

BOARD OF MAYOR AND ALDERMEN

**June 5, 2007
PM**

7:30

Mayor Guinta called the meeting to order.

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

Present: Aldermen Roy, Gatsas, Long, Duval, Osborne, Pinard, O'Neil, Lopez, Shea, DeVries, Garrity, Thibault, Forest

Absent: Alderman Smith

Mayor Guinta stated before we begin I have two quick announcements. First of all it has come to my attention that Frank Thomas received the New Chapter American Public Works Association Outstanding Achievement Award for 2007. So, I wanted to acknowledge again that our Public Works Director is doing a fine job so thank you very much. And then I actually would like Alderman Roy to come forward. Many of you, I don't know if you all know but he is a new father and being the father of a 2½ year old and a 3½ year old I feel your pain, it's going to be very challenging when your wife tells you you have to stay home and you actually want to come to a Board of Mayor and Aldermen meeting but I did want to acknowledge his first time entering into fatherhood with a quick proclamation and I will read it quickly.

PROCLAMATION

WHEREAS, the commitment that our elected officials put into the City is necessary for proper management of the City of Manchester; and

WHEREAS, it is important to remember, however, that many of the people that commit their time and effort to this worthwhile endeavor do have families; and

WHEREAS, these families are the backbone of elected City officials and often it is their support that is crucial for the official to make the proper commitment of time and study that is required; and

WHEREAS, because of this it is important that we mark important milestones in the life of Ward 1 Alderman Mark Roy while his contributions to the City are important the contribution of the birth of his daughter, Marina Beatrice Roy on May 17th is far more important than just about anything else we do;

NOW, THEREFORE, I, Frank C. Guinta, Mayor of the City of Manchester do hereby proclaim that date May 17th as

MARINA BEATRICE ROY DAY

in the City and the Board of Mayor and Aldermen wish you and your family all of the happiness and health in the world.

Alderman Roy stated thank you, your Honor, and I didn't think that after 3 years of 3½ years here I could be blindsided but good job and all I can say is I'm proud to join those other parents in this room and now understand a lot more of what you've gone through for your careers here as Aldermen and Mayors. So, thank you.

Mayor Guinta stated we do have a couple of last minute additions to the Board so I appreciate the Board's understanding of these issues. First, if we could have Mr. Tim Bechert come forward. I believe we have handed out a letter by SMG regarding the Management Agreement dated as of March 1, 2000 as amended between the City of Manchester, New Hampshire and SMG and related guaranty dated October 3, 2000 executed by Aramark Services. As you all know the parent company has been sold and there is a request before us that is somewhat time sensitive to ensure the sale of SMG

goes forward properly so we wanted to offer the opportunity for Mr. Bechert to come explain what he's asking of the City.

Mr. Tim Bechert, General Manager, stated thanks, your Honor. Basically, I think you surmised it properly and succinctly. We're simply looking for an assignment of the existing Management Contract to SMG that was originally guaranteed by Aramark our parent company and it is our wish that SMG now assumes 100% responsibility in all of those guarantees that Aramark had made on our behalf we now wish to assume.

Alderman Thibault moved to authorize the Mayor to execute the release of guaranty and be authorized to execute any document necessary to consent to the sale of SMG.

Alderman Pinard duly seconded the motion.

Alderman O'Neil stated as Chair of the Civic Center Committee Mr. Bechert contacted me several weeks ago about this transaction taking place. Tim had asked me if at some point on scheduling a meeting of the Committee so he could make a formal presentation but Tim found out today that they were looking to have this deal done by the end of the week so there was no time to schedule a meeting. So, I'm in full support of Mr. Bechert's request and plan on voting for Alderman Thibault's motion.

Alderman DeVries stated just seeing this this evening...the arrangement within this with the transfer fee a \$100 million if the equity falls below that a letter of credit would be posted in the amount of \$4 million.

Mr. Bechert stated that's still in place and SMG will meet that.

Alderman DeVries asked is there anything within this agreement or any of the agreements that will change?

Mr. Bechert replied nothing.

Alderman DeVries asked is it possible we get that surcharge on the ticket sales that we've been looking for as the City for the last decade?

Mr. Bechert replied I think you may have beat Alderman Gatsas to the question but no.

Alderman DeVries asked were you headed that way as well?

Alderman Gatsas replied no I wasn't as a matter of fact but if you'd like me to go down that road. I guess my only question is, your Honor, only why has it taken so long for this Board to get a copy of a letter dated May 30th?

Mayor Guinta replied I didn't expect or anticipate us having to take this action until the July meeting. It came to my attention this afternoon that the transfer date has been moved up so out of respect to SMG I'd like to try to move this along otherwise we would have gone through a more normal process of providing this all to the Board of Mayor and Aldermen sometimes later this week or next week.

Alderman Lopez stated the Finance Officer and the City Solicitor are totally in agreement with this.

City Solicitor Clark replied yes. Last week Tim contacted me and we had a meeting...he, myself and Randy Sherman. We discussed particulars and how we'd move forward. As the Mayor had indicated the plan was to bring this in in July, to have a committee meeting first, discuss it...our financial transaction requires this action now. We found that out late this afternoon and that's why it's delayed. I would ask that any motion you pass tonight be subject to my final review and also the final review of the Finance Officer.

Alderman Lopez stated you said Randy Sherman...the Chief Finance Officer hasn't seen this thing.

City Solicitor Clark stated I've had a brief discussion with him but it wasn't anticipated it was coming in today so that's why I asked you make it subject to final review of the Finance Officer and City Solicitor.

Alderman DeVries stated just to follow up on that I notice the original enclosure had the pro forma balance sheet and I would assume that that is a piece of information that will be reviewed carefully and reflected on by our Finance Officer before. Okay, thank you.

Alderman Thibault stated Tim I just wanted you to know that the guys are still thinking about that dollar surcharge.

Alderman Shea asked Tim how many affiliates does SMG relinquish to the American Capital...how many are involved here.

Mr. Bechert stated buildings.

Alderman Shea stated buildings...not only in Manchester...that includes the one in Nashua that's going up? Is there one on the west coast? Does this change your situation at all?

Mr. Bechert replied no not at all...it's still going to be SMG...we are going to be a stand-alone company so management will not change.

Alderman Long stated with the current agreement is there a successor's clause in there, Mr. Clark?

City Solicitor Clark replied it is a 15-year agreement...we have to consent to any successors.

Alderman Long stated so we have to consent to any successors...so why is this before us?

City Solicitor Clark replied that is what we're doing, we're consenting.

Alderman Long stated so there are successor clauses.

City Solicitor Clark stated the agreement can't be assigned through other parties without your approval.

Alderman Long asked does that reopen the agreement?

City Solicitor Clark replied no it does not.

Alderman Long asked why does it not? The agreement says what?

City Solicitor Clark replied in this particular instance the only changes that Aramark and Hyatt Hotels which were parents of SMG are being taken off because SMG is being bought out by American Capital and they're being a stand alone unit and being fused with cash.

Alderman Long stated so if SMG were to be sold off three or four times we would be sticking with the same contract and that's what that contract says that they just need our approval to change hands as long as the guarantees are met and the contract would remain the same.

Mr. Bechert stated correct.

Alderman Long stated that binds the City as far as the contract goes for the 15 years no matter...as long as it's SMG that's managing the place anybody could buy them but as long as it's SMG managing then we're bound by the contract...Tom, is that your understanding of that contract?

City Solicitor Clark replied I'm looking through it at the moment for that particular clause but that's my understanding that we have a contract with SMG, the contract is not changing...now, if you wish to say we're not going to consent there could be some negotiations.

Mr. Bechert stated I don't know if this helps...the agreement itself...the company is not changing hands...SMG is not changing. It's simply part of the contract that was agreed to was that there be certain guarantees in place. Those guarantees were put in play by our parent company. All that we're asking of at this particular time...again, it's not a transfer of companies it's that those guarantees are no longer met by our parent company, they're going to be met solely by SMG. So the \$100 million is now going to be the responsibility of SMG. SMG's not changing, the agreement between the City and SMG.

Alderman Long stated I understand that but...at one point...

City Solicitor Clark interjected SMG is the contracting party with the City on this. Aramark is standing behind them on the guarantee. The contract requires that Aramark or some other entity put up a guaranty if SMG's assets did not reach a certain level. This buyout by American Capital does give the assets to SMG...that's the only change to take Aramark and Hyatt off the agreements and there is in the successor's clause that this

agreement shall to the benefit and be binding on the parties of this agreement and their successor's and assigns.

