

COMMITTEE ON PUBLIC SAFETY, HEALTH AND TRAFFIC

October 20, 2008

6:30 PM

Chairman Shea called the meeting to order.

The Clerk called the roll.

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

Messrs.: L. LaFreniere, T. Arnold, Alderman Lopez

Chairman Shea addressed item 3 of the agenda:

3. The Traffic Division has submitted an agenda which needs to be addressed:

RESCIND 2 HOUR PARKING- 8AM-2PM:

On Douglas Street, south side, from West Street to Dover Street (Ord. 6419)

Alderman Ouellette

RESCIND NO PARKING ANYTIME:

On Lake Avenue., south side, from a point 45 feet east of the Firehouse to a point 50 feet west (Ord. 3207)

On Lake Avenue., south side, from a point 85 feet west of Hall Street to a point 100 feet westerly (Ord. 8142)

Alderman Osborne

On Hackett Hill Road, both sides, from Front Street to the dead end (Ord. 8145)

Alderman Domaingue

RESCIND NO PARKING DURING SCHOOL HOURS:

On Chestnut Street, west side, from a point 36 feet south of Theodore Road to a point 22 feet south

Alderman Mark Roy

NO PARKING ANYTIME:

On Precourt Street, west side, from a point 100 feet north of Demers Street to a point 60 feet north

Alderman Smith

On Silver Street, south side, from Maple Street to a point 185 feet east

Alderman Shea

On Wellington Hill Road, east side, from Whittington Street (south end) to a point 165 feet north

Alderman Gatsas

On Lake Avenue., south side, from Hall Street to a point 75 feet west
Alderman Osborne

On Old Hackett Hill Road, both sides, from Front Street to the dead end
Alderman Domaingue

NO PARKING ANYTIME – EMERGENCY ORDINANCE:

On Zachary Road, south side, from the dead end to a point 110 feet west

On Zachary Road, north side, from the dead end to a point 162 feet west
Alderman Pinard

1 HOUR PARKING – 8AM-6PM:

On Lake Avenue., south side, from a point 120 feet west of Hall Street to a point
65 feet west

Alderman Osborne

PEDESTRIAN SIGNALS:

Elm Street and Gas Street

On Elm Street, north of Gas Street

On Gas Street, west of Elm Street

Alderman Sullivan

PEDESTRIAN WARNING BEACON:

On Huse Road at Leo Street

Alderman DeVries

CROSSWALKS:

On Auburn Street, east of Canton Street

Alderman Osborne

On Cypress Street, north and south of Somerville Street

Alderman Shea

On Elm Street, north of Gas Street

Alderman Sullivan

On Huse Road, south of Leo Street

On Leo Street, east of Huse Road

Alderman DeVries

On Karatsas Avenue., south of Eastern Avenue.

Alderman Pinard

On Somerville Street, east and west of Cypress Street

Alderman Shea

RESCIND 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

Alderman Sullivan

ADD METERS – 2 HOURS (EMERGENCY ORDINANCE):

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
Alderman Sullivan

Alderman O'Neil moved to approve the traffic agenda, including the addendum.
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. Communication from Attorney Cheryl LePine Beliveau, requesting on behalf of her client, that the City eliminate two parking lot spaces on Map 292 Lot 11 and further requesting permission to access the petitioner's parking lot from this parcel.

Alderman J. Roy moved the item for discussion. Alderman Ouellette duly seconded the motion.

Alderman J. Roy asked this parking lot that they asking to access, didn't they go in front of the Zoning Board and it was denied?

Chairman Shea answered yes, it would have to go before the Zoning Board.

Alderman J. Roy asked did it go there already and was denied? That is what I heard.

Mr. Leon LaFreniere, Building Commissioner, stated this did go to the Zoning Board and they had some concerns about this, primarily related to single point of entry and egress. I believe that the proponent of this change is currently investigating the potential for accessing the site through the City's parking lot and exiting through the Cumberland Farms lot next door. That would be a change of condition that would allow him to go back to the Zoning Board and ask for another review.

