

BOARD OF MAYOR AND ALDERMEN

December 2, 2008

7:30 PM

Mayor Guinta called the meeting to order.

The Clerk called the roll. There were fourteen Aldermen present.

Present: Aldermen M. Roy, Gatsas, Sullivan, J. Roy, Osborne, Pinard,
O'Neil, Lopez, Shea, DeVries, Garrity, Smith, Ouellette, Murphy

3. Update from Mayor Guinta relative to the Manchester Transportation Center.

(Note: Communication forwarded to the Board of Mayor and Aldermen on 11/26/08.)

This item was discussed during Public Participation

4. Discussion regarding an intermodal transportation site.
(Note: Communication forwarded to the Board of Mayor and Aldermen on 11/26/08.)

On motion of Alderman Lopez, duly seconded by Alderman Shea, it was voted that the Rockwell Site be designated as the transportation site with the approval of the owner. Alderman Gatsas was duly recorded as abstaining.

CONSENT AGENDA

Mayor Guinta advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Approve under supervision of the Department of Highways

- A. Pole petitions:
 - #11-1224 1 pole on 245 Lake Avenue
 - #11-1225 1 pole on 555 Union Street

REFERRALS TO COMMITTEES

COMMITTEE ON FINANCE

B. Resolutions:

“Amending the FY 2007 Community Improvement Program, authorizing and appropriating funds in the amount of Fifty Six Thousand Dollars (\$56,000) for the FY 2007 CIP 511407 Black Brook Dam Removal (Watershed Restoration) Project.”

“Amending the FY 2008 Community Improvement Program, authorizing and appropriating funds in the amount of Ninety Nine Thousand Six Hundred Twenty Dollars (\$99,620) for the FY 2008 CIP 611008 Neighborworks Greater Manchester West Granite Gateway Project.”

“Amending the FY2008 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Nineteen Thousand Dollars (\$19,000) for the FY2008 CIP 511008 Martineau Park Project.”

REPORTS OF COMMITTEES

COMMITTEE ON COMMUNITY IMPROVEMENT

- C.** Recommending that the request for a sewer abatement for 21 Tanglewood Court be granted and approved in the amount of \$604.80 as recommended by EPD.
(Unanimous vote)
- D.** Recommending that the request for a sewer abatement for 532 South Beech Street be granted and approved in the amount of \$351.00 as recommended by EPD.
(Unanimous vote)
- E.** Recommending that Community Housing Development Funds (CHDO) in the amount of \$99,620 for Manchester NeighborWorks, be approved and for such purpose an amending resolution and budget authorization has been submitted.
(Unanimous vote)
- F.** Recommending that the request from James Burkush, Fire Chief, for a retired 2004 Ford Crown Victoria Police Cruiser be approved.
(Unanimous vote)
- G.** Recommending that the request from Chuck DePrima, Acting Director Parks, Recreation and Cemetery Department for additional funds in the amount of \$19,000 to complete the Martineau Park Rehabilitation Project be approved and for such purpose, an amending resolution and budget authorization has been submitted.
(Unanimous vote)
- H.** Recommending that the request from Chuck DePrima, Acting Director Parks, Recreation and Cemetery Department, for approval of two grants totaling \$56,000 to be used towards removal of Black Brook Dam at Maxwell Pond, be approved and for such purpose, an amending resolution and budget authorization has been submitted.
(Unanimous vote)

- I.** Advising that the discussion related to funding for the Manchester City Resources mailer by the Mayor's Anti-Graffiti Task Force, has been received and filed.
(Unanimous vote)
- J.** Advising that communication from Chuck DePrima, Acting Director Parks, Recreation and Cemetery Department, requesting additional funds in the amount of \$40,000 to complete the Martineau Park Rehabilitation Project, has been received and filed.
(Unanimous vote)
- K.** Advising that the discussion relating to the Crosbie Street sewer pump has been received and filed.
(Unanimous vote with the exception of Alderman Gatsas who was opposed)