Alderman Long stated sorry...what was the ending of that?

City Solicitor Clark repeated their successors and assigns...the contract itself is not changing.

Alderman Long stated the contract I understand is not changing. I'm wondering could there be negotiations?

City Solicitor Clark stated I don't believe in this instance there is because SMG is not changing...you're still maintaining SMG...you're talking about the guarantees.

Alderman Long stated it still appears to me that if this happens three or four times it gets to a point where...first of all I don't know American Capital...just getting this tonight so I don't know what their holdings are or how successful they've been but what I'm wondering is and I'm getting the answer no that this doesn't qualify for an opening of negotiations.

City Solicitor Clark stated this doesn't reopen the contract for negotiations no.

Mayor Guinta asked any other questions or comments?

City Clerk Bernier stated to add to Aldermen Thibault's and Pinard's motion...to include as part of the motion to authorize the Mayor to execute the Release of Guaranty and be authorized to execute any documents necessary to consent to the sale of SMG subject to the review and approval of the Finance Officer and the City Solicitor.

Mayor Guinta called for a vote on the motion. The motion carried with Alderman Long duly recorded as abstaining.

Mayor Guinta stated thank you all for addressing this this evening.

Alderman Lopez stated we next have MCTV.

Mayor Guinta stated I wish to present the MYAC Resolution first and then we can go to the MCTV request. We had talked last night about trying to get a Resolution prepared. It was finally completed and I've had an opportunity to meet with Alderman O'Neil to review it. It should have passed out just recently in the packet and will quickly read it:

“A Resolution partnering the Mayor’s Youth Advisory Council (MYAC) to explore other options for alternative education.”

WHEREAS, The Mayor’s Youth Advisory Council has presented the Board of Mayor and Aldermen and the Board of School Committee with a “White Paper Report”; and

WHEREAS, The Board of Mayor and Aldermen wish to continue the engagement of the Mayor’s Youth Advisory Council in discussions increasing the graduation rate in the City; and

WHEREAS, The Board of Mayor and Aldermen wish to further involve the Manchester Youth Advisory Council in creating new alternative education resources that do not currently exist in the City of Manchester; and

WHEREAS, The Board of Mayor and Aldermen wish to consider the effectiveness of existing alternative education programs and possible expansion of these programs;

NOW THEREFORE BE IT RESOLVED, that the Board of Mayor and Aldermen request the Manchester Youth Advisory Council to research possibilities, existing and new, for alternative education, and within one year develop recommendations to address the needs of Manchester in terms of alternative education.

Mayor Guinta stated I would submit this for adoption by the full Board of Mayor and Aldermen.

Alderman O'Neil moved to adopt the MYAC Resolution. Alderman Duval duly seconded the motion.

Alderman Shea stated the term "alternative education" I hope that's not limited, your Honor, to one segment of our population...that is to say alternative education should be applicable to gifted and talented students as well and I think when there's any type of work on the part of whomever discusses this that that should be a discussion and possibly establishing we'll say a school for gifted and talented students at say the fifth grade level or the sixth grade level predicated upon we'll say Boston Latin or some other school to give the students who are gifted and talented in the City the incentive that other communities do employ. So, I hope that that would be part of this.

Mayor Guinta stated first of all Alderman I could not agree with you more. I think that sometimes gifted and talented students are overlooked but I would expect this to include that and if it's not clear we can always create a further resolution down the road about that but I would fully expect MYAC to include gifted and talented as part of a non-traditional education. So, thank you very much for that clarification.

Alderman Gatsas stated I certainly don't disapprove of the resolution. I know that there are 17 members of that Youth Council and I understand that just recently that one of the members is from the Alternative Education Programs and unless you have three or four children on that Council from the Alternative Education Programs you aren't going to know why those people are dropping out of school because the people that were sitting before us last night aren't the troubled students. The trouble students that are in the Alternative Program can tell you why they dropped out, why they're in the Alternative Program and why their friends are dropping out. Unless you include them in that mix we

are never going to get a true answer on how to fix the problem. So I'm not opposed to the resolution. I would hope that along with this we can make another resolution or make another motion that that Board go from 17 to 20 and those three additional seats be from the Alternative Education Programs that we have in the City so that they can voice an opinion that is what we're looking for. So, I don't have a problem with this resolution but I think the Youth Council should be made up of...we're looking to cure problems we can't cure the problem without knowing from the people that are involved in the problem how to fix it. So, I would make the motion after we pass this Resolution that we the Youth Council to expand to 20 and put three more students form Alternative Education whether it's the Ombudsman Program, whether it's the PASS Program or it's another program that's over at West. I don't have a problem but we should include those students in that mix.

Alderman O'Neil stated I happened to glance at the members of the Advisory Council that are here and they shook their heads yes. I think they understand and can be engaged with those students. I don't know how the number 17 was ever determined that that's the size of the Mayor's Youth Advisory Council. I don't know if that's in writing, if that's...so I'm sure that's something the Mayor can work with the Advisory Council to address and I think everybody's in agreement especially those that prepared the report for us last night.

Mayor Guinta stated we're certainly not looking to preclude people from improving education I can certainly say that.

Alderman Lopez stated you can just add the people, your Honor.

Mayor Guinta stated yes I can do that. Would there be an objection if I meet with MYAC and make sure they're comfortable with it and do it at the July meeting.

Alderman Gatsas stated that's fine I don't have a problem I can make a motion that you can look into it...that's fine.

Alderman Lopez interjected maybe a Latino too.

Mayor Guinta stated I don't you mentioned that last night so we can try to address that as well.

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

Alderman Gatsas moved that the Mayor expand the Advisory Youth Council by three members and placing on that Council three members from some of the Alternative Education Programs in the City of Manchester. I know Miss Garrity's been added from the PASS Program I think there's an Ombudsman Program, there's also a program over at West so I would think that that Council would expand to include children from the Alternative Education Programs. Alderman Thibault duly seconded the motion.

Alderman O'Neil stated Alderman Lopez asked a question last night about involvement from the Latino community and they have among the highest drop out rates in the City...should that be included as part of it and I think the young folks that presented before us last night indicated there were not any Latinos represented.

Mayor Guinta stated I think we'd have to go back and look who applied.

Alderman O'Neil stated I don't even know...is that what happens...young people apply.

Mayor Guinta stated yes.

Alderman Lopez stated I think if we can get the Director of Youth Services to find one because if you have 20 then it's 10/10...at least 21 can break a tie.

Mayor Guinta stated I can certainly work with them to make that happen.

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

Mayor Guinta stated if there is no objection by the Board if we could bring in MCTV so they can make their presentation.

Deputy City Clerk Johnson stated it is a report of the Committee on Administration and Information Systems.

Mayor Guinta stated do we need to accept that report first?

Deputy City Clerk Johnson replied I believe that this report that addresses the contract with the School Department. I can present the report.

Mayor Guinta asked is it a report of the Committee?

Deputy City Clerk Johnson replied it is a report of the Committee.

Report of the Committee on Administration and Information Systems:

recommending that Manchester Community Television (MCTV) be designated the Education and Government Access Provider for the City of Manchester and that the Board of Mayor and Aldermen approve a contract between the City of Manchester and the Manchester School District providing for such designation and funding therefore, as enclosed herein and incorporated by reference, and further that the Mayor be authorized to execute such agreement for and on behalf of the City subject to the review and approval of the City Solicitor.

Alderman Pinard moved to accept the report. Alderman Osborne duly seconded the motion.

Dr. Grace Sullivan, MCTV Executive Director, stated before we begin our presentation I'd like to introduce the folks from the MCTV Advisory Board who have done a tremendous amount of work to help MCTV since January...Attorney Mary Tenn from the Tenn and Tenn Law Firm who is the Chair of the Advisory Board, Jeremy Veilleux from Baker, Newman Noyes and Phil Alexakos from the Manchester Health Department previously at the community administration and Toni Pappas is here, Mike Roche and David Preece from Southern NH Planning Commission. We'd like to show a very...as you know this is our 15th anniversary and we'd like to show a video on MCTV and also to give some materials about MCTV as part of our presentation.

Alderman Lopez stated I think the committee has been through the whole process here on the presentation, we have before us an agreement...the committee is in favor with...each Alderman got a copy of that agreement and communications through various people. I think any questions from any Aldermen maybe should be directed...I don't believe we need another presentation.

Mayor Guinta stated okay. Are there any questions from the Board?

