

## COMMITTEE ON PUBLIC SAFETY, HEALTH AND TRAFFIC

April 7, 2009

5:00 PM

Chairman Shea called the meeting to order.

The Clerk called the roll.

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

Messrs: T. Arnold, B. Stanley, T. Clougherty

Chairman Shea addressed item 3 of the agenda.

3. The Traffic and Parking Divisions have submitted agendas which need to be addressed:

**ACCESSIBLE PARKING SPACE – EMERGENCY ORDINANCE:**

On Pettingill Road, north side, from a point 260 feet east of Brown Avenue, to a point 20 feet east  
Alderman DeVries

**NO PARKING ANYTIME – EMERGENCY ORDINANCE:**

On Elm Street, east side, from Trenton Street to a point 68 feet north  
On Elm Street, east side, from a point 202 feet north of Trenton Street to a point 25 feet north  
Alderman Mark Roy

**NO PARKING 7AM-3PM / MONDAY – FRIDAY:**

On English Village Road, west side, from a point 775 feet south of Dunbarton Road to a point 700 feet south  
Alderman Murphy

**NO PARKING ANYTIME:**

On Dubuque Street, west side, from a point 60 feet south of Putnam Street to Sullivan Street  
Alderman Ouellette

**RESCIND STOP SIGNS -3-WAY:**

On Monitor Street at Cumberland Street –NEC, SWC  
Alderman Ouellette

**STOP SIGN:**

On Cumberland Street at Monitor Street – SEC  
Alderman Ouellette

**RESCIND PERMIT PARKING 8AM-8PM:**

Arms Street, east side, from Stark Street to a point 80 feet northerly  
ORD 9390  
Alderman Sullivan

**NO PARKING ANY TIME:**

Arms Street, east side, from Stark Street to a point 80 feet northerly  
Alderman Sullivan

**RESCIND METERS – 10 HOURS:**

Concord Street north side, from a point 295 feet east of Pine Street to Union  
Street  
ORD 2879  
Alderman Sullivan

**METERS – 2 HOURS:**

Concord Street, north side, from a point 295 feet east of Pine Street to Union  
Street  
Alderman Sullivan

**METERS – 10 HOURS – (Emergency):**

Spring Street, south side, from Elm Street to Plaza Drive  
Monday-Friday 8:00am-5:30pm \$.75 per hour  
Plaza Drive, east side, from Spring Street to Mechanic Street  
Monday-Friday 8:00am-5:30pm  
Alderman Sullivan

**NO PARKING ANYTIME – (Emergency):**

Plaza Drive west side, from Spring Street to Mechanic Street  
Spring Street south side, from Plaza Drive to Canal Street  
Alderman Sullivan

**RESCIND NO PARKING ANYTIME - (Emergency):**

Plaza Drive, from Spring Street to Mechanic Street, both sides  
ORD 3528  
Alderman Sullivan

**RESCIND NO PARKING TOW ZONE (ANYTIME) - (Emergency):**

Spring Street south side, from Elm Street to Canal Street  
ORD 6156  
Alderman Sullivan

On motion of Alderman O'Neil, duly seconded by Alderman J. Roy, it was voted to approve the traffic regulations as amended and include the addendum.

Chairman Shea addressed item 4 of the agenda.

4. Communication from Brandy Stanley, Parking Manager, submitting requests for the use of Arms Parking Lot, Pearl Street Parking Lot and Merrimack Street.

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

Chairman Shea addressed item 5 of the agenda.

5. Communication from Brandy Stanley, Parking Manager, requesting ordinance changes for 71.99 Penalties for snow emergencies and 70.78 Penalties for parking violations relative to the recently approved and executed contract for collection services for overdue parking citations.

On motion of Alderman O'Neil, duly seconded by Alderman Sullivan, it was voted to discuss this item.

Alderman O'Neil asked Tom, have you reviewed this?

Mr. Thomas Arnold, Deputy City Solicitor, replied yes I have.

Alderman O'Neil asked does it affect any other part of collection of monies for other departments?

Mr. Arnold replied I don't believe so.

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

Chairman Shea addressed item number 6 of the agenda.

6. Communication from Brandy Stanley, Parking Manager, regarding ordinance changes for 70.54 Permit Parking in Lieu of Coin Deposit and Parking Districts.

On motion of Alderman Sullivan, duly seconded by Alderman O'Neil, it was voted to discuss this item.

Alderman Sullivan stated thank you, Mr. Chairman. Brandy, I was hoping that you could give us the Cliff Notes version of what you are proposing here. I know in the past there has been a lot of miscommunication on some of these things so I want to make sure that you have a chance to explain what this is.