**COMMITTEE ON ACCOUNTS, ENROLLMENT & REVENUE
ADMINISTRATION**

- L.** Advising that it has approved travel summary reports from various City departments.
(Unanimous vote)
- M.** Advising that it has accepted the City's Monthly Financial Statements (unaudited) for the three months ended October 31, 2008 and is forwarding same to the Board for informational purposes.
(Unanimous vote)
- N.** Advising that it has accepted the following Finance Department reports:
a) Department Legend;
b) Open Invoice report over 90 days by fund;
c) Open Invoice report over 90 days but less than one year;
d) Open Invoice report all invoices for interdepartmental billings only;
e) Open Invoice report all invoices due from the School Department only;
f) Listing of invoices submitted to City Solicitor for Legal Determination;
and
g) Accounts Receivable summary.
and is forwarding same to the Board for informational purposes.
(Unanimous vote)
Note: Available for viewing at the Office of City Clerk, and previously forward to the Mayor and Aldermen.

**HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN
O'NEIL, DULY SECONDED BY ALDERMAN PINARD, IT WAS VOTED THAT
THE CONSENT AGENDA BE APPROVED.**

- 6.** Communication from Jeffrey Duval submitting his resignation from the Retirement Board.

On motion of Alderman M. Roy, duly seconded by Alderman Murphy, it was voted to accept this resignation with regret.

7. Nomination for the Retirement Board to be presented by Chairman Lopez.

Alderman Gatsas moved to nominate Richard Molan to a position on the Retirement Board. Alderman O'Neil duly seconded the motion.

Alderman O'Neil stated it's my understanding that it will layover for a couple of weeks. We need to get the resume. He thought he had sent it, and he's going to re-send it.

Mayor Guinta called for a vote on the motion. There being none opposed, the motion carried.

8. Nominations to be presented by Mayor Guinta.

Mayor Guinta stated pursuant to Section 3.14 (b) of the City Charter, please find below the following nominations:

Robert Rivard to succeed himself as a member of the Highway Commission, term to expire January 15, 2012;

Henry Bourgeois to succeed himself as a member of the Highway Commission, term to expire January 15, 2012;

Max Pruna to succeed Ron Dupont as district member of the Central Business Service District Board, term to expire May 1, 2011.

On motion of Alderman M. Roy, duly seconded by Alderman Shea, it was voted to waive the layover required by Rule 20 for the nominations of Robert Rivard and Henry Bourgeois.

Alderman M. Roy stated Max Pruna is an excellent choice.

9. Confirmation of nominations by Mayor Guinta:

Conduct Board

Tony Pappas as a member, term to expire October 1, 2011

Jerome Duval as an alternate member, term to expire October 1, 2011

Senior Services Commission

C. Arthur Soucy as a member, term to expire January 1, 2009; and

Heritage Commission

Donna Daneke as the representative to the Millyard Design Review Committee, term to expire January 1, 2010

On motion of Alderman Murphy, duly seconded by Alderman O'Neil, it was voted to approve these confirmations.

Alderman Gatsas asked for item 9, the Senior Services Commission, is that the right term, to expire January 1, 2009?

Mayor Guinta responded that is correct. That was due to the passing of Lillian Duval. This is filling that term.

Alderman Gatsas stated I don't have any objection. Isn't he on the Water Commission?

Mayor Guinta responded no, he was termed out.

Alderman Gatsas asked when does that term end?

Mayor Guinta responded that term ended this month.

Alderman Lopez stated Your Honor, it's only a month away. Couldn't we just do it for January and then re-nominate him?

Mayor Guinta responded I plan on re-nominating him in January. I just wanted to fill the term.

Alderman Lopez asked we can't do that now?

Mr. Tom Clark, City Solicitor, stated Your Honor, Mr. Soucy is presently on the Water Commission. His term may be up, but he has not been replaced yet, so he is still in holdover status for 90 days.

Mayor Guinta asked meaning?

Mr. Clark responded he shouldn't be appointed to another commission while he's still a holdover there, unless he resigns from the Water Commission.

Mayor Guinta asked are you saying he can't serve on two boards? I don't believe there is a prohibition against somebody serving on two. He's term-limited on the Water Commission.

Alderman Gatsas stated but that term ends January, 2009.

Mayor Guinta asked does that end in January or December?