Alderman Pinard stated just a quick comment. I'd like to have Dr. Sullivan show the disc to give the Aldermen and the people of the City of Manchester a chance to see what that channel is doing for education and other things. It's very important that you act on this and we are acting so would you please let her show that disc?

Alderman Lopez interjected it was televised here through MCTV and it's been on MCTV.

Mayor Guinta stated we're going to compromise here...how about we do a full show by MCTV on what MCTV does at another time which the entire public can view, it sounds like people are eager to take this vote. So, if that would satisfy your request I would certainly appreciate it.

Alderman Pinard stated not really because the disc is only about three minutes. You're the Mayor and you make the decision. I'm just an Alderman requesting.

Mayor Guinta stated thanks for putting it on my back.

Alderman O'Neil stated I was just reminded by Mr. Cote that this presentation was made previously only to the Committee on Administration. I originally thought the full Board but he reminded me it was only the Committee on Administration several weeks ago.

Mayor Guinta stated I would be thrilled to see the disc.

Alderman O'Neil stated it's a great production.

Mayor Guinta stated in the meantime I can have Alderman Gatsas ask a question.

Alderman Gatsas stated let's watch the disc, your Honor.

Mayor Guinta stated is it ready to go. Okay.

Alderman Gatsas asked did we see this disc during the budget process?

A brief video presentation was made.

Manchester Community Television is a collaborative initiative between the City of Manchester and the Manchester School District. For the past 15 years MCTV has been funded by the Board of Mayor and Aldermen and the Manchester School District. Through this unique cooperation of City resources MCTV cost effectively provides the award winning programming you want and the high quality educational opportunities. As Manchester has grown over the past 15 years the need for the City has grown as well. In response to the changing needs of our growing community Manchester Community Television now has a staff of five full-time employees including certified education staff and other professionals with advanced communication and technology degrees. Today, MCTV programming is better and broader than ever before producing over 1,000 hours of community-based programming for the City of Manchester and televising hundreds of local government meetings. MCTV is the way in which all City residents can have unfiltered access to their local government and quickly learn what is going on in our community. Through the dedicated efforts of MCTV City government simply has to turn their televisions at Channels 16 and 22 or download a file from www.manhcom.tv to see their government unfiltered and in action. More than government meetings Manchester Community Television also offers other important community programming...programming for senior citizens, programming in both English and Spanish as well as programming for non-profit organizations, local officials and political candidates are just a few of the innovative programs being brought to you by MCTV. Manchester Community Television is your connection to your community. MCTV connects live in civic, cultural and educational events throughout Manchester. MCTV will now be able to go live from several locations throughout the City. MCTV now broadcasts live from City Hall, the Rines Center, Department of Health Services, the Emergency Operations Center, Gill Stadium and soon from Memorial and West High Schools. MCTV gives more time to celebrations in the City. Since 1992 MCTV has celebrated Manchester's rich cultural diversity, economic development and civic

engagements. MCTV showcases major community events including the First in the Nation Primary, local concerts and celebrity appearances. MCTV is there in times of crises providing a window for the community and the happenings of the City and providing important information when you need it most. MCTV highlights non-profits in the City with bulletin board announcements and programming to develop community involvement and awareness. MCTV has consistently been recognized and presented awards on state, regional and national stages for high quality innovative programming. MCTV is Manchester at its best. MCTV's instructional programming and unique expanded learning opportunities are excellence and education. MCTV recognizes all local schools from preschool to life long learning as well as producing parenting programs and conducting training from elementary to university. MCTV is there celebrating local student achievement and educational milestones. MCTV also brings you sports showing local athletics in your living room and bringing them to your home computer at www.manchhome.tv. MCTV provides students unparalleled opportunities to experience real world media and communications at its best. Students are given the opportunity to interact with City officials, national politicians and professional journalists from around the nation. With continued support from the Board of Mayor and Aldermen and the Manchester School District MCTV can implement its strategic plan and continue to be a distinguished leader and valued asset to our community. Manchester Community Television...your connection to your community.

Alderman Pinard stated I want to thank you, Mayor and the Aldermen for giving Channel 22...Grace and her staff...I think we should give them a loud applause because I think they're doing a heck of a nice job.

Alderman Gatsas stated I guess my question is can you specifically, City Solicitor, give me the changes that are different from this contract versus the MCAM because I don't

think we should be entering into contracts that are much different because both are providing a service...MCTV does a great job there's no question about it. I think that there's some...at least the ones that I've noticed there are some changes from what the diversification in the MCAM contract is and I guess I'm looking to see that there is no cap on what the School District can charge for administrative costs. So, I look at those things and say where are the various differences Tom if you can tell me as you go through this contract.

Deputy City Solicitor Arnold stated I couldn't compare it specifically to the MCAM contract because I don't have the MCAM contract in front of me. I could say that it is similar...the differences that I would note probably the major difference is that the MCAM contract provided that the City in its sole discretion could revoke MCAM's designation as the public access provider. This contract provides that the City can revoke if certain conditions are met...they are reflected I believe in paragraph 2...there would have to be a failure to provide educational or government access programming malfeasance, misappropriation or misuse of funds. The agreement could also be terminated if the City and the School District agreed to do so. With respect to the funds being provided as you can see under this agreement MCTV is being provided with 40% of the franchise fee that the City receives from Comcast. In MCAM's case that was 20%. In addition to that under this agreement the funds are restricted to the use of MCTV. I don't believe under the terms of this agreement that the School District could take the administrative fee because the funds as I say are limited to MCTV and the School District's agreement is acknowledging that these funds are not part of their yearly appropriation, not part of their single line item appropriation and hence they do not have ability to transfer them between line items.

Alderman Gatsas stated if I remember correctly there was a \$20,000 administrative cost that MCTV came before us with their budget that the School District charged them for administrative costs...that's my memory.

Deputy City Solicitor Arnold stated that may be. As I say this agreement limits the expenditure of those funds to the purposes of MCTV.

Alderman Gatsas stated so what you're saying is the School District can no longer charge them in administrative costs.

Deputy City Solicitor Arnold stated under my interpretation I haven't spoken about that specific topic to Mr. Eggert.

Alderman Gatsas stated some of the obvious changes that I see that are much different than what the MCAM contract is is that the City if the contract exceeds \$20,000 we may be put on as a risk. If I look at long-term obligations expenditures over \$20,000.

Deputy City Solicitor Arnold stated that provision is there as you can see under paragraph 6 which you are referring to MCTV has to get the consent of the City to any obligation in excess of \$20,000. If you look at the following language: The City is a necessary signatory to be...ensure that MCTV in fact obtains the City's consent...it goes on to say that the signatures shall not be construed as incurring or agreeing to any duties or liabilities as are specifically assigned to the City or the District in the obligation or agreement. So, if you were to take on additional liabilities that would have to be specifically referenced in the agreement which the City has to sign.

Alderman Gatsas stated the second sentence is "the City and the District shall be necessary signatories on all such obligations, including any lease agreement."

Deputy City Solicitor Arnold stated that's correct and it goes on to say "such signatures shall not be construed as occurring or agreeing to any duties or liabilities except as are specifically assigned to the City or the District in the obligation or agreement."

Alderman Gatsas stated obviously if there's a \$60,000 lease we'd be obligated.

Deputy City Solicitor Arnold stated if the lease provided that the City was obligated to make that payment that's correct. That language was put there specifically to avoid what you're referring to that the City signature would be construed to be an obligation to pay any expenses or obligations if MCTV were not to do so.

Alderman Gatsas asked why are we giving 40% and not 20%?

Deputy City Solicitor Arnold replied I guess that was a policy decision that was made. It was in the original contract, it was a decision made by the Committee on Administration.

Alderman Gatsas stated so my question is we don't give MCAM \$400,000...we only give them \$200,000...I don't think so.

Deputy City Solicitor Arnold stated I'm not sure what you're saying, Alderman.

Alderman Gatsas stated if 40% equates to \$432,000...then I'm looking at on page 3.

Deputy City Solicitor Arnold stated no.

Alderman Gatsas asked okay what is the amount...the 40% is equal to what in dollars?

Mr. William Sanders, Finance Officer, replied the 40% based on the current year's spending 40% would be \$518,000 based on the current.

Alderman Gatsas asked what is the current budget?

Mr. Sanders replied the budget for fiscal 2007 is \$396,000.

Alderman Gatsas stated so we're giving out \$118,000 or \$121,000 increase next year...that's pretty close to 20% or the 40%...30% of the contract. If it's \$518,000 and the budgets \$397,000...it's \$121,000...that's roughly a 30% increase in one year.

