

COMMITTEE ON PUBLIC SAFETY, HEALTH AND TRAFFIC

February 04, 2013

5:00 p.m.

Chairman Katsiantonis called the meeting to order.

The Clerk called the roll.

Present: Aldermen Katsiantonis, Osborne, Long, Roy

Absent: Alderman Gamache

Messrs: J. Hoben, Alderman Arnold, K. Sheppard

Chairman Katsiantonis addressed item 3 on the agenda:

3. The Traffic Division and Parking Division have submitted an agenda which needs to be addressed:

NO PARKING ANYTIME – EMERGENCY ORDINANCE:

On Woodland Avenue, both sides, from Hanover Street to Trinity Street

Alderman Osborne

On Belmont Street, west side, from Massabesic Street to Cedar Street

Alderman Osborne

On Orange Street, south side, from Beech Street to Maple Street
Alderman Ludwig

RESCIND 15 MINUTE PARKING – EMERGENCY ORDINANCE:

On Belmont Street, west side, from Massabesic Street to Cedar Street (Ord. 9839)

Alderman Osborne

RESCIND NO PARKING LOADING ZONE:

On Hanson Street, from a point 80 feet east of Elm Street to a point 110 feet easterly (Ord. 3114)

Alderman Long

RESCIND STOP SIGN:

On Hanson Street at Elm Street – NEC (Ord. 0856)

Alderman Long

RESCIND ONE HOUR PARKING:

On Hayward Street, north side, from Hall Street to Belmont Street (Ord. 3128)

Alderman Shea

On Second Street, west side, from a point 200 feet north of Blaine Street to a point 200 feet northerly (Ord. 6088)

On Second Street, west side, from Walker Street Northback Street to a point 40 feet northerly (Ord. 6087)

Alderman Greazzo

On Ash Street, east side, from North Street to a point 138 feet south of Webster Street(Ord. 2569)

Alderman Ludwig

RESCIND Parking 1 Hour for Public on Police Business only:

Chestnut Street, west side, from Manchester Street to Merrimack Street (Ord. 8271)

Alderman Long

RESCIND Parking for Police Vehicles only:

Manchester Street, south side, from a point 25 feet east of Chestnut Street to a point 90 feet east (Ord. 8274)

Alderman Long

Manchester Street, south side, from a point 155 feet east of Chestnut Street to Pine Street (Ord. 8373)

Alderman Long

RESCIND One Hour Parking – Public on Police/Fire Business:

Merrimack Street, north side, from Chestnut Street to a point 90 feet east (Ord. 6497)

Alderman Long

**Parking 10 hours 8:00 a.m.-8:00 p.m. Monday-Friday
(single space meters):**

Merrimack Street, north side, from Chestnut Street to a point 90 feet east

Alderman Long

**Parking 10 hours 8:00 a.m.-8:00 p.m. Monday-Friday
(pay and display):**

Merrimack Street, south side, from Chestnut Street to a point 133 feet east

Alderman Long

Manchester Street, south side, from Chestnut Street to Pine Street
Alderman Long

Chestnut Street, west side, from Manchester Street to Merrimack Street

Alderman Long

Parking for Fire Department Vehicles only:

Merrimack Street, south side, from a point 133 feet east of Chestnut Street to Pine Street

Alderman Long

RESCIND NO PARKING ANYTIME:

On Ash Street, east side, from Webster Street to a point 138 feet southerly (Ord. 2568)

Alderman Ludwig

STOP SIGNS:

On Clement Street at Dickey Street – NWC, SEC

Alderman Greazzo

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

Chairman Katsiantonis addressed item 4 on the agenda:

4. Communication from Alderman Arnold regarding parking regulations on Country Club Drive.

Chairman Katsiantonis stated Alderman Arnold called me so if we can wait on this a little bit.

