

**SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN
(PUBLIC PARTICIPATION)**

February 5, 2013

7:00 p.m.

Mayor Gatsas called the meeting to order.

Mayor Gatsas called for the Pledge of Allegiance and invited Alderman Osborne and Alderman Shea to introduce the students that we have from Hallsville School.

Alderman Shea stated I would like to introduce with honor the following students from Hallsville Elementary School who will lead us in the pledge: Joel Martel, Jonathan LaFord and Evan Clark.

Alderman Osborne stated I am honored to introduce Ward 5 resident and student from Hallsville Elementary School: Beyonce Burress.

A moment of silence was observed.

The Clerk called the roll.

Present: Aldermen Craig, Ludwig, Long, Roy, Osborne, Corriveau, O'Neil, Levasseur, Shea, Katsiantonis, Shaw, Greazzo, Gamache, and Arnold

Mayor Gatsas advised that the purpose of the special meeting is to give residents of Manchester the opportunity to address the Board on items of concern affecting the community; that each person will be given only one opportunity to speak; that comments shall be limited to three minutes to allow all participants the opportunity to speak and any comments must be directed to the Chair. Any

resident wishing to speak come forward to the nearest microphone, clearly state their name and address when recognized, and give their comments.

Mr. Glenn Ouellette, 112 Auburn Street, stated I am still waiting for my blue recycling barrel. I do not understand how you guys made green barrels mandatory and it worked and you made blue barrels volunteer and if you would have made it mandatory you would have gotten a lot more recyclables. I am still hauling my recycling downtown to my office every single day. Large apartment complexes, and there are a lot in this City, should be using those barrels. We educated our kids in the schools when we started this program but if it is not being offered the program doesn't work. West High School. It would be deplorable if we ended up closing West High School and you know you can't close it until the end of this year because the Hooksett kids are still going to Central. We have some schools that are a little over 50% full but under 60% full and yet we are talking about buying another \$145,000 in new books so that we can make all high schools have the same courses. Whatever happened to individuality? The School of Technology is exactly that. It is a hands-on school. You aren't going to have mechanics courses taught in the other three high schools. So the policies they are making don't always make sense. The money comes here because you are the purse holders. When the public finds out that you loaned \$3 million to the school district to buy books and computers and two years later they are buying more books and computers and some of the books are going to third world nations because you don't need them anymore because you got rid of the classes...we need better planning. You are about to get involved in the new budget. We know it is a tough budget but there are decisions that need to be made and sometimes I have to wonder if you people have the political will to make the tough decisions. Yarger Decker is one of them. We claim that we are in a crisis and we don't have any money yet sometimes I have to wonder if we are doing what the federal government is doing and printing our own money the way we spend it. When a

project is completed and money is left over, it should not go to a wish list. It should go back to the people or go to pay the bond that much earlier. Thank you.

*There being no one else present wishing to speak, on motion of **Alderman Craig**, duly seconded by **Alderman Long**, it was voted to take all comments under advisement and further to receive and file any written documentation presented.*

Mayor Gatsas asked if, without objection, we can look at the pink packet that I passed out you will see that there are legislative updates in there. There are some letters that department heads have asked us to come forward either in opposition or in favor of legislation. Let's just go through them quickly and you can take a look at what is there. You will see the comments from the department head right after the letter if there are any questions. The first one is regarding property tax exemptions from Bob Gagne. He is here if you have questions. This is for the exemptions to be automatic and not have them be something that would be a local option. If you want to come up Bob in case anyone has any questions. What he is asking is for the board to approve the letter that you see before you that says that we would certainly entertain this as long as the local parameters are still in there.

Alderman Arnold stated I support having the local option. Bob is the proposed legislation just addressing that or does it change the range of Veteran's credit or the exemptions?

Mr. Robert Gagne, Assessor, responded there are a number of bills that have been proposed and the one that is most concerning to me eliminates local option on one of the Veteran's items. It shifts the tax burden to the other taxpayers without the local governing body having any say in that. Every year there are a number of these and they tend to come up a little too quickly to bring to the board

specifically. We don't take a policy position other than that the local governing body should have a say in balancing the benefit versus the cost to all of the other taxpayers.

Alderman Arnold stated I support the local option if that is all we are talking about.

On motion of Alderman Long, duly seconded by Alderman Roy, it was voted to send a letter regarding the expansion of property tax exemptions.

Mayor Gatsas stated the second one is HB4 422 relative to the adoption, revisions and amendment of municipal charters. What this basically says is it allows 25 people to come forward with a petition by August if they want to amend something in the charter. Matt do you want to talk about it?