Alderman O'Neil interjected your Honor it might be helpful not to get Dr. Sullivan in the middle of this thing but most of the conversations that have gone on regarding this contract were between Attorney Arnold, Attorney Eggert representing the School District and Attorney Tenn who is the chair of the Advisory Board of MCTV. So, it might be helpful to Dr. Sullivan if maybe Mary would join her up front to talk the agreement.

Attorney Mary Tenn stated as Alderman O'Neil said I am working with MCTV as a volunteer in my position as Chair of the Advisory Board. Alderman Gatsas asked a question about the numbers and I would point out that Jeremy Veilleux is our accountant has been working with us and he may help me if my numbers don't quite add up. I think the reason that Dr. Sullivan was shaking her head was that the current budget for MCTV as approved in the most recent budget resolution is \$390,000 plus an additional \$50,000 that's set aside in contingency money should an agreement be consummated. So, that budget...if the agreement is approved there are funds in the amount of approximately \$440,000 presently earmarked for MCTV in this fiscal year. The agreement like the agreement for the other access channel would pay on a prior fiscal year basis. So, in fiscal 2009 which is really calendar year 2008 would be using calendar year 2007 numbers if that makes sense.

Alderman Gatsas stated my recollection is that we were doing all three channels for somewhere around \$350,000 when it was under one roof. When it was under one roof we had I think six or seven employees...they were doing the public access, they were doing the government and they were doing education. It was \$350,000...now somebody

needs to explain to me how did we go from \$350,000 on three channels to over a million dollars. Something tells me maybe these things should be bid out...maybe somebody ought to compete in the bidding of this because maybe it could be less expense because I look at it and say we did \$350,000/3 channels and now we're looking at somewhere around over a million dollars for the same product.

Attorney Tenn stated I can I best answer that question. I think what I would say in response to that is the issue that's before the Board tonight is whether MCTV should be able to proceed forward and meet the goals of its strategic plan. If the point you're trying to make, Alderman, is that there is some increased costs associated with the fact that PEG and no longer operate under one roof that is in fact true but that decision is a decision that was made by this Board some time ago and I would suggest to you that it was a good decision and it's a decision that we see in other models across the country where P runs on one station and E and G run on another and I think the method by which the City has chosen to deal with access television so far to date is only partially consistent with what we see other cities doing across the country and it's important to make that point because what you have now is a situation where one station has a guaranteed fund and the other two don't. Manchester is very much like other cities in that it split P and EG, it's very much like other cities in that it's given a designated source to P but we begin to get different from other cities when we favor one over the other and so the problem is that E and G in order to implement their strategic plan need the same stability that P has. Along with that point, Alderman, I would say that Manchester is quite different from other places around the country wherein those cities hold 5% of the franchise fee is being accessed or allocated to education and government...that is not what we are asking for here. There would be the existing 20% for P and another 40% for E and G leaving 20% in the general fund for the City. So, I don't think it's exactly appropriate to suggest that this is a burden on the City.

Alderman Gatsas interjected Attorney Tenn let me slow you down for a second because I know that probably you and I can talk just as long as we can so let me just interrupt you for a second because I think that when we talk about what my belief is...my belief is I'm here for the best interests of the taxpayers and when we take a million dollars out of general funds and spread them out there's no question but that 20% is going to stay on the table for as long as that other channel is available to the city and once either P, E or G look for the other channel they're going to look for the other 20% and we will be the City that has zero and not necessarily is it right that because other communities in other states are doing something...this is Manchester, New Hampshire and we may do something different. So, I think that tomorrow if somebody comes in and says as Comcast had the ability they can send us TV right now. We may want to go to a different franchisee does that mean we have to take a franchise agreement because they've got the access to doing it?

Attorney Tenn stated I might defer that question to the City Solicitor as to the terms of your agreement with Comcast.

Alderman Gatsas stated it's an evergreen clause. I negotiated that contract so I have some understanding what's in there...that's the other thing...we're giving you to a seat to negotiating that we don't give PEG.

Attorney Tenn stated I don't believe that that is a correct statement of what's in the agreement and Attorney Arnold may want to weigh in but what he has written into the agreement and his language on behalf of the City is that he may invite or invite MCTV or its designee to provide input and advice. Our interpretation of that is not that it is a guaranteed seat at the table and it was never intended to restrict the hand of the City but only to make sure that the City would take advantage of the resource that it has available in MCTV and I think the video amply demonstrated that on the merits MCTV has been doing a good service for the City for the last 15 years.

Alderman Gatsas stated I certainly don't question the merit of MCTV. I question that we've gone from a \$350,000 cost in about two years to over a million and it's for the same three channels...that's what I see with an increase of I don't know how many employees...I can't give you that answer but I think the votes are there and again I voted against the last contract because I don't believe anybody should be entitled to a percentage of what belongs to the City.

Alderman Lopez asked could you explain the million to me? You keep saying the million-dollar expenditure...could you explain that to me, please?

Alderman Gatsas stated if we're expending \$518,000 in this contract and we're expending \$518,000 in the MCAM contract that's over a million dollars.

Alderman Lopez asked where are you getting that number?

Alderman Gatsas stated I would assume that both contracts are the same...are they both getting 40%?

Deputy City Solicitor Arnold replied no.

Alderman Gatsas asked okay what's MCAM getting?

Alderman Lopez stated MCAM's getting 20%...1/5th of 5%.

Alderman Gatsas asked they're getting how much?

Alderman Lopez replied they're getting 1/5th of 5% which is 20%.

Alderman Gatsas stated that's \$200,000 dollars.

Alderman Lopez stated that's based on a million dollars. I don't know if they know the income of MCAM...I mean Comcast...do we know the income over there.

Alderman Gatsas stated my understanding was that the contractor came before us or the budget came before us was over \$400,000.

Alderman Lopez stated no.

Mayor Guinta asked do you know how much they're getting Tom?

Deputy City Solicitor Arnold replied I don't know but they are getting 20%, MCTV under this agreement would get 40% so hence they're getting half of what MCTV.

Mayor Guinta stated it's about \$260,000 they're getting.

Deputy City Solicitor Arnold stated I would caution that there are also grant funds involved which may be causing some of the confusion. There are grant funds that were made under the Comcast Cable Franchise Renewal that have been also allocated between MCTV and MCAM.

Alderman Lopez stated it is 20% and 40% and under this contract there's nothing to say even if MCTV went to the third channel that we were going to give them another 20%...there's nothing in this contract that refers to that. I think it also has to be said that the strategic plan that was presented to the School Department and also to this Board to move forward with MCTV was approved to move forward and that particular aspect of the School Department in having them move forward to capitalize on MCTV and maybe

Attorney Tenn or Dr. Grace Sullivan could expand on that so that we all know that this is a plan that's been in place for quite a while.

Attorney Tenn stated I'd be glad to address that, Alderman. As we told the Committee on Administration when we met with them at the end of May MCTV has been engaged in a very lengthy strategic planning process and that plan was worked on extensively in 2005, it had input from the School District, this Board, a series of citizen focus groups, people from the business community and others who sat down and said what do we do to best improve education and government programming...that plan was ultimately approved by the School Board and in January of this year the School Board in implementing the first phase of that strategic plan appointed an advisory Board to assist MCTV and the School District with the implementation of that plan. As the Advisory Board came together we recognized that the strategic plan had essentially two main objectives. One, to secure a stable source of funding for education and government programming so that the substantive programming...educational/informational goals could be met and also that MCTV explore options for a new studio. Those two things in looking at those two key options it became apparent that the funding was the key to making all of this happen. So, we began a series of conversations with the Aldermen and the various boards and committees so that we could come to you to say this is the next step in a very long process and this is the next step in what is required to move us forward and so we are here as part of that process...this contract has been presented to the Committee on Administration and obviously voted out tonight, we're hoping that this Board will approve it so that we can then have it approved by the School District and continue to implement the goals of the strategic plan to best serve the citizens of Manchester.

Alderman Roy stated a couple of questions just regarding the contract, which I think may be very minor. As the named party prior to hereinafter referred to as "City" you state a more body incorporate and politic...does that mean named throughout any decisions

where the City is named they would come in front of this Board...is that the understanding of Attorney Tenn and the City Solicitor?

Attorney Tenn stated I'm not quite sure I understand your question, Alderman.

