

COMMITTEE ON PUBLIC SAFETY, HEALTH AND TRAFFIC

December 6, 2010

6:00 PM

Chairman Roy called the meeting to order.

The Clerk called the roll.

Present: Aldermen Roy, Osborne, Long, Ouellette, Shaw

Messrs: J. Hoben, B. Stanley, T. Arnold

Chairman Roy addressed item 3 of the agenda:

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

STOP SIGN:

On Laxson Avenue at Edouard Street – SWC
Alderman DeVries

STOP SIGNS – 4 –WAY:

On Tory Road at Joe English Lane – NWC, SEC
*** Review attached

Alderman Craig

On Mystic Street at Cameron Street – NEC,SWC
*** Review attached

Alderman Shaw

On Holly Avenue at South Wilson Street – NEC,SWC
*** Review attached

Alderman Shaw

YIELD SIGN:

On Hospital Avenue at Cypress Street – SWC
Alderman Osborne

RESCIND NO PARKING LOADING ZONE:

On Wilson Street, west side, from a point 20 feet south of Clay Street to a point
26 feet south
(Ord. 9919)

NO PARKING ANYTIME:

On Massabesic Street, south side, from Jewett Street to a point 50 feet east
On Massabesic Street, south side, from a point 70 feet west of Jewett Street to a
point 40 feet west
Alderman Osborne

RESCIND NO PARKING – 8AM-4PM – MONDAY – FRIDAY:

On Central Street, south side, from a point 135 feet east of Maple Street to a point
20 feet east
(Ord. 6397)
Alderman Osborne

CROSSWALK – EMERGENCY ORDINANCE:

On Weston Road, east of Circle Road
Alderman Devries

**15 MINUTE PARKING – 8 AM -11 PM EMERGENCY
ORDINANCE:**

On Maple Street, east side, from Merrimack Street to Monadnock Lane
Alderman Roy

STOP SIGN – EMERGENCY ORDINANCE:

On Whitwell Street at Pine Island Road – NWC
Alderman DeVries

Alderman Long moved to approve this item. The motion was duly seconded by
Alderman Shaw.

Chairman Roy stated before we vote, I want to once again talk about my
disapproval of the four way stop signs. I won't continue ad nauseam on them, but
none of them meet the criteria and probably the worst example of it is the one at
Tory Road and Joe English Lane where there are no criteria met. From the north
there are 12 cars averaged per hour and from the south there are 13 cars per hour,
so every two minutes there is a car coming along. The thing that sticks out the
most for me is that the average speed is 20 to 21 miles per hour. I don't get why
we are spending our resources on this. Alderman Craig, would you like to give us
the reason why we need this four way stop sign?

Alderman Craig responded I put the request in based on constituent concerns. The
neighborhood has an awful lot of young children playing in the area. Currently
there is a stop sign on Joe English Lane. One block up there is a four way stop
sign on Tory Road and Red Coat Lane so this is not inconsistent with what the
neighborhood is used to. One block away there is St. Catherine's Church and St.

Catherine's School so there is an awful lot of traffic that travels here. I didn't have a chance to look at what days of the week this traffic study was done, but certainly certain days of the week have heavy traffic and I can only rely on the people who live in that neighborhood to tell me what is going on and their concerns, and that is why I brought the information forward.

Chairman Roy called for a vote on the motion. The motion carried, with Alderman Roy voting in opposition to the four way stop signs.

Chairman Roy addressed item 4 of the agenda:

4. Communication from Kevin Sheppard, Public Works Director, submitting a correction to Ordinance 71.13 Overnight Winter Parking.

On motion of Alderman Long, duly seconded by Alderman Shaw, it was voted to approve this item.

Chairman Roy stated I talked to Kevin today and this is a housekeeping matter. It puts the Ordinance in line with what the enforcement is. The hours didn't jive.

Chairman Roy addressed item 5 of the agenda:

5. Communication from Joseph Parrotto, Beaver Street resident, regarding traffic issues in the area of Candia Road and Hanover Street.
(Note: Forwarded to the Police and Highway Departments for review and recommendation on 11/19/2010.)

On motion of Alderman Long, duly seconded by Alderman Osborne, it was voted to discuss this item.

Chairman Roy stated I talked to Mr. Hoben about this. I got the letter from Mr. Parrotto and I actually agree with him, but our information is anecdotal. Mr. Hoben has talked to DOT. They aren't averse to doing something, but they want numbers to back up what they are going to do so they have to do a study on the turning on that off ramp. We don't control that connecting road or the off ramps. They said it could take several months before they have anybody who could do that. Mr. Hoben and Kevin Sheppard approached Southern New Hampshire Planning Commission and Tim White, and I believe they are going to look into it to get the number of who turns where so they can supply that information to the State. Is that accurate?

