we have lived there for some 35 years and during Mitch's tenure we have watched the people come and go. They go in as regular ordinary good kids but they don't necessarily leave that way. They are pretty wild. I appreciate the improvements and I am grateful to all of you.

Alderman J. Roy stated I have one more question for Mitch. While you have this area in the alleyway being occupied by some of your patrons, are you going to have a bouncer out there?

Mr. Sawaya responded absolutely.

Alderman J. Roy stated so he can go inside and get the police officer quick enough. I think what I was hearing, and Mr. Ross correct me if I am wrong, but you don't have any objections to him having this pilot program until 10 PM. You have an objection about what is happening later on that we have to address with the police.

Mr. Ross responded correct.

Alderman O'Neil stated I have a question for Mitch. I know this is late in the fall but if the Board approved it would you take a shot at it this fall at all?

Mr. Sawaya responded no, I am going to wait until spring. I want to make sure we get the right furniture and figure out a way to barricade the alley that looks good to the neighbors. I don't want to jump into this. We assumed that it wasn't going to happen so we will wait until the spring.

Alderman O'Neil asked is there a commitment from previous discussions that this would be still be a pilot program and at the end of a season if it isn't working and we are having problems...it is a pilot and we are not committing to this forever correct?

Mr. Sawaya answered absolutely.

Alderman O'Neil stated so it is the City's obligation as well as yours to make sure that this works for the residents of the area.

Chairman Shea stated you said next spring. When would you start?

Mr. Sawaya responded probably April or May or as soon as the weather gets better.

Alderman Sullivan stated as it is written it doesn't specify that it is a pilot program.

Chairman Shea asked do you want to wait and make a motion at the next meeting?

Alderman Sullivan answered it has been sitting on the table for months now. I guess we could move it forward with the proviso that we revisit the issue in October of 2009.

Chairman Shea asked do we want him to come back in the spring?

Alderman Sullivan answered I think it would be okay if we just make it effective right now. If Mitch isn't going to go ahead and do anything with it, that is fine, but rather than put in a specific date that may or may not coincide with his business plans for next year...

Mr. Sawaya interjected the reality is that at this point I have to order awnings and I have to order barricades and nothing is going to come in before winter.

Alderman Sullivan replied right but we can give you the go ahead right now so that when all of that arrives next spring you can make a judgment call based on your business sense without having to come back to us at the last second. Knowing us we will probably forget about it and we don't want to run into a situation like that.

Deputy City Clerk Normand stated just so we are clear, this would be reflected on his business license so what I have gathered so far from the conversation is that this would be proceeding from noon until 10 PM, that there will be no music outside, that the alley will be opened up after 10 PM, that there will be a bouncer outside and that this will last for only one season as a pilot program beginning in April or May of 2009 through October.

Chairman Shea asked how many days a week would this be?

Mr. Sawaya answered I just want to start it on Saturdays and Sundays.

Alderman Sullivan asked you don't want Fridays covered by this?

Mr. Sawaya answered the only problem with Fridays is we have to wait until the cars from next door leave anyway. I would love to do it on Fridays if that works. It probably should reflect Friday, Saturday and Sunday. I would just have to figure out what time we would start it on Friday. I need to see what is going to happen. The cars next door might not move out until 7 PM on a Friday.

Alderman Sullivan moved the motion as outlined by Deputy City Clerk Normand.

Deputy City Clerk Normand asked do you want me to read it again?

Alderman Sullivan answered yes.

Deputy City Clerk Normand stated this would be for a pilot program to begin sometime in April or May of 2009. It would be for seating only outside the alley abutting the Strange Brew from noon until 10 PM. There would be no music. The alley would be opened up after 10 PM. There would be a bouncer outside during the operation. I am not clear if it is Friday, Saturday and Sunday or just Saturday and Sunday.

Mr. Sawaya answered you probably want to put it down as Friday, Saturday and Sunday and then we don't have to come back here again.

Alderman Sullivan stated yes let's put Friday, Saturday and Sunday.

Alderman J. Roy duly seconded the motion.

Alderman O'Neil stated I am committed to Atty. Ross regarding that parking lot that we are going to clean up the behavior there. I am committed to you on that.

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

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

A True Record. Attest.

Clerk of Committee