Alderman Roy stated there are a number of times through the contract that in consultant of the City or determined by the City is used. In the first paragraph it defines City as a body corporate and politic...does that mean decisions come before this Board, the Mayor's office, Solicitor.

Attorney Tenn stated without the specific contractual provision that you're talking about in front of me what I can say is that the intent of the agreement is that with regard to all major decisions regarding MCTV in terms of expenditure and long-term funding that there would be approval, an advanced approval by this Board and the School District. So as an example I can give you would be on paragraph...I'm sorry on page 4, paragraph 6 of the contract and that's the provision that Alderman Gatsas was talking about earlier. The way that the agreement is structured is to make sure so that the City feels confident that MCTV and/or the School District are not going off and creating something that's inconsistent with what this body wants. So in that particular instance that's how it's envisioned to work and the other places that's what I would expect as well.

Alderman Roy stated okay so paragraph 6, second line where it says "approved by the City" you're referring to this Board of Mayor and Aldermen.

Attorney Tenn stated whatever the appropriate committee is whether it needs to go to the Committee on Administration and then come up here that's the process.

Alderman Roy stated unfortunately we have a lot of committees...Airport has special rights, Riverfront has special rights, the Mayor has a bundle of rights...that's why I'm

just trying to get to who your reference of City is and I wanted more your understanding of it.

Attorney Tenn stated my understanding of it is that we would come back to this Board for their approval. So if we're talking about a lease we would go to the appropriate committee that would look at real estate and then have that report out to the Board.

Alderman Roy stated okay and I'm fine with that as long as we're on record. Under paragraph 1 Term...does anyone here know the term "limitations of MCAM"? Are these concurrent dates or are these separate?

Attorney Tenn replied MCAM is essentially co-terminus with the Cable Franchise Agreement...that's what we tried to accomplish here. The mechanism by which MCAM's agreement works I think has a series of renewal periods but it functionally establishes the same thing that the agreement for that access channel like the agreement for these access channels would be co-terminus with the cable contract.

Alderman Roy stated under your term you have...in eight years...you weren't looking to do it exactly like MCAM was where it's...to use my Alderman's "evergreen".

Alderman Lopez interjected I can give you a clarification, your Honor. With MCAM there's a period for ten years because it was approved in 2005. The reason for the eight years is because it's 2007. So both contracts would end in 2015.

Alderman Roy stated June 15...the 15th of 2015...I'm fine with that. Under Section C, page 3 the present equipment and I should have asked this earlier...where does that leave any school projects, education going on at the current MCTV...Dr. Sullivan I know this has been one of your concerns.

Dr. Sullivan stated in terms of the equipment right now the equipment is owned by MCTV and if this agreement passes we're still going to have kids going out tomorrow morning to "Politics and Eggs", independent study kids going out to interview Mitt Romney and we still have kids tomorrow afternoon going out to I think there's a...I'm sorry if this is wrong but there's...I think probably Alderman Gatsas would help me with this...there's a thing honoring Judd Gregg tomorrow with some of the Republican Presidential candidates. So kids are still going to be doing this stuff.

Alderman Roy stated but school projects will continue.

Dr. Sullivan stated yes...they came to the door this afternoon.

Attorney Tenn stated I could just add one point about that Alderman because I do want to be very clear about that. With regard to the slated renovation at MST (Manchester School of Technology). My understanding is that the MST program will have a new studio and facility built for them as part of that renovation so I think ultimately when that happens their equipment may be better.

Alderman Roy stated and the last two things, your Honor and they're strictly nit picky...on page 7 with copies of the Mayor I would just ask if this is passed if it's amended to read "Mayor and Board of Aldermen and the City Solicitor" and then with all due respect to Dr. Sullivan any long term contract I try to avoid names...we don't name the Mayor we name the position and if that could just be changed to whatever Dr. Sullivan's title is versus naming Dr. Sullivan personally. If you're fine with those I would have no problem.

Alderman Duval stated at prior meetings I know there's been extensive effort to try to convey to us exactly what is going on with MCTV and all of it is contained in the proposal here tonight and with that I'd move the question.

Alderman Roy asked as amended?

Alderman Duval replied as amended.

Deputy City Clerk Johnson asked for clarification. We got the position with regard to MCTV what was the other change?

Alderman Roy replied inserting Board of Mayor and Aldermen for Mayor on page 7...6th line.

Deputy City Clerk Johnson stated so “with copies to the Board of Mayor and Aldermen and the City Solicitor”.

Alderman Roy stated correct.

Alderman Osborne duly seconded the motion to amend. There being none opposed, the motion carried.

Alderman Pinard moved to accept the report as amended. Alderman Osborne duly seconded the motion. The motion carried with Alderman Gatsas duly recorded in opposition.

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.

Pole Petitions – Approve under the supervision of the Department of Highways

- A. PSNH Pole Petition #11-1157 located at 14 Goebel Street; and
PSNH Pole Petition #11-1158 located on Gingras Avenue.

Informational – to be Received and Filed

- B. Manchester Health Department Monthly Report Summary, May 2007.
- C. Communication from Martin Boldin, OYS Director, expressing gratitude to the Board
for having given permission to relocate to new quarters.
- D. Communication from Paul Boynton, President & CEO of Moore Center Services, Inc.
expressing hope that the Board will continue to support MCTV.

REPORTS OF COMMITTEES

COMMITTEE ON HUMAN RESOURCES/INSURANCE

- F. The Committee on Human Resources/Insurance respectfully recommends, that the Board approve a request of the Parking Manager for a new position of Customer Service Representative II, salary grade 12.
(Aldermen Gatsas, Pinard and Shea voted yea. Aldermen Duval and Garrity were absent.)

COMMITTEE ON LANDS AND BUILDINGS

- H.** Advising that it has approved a proposal for a “green roof” for the City Hall Connector, under the supervision of the Building Maintenance Division and City Clerk.
(Unanimous vote)

COMMITTEE ON PUBLIC SAFETY AND TRAFFIC

- K.** Advising that they have approved Ordinance:
“Amending Chapter 70: Motor Vehicles And Traffic of the Code of Ordinances of the City of Manchester by expanding the Residential Parking Permit Zone #1 in Section 70.55(D)(1) to include a portion of Elm Street.”
and recommending same be referred to the Committee on Bills on Second Reading for technical review.
(Aldermen O’Neil, Shea, Roy and Long voted yea. Alderman Osborne was opposed.)

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.

- E.** Resolution:
“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Two Thousand Five Hundred Dollars (\$2,500) for the FY2007 CIP 310307 Foreign Language Audio Discs Project.”

Alderman DeVries stated I’m not sure who might be here to speak to this this evening but I believe that we have a grant or some monies donated if I recall from TD Banknorth. Is there anybody with the knowledge? It says it right in the resolution and I just wanted to be able to recognize...it says it right in the resolution and I just wanted to be able to recognize their donation if I’m reading the resolution correctly.

Ms. Denise VanZanten, Library Director, stated it is from TD Banknorth and they administer the Benjamin Cohen Trust so we ask for some assistance with purchasing special foreign language audio videos/DVD's.

Alderman DeVries asked did the \$2,500 complete the purchase for you?

Ms. VanZanten replied it will.

Alderman DeVries stated the only reason I bring you up is to make sure that we recognize corporate partners when they do assist us in projects like that. So, thank you.

Alderman DeVries moved that the Resolution be referred to the Committee on Finance. Alderman Forest duly seconded the motion. There being none opposed, the motion carried.

Deputy City Clerk Johnson noted that Alderman Osborne has indicated that he is opposed to Item K and wanted to be so recorded.

Report of the Committee on Lands and Buildings (as substituted)

- I. Recommending that the Board of Mayor and Aldermen approve the enclosed purchase and sales agreement for property known as the so-called "Jac Pac" site located on Hancock Street subject to the following amendment:

Section 11.01 interjecting language ~~in the last line after "(Economic Development Office)"~~ to read "~~*the Ward 3 Alderman or (the Ward 3 Alderman's designee),*~~". in the last sentence so as to read:

Any material deviation from the intent and quality level set forth in Queen City Riverfront Park a Proposed Development for the Southern Gateway to Manchester submitted by Dick Anagnost Investments, Inc. in Conjunction with Cube3 Studio and CLD consulting Engineers, dated January 18, 2007, shall be subject to approval of *the Board of Mayor and Aldermen Special Committee on Riverfront Activities and Baseball (or such committee of said Board determined to be it's successor) with recommendations by a group comprised of the City of Manchester Planning director, the City*

Solicitor (or his designee), the Finance Director (Or his designee), the Economic Development Director for the City of Manchester, the Development Coordinator (Economic Development Office), and the Senior Policy Advisor to the Mayor.