Mr. Jim Hoben, Traffic Division, replied that's pretty accurate. Tim was responsive to weigh in on it and get someone out to do the turning counts to make sure the actually lane usage matched the turning counts.

Alderman Shaw stated that is what my suggestion was going to be, that either the City or the State do a study because it did look like something that would be worthwhile from travelling in that area.

Chairman Roy stated I think he is accurate in his observations. I would like to see this put on the table for now until we get some information back.

On motion of Alderman Osborne, duly seconded by Alderman Shaw, it was voted to table this item.

Chairman Roy addressed item 6 of the agenda:

6. Communication from Brandy Stanley, Parking Manager, submitting a request from the National MS Society for the use of Arms Parking Lot on Sunday, April 17, 2011, from noon until 4:00 p.m. for their annual Walk MS Manchester event.

On motion of Alderman Ouellette, duly seconded by Alderman Long, it was voted to approve this item.

Chairman Roy addressed item 7 of the agenda:

7. Communication from Brandy Stanley, Parking Manager, submitting an amendment to Ordinance 70.54 establishing a monthly rate for downtown post secondary schools.

On motion of Alderman Long, duly seconded by Alderman Shaw, it was voted to approve this item.

Chairman Roy addressed item 8 of the agenda:

8. Communication from Brandy Stanley, Parking Manager, submitting a request from Mark Carrier Construction, Inc. (MCCI) for discounted commercial parking on Elm Street.

On motion of Alderman Long, duly seconded by Alderman Osborne, it was voted to discuss this item.

Alderman Long stated MCCI is the contractor doing the Benefit Strategies building on Elm Street. Initially when they proposed that add on, that new building, there were a couple focuses that I had. One was the opportunity for someone to build a new building on Elm Street to be the poster child to the flexibility of the City with respect to helping them out, to not put up wall for them. We are not losing any revenue, which is why it is broken out to \$8 a space. We are not getting the \$7 in revenue that we could have gotten, but we're not losing any revenue and I think this is a way that the City could show in good faith that we want these buildings, we want work being done to Elm Street and if you are proposing something like that we would like to work with you and this is one of the ways we could help them.

Alderman Shaw stated I was going to make a similar comment.

Alderman Osborne asked what does this involve money wise, the discount?

Chairman Roy replied \$7 per space per day.

Alderman Osborne asked how many spaces are there?

Chairman Roy replied four. It is \$28 per day and the point made by Brandy Stanley and Alderman Long is that is what we normally get for those spaces anyway, so we're not going to lose any revenue. It is a win-win.

On motion of Alderman Long, duly seconded by Alderman Shaw, it was voted to approve this item.

TABLED ITEM

9. **RESCIND HANDICAP PARKING:**
 On A Street, south side, from B Street to a point 30 feet easterly
 (Ord. 8063)
 Alderman Greazzo

This item remained on the table.

NEW BUSINESS

Alderman Ouellette stated it was brought to my attention by not only a constituent, but also talking to Alderman Ludwig, that commercial vehicles in the Ordinance probably need to be reexamined. I know that in my ward there are some people who have basically their passenger cars and a placard or bumper sticker with a business name and they are being ticketed \$50 a night for parking overnight on a street and they don't take up any more space or cause any more hazard than a bigger truck. I can understand a big box truck or dump truck or a landscaping trailer or whatnot, but these are regular pick up trucks or vans that have the insignia of the company that they work for. A lot of these people are salesmen and work out of their car a lot and basically it is a regular car or van. I think it is time to look at the Ordinance and maybe come up with a size or weight limit in terms of what constitutes a commercial vehicle and what doesn't constitute a commercial vehicle.

Alderman Shaw stated I'm very glad that you brought that up because that is an issue that had come up in my ward also. This also should continue into determining exactly the size of a truck that can go on a no truck road instead of just a commercial vehicle being on a no truck road because there is some confusion. I have talked to the Police Department about President Road and according to DOT standards, it is a vehicle over 26,000 pounds, but according to the City Ordinance it is a commercial vehicle. They could get a Fex-Ed truck or just a pick up truck. There are some issues with that Ordinance. I really think it needs working on. It needs to be looked at.

Alderman Osborne stated you would have to come up with a weight limit, that's for sure. You can have large trailer truck start parking and so on. I think this originated quite a while back. I think the main reason was that there were a lot of complaints throughout different wards about vehicles with lettering and so forth all over it and it was a blight. In other words, if you have a lot of vehicles in a particular area, especially in the north end where those people are not used to seeing a lot of vehicles parked there with printing on it. That is why that was

brought about in the beginning from what I can recollect. I think Mr. Hoben may be able to come up with something. I have had calls too, don't get me wrong. There was one black box truck up on Lake Avenue, in fact he still parks there all the time. He didn't have any lettering at all on it. All he had were a couple of ladders on top of the truck so it was considered commercial because he two ladders on top of the truck. It is going to be quite a drawn out thing to put in a new Ordinance, I guess, but the line has to be drawn somehow. What is your feeling about it?