Chairman Katsiantonis addressed item 5 on the agenda:

5. Request for the use of Arms Parking Lot for the 2013 Walk MS Manchester Event on Sunday, April 14, 2013.

Alderman Long moved to approve this item. Alderman Osborne duly seconded the motion.

Alderman Roy stated I believe that they've been doing this for the last several years and there haven't been any problems. I'm all set. Thank you.

Alderman Long stated thank you, Mr. Chairman. We spoke with the businesses down there, Cotton, Milly's, UNH and the walk doesn't have an issue. Thank you.

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

Chairman Katsiantonis addressed item 6 on the agenda:

6. Request for the use of Arms Lot for a skyshow/fireworks event to be held on May 26, 2013.

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

Chairman Katsiantonis addressed item 7 on the agenda:

7. Request for the use of a portion of Arms Lot for a fundraising event scheduled for Thursday, May 23, 2013.

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

Chairman Katsiantonis addressed item 8 on the agenda:

8. Communication from Attorney Wenners requesting a review of parking on City sidewalks on Amherst Street.

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

Alderman Roy stated Mr. Chairman, I got this communication the end of last week, and this is the first I hear of a problem up there. As the ward alderman, I would suspect that I would have heard more before it got to this point. Having talked to different departments throughout the city nobody else has gotten any complaints before this as well. What I'd ask the committee to do at this time is to put this on the table so I can do some more research and find out the back story and then we can handle it at the next meeting.

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

TABLED ITEMS

On motion of Alderman Osborne, duly seconded by Alderman Long, it was voted to remove this item from the table.

9. Communication from Stephanie Lewry, Executive Director of Intown Manchester, regarding bicycles and skateboards on sidewalks.
(Note: Retabled 10/1/2012; a proposed ordinance for skateboards and similar devices in the CBSD is attached; originally tabled 8/6/2012.)

Alderman Osborne stated to the city solicitor, you have the new language for this put together.

Mr. Thomas Arnold, Deputy City Solicitor, replied yes, I was asked to prepare ordinances regulating skateboards and bicycles on city sidewalks. I submitted a proposed ordinance for the committee's consideration.

Alderman Osborne asked what was the main thrust in this particular change? I can recall vaguely, but what is the main thrust that we wanted the skateboards and bicycles.

Mr. Arnold replied if I remember correctly, alderman, bicycles were already regulated, this regulates skateboards. It basically restricts them from the downtown central business service district.

Alderman Osborne asked what is considered motorized and non-motorized?

Mr. Arnold replied I think that's precisely what it says, alderman. I understand that there are various devices that are around that are essentially skateborads with motors attached or bicycles with motors attached. It was merely intended to regulate both those uses.

Alderman Osborne asked what requires a license and what doesn't, what requires insurance and what doesn't, all of these things.

Mr. Arnold replied it does not regulate that. All it does forbid the use of skateboards in the central business service district, whether they are motorized or not.

Alderman Long stated thank you, Mr. Chairman. Tom, just to get clarification; actually we're adding skateboards or scooters to the ordinance. Currently there's a list of zones restricted by this committee? Is there a list already and we're just adding the central business service district?

Mr. Arnold replied no, I don't believe there is a list already. What this does is it restricts them in the central business service district, or if my recollection serves me correctly, the consensus or the input from the committee wasn't in favor of restricting them from sidewalks citywide.

Alderman Long asked so there are no restrictions, this committee has no restrictions so far, no zones restricted? Is that correct?

Mr. Arnold replied there are ordinances, as I pointed out in my cover letter, dealing with bicycles and those would stand. With respect to skateboards or scooters, all you're doing at this point is regulating them in the central business service district.

Alderman Long asked this restriction doesn't include Segways?

Attorney Arnold replied no I don't believe it does, alderman. As you can see, it defines a scooter anyway with wheels in tandem, which means one behind the other, so it would not cover a Segway. Segways were permitted on the sidewalks in Manchester back when they were introduced a number of years ago.

Alderman Long asked Segways and motorized chairs or wheelchairs or what have you? This doesn't restrict those?