Mr. Matthew Normand, City Clerk, stated basically this would allow 25 registered voters...interestingly the bill doesn't specify that they be Manchester voters but 25 registered voters can come forward with a petition each year to the board and request to have a charter commission review the charter. They have until August 15 in this proposed draft. Obviously budgets are passed well before the August 15 deadline that would put the petition on our radar. As far as budgeting for a City wide election or budgeting an appropriation to the eventual charter commission if the voters passed it, none of that would be contemplated in the budget. Obviously that is of concern. The legislation also allows for the question to be asked "shall the City establish a charter commission" as well as the election of the charter commissioners on the same ballot. The question has a potential of not passing and you would have 75 names on the ballot. It would be extremely confusing. Our hope is that this bill is opposed.

Alderman Levasseur asked is this for cities or just for towns because I am looking at it and it says 49(B)3 and I think we are 49(C) in Manchester? I think for them they vote with 40 or 50 people in a room and I am wondering if that is more...I mean if you look at who is asking for it and who put their names on it, there is nobody from a City on here.

Mayor Gatsas answered the Solicitor has said it does apply to us.

Alderman Levasseur stated well okay then we would want that exemption for ourselves if they put that forward. I think in the towns they do stuff that...it is simple majorities over there.

City Clerk Normand stated certainly, if it is enabling legislation that is a different animal but as it is constructed right now it would affect us.

Alderman Arnold asked does the proposed legislation imply or explicitly state where the funding for all of these extra elections or commission meetings is going to come from?

City Clerk Normand answered no; much like the current statute it doesn't imply where the costs are borne. Obviously, when we have a City-wide election, and there is a provision to allow for special elections in this proposal, that is a cost that is borne by the municipality and in our case it comes out of my budget during election time. There are even additional costs because there are multiple public hearings that are required and again you are talking \$2,000 per public hearing.

Alderman Arnold asked could you repeat that number?

City Clerk Normand responded public hearings generally cost at least \$2,000 for sound, if we do them outside of the building, and we have to advertise the legal notices for the proposed changes.

On motion of Alderman Long, duly seconded by Alderman Levasseur, it was voted to send a letter in opposition to HB 422.

Mayor Gatsas stated the next one is HB 482. This is Alderman Long's bill regarding bed bugs.

Alderman Long stated we met with landlord associations three times. The bill was watered down quite a bit to make them happy. As you know two or three years ago this board passed a resolution. There is a bed bug action committee in Manchester right now and we are still meeting monthly. This legislation better defines landlord and tenant responsibilities. It gives a little to the landlord and it gives a little to the tenant. There are issues in Manchester right now with landlords blaming tenants and tenants blaming landlords and it is going nowhere and the infestation gets worse. At the very least, we need to address that. The best way to keep your units clean is to get it early.

Alderman Levasseur asked when you are up there in Concord I am not sure how it is done but is it possible to make it a mandatory coverage under insurance in the state? I know you guys have an ability to sometimes make things mandatory. The big issue like you said is...the building you had to deal with over in Ward 3 was...you only pray that never happens but I hear it all the time from people all over the City that this continues to go on and on and on and it is affecting a lot of properties. An electrician that works for the City of Manchester tells me that this stuff goes on all the time. The big issue is if you are going to the burden on to the landlord or the apartment dweller, maybe you could add that it should be put into

an insurance policy because the cost...you can get apartment insurance and maybe mandatory coverage could be added to that. I don't know if they can do that but my understanding is that they don't cover that in our insurance policies right now. It may cost more money but if you have an apartment building in the City of Manchester it would be worth having that added into your coverage. If you could look into that as an issue that would probably be a real big benefit to the Manchester landlords. It may even aggregate some of the issues about people blaming each other as long as there is some coverage because of the expense in having to deal with it.

Alderman Ludwig asked maybe this is silly but does the legislation speak at all to the number of units and/or owner occupied or not owner occupied?

Alderman Long replied it is only restricted property. It is only on restricted property and I believe that is if you are an owner and live in a three or four unit apartment it doesn't apply. It applied to restricted property.

Alderman Ludwig asked so it follows kind of like the housing code in Manchester's regulations?