Mr. Hoben replied it is under State law I believe.

Alderman Osborne asked is this a State statute or City Ordinance?

Ms. Brandy Stanley, Parking Manager, replied the City's Ordinance follows the State's statute fairly closely except for one point and that is that a vehicle is considered a commercial vehicle if it is 26,000 pounds, which follows the State, but there is another item that is in the City's Ordinance, but is not in the State statute and that says that a vehicle is considered commercial if it is used primarily for business as opposed to pleasure.

Alderman Osborne asked how would you find that out unless you policed this particular vehicle and this particular person?

Ms. Stanley replied I think that is one of the interpretation issues. The Police Department for many years has enforced that particular item as a vehicle bearing lettering. Any vehicle bearing any type of lettering other than a bumper sticker is considered a commercial vehicle because you are absolutely right, how can you tell whether or not a vehicle is being used for business or pleasure? It can somewhat reasonably be assumed that the vehicle is a business vehicle if it has lettering on it.

Alderman Osborne stated I can remember years ago as far as something commercial and non-commercial I think if it was a business...it was smaller vehicles that had commercial plates. They said commercial on them. I don't know what they did over the years with that or what you have to be in order to be a commercial vehicle. It has to be over 26,000 limit and then they have commercial plates? Is that how it works now?

Ms. Stanley replied just as a frame of reference, the utility trucks that Comcast or Fairpoint use, those type of utility trucks are actually not 26,000 pounds and if you look at their license plates you will see that they have passenger car license plates so 26,000 pounds is a very large vehicle and it does not include the big box trucks, the commercial vehicles you are talking about. I think the City's Ordinance

covers those vehicles as well as a station wagon with Amoskeag Beverages written on the side of it.

Alderman Osborne asked what is your thought or idea about the blight end of it?

Ms. Stanley replied being a City employee, I would defer to the Board.

Alderman Long asked who enforces this? Is it your department or is the Traffic Division?

Ms. Stanley replied the Police and the Parking Division both enforce this Ordinance.

Alderman Long asked do you know if we are required to follow a certain statute? Is there a State statute that we have to model this after or follow it or could the City's Ordinance be the intent of the City?

Ms. Stanley replied I think I would have to defer to the City Solicitor. It is my understanding that the City can tighten up an Ordinance and make it more restrictive, but it cannot make it less restrictive, but I'll defer to the Solicitor.

Alderman Long asked so there is a statute that we have to follow, Mr. Solicitor?

Mr. Tom Arnold, Deputy City Solicitor, replied there is a statute that defines what a commercial vehicle is. I think that off the top of my head, for City purposes in terms of parking restrictions, we could draft the Ordinance so that it enforces the parking regulations that the Board wishes. The problem essentially becomes one of definition. If you are dealing with a panel truck as has been discussed, there are panel trucks that aren't used for business as much as other panel trucks. There was reference made to the Comcast panel trucks, which are used for commercial reasons all the time and there may be others that are not. It is basically a problem of definition and defining the particular vehicles that you want to regulate parking on and trying to come up with a definition that excludes those vehicles that you don't want to regulate parking on. It is not a simple process.

Chairman Roy stated I think when I first got on the Board one of the things that was in front of us was this issue and it was a difficult one that went away.

Alderman Shaw stated I'm being facetious I think, but maybe if it fits in a parking space it could be considered okay to park there, but if it is bigger than a parking place then it's a commercial vehicle.

Alderman Ouellette stated vans or station wagons with just a company insignia, I think it is worth looking into. A box truck would be a bit much for me to accept. I think we are just looking. If staff is clear on what we are looking for, I think they could come up with some recommendations come next month's meeting for us to at least look at and examine as to what this Committee wants. As Brandy said, it is our decision, but I'd like to direct staff to come up with a proposal. I think they understand where we are trying to go with this, but come up with a proposal that we would allow some, even though they are not commercial vehicles, commercial-type vehicles to park on the street.

Alderman Osborne stated I think it all boils down to the blight situation. I think there are a lot of them out there now that are panel trucks that don't have any printing on them or anything else for that matter because they don't want to get a ticket, but they are working commercially anyway. What is good for some should be good for others. I'm sure there are some out there now that are using those vehicles for commercial use but because there is no print they don't get a ticket. We are going to have to work by the weight situation. That is the big thing.