Alderman Gatsas stated according to the Red Book, it's January.

Mr. Clark stated Your Honor, there is no prohibition.

Mayor Guinta stated and I will be bringing a name forward for the Water Commission when he completes his service.

Mayor Guinta stated without objection, I'd like to take item 16, the report on CIP, prior to going into Finance because we need to do business in CIP before Finance.

16. Report of the Committee on Community Improvement

“The Committee on Community Improvement respectfully recommends, after due and careful consideration, that a resolution authorizing Bonds, Notes or Lease Purchases in the amount of Six Million Dollars (\$6,000,000) for the purchase of Fire Department and Highway Department vehicles”

be approved.

On motion of Alderman O'Neil, duly seconded by Alderman Garrity, it was voted to refer this resolution to the Committee on Finance.

On motion of Alderman Murphy, duly seconded by Alderman Pinard, it was voted to recess the meeting to allow the Finance Committee to meet.

Mayor Guinta called the regular meeting back to order.

12. Reports of the Committee on Finance

The Committee on Finance respectfully recommends, after due and careful consideration, that Resolutions:

“Amending the FY 2007 Community Improvement Program, authorizing and appropriating funds in the amount of Fifty Six Thousand Dollars (\$56,000) for the FY 2007 CIP 511407 Black Brook Dam Removal (Watershed Restoration) Project.”

“Amending the FY2008 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Nineteen Thousand Dollars (\$19,000) for the FY2008 CIP 511008 Martineau Park Project.”

“Amending the FY 2008 Community Improvement Program, authorizing and appropriating funds in the amount of Ninety Nine Thousand Six Hundred Twenty Dollars (\$99,620) for the FY 2008 CIP 611008 Neighborworks Greater Manchester West Granite Gateway Project.”

ought to pass and be Enrolled.

On motion of Alderman Pinard, duly seconded by Alderman Shea, it was voted that the amending Resolutions ought to pass and be Enrolled.

The Committee on Finance respectfully recommends, after due and careful consideration, that a Resolution:

“Authorizing Bonds, Notes or Lease Purchases in the amount of Six Million Dollars (\$6,000,000) for the purchase of Fire Department and Highway Department vehicles”

ought to pass and layover.

On motion of Alderman Osborne, duly seconded by Alderman O’Neil, it was voted that the Resolution ought to pass and layover.

13. Reports of the Committee on Public Safety, Health and Traffic

“The Committee on Public Safety, Health and Traffic respectfully recommends, after due and careful consideration, that the In Vehicle Parking Meter contract with ePark Systems, Inc. submitted by Brandy Stanley, Parking Manager, be approved with the stipulation that the contract be for one year with two option years.”

Alderman O’Neil moved to approve this recommendation. The motion was duly seconded by Alderman J. Roy.

Alderman DeVries stated I had a quick conversation with both Tom Clark the Solicitor and Brandy Stanley in reference to whether or not this contract left the City liable with a third party, specifically if there was a security breach of the information. Brandy tells me that she thinks this contract is silent to that situation of security breach. I would ask if the motion would include the condition that the City is not accepting the liability or the cost for a security breach and that our Solicitor shall further review and adjust the language if necessary. I would ask for a friendly motion to be added on, to be sure that we’re not incurring future liabilities. The motion was duly seconded by Alderman Shea.

Alderman Gatsas stated I agree with Alderman DeVries but I don't think it's silent. I'm looking at it and it says losses, costs, and expenses, or injuries of any kind whatsoever, whether direct or indirect. So it makes reference because that's an indirect. I agree with what she's saying. It's not indemnifying the City.

Alderman DeVries stated we just received this this evening and I very quickly read through it. My read was the same as that of Alderman Gatsas, that it may leave us liable for a security breach and the cost of notification and whatever else might be incurred. The Solicitor will review it. I've made him aware of that and if he can adjust the contract, then I would be fine in passing it. I wanted it to be clear that the City is not accepting the liability or the cost of the breach.

Mayor Guinta stated let me ask the Solicitor: Is it clear as the contract is currently stated, in your opinion?