Alderman Long answered yes it is consistent with the Manchester housing code. The bill basically defines the roles. Currently, landlords are claiming that it is the tenant's problem and tenants are claiming that it is the landlord's problem. This defines the roles and it doesn't put the burden on either one of them. It evenly puts the ownness on both because there are some things a tenant must do to eradicate the problem and there are things the landlord must do. There are things in the law now that the landlord must do. I know there was an issue with the health department because bed bugs aren't in the health code for infestations. We wanted to put that in there but the health department claimed that they would be doing the same thing as the City was doing. The health department and building

department weighed in on this, as well as landlords and tenant associations and everybody seems to feel that it is fair in addressing the problem. There is nothing out there right now that addresses the problem.

Alderman Levasseur asked this is the bill that is being put in and I hate to vote on something that I haven't had the chance to read but is this more protective of property owners than the previous bill? How is this swaying?

Alderman Long answered there wasn't a previous bill. Right now there is no statute pertaining to bed bugs except we have an ordinance that if two people call in then our building department will go and inspect. The problem is there is a stigma to having bed bugs and people aren't calling in. The problem is once it gets to an infestation...in my opinion this protects the landlord's property because once it gets to an infestation now you are looking at \$10,000 or \$20,000 or \$30,000 to get it under control. We want to assure that at the beginning stages it is addressed so it is less likely to get to an infestation. It puts the ownness on both the landlord and the tenant. The landlord is not solely responsible for pest management processes. The tenant also has some responsibility. For example, they have to move their furniture for the landlord to spray. This allows the landlord to go in there on a report of an infestation. He has 72 hours to go in and inspect and do what he needs to do and that is what we are pushing for; to catch this at the early stage.

Alderman Levasseur stated I am just going to abstain because I haven't had a chance to read the whole thing. It sounds to me like this is something that is going to have to be worked on quite a bit. It is kind of like lead paint. You buy a building and people move in and they could already have a high blood level count before they get in there. This is pretty scary stuff when you are a landlord.

***Alderman Roy** moved to send a letter in support of HB 482. **Alderman O'Neil** duly seconded the motion. Mayor Gatsas called for a vote. The motion carried with Aldermen Levasseur, Corriveau, and Katsiantonis abstaining.*

Mayor Gatsas stated the next one is HB 541 relative to the city charter. It would say that the clerk would be elected.

Alderman Arnold stated a quick read of this bill says that as proposed the City Clerk would be elected by the elected body. I was wondering if I could get clarification of that. Isn't that what we do now?

City Clerk Normand responded this is a bill that directly affects me so I don't know if I should be commenting on it, but my understanding of the legislation is that this would create a situation where the City Clerk would be up for election every two years.

Mayor Gatsas stated well we have that ability now. He sits at the will of the board.

Alderman Arnold responded the bill isn't proposing that it goes to a popular vote correct?

Mayor Gatsas replied no.

Alderman O'Neil asked are we in support or in opposition?

Mayor Gatsas answered I would say we would be in opposition.

*On motion of **Alderman O'Neil**, duly seconded by **Alderman Roy**, it was voted to send a letter in opposition to HB 541.*

Mayor Gatsas stated the next one is HB 623 having to do with EPD. This would appropriate dollars to pay back under the SAG grant. We are in support of the bill so that we can get the money back on the SAG grants.

***Alderman Long** moved to send a letter in support of HB 623. **Alderman Shaw** duly seconded the motion. **Mayor Gatsas** called for a vote. The motion carried with **Alderman Arnold** abstaining.*

Mayor Gatsas stated for information purposes, the school board sent a letter of support for SB 40, which got us the money that we were entitled to, \$192,000, in the educational funding formula. I don't know if this board wants to send a letter of support also but this is just for your information that the school board has already done it. If the board wants to do it we can certainly make that accommodation.

***Alderman Shea** moved to send a letter in support of SB 40. **Alderman Katsiantonis** duly seconded the motion. **Mayor Gatsas** called for a vote. The motion carried with **Alderman Arnold** abstaining.*

Mayor Gatsas stated the next one is the testimony that was submitted on SB 58 by Dave Paris. It is about the opportunity for us to change the current tax laws as far as municipalities and water works because right now I think we are paying the Town of Auburn about \$840,000 roughly and this would merely ask for the permission for the two communities to be able to enter into discussions to negotiate something going forward.

Alderman O'Neil asked if this law passes we don't need to move forward on the other current use situations before us?

Mayor Gatsas answered well if this law passes and let's assume we could get a reasonable rate out of Auburn then probably we would not go forward with the recommendation that the department go forward with conservation.

Alderman O'Neil asked so there is no timeline? We are going to wait and see what happens with this legislation?

Mayor Gatsas replied I think this legislation will happen before we are at the final stage.

Alderman O'Neil moved to send a letter in support of SB 58. Alderman Long duly seconded the motion.

Alderman Craig stated in the documentation it says that we are not supporting or opposing this legislation but we are just providing clarifying testimony. Is that correct?

Mayor Gatsas responded yes this is testimony.

Alderman Craig asked so we are voting on sending it?

Mayor Gatsas replied no he already testified today.

Alderman Craig asked so what is the motion on?

Mr. David Paris, Water Works Director, stated the hearing on this bill is tomorrow morning and I will go there and present this testimony. We are not opposing this bill. It is basically an opportunity to expand the language for payment in lieu of taxes to a point where it can be negotiated. We are offering an

amendment to that as well that requests that feature values such as shoreline additional assessment be taken out of the basic assessment for those properties. If we are successful, feature value comprises more than half of the assessment on those properties and it would be a point for the water board at that time to discuss how to go forward. We are still pursuing the conservation initiative in the sale of the properties, which you will see on the consent agenda this evening.

Alderman O'Neil stated the mayor said this was probably our best option. Are we still going to move forward with the conservation?

Mr. Paris replied yes we are. We are moving forward actually in two fronts. This bill came about as an initiative from Senator Carson's office that we looked at initially as an option for us to be able to bargain if you will the taxes we pay in Auburn. The opportunity to comment on this bill and propose an amendment that speaks to feature value for us is a good opportunity to make the point that shoreline in a protected watershed such as Massabesic does not really offer the kind of feature value intent that that assessment was built around. So we are asking that the senate committee consider that as a friendly amendment. That would, I think, cut the assessed value of the property significantly and as the mayor has said presents a second option for us to consider as opposed to essentially selling the property, which is the direction we are going in now.

Mayor Gatsas stated we attempted to do this last year with an amendment on a bill but we were right at the last hour trying to get that legislation done. This basically is the same discussion.

Alderman O'Neil stated I guess what I don't understand is the relationship on Item 18 on our agenda to this legislation. Item 18 is the conservation easement correct? What is the relationship of this bill with that?

Mr. Paris responded the two have no relationship. Item 18 on the consent agenda is the approval from the Lands & Buildings Committee to surplus the property so that we can go forward with an RFP to sell the properties. As the mayor has said, the senate bill offers another option for the City to consider if successful in cutting the taxes and we would still retain the ownership. We are absolutely going forward with the proposal to sell the properties to a conservation non-profit if approved tonight.

Alderman Arnold stated some of these proposed bills seem relatively straight forward and yet this is one for me that I think is less so. Would it be possible for us to send letters in support or in opposition at a future date or is it something that needs to be done immediately? I know that Mr. Paris is scheduled to testify and I don't personally have any issue with that but before this board takes a vote on it do we have that leeway?

Mayor Gatsas replied well he is up there testifying tomorrow so I can't tell you what the turn of the committee is going to take for putting something out either ought to pass or ITO or amended. It is very difficult to say that in two weeks we could send a letter of support. It may have already come out of that committee to the floor before we have that opportunity. That doesn't mean we can't but I don't know what that timeframe is.

Alderman Long stated regarding that issue I realize this is difficult because some of these bills are long and you are voting on something and you haven't read the eight pages but what happens at the state house is you have the senate bills and you have the house bills and what we did in the last term is waited for the cross over so it gave us that time but when you wait until the cross over now you are back against the wall. So to get it this early is much more advantageous to us because now we can battle it in whatever body it is in and then at cross over. That

way each body would know at the get go that Manchester is in opposition or in support of particular legislation.

Alderman Levasseur stated I was just going to question...there are three state reps that sit on this board right now and when you receive a letter from a town or a city how is that handled? Does everybody say oh it is Keene or oh it is Manchester again? Do they care what we send out as an aldermanic board or does it get received and filed?

Mayor Gatsas responded it is part of the testimony.

Alderman Shaw stated it goes to the chairman of the committee that is handling that and then it is put in the permanent record and it is considered at the time of executive session.

Alderman Levasseur asked do they tell everybody on the committee at the same time...

Alderman Shaw interjected they tell us that the letter was received and from whom.

Mayor Gatsas called for a vote on the motion.

Alderman Craig asked what is the motion?

Mayor Gatsas answered the motion is to allow Mr. Paris to go up and testify on the legislation.

Alderman O'Neil stated I moved to be in support of the legislation so if we are going to take this neutral position...

Mayor Gatsas interjected I am saying that we are voting to allow him to testify.

Alderman O'Neil asked but isn't his position neutral?

Mr. Paris answered yes.

Alderman O'Neil stated then we don't have to take any action then.

Mayor Gatsas responded I am just looking to give him the approval to go and do it.

***Alderman Levasseur** moved to allow Mr. Paris to testify on SB 58. **Alderman Long** duly seconded the motion. **Mayor Gatsas** called for a vote. There being none opposed, the motion carried.*

Mayor Gatsas called for a recess to allow the Board of Mayor and Aldermen to meet.

Mayor Gatsas called the meeting back to order.

Mayor Gatsas stated we have two more items to go over and then we can go back to our regular meeting. The next one is relative to an oath of city officers concerning appraisals of taxable property. It is SB 79.

Mr. Gagne stated this proposal would require the governing body to take the oath regarding the tax warrant and in the City right now that is the Board of Assessors job. If you read the proposed change to the RSA, it would require you to certify that the assessments and the appraisals have been taken according to state

assessing standards and I am not sure that that should be a requirement for you to undertake.

Alderman Arnold asked what is the intention of the bill?

Mr. Gagne answered the proposal is from a taxpayer who wasn't happy with the way a recent update went in Concord and when he tried to complain to the mayor the mayor said he wasn't responsible for that.

Mayor Gatsas stated so basically it puts us all on the hook.

Mr. Gagne stated right and the next thing they will be having you do is signing off on abatements and exemptions.

On motion of Alderman Long, duly seconded by Alderman Roy, it was voted to send a letter in opposition to SB 79.

Mayor Gatsas stated the last one is SB 128 relative to fees for vital records. This is exactly the same bill we had in last year that Matt went up and spoke in favor of and we supported. It gives us an opportunity to collect a little bit more money because we do more vital records in the City of Manchester than the State of NH does and I think everybody combined after that. When we are done it ends up costing us more money than what we collect for a fee so I would hope that we would be in support of this legislation. It is exactly the same thing that this board supported last time.

On motion of Alderman Arnold, duly seconded by Alderman Roy, it was voted to send a letter in support of SB 128.

Alderman O'Neil stated regarding legislation, it is very important that department heads get the information to us as early as possible so that we are not seeing this stuff the night that we are being asked to do letters of support. We had asked the City Clerk to revisit our old policy that worked for many years. They have to get us information if they are going up and if they are what their position is.

Mayor Gatsas responded all of the bills are right here. They are all here.

Alderman O'Neil replied we don't know who is going up. Tonight we are seeing letters from the various department heads related to items. We have to do a better job of it is my point. Department heads know that they need to get the information out to the board.

Alderman Long stated I agree. I was there when Mr. Gagne went up to testify and he remained neutral. Personally if it is not on the policy then it is between the mayor and the department head meaning the mayor allowing the department head to go and testify because it is neutral. If it is on the policy and I am a department head and I say that I am representing Manchester then it needs to be approved by the board of mayor and aldermen if they are going in support or in opposition of a bill. This is what we did tonight. In the beginning of February these bills finally got out of the clerk's office. I think just last week they released some of these bills so in the beginning of February you are slammed. I can understand where this is at. I want to thank Samantha for putting this together. We have dealt with the department heads and they have sent us their concerned bills and we are looking at them but trying to get them before you early enough so you can look at them is the issue. It will get easier as we go forward.

Mayor Gatsas stated until the house calendar came out there was no way we could tell you what was happening or when it was going to be heard.

Alderman O'Neil responded well the department heads obviously knew what was happening.

Mayor Gatsas replied no they just knew within the last five or six days and that is why we put this together for you. We didn't have the opportunity to get it to you any sooner. I wish we had but she finished it today at 3:30 p.m.

Alderman O'Neil stated they know what they are going to go up and testify on. This shouldn't just fall on Samantha to put this together. Departments have responsibilities and we need to know what their positions are and Alderman Long is absolutely right; no one should be going up and representing the City of Manchester unless this board has taken that vote.

Alderman Shaw stated but the bills aren't always scheduled...you don't know the schedule of the bill until the calendar comes out on Thursday for the following week. The bill could be sitting up there for four or five weeks and you don't know when it is going to be heard but the calendar comes out on Thursday for the following week.

Mayor Gatsas stated I think everybody got a list of all of the bills that were presented so I will have the discussion with the department heads at the meeting on Monday that they need to get every piece of legislation that has a house or senate bill that concerns them and their position on it long before now. We will be looking for everyone to review the bills, all 1,200 of them, and figure out their position on them very quickly because again we don't know when they are coming up or being heard.

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

A True Record. Attest.

A handwritten signature in black ink that reads "Heather Keenan". The signature is written in a cursive, flowing style.

Assistant City Clerk