The Committee further recommends that the Mayor be authorized to execute such modified agreement for and on behalf of the City subject to the review and approval of the City Solicitor.

(Unanimous vote.)

Report of the Committee on Lands and Buildings (as substituted)

J. Recommending that the Board of Mayor and Aldermen approve a License Agreement between MHRAI, Inc. and Energy North Natural Gas, Inc. d/b/a KeySpan Energy Delivery New England for property located at 163 Hancock Street providing for the temporary storage and processing of sediment that shall be dredged from the Merrimack River as enclosed herein subject to the following modifications:

1. That the agreement contain language inclusive of pre-soil testing and post-soil testing requirements to be met by KeySpan;
2. That the agreement contain language of indemnification agreeable to the City Solicitor that covers both the City and future purchaser(s) as may be reflected in a purchase and sales agreement executed by the City;
3. That should asphalt damages occur to the pavement area, the replacement of same be done with loam rather than paving;
4. ***That the agreement be modified to contain language stating that rather than a temporary relocation of the Riverwalk, the Riverwalk will be closed during the construction phase and KeySpan will provide the City of Manchester with a \$50,000 contribution for aesthetic and other improvements to the area surrounding the Riverwalk within one year of June 4, 2007.***

The Committee recommends that the City's concurrence of approval of the agreement, be issued to the Manchester Housing and Redevelopment Authority by the Office of the City Solicitor when modifications have been made meeting the conditions set forth herein.

(Unanimous vote.)

Deputy City Clerk Johnson stated regarding Items I & J there were substitutions that were submitted to the Board and so we would look for a motion to substitute those reports first and then a motion to accept as substituted.

Alderman Lopez moved to substitute the reports. Alderman Long duly seconded the motion. There being none opposed, the motion carried.

Alderman Lopez moved to accept the reports as substituted. Alderman Long duly seconded the motion. There being none opposed, the motion carried.

Deputy City Clerk Johnson stated Alderman Gatsas is asking to reconsider something.

Alderman Gatsas stated on the Consent Agenda Item K.

Mayor Guinta stated so noted.

Deputy City Clerk Johnson asked are you giving notice to discuss it at the next meeting?

Alderman Gatsas replied I'm giving notice to discuss it today.

Deputy City Clerk Johnson stated he's looking to have action on that reconsidered this evening. It would require a second to the motion.

Alderman Osborne duly seconded the motion.

A roll call vote was taken on the motion to reconsider action on Item K Aldermen Gatsas, Osborne, Pinard, DeVries, Garrity and Forest voted yea. . Aldermen Roy, Long, Duval, O'Neil, Lopez, Shea and Thibault voted nay. Alderman Smith was absent.

The motion failed.

Mayor Guinta stated it sounds like there will be discussion under new business.

Alderman Gatsas stated yes there will be, your Honor.

Mayor Guinta presented the following nomination pursuant to Section 3.14(b) of the City Charter:

Jeff Dobe to fill a vacancy on the Senior Services Commission, term to expire January 1, 2008.

This nomination will layover to the next meeting of the Board pursuant to Rule 20 of the Board of Mayor and Aldermen and your consideration of Mr. Dobe is appreciated...that's the only nomination I have for this evening.

5. Confirmation of the nomination of Cathy Champagne to succeed Gary Long as a member of the Manchester Development Corporation, term to expire March 11, 2010.

Alderman Roy stated one question and I will move on the nomination...I have a great deal of respect for Cathy Champagne but I did notice on her resume that she is a Goffstown resident and that falls within the purview of where she can live.

Mayor Guinta stated yes it does.

Alderman Roy moved to accept the nomination as presented. Alderman Forest duly seconded the motion. There being none opposed, the motion carried.

Alderman DeVries moved for reconsideration to further discuss Item 5.

Mayor Guinta asked do you want to discuss it now?

Alderman DeVries stated the remainder of the nominations on the table...I'm sorry it says Items 5, 6 and 7.

Mayor Guinta stated no I just did Item 5.

Alderman DeVries stated okay thank you.

6. Confirmation of nominations to the Central Business Service District Board as follows:
 - Diane Mercier to fill a vacancy as an at-large member, term to expire May 1, 2010; and
 - Rick Brenner to fill a vacancy, term to expire May 1, 2010.

On motion of Alderman Pinard, duly seconded by Alderman Garrity, it was voted to confirm the nominations to the Central Business Service District Board as presented.

7. Confirmation of nominations to the Personnel Appeals Board as follows:
 - Craig S. Donais, Esq. to succeed Linda Capuchino, term to expire March, 2010; and
 - Mark Hobson to succeed Paul Martel, term to expire March, 2010.

Mayor Guinta stated I am going to withdraw Mark Hobson to succeed Paul Martel. So the confirmation I am requesting to the Personnel Appeals Board would be Craig Donais to succeed Linda Capuchino, term to expire March, 2010.

On motion of Alderman Duval, duly seconded by Alderman DeVries, it was voted to confirm the nomination of Craig Donais to the Personnel Appeals Board as presented.

On motion of Alderman Thibault, duly seconded by Alderman Shea, it was voted to recess the regular meeting to allow the Committee on Finance to meet.

Mayor Guinta called the meeting back to order.

OTHER BUSINESS

10. A report of the Committee on Finance was presented recommending that Resolution:

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Two Thousand Five Hundred Dollars (\$2,500) for the FY2007 CIP 310307 Foreign Language Audio Discs Project.”

ought to pass and be Enrolled.

Alderman Pinard moved to accept, receive and adopt the report of the Committee on Finance. Alderman Osborne duly seconded the motion. There being none opposed, the motion carried.

Alderman O’Neil stated a personal privilege here...it was my full intent on the Consent Agenda to pull an item and just through everything...presentations and other work the item did not get pulled and it has to do with Item G. I think we’ve all received numerous correspondences...there’s been discussions about it and it was certainly my intent and I made a mistake by not pulling it to have that discussion this evening and I don’t know what we can do. Can I bring it up under new business?

Mayor Guinta replied it could be either a motion for reconsideration under new business or the July meeting.

Alderman O’Neil stated there’s been a lot of communication on it. I think there’s been a lot of discussion both at the committee level so the options are for either a future meeting or a motion to reconsider...do I do that right now?

Mayor Guinta stated I guess now is as good a time as any.

Alderman O'Neil moved for reconsideration of Item G. Alderman Thibault duly seconded the motion.

A roll call vote was taken. Aldermen Gatsas, Osborne, Pinard, O'Neil, Garrity, Thibault, Roy voted yea. Alderman Long, Duval, Lopez, Shea voted nay. Aldermen DeVries, Smith and Forest were absent. The motion carried.

Alderman Gatsas stated as a courtesy to my colleague that vote before.

Alderman O'Neil stated I owe you big time then don't I.

Report of the Committee on Human Resources/Insurance

- G.** Advising that it has approved Ordinance:
“Amending Sections 33.024, 33.025, & 33.026 ((Assistant Airport Director (Finance & Administration) to Deputy Airport Director and Property & Contract Administrator to Property & Contract Coordinator)), of the Code of Ordinances of the City of Manchester.”
1. providing for the reclassification of the Assistant Airport Director of Finance and Administration to a new class specification, Deputy Airport Director, changing the salary grade from 25 to 27; and
 2. the reclassification of the Property and Contract Administrator to Property and Contract Coordinator, changing the salary grade from 20 to 17
- and is recommending same be referred to the Committee on Bills on Second Reading for technical review.
(Aldermen Gatsas, Pinard and Shea voted yea. Aldermen Duval and Garrity were absent.)

Alderman O'Neil stated thank you, your Honor. Do we take up the discussion now or do you want to do it later?

Mayor Guinta replied let's do it now.

Alderman O'Neil stated we are all in receipt of communications beginning with Mr. Dillon last week, Ms. Lamberton last week and Mr. Farren this week regarding the grade of the Deputy Director. Based on my discussions primarily with Mr. Dillon and based on the information I have including some recent information provided by Director Farren today it's my opinion that the position should be a Grade 29. I think some of the organization charts were...I don't know if they were incorrect, they didn't make a lot of sense to me that the Deputy Director was off to a side with five people at a junior level reporting to him or her and there was a new organization chart presented to us tonight which I believe was the intent all along, I could be wrong but it was certainly based on my discussions with Mr. Dillon that the Deputy Director would come immediately under the Airport Director and that the Assistant Director's would report through. Now, I think we all know in all organizations day-to-day procedures are different...it's up to the director who's running whether it's the Police Chief, Fire Chief, Public Works Director...their particular expertise may have someone in a junior level reporting directly to them but based on the organizational chart I saw from Mr. Farren it's very clear that the Deputy Director is above the Assistant Directors in reporting directly to the Airport Director. Again, based on the information that I have received, the letters I have read from all the parties I believe and plan to make a motion when appropriate that the position be graded at a Grade 29.