Mr. Clark responded there is some question in the contract as to how it would cover security breach. I would like to make sure that the language is strong enough.

Alderman Gatsas stated I'd like to table this until we get a contract that's clean.

Alderman DeVries stated I know that the cover letter discussed trying to get the system up and going for the winter. I just didn't know if there was any time issue.

Mayor Guinta asked could it be done by the 16th?

Mr. Clark responded I would think so.

On motion of Alderman Gatsas, duly seconded by Alderman Garrity, it was voted to table this item. The Solicitor will return with an amended contract.

“The Committee on Public Safety, Health and Traffic respectfully recommends, after due and careful consideration, that the request from Tim Soucy, Public Health Director, for approval of an Intermunicipal Agreement for Public Health Services Mutual Aid between Manchester and Nashua, be granted.”

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

“The Committee on Public Safety, Health and Traffic respectfully recommends, after due and careful consideration, that the requests submitted by Brandy Stanley, Parking Manager, for the use of Arms parking lot be approved.”

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

“The Committee on Public Safety, Health and Traffic respectfully recommends, after due and careful consideration, that the following regulations governing standing, stopping, parking, and operation of vehicles, be adopted pursuant to Chapter 70 of the Code of Ordinances of the City of Manchester and put into effect when duly advertised and the districts affected thereby duly posted them as required by the provisions of that Chapter and Chapter 335 of the Sessions Laws of 1951.”

RESCIND NO PARKING ANYTIME:

On Litchfield Lane, north side, from Manhattan Lane to a point 140 feet west of Chestnut Street (Ord. 6477)
Alderman Sullivan

RESCIND NO PARKING LOADING ZONE -8AM-5PM, MONDAY - FRIDAY:

On Litchfield Lane, north side, from a point 140 feet west of Chestnut Street to a point 190 feet west(Ord. 6478)
Alderman Sullivan

NO PARKING ANYTIME:

On Litchfield Lane, north side, from a point 140 feet west of Chestnut Street to a point 173 feet west
On Litchfield Lane, north side, from a point 383 feet west of Chestnut Street to Manhattan Lane
Alderman Sullivan

NO PARKING LOADING ZONE – 6AM-11PM:

On Litchfield Lane, north side, from a point 313 feet west of Chestnut Street to a point 70 feet west
Alderman Sullivan

NO PARKING LOADING ZONE:

On Beech Street, west side, from Londonderry Lane to a point 28 feet south
Alderman Jim Roy

STOP SIGN:

On Kimball Street at Upland Street, NWC
Alderman Murphy

NO TRUCKS – 9PM-5AM:

On Front Street, from Goffstown Road to the I-93 On-Ramp
Alderman Murphy

NO TRUCKS – 9PM-5AM:

On Front Street, from Goffstown Road to the I-93 On-Ramp

NO PARKING ANYTIME:

On Alsace Street, west side, from a point 190 feet north of Amory Street to a point 190 feet northerly

RESCIND TWO HOUR PARKING – 8AM-6PM:

On Prout Avenue, east side, from a point 105 feet south of Hayward Street to a point 60 feet southerly

CROSSWALKS – EMERGENCY ORDINANCE:

On Lowell Street, west of Weston Street
On Weston Street, south of Lowell Street

RESCIND NO PARKING DURING SCHOOL HOURS – EMERGENCY ORDINANCE:

On Roysan Street, west side, from Lois Street to Joshua Street

NO PARKING DURING SCHOOL HOURS – EMERGENCY ORDINANCE:

On Roysan Street, west side, from Lois Street to a point 98 feet south
On Lois Street, west side, from Jeanine Street to a point 138 feet north
(*Unanimous vote*)

On motion of Alderman O’Neil, duly seconded by Alderman Osborne, it was voted to adopt these regulations.

“The Committee on Public Safety, Health and Traffic respectfully advises, after due and careful consideration, that the recommendation of the Special Committee on Parking in the vicinity of high schools for regulations regarding standing, stopping, parking and operation of vehicles be adopted, has been received and filed.”

(*Unanimous vote*)

On motion of Alderman J. Roy, duly seconded by Alderman O’Neil, it was voted to accept this report and adopt its recommendations.