Ms. Brandy Stanley, Parking Manager, stated the first thing we are requesting is to add Plaza Drive to district 27. We recently added a parking meter there. That Ordinance was just passed. It needs to be included in this district in the parking Ordinance. So basically it is just a housekeeping item. The Granite Street parking lot is the lot that was previously the staging area for the reconstruction of the Granite Street Bridge. The contractors vacated that and it has been sitting vacant since. What we are proposing to do is to stripe it and sell monthly parking on it until it is sold to the group that we are looking to sell it to. The other one is a series of clerical errors. When we passed the downtown parking plan it was a very complicated Ordinance and we made a few mistakes, so we are just cleaning up some of the clerical errors.

Chairman Shea stated I want to add too that with the lot being vacant people are parking there right now for free. It is our parking lot and we should be receiving some funding from it.

Alderman Sullivan stated in other words, what you are saying is that we are not taking anyone's space and turning up the rates or anything like that. We are taking some locations that are currently not designated for parking and adding new parking to downtown. Is that a fair statement?

Ms. Stanley stated that is correct.

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

Chairman Shea addressed item 7 of the agenda.

7. Communication from Brandy Stanley, Parking Manager, regarding a new ordinance for fraudulent use of walking disability placards/plates.

On motion of Alderman O'Neil, duly seconded by Alderman J. Roy, it was voted to discuss this item.

Ms. Stanley stated over the last two and a half years we have been committed to enforcing walking disability placards within the city. What we have found is that there is a very large amount of abuse out there. I know that part of your packet included a list of some of the placard abuse that we have seen and this is placard abuse that we have seen just in the last five months since I started keeping a record of it. You can read through some of the incidents. There was someone who was abusing an 11 year-old boy's placard. We just had one yesterday where someone was displaying a Massachusetts placard that had expired in 2003. They had been abusing it for six years by covering up the date. There is one particular individual that despite a placard which had been reported stolen brought in that placard to dispute the parking ticket. When we called up to Concord we found that that person had reported stolen six placards and had two valid ones. That would beg the question as to what happened to the other six, really. The state law currently does not have a penalty for abuse of a placard. What we are trying to do is to allow ourselves basically a means to penalize some of these people that are abusing walking disabled placards. What this Ordinance does is assigns a \$500 fine to someone who is using a placard that does not belong to them, a placard that has been altered or duplicated, and it gives us a little more teeth in the law. I can give you an example of someone we just had yesterday. They parked at a regular parking meter, did not pay the meter and displayed a walking disability placard. The person that got out of the car was in his 20's, give or take, and when we called up to Concord we found that that placard was issued to someone who was born in 1918. The only thing we could do was write a ten dollar parking ticket because this person didn't park in a walking disabled space and there is no provision in the City Ordinance or state law to write something that is a little bit more punitive, shall we say. What we are trying to do in this Ordinance is create a means for both the Parking Division and the Police Department to try to stop some of the abuse because we don't have very many tools at our disposal to stop some of the abuse that is going on.

Chairman Shea stated one of the thoughts that is going through my mind is what if someone legitimately is parked in a particular area but because of some sort of oversight on their part they forgot to renew it? What happens in that case? Can you explain that? Is there some provision that they could be protected if it is an

oversight, mistake or error because they are an elderly person they have other concerns that they have to address?

Ms. Stanley stated the City of Manchester has an internal review process so if someone gets a parking ticket or any other ticket, they can file an appeal, which is reviewed internally. If it is found that there is a special situation or there is some reason why the ticket should be voided then we will do that. If we find it to be valid then the person has the ability to take it to court and have a judge make a final decision. With the internal review process and the court system, there are two avenues to make sure that someone who made an honest mistake, which does happen fairly often, can get the ticket voided or reduced or we can make some provision for them. The people that we are really after are the ones like this person in his 20's that was using obviously a very elderly woman's placard. Those are the people that we are after. We are not after the people that forgot to get it renewed or forgot to display it or something like that.

Alderman O'Neil stated Brandy, I think it is great that we go after those that abuse it but I just want to make sure that that is not what we become known as. I think it went to Alderman Shea's point there are an awful lot of people that have these that are legitimate. Walk me through the mechanics of how a PCO or police officer would detect these. They would have to go looking at the placard, correct? So does that mean that every time a PCO walks by a car that has a placard we are checking the placard?