Mayor Guinta interjected a motion would be appropriate.

Alderman O'Neil moved that the Deputy Airport Director position should be graded at a Grade 29. Alderman Thibault duly seconded the motion.

Alderman Shea stated I would like to hear from Ms. Lamberton our person that we hire as the Human Resources Director to respond.

Ms. Virginia Lamberton, Human Resources Director, stated my first response would be that we do have a compensation and classification plan that we are following when we rate all positions within the City to ensure equal pay for equal work regardless of the funding source...that's the first issue. The second issue is at the Human Resources and Insurance Committee last week the chart that was submitted was a very deliberate chart by the former Director Kevin Dillon and I inquired as to why the Deputy would not be underneath the Director overseeing the Assistant Directors and the answer was that that was not the plan at that time, that the position would actually function as an alter ego...if that's the right word to the Director and that perhaps in time that would change. As far as looking at this position relationship to other positions I don't think it's appropriate to have it at a salary grade 29 when one considers that we have some very significant department heads who are responsible for the overall operation of a whole department at a labor grade 29. The chart that Mike Farren submitted tonight I did sit for about 20 minutes and looked at the points and that relationship to the position that Kevin Dillon was comparing it to which was the Public Works Deputy Director and at best if one were to assume that in fact the first day on the job the Deputy would be overseeing all of the Assistant Directors, etc. I would say that the position could go to go a 28 but I still cannot justify a 29 at this time.

Alderman Shea asked what kind of unintended consequences do you envision might result from changing this from a 27 to a 29?

Ms. Lamberton replied as I said earlier all positions are established within the compensation system that we have and you look at them within a department and then you look at them in relationship to the duties and responsibilities of similar positions in other departments. The City Solicitor's office, for example, is a 27 is the Deputy...that positions requires a law degree and licensure in the bar and that positions provides all of us with advice and direction. This position does not require any certifications or special

licenses and frankly based on the testimony at the Human Resources Committee it sounded like it almost was a trainee position that none of the Assistant Directors...that one of them would probably get the job, none of them are prepared to be a Director so this would be a training type of situation for the future for that person.

Mayor Guinta interjected let me make a couple of points here. First of all does anyone know...what Ms. Lamberton had addressed was now addressed by Mr. Farren's subsequent letter is that correct?

Ms. Lamberton stated the organizational chart has been changed yes.

Mayor Guinta stated this is a \$60 million budget what's the budget of the City Solicitor's office. Okay (\$1.2 million) so \$60 million budget...the largest economic engine in the State of New Hampshire. I think that we need a succession plan for this department, I think we have to have the best of the best possible in this department and I think that this is a very appropriate step and honestly I think it probably should have been done several years ago but for whatever reason it wasn't done. We are trying to create an established succession plans in all of the departments, it's good business policy and when we have a \$60 million budget for one department I do think that at the very least we should be compensating the people at the top properly. So, I do support this change, I appreciate the comments from Ms. Lamberton but I think that this is a bit different than the Deputy position at the Solicitor's office.

Alderman O'Neil stated I agree with you...I was going to say it's a \$58 million budget but it's somewhere in that range. Ms. Lamberton talked about this would become a trainee position...well in fact all deputies are trainees when you think about it. I could look around this room and look at all the department heads and there are other senior level people here I don't think any of them entered government thinking they were going to become the heads of departments. Tom Clark didn't necessarily go to law school

thinking he was going to be the City Solicitor for the City of Manchester but with that Tom was the Deputy City Solicitor or Assistant the number two City Solicitor and through that he learned the business side of running that department as did many of our department heads and deputies around here...not to pick on John Jaskolka I'm sure when he was walking a beat on Elm Street 30 years ago, John, he didn't necessarily think he might be Chief of Police maybe he did but as John has progressed through his career it's been a training step...when he became a Deputy Chief that was a training step. So, I respectfully disagree with Ginny on that...all deputies...it is a significant change in their career from their specialty and to now becoming a senior administrator of a respective department...that it how it is in government. Some of the recent promotions Chief Kane has made, Chief Burkush and Chief Campasano they didn't necessarily...six months ago they were running a District Chief's car 24/7 now all of a sudden they were administrators of the Fire Department...they're in fact training in those positions. All the people I mentioned very, very capable but it's the part of the development of people leading government. So, I would expect that the Deputy's position, if approved, that any one of the five Assistant Directors are going to apply for it and they're all very capable of doing the job and yes there's going to be a transition but they'll be under the leadership of Director Farren in doing that. So, I fully support, fully, fully support the grade 29. I respect...Ginny and I have had these discussions over the years about the rating system and it's very, very subjective and I don't have it in front of me. I can think of one of the categories it's responsibility. You may look at me for a position, your Honor, and rate me...give me a "1"...Alderman Pinard may give me a "10" in that position.

Mayor Guinta interjected I'd never give you a "1".

Alderman O'Neil stated but it's somewhat subjective so I think what Director Lamberton does is give us the tools to make an educated decision. I think Ginny works very hard, she's very dedicated to her job, I think she gives us the tools to work with but at the end of the day the elected officials still have to make the decision on what's proper and in my

opinion in the framework of the operation at the Airport it's one of the most unique situations around. Most likely Mr. Farren's successor is going to be from outside the area...a very strong possibility as has been in the past. So, I fully support the grade 29.

Alderman Lopez stated I just looked at this for the first time tonight and Ginny already explained it. I guess the only comment I'm going to make is we're going to have to really look at this as far as the Airport. The Airport is a special character and it seems every time we get into a problem it's with the Airport and I don't mean that derogatorily it's just a special animal out there as the Airport and we get the same benefits even if we didn't own it we get the same benefits. We get the benefit of four million passengers and they get their money from the airlines and all that and the way Homeland Security is out there and all we just either have to have the commission or somebody really look at this...making contracts out there...we've talked about this before for the new Airport Director...have a contract and ask the commission to come in with some recommendations either change the Charter and get them out as a department because they're bigger than any department and I can go along with this because now he's in charge of the administrators...and she had indicated a 28 would be and 29 is a call judgment here. But, I strongly urge my colleagues to be...as we move forward here...to take a good look at this and see what's going on here because it's hurting our other departments at the same time even though they're an enterprise...we don't get any money from them, they're an enterprise, they make all their money, they spend all their money but does that make it right...that's the question if we have a compensation. I just want to say one other thing. We treat the Airport different...let's remember they're special so are the other employees in this City...special too so keep that in mind when other things come up.

Alderman Shea stated let me just review...Kevin Dillon was here nine years, he ran the Airport, he had 5 Assistants, an Interim Director takes over and the first thing that happens is with Kevin Dillon kind of leading the way is that he wants to have a full-time

Deputy. The point of the matter is that the person taking over whom Alderman O'Neil referred to as coming from out-of-town won't have a decision concerning his own deputy. I played sports...so did other people...the guy that runs the club makes the decision...he is not an interim manager making decisions so what happens is a new Director comes in and he has to work along with the Deputy simply because that Deputy has been assigned to that particular position by an Interim Director that's resigning in order for the new Director. I'm not opposed to having a Deputy but I'm opposed to having an Interim Director name a Deputy Director...I don't think that that makes sense to me.

Mayor Guinta stated I don't disagree that there's two schools of thought on that and one school of thought is allowing the incoming Director to name his or her own Deputy...the other school of thought would be for our Board as a policy Board to make that decision as we see fit.

Alderman Shea stated right you do the same thing as the new Mayor...you name your own deputies and so does.

Mayor Guinta stated no I don't.

Alderman Shea stated Sean is a new Deputy...I'm just saying that that gives you that right and you should have that right and are we hand stringing the person taking over.