“The Committee on Public Safety, Health and Traffic respectfully advises, after due and careful consideration, that the recommendation of the Special Committee on Parking in the vicinity of high schools that Chapter 70 Motor Vehicles And Traffic of the Code of Ordinances be amended by adding a new Residential Parking Permit Zone #8 in Section 70.55(D) (8), has been received and filed.”

(*Unanimous vote*)

On motion of Alderman J. Roy, duly seconded by Alderman Shea, it was voted to accept this report and adopt its recommendation.

14. Report(s) of the Committee on Bills on Second Reading

No reports.

15. Report(s) of the Special Committee on Solid Waste Activities

No reports.

17. Report(s) of Committee on Administration/Information Systems

No reports.

18. Report(s) of the Committee on Lands and Buildings

No reports.

19. Ordinances:

“Amending Chapter 33: Human Resources of the Code of Ordinances of the City of Manchester by adding a new Section 33.100 Residency Requirements thereby establishing a requirement of residency within the city of Manchester for City Officers and Department Heads.”

“Amending Chapter 33: Human Resources of the Code of Ordinances of the City of Manchester by amending Section 33.061 (B) Temporary Assignments, compensating acting department heads while so assigned.”

This item, along with items 20, 21, 22, and 23, has been referred to the Solicitor, rather than to the Committee on Bills on Second Reading, and therefore it will be taken up at a future meeting of the Board of Mayor and Aldermen.

24. Resolutions:

“Amending the FY 2007 Community Improvement Program, authorizing and appropriating funds in the amount of Fifty Six Thousand Dollars (\$56,000) for the FY 2007 CIP 511407 Black Brook Dam Removal (Watershed Restoration) Project.”

“Amending the FY 2008 Community Improvement Program, authorizing and appropriating funds in the amount of Ninety Nine Thousand Six Hundred Twenty Dollars (\$99,620) for the FY 2008 CIP 611008 Neighborworks Greater Manchester West Granite Gateway Project.”

“Amending the FY2008 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Nineteen Thousand Dollars (\$19,000) for the FY2008 CIP 511008 Martineau Park Project.”

On motion of Alderman J. Roy, duly seconded by Alderman DeVries, it was voted that the Resolutions ought to pass and be Enrolled.

25. Communication from Alderman Gatsas requesting Thomas Clark, City Solicitor, attend to discuss New Hampshire State Laws regarding funding the repairs to the Crosbie Street pump station.

Alderman Gatsas stated certainly I respect the City Solicitor’s opinion. I take it very seriously and I know he takes his job very seriously. I take mine very seriously and sometimes over-passionately. The Crosbie Street thing is still a

craw in my throat. At the last Board meeting we had discussions about whether we were breaking the law, and I heard a lot of Aldermen kind of hang their hat because the City Solicitor was giving a recommendation. He said that no RSA was broken but people were apprehensive about breaking the law. I've asked the City Solicitor to come forward, and I think that he probably is included in here in court cases. I guess I will let him talk about the cases. Tom, can you explain to me the last one, Merrill versus Manchester?

Mr. Clark responded that's talking about situations where the cities may be liable for torts, unless there are exceptions, unless you're granted immunity by the legislator.

Alderman Gatsas asked so that's an actual RSA, is that correct?

Mr. Clark responded the legislature has passed an RSA which will eliminate municipal liability in certain instances, yes.

Alderman Gatsas stated the ones up above are just court decisions, correct?

Mr. Clark responded they are court decisions based on interpretations of the New Hampshire constitution.

Alderman Gatsas stated and I guess I look at those...how many court decisions...you have one in 1876, 1931, 1879, 1879, 1889, and 1969. Were these against the state or municipalities?

Mr. Clark responded Morrison versus Manchester was against Manchester. Harry versus Keene was against Keene.

Alderman Gatsas asked can you tell me what those were about?

Mr. Clark responded there were a variety of cases about how you use public funds for private purposes.

Alderman Gatsas stated and when you talk about public funds, public funds could be parking spaces, parking income.

Mr. Clark stated no, funds are funds.

Alderman Gatsas stated funds are funds.