Attorney Arnold replied as you can see, if you look at page 9.10 in your materials, at the top of the page there is a definition of motorized scooters and they shall mean any vehicle with a gas or electric engine, wheels joined in tandem on the bottom of a narrow platform with a vertical handle fixed. So in my opinion that of course wouldn't regulate wheelchairs, that type of thing, because it is not affixed to a narrow platform.

Alderman Long stated I wonder if I could call Mr. Hoben up for a couple of questions on signage. Jim, we're not looking to post the central business service district with signage of this; I'm delighted we're trying to get away from that. What would be the possibility of painting on a sidewalk like on page 9.4 "walk bikes on sidewalks."

Mr. Jim Hoben, Traffic Manager, stated we don't have a stencil for that.

Alderman Long asked in your opinion do you think this would be effective?

Mr. Hoben replied if the enforcement is there.

Alderman Long asked same with the signage? Right?

Mr. Hoben replied there is no enforcement at this point in time.

Alderman Long asked I would think we would want people to know that it is prohibited to use these things on the sidewalk.

Mr. Hoben replied yes.

Alderman Long asked so we have to get the notice out there. Instead of putting signs up on every corner, which I don't think it looks good, is there an alternative? The one picture we have here says "walk bikes on sidewalks." We may want to do a stencil with a circle with a slash through it and have a picture of a skateboard or a scooter. I don't know.

Mr. Hoben replied that's something our sign person could work on.

Alderman Long stated personally I just want people to be on notice. We need to let them know if we're going to pass this ordinance. We need people to be alerted to the fact that you're not allowed to ride these things on the sidewalks in the central business service district. Other than a sign, which I want to stay away from, do you think we could do this? Do we have somebody who does stenciling in-house?

Mr. Hoben replied we do stencil roads with arrows and no parking.

Alderman Long asked do you think you'd be able to produce something like this?
I'm looking at maybe 2 feet by 2 feet.

Mr. Hoben replied it is something our sign person could work on. He hasn't made stencils before.

Alderman Long asked we have somebody in-house that may be able to do that?

Mr. Hoben replied that is possible, yes.

Alderman Long asked if you look at the ordinance, could they draw one up and send it to this committee for us to take a look at the signage and approve it?

Mr. Hoben replied it could be emailed I'm sure. We could email the clerk.

Alderman Long stated it's up to the committee if they want to pass this now or if you want to wait until we get the signage and then we pass the ordinance with the signage.

Alderman Roy stated I don't really have a question. I think they've been answered here. I have a comment though. I know that we've had a rule for years that there are supposed to be no bicycles on the sidewalks, yet whenever I come down on Elm Street, I see bicyclists on the sidewalks and they're not just children. With children I understand, you don't want them riding in the street, and unfortunately there is no enforcement. I think Jim hit the nail on the head when he said nothing is going to work unless there is enforcement. I don't see the current ordinance about bicycles or any new ordinance being enforced, I don't think it's

important enough for the Police Department to send their manpower down there days on end looking for people riding bicycles on the sidewalks, and I know there's a problem downtown, I'm not saying that there isn't. I just don't think it is ever going to be enforced. As far as the signs go, the way I feel about signs is there are too many of them now, we have too much sign pollution, more signs aren't going to help unless it is being enforced, and I don't think it's going to be enforced, so I'm not in favor of this. Thank you.

Alderman Osborne stated I have a couple of more questions for the city solicitor. What are the fines out there? What are the amounts? Do we have anything put together out there?

Mr. Arnold replied I did not set a specific amount for the fine for this particular offense. It would be governed by the general offenses in the ordinance, and I think it is \$25 or \$50, alderman. I would have to look to be sure.

Alderman Osborne asked what is considered the central business service district? What are the lines when you say they cannot be on the sidewalks in the central business service district?

Mr. Arnold replied the Board of Mayor and Aldermen delineates the central business service district and that is done pursuant to an ordinance that I list here 37.02. Basically I could get that and tell you what it is presently.

Alderman Osborne stated all I wanted to know that there is such an animal. When you say this it is broad. Okay, there is such a thing.

Mr. Arnold stated absolutely.

Alderman Osborne stated getting back to motorized again. In my mind it's kind of hard to say people with motorized vehicles or scooters or whatever it might be, any motorized is not allowed, but yet a Segway is. What is that considered? Doesn't that have some sort of a motor on it?

Mr. Arnold replied yes, it does, alderman.

Alderman Osborne stated that will kill somebody just as fast hitting them from the rear end as anything else.

Mr. Arnold responded alderman, I was asked to look at skateboards.

Alderman Osborne stated I don't want to climb on Segways, but I'm thinking in my own mind that I see them going down sidewalks at a good pace, and if there is an elderly person walking down that sidewalk with a cane, and they come up to their backend and strike this person, do they have insurance. It just bothers me. I see it coming down my street across the street from my house, and there are kids walking up and down that street going to school and you get one of these things going 20, 30 miles per hour or whatever it goes, that is quite a pace. How can we correct something like this in the city?

Mr. Arnold replied the aldermen can regulate the use of the sidewalks. That was not my charge in this particular instance. If the committee wants to look at regulating the use of Segways on sidewalks, subject to the approval of the board, they are of course free to do that, but I did not seek to do that in this ordinance because that is not what I was asked to do.

Alderman Osborne asked so I'm to put in an agenda item and we'll discuss Segways? Is that what you want me to do?

Mr. Arnold replied if you want to discuss Segways, I would suggest you speak to the committee chairman, and if you want to put in an agenda item, you could do that.

Alderman Osborne stated I'd like to address it before something happens. It is on my mind if something happens and I knew about it, and I'm thinking to myself I should have brought something up, but it is too late. At least we can talk about it, and if that's the way everybody feels that that is the way it should be, then I don't feel so bad. But until it is discussed, and still something comes up with it one way or the other, I think I'll put it on the agenda. I will get ahold of the city clerk.

City Clerk Matthew Normand stated we can do that, Alderman Osborne.

Alderman Osborne stated I would appreciate it.

Alderman Long stated thank you, Mr. Chairman. If we were to not prohibit these modes of transportation from the sidewalk, if something were to happen with a restaurant having chairs and seating out there and somebody was to fly into one of the tables or what have you; I guess my question is should we have these in there in place to protect our liability or should we not have them in place? Does it matter, Attorney Arnold?

Mr. Arnold replied I'm not sure what your question is, alderman. If you're asking does permitting this increase the City's liability in some manner, I wouldn't think so.

Alderman Long asked if not permitting it, would that make us more liable by not passing this ordinance? Do we become more liable?

Attorney Arnold replied again, you can't prevent someone from suing, but I wouldn't see that as increasing the City's liability for essentially failing to regulate something.

Alderman Long asked so you don't think it would increase liability for failing to regulate? Is that right?

Mr. Arnold replied no, I don't, alderman.

Alderman Long stated okay. Thank you.

Chairman Katsiantonis asked do you want to wait until the next meeting until we have those sign samples and then we will decide at our next meeting?

Alderman Long replied sure.

Alderman Osborne asked where are the signs going to be placed?

Alderman Long replied on the sidewalk.

Alderman Osborne asked which sidewalk?

Alderman Long replied at the beginning of the sidewalks. They would be stenciled, spray painted onto the sidewalk.

Alderman Osborne asked which sidewalks?

Alderman Long replied the ones in the central business service district. That is Elm Street, and I believe it goes one street east to Chestnut Street and all the way to the water.

Alderman Osborne asked so each corner will have one of these?

Alderman Long replied no, I'm not thinking of that. I'm thinking periodically wherever.

Chairman Katsiantonis stated let's see them first and then we'll go from there for our next meeting.

On motion of Alderman Long, duly seconded by Alderman Roy, it was voted to place this item back on the table.

10. Discussion regarding restrictions, policies and penalties for aggressive animals and animal attacks.
(Note: Retabled 10/1/2012; Ordinances of surrounding areas and recommendations are attached. Originally tabled 8/6/2012.)

This item remained on the table.

11. Communication from Alderman Arnold requesting reconsideration of the upgrade of the intersection at Dunbarton Road and Front Street to a full traffic signal.
(Note: Tabled 10/1/2012)

This item remained on the table.

12. Discussion regarding the discontinuances and closures of city streets.
(Note: Tabled 12/03/2012; Public Works Director to provide a plan for traffic and street closure on Hayward Street. Referred by the board on 11/20/2012; Communication and a neighborhood petition has been submitted by Phil LeBlanc.)

This item remained on the table.

Chairman Katsiantonis stated we will return to item 4. We have Alderman Arnold here to speak a little bit.

Alderman Arnold stated thank you very much, Mr. Chairman, and thank you for taking this item out of order. I was coming from a work related obligation. As the committee members have in front of them, there is a correspondence from me dated January 7th about Country Club Drive in Ward 12. It is located off from Front Street, the Washington Park community. There are a couple of other communities up there as well. This is largely the result of the snow fall that occurred at the end of December. I don't know how to characterize it other than a mess, and I know that lots of communities in the city had some issues in that particular storm but at Country Club Drive it was particularly difficult. One of the issues I raised in the correspondence is that on Country Club Drive it is currently regulated only to have parking on one side of the street, and I know that it hasn't always been that way. I know there have been some changes that have been made over the years, that this committee has made over the years, and I think it might be time to look at what we're doing up there and see if it's time for a change again to better accommodate the residents up there. Just real quick I will tell the members of the committee that I have reached out to Mr. Sheppard, the public works director, and he's agreed to participate in a meeting with the stakeholders in that

community, which I'm hoping to facilitate in the next week or two. But I did want to get it before the Committee on Public Safety, Health and Traffic so that you were made aware that there is an issue up there and hopefully might require some change in the future. Thank you very much.

Alderman Osborne asked Alderman Arnold, do the residents up there have any ideas of what to do? Have you had any feedback from them.

Alderman Arnold replied I have, alderman. I won't say its unanimous. A number of individuals would be perfectly content going to two-side of the street parking again. I understand with my discussions with Public Works that they might have concerns about that, so it is my hope that after we schedule a meeting with both City staff and also the community residents up there, at least management, maybe we can get a solution that everybody can feel comfortable with at the end of the day.

Alderman Osborne stated this was brought forth a few years ago. I kind of remember that, and this is not the first time I've heard the problem there. By putting parking on both sides of that particular street, that doesn't solve the snow storms during a snow emergency. They have to take them all off again so where are they going to go. I don't know what you mean making it two-sided.

Alderman Arnold responded something we could do, alderman, is to have alternate side of the street parking just like we do in many other places in the city; odd/even parking that is. I know that that was one of the suggestions that was raised. As I say, I'm hopeful that this meeting that we'll be having will yield some sort of compromise resolution. But I agree with you, this has been tossed around at city hall for many years.

Alderman Osborne stated again you say odd/even, but right now it is parking on one side only. Is that correct?

Alderman Arnold replied correct.

Alderman Osborne stated if you make it odd/even and they come up with a snow emergency, you have to take both sides off again. Is that what you're saying?

Alderman Arnold stated I agree with you that that is something that needs to be addressed.

Alderman Osborne stated I don't know how you can do that one.

Alderman Arnold stated what I tried to address in the letter was the specific incident at the end of December was that they only park on one side of the street. When the snow plow needed to get up there to remove the snow, an emergency ordinance was invoked and the only side of the parking that was allowed they prohibited parking. Individuals were forced to move their cars, and I agree with you, where do they move their cars to if there is not enough parking in the parking lots that are up there.

Alderman Osborne stated I guess we should have called up Mr. Sheppard because I want to ask him a question. Kevin, I guess you heard the whole thing here. By doing this, it is parking on one side now and he's saying alternative parking. What was the situation here that happened anyway where you wanted both sides cleaned at one shot. In other words, what he's trying to say is if they park on one side one at a time, they can clean one side and then the following evening they could do the other side. Why did the Highway Department want the whole thing out as a whole?

Mr. Kevin Sheppard, Public Works Director, replied you probably do remember the history on this. The previous alderman and the previous director worked with them up there and we did move from two-sided parking to one-sided parking. We actually shifted the yellow center line of that street over to allow the parking on one side for emergency vehicles to get through. So it was more of a safety issue to go to one-side parking, but that was the previous owners. I don't know if there are new owners up there, plus the previous alderman and the previous director. I have had discussions with Alderman Arnold, and I'm willing to talk and meet with them to see if there is a better way. I'm not too sure if there is, but I think right now he just wants to see if there is potentially a better way of addressing things up there. I'd want to get the Fire Department involved in this as well because I think access up into that area is very important, especially during the winter months with snow banks. We haven't had the winters that we have had in the past, but if we have a heavy winter with snow banks, the roads do get narrow up there. It is something that we're always willing to see if there are ways we can improve the way we operate.

Alderman Osborne stated I can think of one problem right now with no parking on one side and it's been that way, so people are creatures of habit. In other words, they've not parked on that one side for so long that they don't dare to park there. But when you're going to start alternating parking, what's going to happen there, alderman? You're going to alternate parking and what's going to happen some nights some people will park on the right side and some will still park on the other side. So that puts the Highway Department in a deeper mess from that standpoint. It is not an easy thing just to say we'll have reverse parking, because I know with my streets they are never all parked on one side. But in your situation I think it's better to have one side or the other open, like he said for fire apparatus and things

of that sort, so you know that's always going to be clean on that one side because they are used to it, they are creatures of habit. That is my feeling.

Chairman Katsiantonis stated alderman, I have a question. I know that area pretty well too. Usually people who park on the street, they are not the residents, they are usually the visitors. Is that correct?

Alderman Arnold replied it is my understanding that they do include some residents because, you're right there are some parking lots that are part of this community, but I don't believe that they have the capacity for as many vehicles as are allowed when you add up what the residents are entitled to.

Chairman Katsiantonis stated I think we should double check that. I think I'm pretty sure because some of my employees do live there and asked the question and they all park there. But I think the people who own the apartments there they only give you one parking space. So if somebody can double check that too.

Alderman Arnold responded sure.

Alderman Roy stated thank you, Mr. Chairman. I agree that conversation is always good, and looking at these things because everything is dynamic and it changes, but I think that when you call this meeting, a couple of groups I'd like you to call, one was just touched on by Kevin, is the Fire Department. If I remember correctly, there was an issue up there before and when this whole thing was going on and they were involved. And I'd also like you to involve planning, touching on the parking situation. I know whenever a development like this is going through the planning board there is always talk about parking and having enough parking and I'd like to make sure that they have the same amount of parking today as when they constructed those units and are not using them for

snow storage or anything else that they may be using them for forcing residents to park out on the street. If that is the case, then they would have to correct that. I'll look forward to those answers. I'd like to know what the changes were in the past and why those were made so that we don't undo something, and I realize that we should have kept it that way because of the original concern years ago. Thank you, Mr. Chairman.

*On motion of **Alderman Osborne**, duly seconded by **Alderman Long**, it was voted to place this item on the table.*

Alderman Arnold stated thank you very much, and I'll plan to report back to this committee as soon as we have that meeting.

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

A True Record. Attest.

A handwritten signature in black ink, appearing to read "Matthew Normand". The signature is written in a cursive, flowing style.

Clerk of Committee