Alderman J. Roy stated thank you for that answer. With that said, I don't know if we need to handle this right now but one other point I would like to make is that Jay Minkarah stood before us two weeks ago and showed us a conceptual plan of what they would like to do with that area and that building took up this lot that they want to have access through. If you remember right, the portion of Second Street right there actually went through the middle of the building so if we were to give up the right-of-way and give up these two spots I think it would hinder our possible development of that area.

Chairman Shea asked so you are in favor of referring it to the Zoning Board?

Alderman J. Roy answered I think we could probably table this. First of all, they would have to get the Zoning Board to approve what their new plan is and then we could weigh in on it. I am against it myself right now but that may change. I don't know.

Alderman Ouellette stated the person that we are talking about is basically looking for a way to access this particular area of his property. Right now there is absolutely no way for the company to access this area. It is my understanding that the area is to be used for employee parking and if the area ends up becoming developed in the future I think we can tackle that at that time in terms of how he would be able to utilize the space. I have also heard that they were trying to find a way to also use the westerly area of that lot too to make another way in or out. To me right now it is just giving up two parking spaces down in the area that they call the pit for this particular person to use part of the property, which he is being taxed for that right now he has no access to.

Chairman Shea stated you have a different point of view than Alderman Jim Roy.

Alderman Lopez stated I want to shed some light on this since I had a discussion with Alderman Thibault and then Alderman Ouellette when he took over as Alderman in that ward. To answer Alderman Jim Roy's question, yes it did go before the Zoning Board. At the time it went before the Zoning Board we thought that things were cleared up between Leon LaFreniere and Lands & Buildings, but apparently some communication fell through. At the time the Zoning Board met, I think Matt Sink was there and he didn't get the communication to say that Lands & Buildings authorized this for the individual to go through the parking lot like Alderman Ouellette said so they denied it based on that and other reasons as Leon LaFreniere talked about. So it did go back to Lands & Buildings and they referred it to this Committee and it is just like everybody is saying, we are just giving him the authority...he still has to go and get the permit and go back to the Zoning Board. I think had the Zoning Board known that the City was okay with him driving through our parking lot to get to his spaces, I think there might have been a different outcome.

Chairman Shea asked what is the Committee's recommendation?

Alderman O'Neil stated although I am very uncomfortable because I am not sure where this is going to go as far as setting precedents in other places, but the fact that the ward Alderman is comfortable with this...I tried as an At-Large Alderman

to support the ward Aldermen so I will vote to support this, but I want to go on record that I am not real comfortable with doing this.

Alderman Ouellette moved to approve the request. Alderman O'Neil duly seconded the motion.

Alderman Ouellette stated I think that the reason it got sent back to this Committee was basically to figure out whether or not this Committee would allow the use of these two spaces for entering and exiting the area. I don't think it was for a debate on the zoning and those issues. I think that is what we are approving tonight. Is that correct, Leon?

Mr. LaFreniere responded I do think this is one of those chicken and egg situations where the Zoning Board was reluctant to grant a variance without knowing that the Board of Mayor and Aldermen was going to be supportive of the request and I think that they were looking for that kind of guidance before they felt it was appropriate to proceed.

Alderman O'Neil stated I know Attorney Arnold had a comment.

Mr. Tom Arnold, Deputy City Solicitor, stated upon hearing the motion, I was just going to suggest to the Committee that you probably want to be very clear about the type of permission that you are recommending. The City basically deals in two types. Of course there are easements, but I see this as a request for permission. Hearing the Committee, I think the Committee probably wants to recommend what I call a revocable license so they give permission to use the two spaces but the City could revoke that permission at any time for any reason at the City's sole discretion.

Alderman O'Neil asked Alderman Ouellette, are you comfortable with the language that Attorney Arnold just stated?