Mr. Clark stated parking income is regulated by statute, yes.

Alderman Gatsas stated but there's nothing to say that we couldn't do what we wanted to do with Crosbie Street, and somebody would have to come in and sue us to tell us not to do it. It's like the ruling you gave us when we had a welfare commissioner that we removed.

Mr. Clark stated Alderman, what I am telling you is what the courts have determined, through numerous court cases, and you've seen the ones we've listed here. This was a quick memo to you, as it was a short week last week. You will notice that there are very few cases in recent years. That is because this is a well-settled area of law. You may not use public funds for private projects. It's a well-accepted premise of the law. The New Hampshire constitution says you cannot do that. I can't prohibit you from doing anything. My job is to give you legal advice as to what I believe the law is. Just because there is no statute doesn't mean there is not a law on it. The law is the law. Statutes are not the only law.

Alderman Gatsas stated right, but it's not an RSA. We've not broken a law. There is no misdemeanor; there is no criminal offense.

Mr. Clark stated as you and I spoke the other day, the day after the meeting, I have never alleged that there was a criminal act taking place. There is no crime being committed, but it is an act that is not authorized by law. In addition, I don't know if you've seen it, but the second page is a copy of a page of your sewer user ordinance, which specifically stated that private pump stations shall be maintained and repaired by the owner and no one else.

Alderman Gatsas stated so, with the passion that I had, there was nothing that was breaking the law. This Board could have still voted for it, and all somebody would have had to have done was sue us, to say that we were taking public funds.

Mr. Clark stated you weren't committing any criminal act.

Alderman Gatsas stated thank you very much. So we weren't breaking the law?

Mr. Clark responded you weren't violating a specific statute. You would have been acting unlawfully, yes. You would have been violating the general law of the

state of New Hampshire, as interpreted by the Supreme Court in interpreting the New Hampshire constitution.

Alderman Gatsas stated and what you're saying...and I don't see it in here, but nowhere did you say that we were breaking the law.

Mr. Clark stated I advised this Board at the last meeting and I've advised you tonight, in my opinion it is not a lawful act.

Alderman Gatsas stated so our passions are different.

Alderman Lopez stated I think we can move on.

On motion of Alderman Lopez, duly seconded by Alderman Murphy, it was voted to receive and file this communication.

26. Communication from Jay Minkarah, Economic Development Director, seeking approval on behalf of the Manchester Development Corporation, (MDC) for MDC to make funds available to MEDO in blocks of \$25,000 each up to an aggregate total not to exceed \$400,000.

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

TABLED ITEMS

27. Recommendation from the Special Committee on Riverfront Activities receiving unanimous vote that the City purchase a certain .2633 acre parcel of land located at 2 Line Drive under the terms and conditions identified in the attached purchase and sales agreement.

(Note: The Board voted to accept and adopt the recommendation of the committee and it was then vetoed by Mayor Guinta. Additional communications have been provided by Pamela H. Goucher, Interim Planning Director and Leon L. LaFreniere, Building Commissioner, and forwarded to Board on September 8, 2008; Tabled 09/16/2008)

This item remained on the table.

28. The Committee on Public Safety, Health and Traffic respectfully recommends, after due and careful consideration, that the request from Attorney Cheryl LePine Beliveau for the City to eliminate two parking lot spaces on Map 292 Lot 11 be approved subject to the review and approval of the Zoning and Planning Boards.

The Committee further recommends that a revocable license be granted.

(Note: Tabled 10/21/2008 upon request of the Board for the Solicitor to provide a copy of the revocable license.)

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

Alderman Ouellette stated last month this issue came up about the two spaces that are located off of Granite Street, with the caveat that a revocable license be obtained so it would not prohibit the City for future development of the land. Everyone has a copy of the license and I would like to bring everyone's attention to number five, which says the licensor at its sole and unfettered discretion, may revoke this license at any time for any reason without cause. So I think that protects the City for any future development in that area, Your Honor.