Chairman Roy asked Tom, can we ask you to work with the other members of the staff and hopefully come up with some ideas for our next meeting?

Mr. Arnold replied certainly. I'm hesitant because I always hate to promise a certain deadline, but I will certainly do that.

Chairman Roy asked can I ask you to work with the other staff and come up with some suggestions for us in the future?

Mr. Arnold replied certainly.

Alderman Long stated I'm wondering if at tomorrow's BMA meeting we could get a consensus. Maybe Alderman Craig has a different scenario in her ward than we would have in ours as far as being a blight, maybe not, but before they do all this work let's make sure that we're all consistent with it. I would hate to do all this work and come up with a scenario and have three or four Aldermen saying that they disagree. Are you clear on where we are going with this?

Chairman Roy asked how about under new business tomorrow I bring it up and we can have a discussion with the full Board to give them a little bit of an idea of where we think we are going to go.

Alderman Osborne asked Mr. City Solicitor, will anything that we put together under a City Ordinance supersede the State or we can't supersede the State's 26,000 pounds?

Mr. Arnold replied again, to try to be clear, we cannot alter State law that defines what vehicles must be registered as commercial vehicles. What we can do is define what commercial vehicles are for the purpose of our parking regulations.

Alderman Shaw asked would it be helpful if all the Aldermen had a copy of the Ordinance before them tomorrow night at the meeting? Do you think that would be helpful so they know what we are talking about?

Chairman Roy replied it certainly couldn't hurt. Could we get that for tomorrow night's meeting?

Mr. Arnold replied absolutely.

Alderman Ouellette asked what is ambiguous about what we are asking? I don't understand why you are not clear on what we are asking. It is pretty clear to me.

Ms. Stanley replied I understand having seen and taken pictures of many commercial vehicles that have been ticketed. Obviously it is clear that if you have a courier service with a Ford Focus station wagon with a few lines on it that is not what you are intending to ban from the street. However, that same vehicle can be shrink wrapped and completely covered in graphics and be extremely gaudy. If you are interested in keeping that type of vehicle off the street that is one thing and then you have the weight limit. No matter what you did to a Ford Ranger pick up truck it would probably be under the weight limit. What is the weight limit? What vehicles fall within which weight limit? Are you trying to exclude Ford F-350s? F-250s? What types of cars fall in what weight classes? Defining a weight limit is very difficult depending on what level of vehicle you want to ban on the street and obviously the type and manner of graphics. You could have a Volkswagen Beetle shrink wrapped with Miller Light. I don't know if the Board wants that on the street or not. That is what I'm unclear about. Is it the graphics, the weight, the type of graphics? Is it a certain percent of the car that is covered in the graphics?

Alderman Ouellette replied my response to that is that anybody can, for any reason, cover their vehicle with graphics. It doesn't have to be for a commercial reason. I'm thinking of some religious pastors who have religious graphics all over their vehicle. It may not be gaudy to them, but it may be gaudy to someone else. I think that most businesses, when they have their name on a vehicle, tend to be pretty conservative about the lettering that they have on their vehicles. I see a lot more gaudy vehicles that have nothing to do with business. To each his own. I'm not sure that gaudy vehicles are going to be a big problem here.

Alderman Shaw stated I'm not concerned at all with what they look like, except for their size. If it is bigger than what you would consider a pick up truck up to the highest pick up truck that there is, anything that is bigger than that that is closer to the 26,000 pounds I would consider a commercial vehicle, but anything that is the size of a car or a pick up truck, just because it has writing on the side, should not be tagged when it is on the street. That is how I feel personally. I don't care about what color they are or whether they have graphics on them or anything. That is my take on this.

Alderman Osborne stated getting back to blight again, I missed my solid waste meeting the other night, but I was watching it and when they brought up advertising on the toters, I'm not for that type of thing because it is another blight. I don't think there are too many people out there who want to have someone else's advertising all over their barrels. I don't believe in that at all. If they do, fine, and the ones who want it can have it, but the ones who don't want it don't have to take it. It is the same type of thing. You spread barrels like that all over the north end with all this fancy advertising, it takes away from the values of those homes. To make a nickel to do something like that I can't see it. That is up to the Board. Blight is a big thing today. It is just like graffiti. Do you like looking at that stuff all over the bridges? That bothers you and so will the barrels or a thousand of these trucks out there with all kinds of writing on them. I know it is hard and I have nothing against people. They have to work. I understand all that, but these are the things that we get back at us afterwards. There are a lot of people out there who don't like it. We might like it, but they don't.

Chairman Roy stated I'll be sure to bring it up under new business tomorrow night and we can discuss it further.

There being no further business, on motion of Alderman Osborne, duly seconded by Alderman Long, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee