

COMMITTEE ON BILLS ON SECOND READING

October 7, 2025 at 6:30 PM

Chairman Kantor called the meeting to order.

The Clerk called the roll.

Present: Aldermen Kantor, Levasseur, Morgan, Barry, Fajardo

Messrs.: T. Clougherty, P. Chiesa, J. Belanger, K. Bixby

1. Ordinance Amendment:

“Amending Section 91.631 Eligibility Requirements for Municipal Curbside Collection by authorizing Public Works to revoke eligibility for cause.”

Chairman Kantor: Can we have Director Clougherty come up, please? I discussed earlier with Tim about the language not being clear enough, where it says good cause. He said he could come back with some clarification. My concern is it needs to be fair across the board and there is clarity when you violate the ordinance, and when you can revoke someone's trash pickup.

Tim Clougherty, Director of Public Works: Alderman Kantor expressed her concern relative to a lack of definition as to when somebody's collection service would be revoked. We talked about the potential to work with the Solicitor's Office to tighten that up and maybe set a certain number of violations or fines that are unpaid, or a timeframe associated with that in order to bring some definition to the process. We are happy to do that.

Alderman Levasseur: I thought you already had that; the new one you were proposing had a specific three strikes.

T. Clougherty: The ordinance on the agenda doesn't have clearly defined numbers of violations.

Alderman Levasseur: I thought we passed something with that in there. What is the rationale for this particular change?

T. Clougherty: In order to provide more definition. This was a request of Alderman Kantor.

Alderman Levasseur: No, the amendment in general. To revoke the eligibility for cause.

T. Clougherty: The current proposed language is due to the Department of Public Works having no teeth associated with property owners who have multiple violations. We can continue to fine them until we are blue in the face. They don't have to pay the fines, and we continue to collect. It is contradictory to common sense business practices.

Alderman Levasseur: I disagree. There is an ordinance that says if they violate three times, you are giving them three chances.

T. Clougherty: We have been through this with the Solicitor's Office, and this was the recommended course of action to provide some teeth to our solid waste collection.

Alderman Levasseur: You never had the three-strike rule?

T. Clougherty: Not that I am aware of. That is why this was brought to the committee. That was the impetus in bringing it forward to committee so that we have something more concrete to enforce the ordinances that already exist.

Alderman Barry: If they don't abide by the rules, and we stop picking up their trash, does it come to that? Where we won't pick up their trash?

T. Clougherty: If the ordinance passes, yes.

Alderman Barry: What concerns me is public health of the neighbors. If you are sending a notice and fines and they are not paying, can we work with the Tax Collector or Solicitor to put liens on their homes? It may come down to where it takes a long time.

T. Clougherty: That is what happens currently.

Alderman Barry: If we continue picking up their trash, can we start charging them?

T. Clougherty: Not as far as I know. That would have to be another ordinance. You are talking about individuals who refuse to pay violations, so I don't think adding additional fees will benefit our collection.

Alderman Barry: They will add up with the lien on the home. Those will all add up. My concern is if we don't pick up trash and no one does, it will be a mess. I agree with you, we need to do something.

T. Clougherty: We are talking in general terms, the people we see violating these ordinances are absentee landlords. They have the means to go to private collection. They are collecting money. That would be the course of action that they would have to take should this ordinance pass and the city stops collecting their trash because of multiple violations.

Alderman Barry: The Solicitor is good with this?

T. Clougherty: Yes.

Alderman Fajardo: Absentee landlords, I think we are all in agreement about that. What about if they are unwilling to pay the fines and then not comply with providing their own pickup? What is the recourse for the city to compel more meaningful compliance? I have a similar concern that if somebody is willing to disregard fines and they are not in the community and they have no interest in keeping the block clean, I see it potentially being a scenario where it is another thing that we throw at them that becomes our problem. In addition to whatever amendments you make to the language, is there also an opportunity to think about something that is more durable?

T. Clougherty: There are health and sanitation guidelines that recognize garbage within the public right-of-way and on private property. I am not entirely familiar with the ordinances or the recourse that Planning and Community Development may have if it is on private property, but those issues exist. Ordinances exist to address them. I don't know

that would be a necessary next occurrence if the city chose to cease collection services. It is certainly a possibility.

Alderman Fajardo: I am going to support this. Can we keep an eye on it? We need to be open to revisiting this.

T. Clougherty: Yes. As we discussed when this first went to committee, DPW looks at this as a last recourse. We do everything we can to work with property owners, advise them on the different types of containers available, we will survey their property and give them options for where they can put containers. We are not going out there to look to violate someone for a first offense. We look to work with all property owners. This is an absolute last recourse.

Chairman Kantor: I have faith in Director Clougherty and DPW. I know you pick up so much trash amongst all the needles that have been spread around. It is an enormous job. I want to make sure it is fair for all of us taxpayers and to protect DPW. It is about fairness. We discussed it, and I want to make it clearer. I am good with approving this if there is more clarity. Someone might say I had only one violation, and that was good cause. We discussed that. I have faith in you, but who is next in line? Every ordinance needs to be clear for everyone so it is fair.

T. Clougherty: I understand for the potential ambiguity should I not be in this seat in the future, and somebody decides to make less judgement-based decisions than I do. I can appreciate putting some metrics to it and working with the Solicitor to tighten it up.

Peter Chiesa, Deputy Solicitor: I'd also note that the decision of the Director isn't final. There is a provision in there that allows for individuals to appeal to the Committee on Administration. There is a second layer to this, there is an avenue to appeal the issue and have it reviewed by committee.

Alderman Levasseur: I see here that it says it authorizes Public Works to revoke eligibility for cause. Does it also have authority to unrevoked the eligibility for good cause if they clean it up? Or is it one chance and you're done, go get private pickup.

T. Clougherty: That is my interpretation; but I leave the legal interpretation to the Solicitor.

Alderman Levasseur: Is that the intent?

T. Clougherty: Yes.

Alderman Levasseur: Are there a bunch of people out there now that you can say they are done?

T. Clougherty: There are not a bunch; single digits.

Alderman Levasseur: They have already been warned? Do you send warnings?

T. Clougherty: Multiple, in writing.

Alderman Levasseur: You take pictures of it, too? So you have backup evidence.

T. Clougherty: They are supposed to. I am not going to say it happens all the time. Our Solid Waste Compliance Officers document condition, violations. That happens. I am confident in their abilities and judgement.

Alderman Levasseur: I like the fact the person can appeal to a committee. That is a good idea; I wish we did that in more areas of ordinances in other cases where people who don't get something could come in front of a committee and have an appeal process. If you can add in what cause is, and give a definition of cause, that would tighten it up.

T. Clougherty: It talks about violations of the solid waste chapter.

Alderman Levasseur: It has the number?

T. Clougherty: It is within the language in the packet. I don't know if it is all-encompassing.

Alderman Levasseur: It says multiple violations of this chapter. That is the language being added. It is not a single instance, it says multiple. You do have it in there for multiple violations.

T. Clougherty: The written word of the agenda is different from the ordinance.

Alderman Levasseur: It doesn't say for multiple violations, in the ordinance title. The ordinance itself makes it clear it is for multiple violations. Does the property owner have an expense before the appeal or after? If they are cut-off, they have to immediately call another place to pickup waste, or do you give them an appeal time period before? How long is the appeal period? Within thirty days or no appeal? There needs to be more language in there to cover us. If you leave it too wide open, especially a landlord on a vacation that doesn't get his notice, and comes back to see collection was stopped.

T. Clougherty: If a landlord has gone on a vacation and comes home to a revocation notice, then he has been well aware for weeks that he is in violation.

Alderman Levasseur: This would be his third one.

T. Clougherty: I don't know if three is a low enough number. The numbers we are talking about are well in excess of three violations that are repeatedly ignored.