Ms. Stanley stated absolutely. We check them all. Expired placards are mostly what we find and we have been working with the National MS Society as well as the state DMV to change some of the ways that they do that. One of the problems is that the blue permanent placards have the word 'permanent' written on them and because they only have to be renewed every five years, some of the disabled people see the word permanent and think that they don't ever have to renew it. That happens frequently. Whenever someone gets a parking ticket because they forgot to renew it, as long as they go to Concord, get it renewed and bring it back so that we can see it, we will take care of the ticket because it is an honest mistake. Usually we find the incidents of abuse on the back end. Someone will come in and we will discover that the placard has either been lost or it belongs to someone that is deceased. That usually happens after a regular parking ticket has been written. In those cases we would want to refer those over to the Police Department and they would have the ability to assess the higher fine.

Alderman O'Neil stated the only thing I caution...I think it is great we are going after those that abuse and I believe there are those that abuse, but I just don't want this to start to become an issue for people who legitimately have them. There are misinterpretations and everything else out there. I think the PCO's need to be

instructed to be cautious and make sure they are correct with it and there should be no case of embarrassing people or anything like that. We have to get this one right. The only other thing, you happen to communicate with the Governors Commission on Disabilities and the MS Society, just for a courtesy have you reached out to the Access Manchester Committee? It is actually a quasi-group of the Board of Mayor and Aldermen. It is chaired by Eric Sawyer.

Ms. Stanley stated yes, I have forwarded him the Ordinance.

Alderman O'Neil stated we should make sure because he is not referenced on here. They are our particular group with regards to accessibility in the city.

Alderman Sullivan asked these placards are issued by the state, correct?

Mr. Arnold replied that's correct.

Alderman Sullivan asked do we have the authority to enforce an Ordinance that deals with something that we as a City haven't issued? I know we are not an entity of the state so do we actually have the authority to enforce this?

Mr. Arnold replied I haven't researched that specific point, Alderman but I believe that we do.

Alderman Sullivan stated my second comment kind of ties in with what Alderman O'Neil was saying a minute ago, that we don't want to inadvertently scoop up well meaning people here. I guess I would consider amending Section II, "any person who displays and uses an altered walking disability placard" you may want to add knowingly to that. If there is somebody out there who has their parents or their grandparents placard they are not going to get hit with it. You are not going to hit an individual driver who is not trying to game the system. Is that something you would be willing to look at or would it be something the Committee would be willing to look at? I am throwing it out there for discussion. There may be a way to work around this.

Alderman O'Neil asked Peter, would you install that after "any person who" knowingly....

Alderman Sullivan stated yes, paragraph 2, Section D, in section A and B because it will actually apply to both. 'Any person who knowingly displays or uses an altered walking disability placard' and then 'any person who displays or uses a facsimile'. That might cover some of the concerns.

Ms. Stanley asked could we put this on the table with the amendment to give me some time to research with the Solicitor's Office exactly what that would do to how the Ordinance is enforced?

Alderman Sullivan stated I don't want to bog anything down either. I know this is something that needs to go forward. What would the will of the Committee be?

Alderman O'Neil asked Clerk, is this going to the full Board tonight?

Acting City Clerk Normand stated we could report this out to the full Board tonight. However, it would have to lay on the table for five days because it is imposing a penalty.

Alderman O'Neil asked does it need to go anywhere else?

Acting City Clerk Normand replied it will follow the normal procedures.

Alderman O'Neil stated I guess one of the ways we could do it, if we want to keep it moving, it is going to be forwarded to the full Board in two weeks, is just ask for clarification within that two week period.

Alderman J. Roy asked Brandy, does two weeks give you enough time?

Ms. Stanley replied yes.

On motion of Alderman Sullivan, duly seconded by Alderman J. Roy, it was voted that the Ordinance amendment ought to pass.

Chairman Shea addressed item 8 of the agenda.

8. Communication from Brandy Stanley, Parking Manager, submitting ordinance changes to Chapter 38 Code Enforcement and Chapter 70.81 Penalty for Other Violations, on behalf of the Ordinance Violations Bureau.

On motion of Alderman O'Neil, duly seconded by Alderman Ouellette, it was voted to discuss this item.

Alderman O'Neil asked Brandy, this applies primarily to code violations issued by Health, Fire, Building, Highway and other agencies, and this is the recommended change?

Ms. Stanley replied yes, because we pretty much don't issue court summons for parking tickets so this applies really to the other types of violations the Ordinance Violations Bureau handles such as noise ordinances and building code violations. Those actually are issued summonses and the way it is right now, the summons are issued via registered mail which is expensive and somewhat dicey because they can be refused or they are served in hand which is a reserve officer actually going to a residence and if it is out of state it become very difficult.

Alderman O'Neil asked the changes are first class mail or listed with New Hampshire motor vehicles? Those are the two changes?

Ms. Stanley stated yes, adding the option for issuing a legal summons using first class mail.

Chairman Shea stated I think that one of the concerns that you have too is that people who do receive some sort of a ticket, you explained that they can request a court case and then they can register their vehicle again and they don't always show up for court. Again, this is a way of making sure that people are not taking advantage of a loophole in the laws.

Alderman Ouellette stated Brandy, the problem I have with this first class mail piece is it is so easy for someone just to say I never got it and there is no way for the City or anyone else to track whether the piece was actually even mailed out other than the word of the clerk mailing out the piece. I think that is why having some sort of way of tracking the piece of mail through the bar-coded scan by the letter carrier. When he or she either delivers it or notices it at least that way the person receiving the citation can't come back and they I didn't know about the citation. At least there is some sort of record that we can trace as a city to have some sort of backbone to say you were notified and the fact that you didn't pick up the letter has nothing to do with whether or not you were notified. We did our due diligence by mailing the piece and here is the number or if they got it back with a green card and somebody signed for the letter, they can't say my kid signed it and never gave it to me. We would have the green card that is returned. I am not thrilled with that last change using just first class mail.

Ms. Stanley stated Alderman, if I may, what I can tell you is that the District Court itself actually sends out its own legal notices via first class mail and again, this is not something that I personally did the research on but I do know that the District Court does send out legal notices via first class mail. I know that they were consulted before this Ordinance was presented. They didn't have an objection to using first class mail. I can also tell you that the City has registered for return address information so if a letter is undeliverable then it comes back to us with a

forwarding address. I don't have a whole lot of background on this but I do know that the court itself actually uses first class mail.

Alderman Ouellette asked how many citations are we talking? Give me a round about.

Ms. Stanley replied I don't know the answer to that. The Parking Division writes between 50,000 and 60,000 tickets a year and I believe that the rest of the departments, maybe one percent of that. There really isn't very much.

Alderman Ouellette asked so we are talking about between 5,000 or 6,000?

Ms. Stanley replied at the most.

Alderman Ouellette asked 500 or 600?

Ms. Stanley replied that would probably be closer although I can't guarantee that. I know that a lot of departments have actually scaled back the number of citations that they issue because of this problem, not being able to go anywhere with it because of the registered mail and the service in hand.

Alderman Ouellette stated I would think that the District Court would send out a lot more than 500 or 600 citations for court appearances. I think it kind of compares apples and oranges. I don't think that we would have the same amount of volume but I understand your point, 500 or 600 pieces of certified mail is a lot more expensive than 500 or 600 pieces of first class. I understand the point. It may be a matter of dollars and cents too.

Alderman O'Neil asked Brandy, did you just say that you are understanding some departments have scaled back on issuing citations because of the mailing costs?

Ms. Stanley stated I did and maybe I shouldn't have said that. I can actually verify that.

Alderman O'Neil stated I would hope that we are not scaling back on issuing citations because of the mailing costs. I would be disappointed if that in fact was going on so maybe we can send something out through the Clerk to remind departments of that. If there is a violation in a building they should be cited.

On motion of Alderman Ouellette, duly seconded by Alderman Sullivan, it was voted to approve the Ordinance changes.

## **TABLED ITEMS**

9. Communication from Brandy Stanley, Parking Manager, submitting a snow removal policy clarifying the duties of certain departments.  
*(Tabled 1/20/09)*

This item remained on the table.

10. Summary of the Manual on Uniform Traffic Control Devices submitted by James Hoben, Traffic Division, if available.  
*(Note: Communication from Kevin Sheppard, Public Works Director, attached. Tabled 1/20/09)*

This item remained on the table.

## **NEW BUSINESS**

Alderman O'Neil stated I think the Clerk has some background regarding the odd/even parking.

Chairman Shea stated I think I brought that up years ago because I think that we do have too long for the period of time between the on and off parking.

Mr. Tim Clougherty, Deputy Public Works Director, stated we would like the Committee to consider moving back the odd/even parking date that would normally expire on May 15<sup>th</sup> to April 15<sup>th</sup> for this year only.

Alderman O'Neil asked that is important, Tim, that this is only this year because the weather was on our side. We didn't have a lot of snow and we were able to get a lot of sweeping done. Just to clarify that they are only looking for this year.

Chairman Shea stated yes, but I have had complaints about the duration of this. I think I discussed this last year with Kevin and he was going to try to work on some sort of an adjustment on the time period because it is very difficult for certain individuals that live in congested areas to find spaces for parking during periods when other people in other parts of the City don't have that concern.

Mr. Clougherty replied we discussed some potential adjustments at both ends of the scale.

Chairman Shea stated it could be done, like Alderman O'Neil mentioned, on a per year basis depending upon what the weather conditions are.  
On motion of Alderman O'Neil, duly seconded by Alderman J. Roy, it was voted to amend the Ordinance.

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

A True Record. Attest.

Clerk of Committee