Alderman Ouellette answered yes, I am very comfortable.

Chairman Shea called for a vote on the motion to grant a revocable license allowing Marcel & Sylvia Beliveau to use the two parking spaces outlined in the request. The motion carried, with Alderman J. Roy being duly recorded in opposition.

Chairman Shea addressed item 5 of the agenda:

5. Communication from Barbara Potvin, New England Sampler, requesting the City hold a public forum to discuss the process of closing off city streets and the impact that these closings have on local small businesses as well as the benefits drawn by the City of Manchester and its local citizens.

Chairman Shea stated I was going to suggest that we refer this to the Committee on Administration.

Alderman Sullivan moved that the request be referred to the full Board with a recommendation that a hearing be held.

Alderman Sullivan stated I think this is something that makes sense. This comes out of a problem that some of the local businesses had with the Palace Theatre about a month or so ago where the Palace had an event and they blocked off the street. Other businesses' customers couldn't get there. I think we should just send this forward. I don't see any reason to refer it to the Committee on Administration.

Chairman Shea stated I think the City Clerk might have something to say.

Deputy City Clerk Matt Normand stated Alderman Sullivan might not have had the privilege of this information but the Mayor called a meeting last week. I guess this was brought to the Mayor's attention as well and representatives from the Parking Division, Highway, Police and the Clerk's office met to discuss the issues, not only surrounding this issue but also several issues that arise on Hanover Street which chronically become a problem for a number of the businesses. The thought process was that because of licenses involved in all of these events in years past, some of these licenses were vetted by the Committee on Administration. The staff recommendation was that the applicants would go through the process as they do now and then prior to approval would send it to the Committee on Administration so that the Committee would have the final approval on actual issuance of this and then send it back to the department. This in essence would allow for an airing of any issues that the public would have also.

Alderman Sullivan stated I guess my question would be why would the Committee on Administration be involved?

Deputy City Clerk Normand responded because they...

Alderman Sullivan interjected is it because of the licensing aspect?

Deputy City Clerk Normand replied exactly.

Alderman Sullivan stated okay. I was just wondering why. When you are dealing with street closures it is not...

Deputy Clerk Normand interjected it is because of the licensing involved.

Alderman O'Neil asked Matt, am I correct that whether it is fairs or parades everything has to have a license?

Deputy City Clerk Normand answered that is correct.

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

Chairman Shea addressed item 6 of the agenda:

6. Request from Peter Ramsey, Palace Theatre, for permission to hang a banner across Hanover Street for the months of November and December to advertise upcoming performances.

On motion of Alderman J. Roy, duly seconded by Alderman Ouellette, it was voted to refer this item to the Committee on Administration.

Chairman Shea addressed item 7 of the agenda:

7. Request from Samantha Appleton, Intown Manchester, for all municipal parking spaces, both on-street and off-street, to be free of charge on the evening of Thursday, November 20, 2008 from 5:00 pm to 10:00 pm for the second annual Moonlight Holiday Shopping Stroll in downtown Manchester.

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

TABLED ITEMS

8. **15 MINUTE PARKING -8AM-5PM- MONDAY-FRIDAY:**
Elm Street, east side, from a point 40 feet north of Pearl Street to Pearl Street
METERS – 2 HOURS:
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
(Tabled 9/15/08)

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

Alderman Sullivan stated this is something that was taken off the agenda a few weeks ago. I wanted to speak with the business that is adjacent here. It is the North End Laundromat. They want to have a 15 minute parking space for pick-ups and drop-offs from customers, so it is not a big deal.

Alderman Sullivan moved to approve the traffic changes. Alderman O'Neil duly seconded the motion. Chairman Shea called for a vote. There being none opposed, the motion carried.

9. 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)

This item remained on the table.

10. 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)

This item remained on the table.

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

A True Record. Attest.

Clerk of Committee