Alderman Levasseur: Can we tighten up the language regarding the amount of time to appeal to the committee? It doesn't mean you have to allow them to continue to get their garbage. You can say we aren't picking it up, go find somebody else, but you can appeal it.

T. Clougherty: We can put constraints around that as well.

Alderman Levasseur: The amount of time for an appeal is needed. And it needs to be a majority vote of the committee, not unanimous.

Alderman Barry: Alderman Levasseur was talking about violators that are already given multiple notices. I am going to be in favor of this because of the appeal process. We have to do something. We had a couple of instances in Ward 10 where the landlord is absent and the tenants are out of control, there are skunks and rodents. I will support this.

Alderman Levasseur: I am nervous about adding the language. We should table it until the language is added in.

T. Clougherty: What is the process, if we are in Bills on Second Reading, can we modify it or would it have to go back to another committee?

Matthew Normand, City Clerk: We can make the change here, this is technical review. It can be tabled and you can work with the Solicitor to make changes.

T. Clougherty: We will come up with language that recognizes a definitive number of violations as well as a time-limit for the appeals process to the Committee on Administration.

*On motion of **Alderman Levasseur**, duly seconded by **Alderman Fajardo**, it was voted to table.*

2. Communication from Jeff Belanger, Planning and Community Development Director, submitting the draft Zoning Ordinance of the City of Manchester.

Jeff Belanger, Planning and Community Development Director: I want to make sure everyone knows Kristin Bixby, she is a Senior Planner in our department. She is the project manager on the Zoning Ordinance.

Chairman Kantor: I want you to discuss the process. This is the beginning. There will be a public hearing.

J. Belanger: The process for adoption of a new zoning ordinance is a five-meeting process. This is the first of those five. After tonight, it will go to the full Board for a recommendation of a public hearing, which is required by state law. There has to be a ten-day notice period. That public hearing will probably happen on November 18. After that, it will go to the Committee on Accounts and Enrollment, that will probably be the first meeting in December. Your second meeting in December will be the fifth meeting in the process, and will be the final vote to adopt the zoning ordinance or not.

Alderman Levasseur: I have asked this before, but I want it on the record: this will not make any changes to Edward J. Roy Drive.

J. Belanger: That is correct. The residents of that area were heard loud and clear, and we will keep it as it is. There was also a Superior Court ruling on that, so we're not doing anything with that.

Alderman Levasseur: I don't know what you did up there or what the zoning changes are, but I know we have had a lot more apartments go up since the Supreme Court decision, which adds way more traffic. I want to be careful because my constituents and Alderman Goonan's are nervous about it. The big change you are making that will change other things that have been established by court precedent or the ZBA, etc.

J. Belanger: Yes. Citywide that is basic non-conforming use law. If something is established, a new zoning ordinance does not disturb it. Anything that is there is able to

remain. Specific to that property, that has been through the court system and we understand that ruling; we are keeping it as is.

*On motion of **Alderman Fajardo**, duly seconded by **Alderman Morgan**, it was voted that the Zoning Ordinance ought to pass, be referred to a public hearing to be scheduled by the City Clerk, and be referred to the Committee on Accounts, Enrollment and Revenue Administration.*

TABLED ITEM

3. Ordinance Amendment:

“An Ordinance amending the Zoning Ordinance, Chapter 155 of the Manchester Code of Ordinances, to increase from three (3) to four (4) the number of units permitted per lot for new construction without an increase in required lot area in zoning districts that permit multi-family uses; to reduce parking requirements for multifamily uses in the R-3, C-1, and RDV Zoning Districts; to reduce landscaping requirements and parking setbacks; and to remove the requirement that accessory dwelling units receive a conditional use permit, among other amendments.”

This item remained on the table.

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

A True Record. Attest.

A handwritten signature in black ink, appearing to read "Matthew Gormand".

Clerk of Committee

Meeting Start Time: 6:30PM
Meeting End Time: 6:51PM
Minutes Prepared By: Michael Intranuovo