***Alderman Ouellette** moved to approve this request to eliminate two parking lot spaces on Map 292 Lot 11, subject to the review and approval of the Zoning and Planning Boards. The motion was duly seconded by **Alderman Garrity**.*

Alderman Gatsas stated isn't it amazing how things come full circle really quickly. Can I ask the City Solicitor, is there any revenue being lost by the City for these two parking spaces?

Mr. Clark responded to my knowledge, no.

Alderman Gatsas asked who can I ask? Is there rental income that can be achieved by these two parking spaces?

Mr. Clark responded the City does not rent out individual parking spaces. It rents out numbers in a lot. The City has the authority to allow individuals to use City property. There are no public funds being given away by the City in this case.

Alderman Gatsas asked can I ask Ms. Stanley because she is the parking person? Ms. Stanley, can you tell me, what is the rental for the parking spaces in this particular lot? What is the value of the spaces?

Ms. Brandy Stanley, Parking Manager, responded there is no charge for parking in those spaces.

Alderman Gatsas asked what is the value of the spaces?

Ms. Stanley responded that's not a question I could answer at this point. I don't know what the going market rate would be for parking on that side of the river in that area.

Alderman Gatsas asked would it be \$10 a month?

Ms. Stanley responded my guess is that you could probably get somebody to pay \$10 a month.

Alderman Gatsas stated so two spaces at \$20 a month is \$240 a year that we're giving to an entity that's not for public use. It's amazing how it comes around full circle. I'll leave it at that and ask for a roll call vote on the motion.

Alderman Ouellette stated this lot is used primarily for parking spaces by the high school students. I don't think taking these two spaces away is in any way, shape, or form taking any revenues away from the City, nor is it enhancing the area other than for the owner to develop the spaces that he wishes to use in his own lot to provide parking for his own employees.

Alderman Shea asked do the students from West High School presently pay to park there?

Alderman Ouellette responded no.

Alderman Shea asked and how many students usually park there from West?

Mayor Guinta responded I think it's between 75 and 100.

Alderman Shea stated 80 at \$10 a piece is \$800 times...that's a lot of money too.

Alderman Ouellette asked are we charging at the Memorial High School parking lot?

Alderman Gatsas requested a roll call vote on the motion to approve the request to eliminate two parking spaces on Map 292 Lot 11.

Aldermen Gatsas, Sullivan, and Pinard voted nay. Aldermen Osborne, O'Neil, Lopez, Shea, DeVries, Garrity, Smith, Ouellette and Murphy voted yea.

Alderman M. Roy abstained. *The motion carried.*

NEW BUSINESS

Alderman O'Neil stated there is a communication from Chief Burkush. Everyone should have a copy. He's seeking approval from the Board of Mayor and Aldermen to allow the Manchester Fire Department to accept a donation of \$2,250 from the Granite State Credit Union for the purpose of purchasing dog food for the accelerant detection canine that the department will be receiving from the ATF.

On motion of Alderman O'Neil, duly seconded by Alderman Pinard, it was voted to approve the acceptance of the donation.

Alderman O'Neil stated on another issue, we actually received a communication on the night of our Board meeting on November 12th. It was a crazy night and we forgot to even take it up. It was a communication from Manchester South Sabres. They were sending a team to Florida. It might be after the fact now; I honestly don't know what to do with it. We've missed it two meetings in a row now. We should take some action. I don't know what the appropriate action would be, but out of fairness to them, they did send the letter, and just because of a crazy night, we never acted on it.

Alderman Lopez made a motion to receive and file this item, and to wish the Manchester South Sabres well in their championship games. The motion was duly seconded by Alderman Pinard.

Mayor Guinta stated we can issue a communication. Let's issue a communication to the coaches tomorrow as to whatever is the result of the action this evening. My office can handle that.

Mayor Guinta called for a vote on the motion. The motion carried, with Aldermen M. Roy, DeVries, and O'Neil being duly recorded as voting in opposition.

Mayor Guinta stated I'll make sure that I personally call them tomorrow and wish them well on behalf of the Board.

Alderman Gatsas stated just under new business, and I notice that Mr. Minkarah is here. I think he was out of the room when we had the discussion about the Congestion Mitigation and Air Quality (CMAC) money. I will be checking every

hour on the hour after 1:00 tomorrow to find out if it's been filed. And I'll meet you up there on Friday at 2:00 P.M.

Mayor Guinta stated I just want to recognize Carey Roessell who is here with us this evening. He's the new director at MTA. We want to welcome you and thank you for being with us.

Alderman Gatsas asked is he going to look to see if there are any State Transportation Improvement Program (STIP) funds available for us?

Mayor Guinta responded I think he will. I issued a letter to the Board this evening. I want to read it into the record and ask for the support of the Board. It is dated today and it's to the members of the Board of Aldermen.

A week from this Thursday, the city will officially open the Granite Street Bridge. This bridge and the reconstructed intersections along Granite Street have turned this area into the premier gateway leading people to the downtown of our city and throughout all parts of Manchester. I am certainly looking forward to the grand opening and I hope that all members of the Board will attend this very important event.

In preparation for this event, I believe the city should consider honoring United States Senator Judd Gregg by naming the bridge after our senior senator. While many people contributed greatly to the vision and construction of this first-class example of public infrastructure, nobody was more instrumental in helping us complete this project than Senator Gregg. Without the \$15 million in federal monies that the Senator was able to obtain for this project, the bridge and new highway intersection would not be a reality today. He has been a true friend to the people of our city, and it would be an appropriate honor, in my view, to honor Senator Gregg in such a public way.

I have discussed this matter with our Public Works Director, Kevin Sheppard. He agrees that naming the bridge after Senator Gregg would be a fitting tribute to a man who has done so much throughout his public career to serve our city and state. I therefore would ask the Board to take appropriate action this evening and rename the Granite Street Bridge as the Senator Judd Gregg Bridge.

***Alderman Gatsas** moved to approve the renaming of the bridge. The motion was duly seconded by **Alderman O'Neil**.*

Alderman Sullivan stated I'm not comfortable with this. Senator Gregg is likely to be seeking re-election next year. This isn't someone who's at the end of his career and we're giving a lifetime achievement award. There are political figures from Manchester who could be honored. There are veterans who are serving in Iraq and Afghanistan. We could name the bridge after them. I don't think it is

appropriate to name it after someone who is currently in office, and who is most likely going to be seeking re-election during the next biennium. I just don't see this as an appropriate choice. There are plenty of worthy Manchester residents who are deserving of this honor.

Alderman Gatsas stated with all due respect to my colleague, I will try and be as passionate as I can without being too passionate. There is no question that there isn't a member on this Board who can talk about the Granite Street expansion and not understand how important it is to this city. Without a question of a doubt, north and south on Granite Street now exists. For somebody to have brought \$15 million to the city of Manchester who is not a person that believes in earmarks, but certainly that this earmark was justified in coming to this city, I think Senator Gregg should be held in the highest esteem for this money being here, and for opening up the gateway to the city of Manchester.

Alderman Gatsas called for a roll call vote on the motion.

Alderman O'Neil stated I believe the funds Senator Gregg secured helped from the west side of the river easterly. Correct, Kevin? The interstate is actually a state project. It wasn't our project.

Mayor Guinta stated right. There is a portion there that was state as well.

Alderman O'Neil stated just for clarification.

Mr. Kevin Sheppard, Public Works Director, stated the city project was from the west side up through Elm Street. The state project was basically the interchange itself. Senator Gregg's funds went toward the city project.

Alderman Lopez stated I know that everybody had something to do with it, but when you look at the Senator that holds the purse and pulls the strings, so to speak, and we got \$15 million for the city of Manchester. I would not care whether he was an Independent, a Democrat, or a Republican. We got the money. We used it. It's great for our city.

Mayor Guinta stated thank you, Alderman, for those comments.

Alderman Gatsas stated I move the question, Your Honor.

A roll call vote was taken. Aldermen Gatsas, J. Roy, Osborne, Pinard, O'Neil, Lopez, Shea, DeVries, Garrity, Smith, Ouellette, Murphy, and M. Roy voted yea. Alderman Sullivan voted nay. *The motion carried.*

Mayor Guinta stated thank you everybody very much. I look forward to seeing everybody at that dedication.

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

A True Record. Attest.

City Clerk