Mayor Guinta stated I can tell you why I think the answer to that is no. As we go through the interview process that would be fully disclosed that here is the team you were presented with. Obviously the Director would have to make decisions about the personnel at the Airport and if there were certain circumstances where somebody doesn't belong employed at the Airport obviously the incoming Director would have that ability to make those decisions, however, through the interviewing process I think we need to set

a tone that there is an organizational change that is required. As policy makers in the City we do have that right and that responsibility so we're exercising that and that's the way I would convey that information to any of the perspective candidates should they address that or suggest that that's a problem for them.

Alderman Shea stated one of the points that Kevin Dillon did bring up was the fact that he did inherit five assistants already in place much to the fact that he probably didn't necessarily agree with that concept. So all I'm mentioning is that on the one hand he's making a judgment doing one way but not agreeing with the other.

Alderman DeVries stated I think it's important to note a couple of differences between the Airport and some of our other departments and I'll spend enough time hunting for Kevin Dillon regarding issues with constituency that is directly around the Airport to know that a good part of his duties took place outside of the confines of Manchester...he was on the road a lot. His job requires him to be on the road a lot so in my mind a Deputy Airport Director would frequently be in the position where that individual would be making more on-site decisions that our usual departments would where they're covering vacations or breaks and continuity. So I think there's a higher level of expertise required. Also when you look at the oversight for this individual having finances, property management and contracts, operations and facilities and we know that includes the Sheriff's Department that reports to them...Homeland Security for baggage and bomb security but there's also the engineering and we have a critical runway expansion going on there that this individual will be interactive with this year and that is on-going. We all know that our Airport has frequently changed it's appearance year-by-year...almost as an on-going process. So there's always some engineering or planning going on for the future and then on top of that you have the very delicate piece at the Airport Director or Deputy Director will be involved in in their public relations and marketing and that's with other executives from other airlines where they're trying to entice other airlines into this Airport to keep it profitable. I just don't think we can make a true comparative

between the Airport and other departments. I think we all know that at some point this Airport is going to look for a different form of governance that what they have and we are glad we had the oversight that we have but even our oversight at the Board is not what it is with our other enterprise departments...it's limited because it's a very sophisticated operation. I don't have a problem with this and I hope we can finalize this conversation and move on.

Alderman Osborne stated I guess we have to remember one thing whether a Deputy or Director or a 27 or 29 this fella has to deal with millions of people...there's a lot of responsibility in that job. It's nothing like you said...departments we have here in the City, they have a lot of responsibilities don't get me wrong but it's a different cat I guess you'd say so I have no problem with it.

Alderman Gatsas stated we listened to an awful lot of discussion about this issue last week. Every time we seem to be getting a new department head either ready to leave or coming into being it seems either we're erasing the deputy underneath him or we're putting in two different ones...Fred Rusczyk was here and said we needed to get rid of the Deputy Director (Health) and put in two so that we'd have an opportunity to move through the pipeline...well, we had a new Health Officer come into place and he said no let's get rid of the two and put one in. We had a Deputy Fire Chief and we decided that wasn't a good idea and we were going to go to three and that just comes back to where the Police Department is that they've got three but they used to have a Deputy Chief in their position. Kevin Dillon used to come to this Board and request things on a very regular basis and he was never refused. If Kevin Dillon believed that there should have been a Deputy Director in place in the nine years he was here he would have come before us and ask to put one in just as his successor. Now I'm not opposed to putting one in but I'm looking at we have a Human Resources Director, they come to a committee, she makes her recommendation of a 27...the problem is not the grade but the people that are there now are earning more money than the 27 so why would they take a position at 27 if

they're earning more than that so now we've got to move it to a 29 to accommodate a financial salary structure because if we make it a 28 and give them the 10% and give them the top grade they still wouldn't be making as much as they're making now...Ginny, correct me if I'm wrong. What are those five people earning currently? And whether it's taxpayers money or it's Airport money and it's a \$60 million business then we should be looking out for that dollar.

Ms. Lamberton replied four of the five are making \$96,610 and then the fifth person is making \$93,343.

Alderman Gatsas stated and if we went to a 27 what's the top grade there?

Ms. Lamberton replied 27 maxes out at \$103,755, however, the ordinance for promotions requires that when you're promoted that you get a minimum of a 10% increase so we would have to bump the salaries over to the longevity table which would put anyone of the ones that was the \$96,610 to a salary of \$106,868 and the individual who's at \$93,343 would have to be moved to \$103,755.

Alderman Gatsas asked what is the salary grade at a 29 at entry?

Ms. Lamberton replied it's \$83,316.

Alderman Gatsas stated so they don't make it at a 29 so we've got to go to what...what's the top level?

Ms. Lamberton replied they would go to \$108,709.

Alderman Gatsas stated just so it fits under the 10% increase.

Ms. Lambertson stated that's over 10%.

Alderman Gatsas stated I understand but that's where they would have to go.

Ms. Lambertson stated that's correct.

Alderman Gatsas stated to get to that salary grade. So we're giving somebody a \$12,000...I don't know if that's being good stewards of anybody's money whether it's a \$60 million company or whether it's the taxpayers of this City. So if we're just looking to move people because they're making \$96,000...there's probably a lot of people watching in television land that would be looking for those jobs.

Mayor Guinta stated I'm going to make a clarification on the argument that you're making. The argument that you're making is based on the premise that if it was so important it should have been done within the nine years that Kevin was here. He did want to bring this forward and he was told not to. So, to me you can't look at those pay scales today versus four or five or six or seven years ago and see what the difference is. This is not about are we trying to move one person who's making \$93,000 to \$108,000...this is about trying to change the structure to what the structure should be and I think it is being a good steward. We are eliminating a position here but we have to have, I believe, as a matter of good, sound business policy succession plans within each department. You have talked about some of the different changes we have made within some of the departments in the last year, year-and-a-half...I believe they make sense in order to have succession plans...public safety is a little bit different even though you have the deputies you know who the number one is, the number two, the number three, the number four. To me this makes sense and again we can take the vote to see where people want to go with it but I do wish this was done several years ago. Kevin did want to do it several years ago and was told not to bring it forward. So, I think in Kevin's absence we're now correcting what I think was a mistake in judgment.

Alderman O'Neil stated a couple of things. I in past years, I can't tell you if was two years ago or four years ago had a brief discussion with Kevin about this very issue...where it was on his radar screen at the time I don't know. As we know not only at the Airport but many departments life changes everyday for them...there's new challenges so this may have been at one point a very high priority for Kevin and then the next day it could have become a low priority based on what's gone on. So, I was not surprised when this formal request came in for the position and I think we need to make it very clear this is not Mike Farren day two on the job pushing for this. This is an old discussion or an old thought that has been out there so I just want to make that clear...this isn't Mike Farren coming on the job and his first day on the job says we a Deputy at a grade 29.

Mayor Guinta stated this is something that Kevin and I talked about.

Alderman O'Neil stated I applaud Mike for his willingness to step up and serve as the Acting Director for whatever the time period is so we can find a permanent Director for the Airport and he should be applauded for that. So, I just want to be clear about that.

Mayor Guinta stated okay I think we probably all know where we stand so there's a motion on the floor, correct?

Deputy City Clerk Johnson replied there is, your Honor...to amend the report by amending the ordinance to reflect a grade 29.

Alderman Lopez asked for clarification...where did I hear a 28 from?

Mayor Guinta replied from Ms. Lamberton.

Alderman Lopez stated that is not even being considered?

Mayor Guinta stated the motion is to amend it to 29.

A roll call vote was taken. Aldermen Gatsas, Long, Lopez, Shea and Garrity voted nay. Aldermen Duval, Osborne, Pinard, O'Neil, DeVries, Thibault, Forest and Roy voted yea. Alderman Smith was absent. The motion to amend passed.

Alderman O'Neil moved to accept the report as amended. Alderman Forest duly seconded the motion. The motion carried with Alderman Gatsas, Long, Lopez, Shea and Garrity duly recorded in opposition.

Mayor Guinta stated since we're on the subject of the Airport I have distributed an amendment to an ordinance and I'll read it as follows...if we can just take that up at this moment.

“An Ordinance amending the ordinances of the City of Manchester relative to the Acting Airport Director.”

Notwithstanding the provisions of any other ordinance, the Mayor is hereby authorized to establish the compensation of the Acting Airport Director, Michael Farren. This authorization shall stay in effect until a new Airport Director is confirmed by the Board of Mayor and Aldermen.

Mayor Guinta stated your favorable consideration would be appreciated.

Alderman Forest moved to accept the ordinance amendment submitted. Alderman Thibault duly seconded the motion.

Alderman Shea stated may I ask the City Solicitor a question.

Mayor Guinta replied sure.

Alderman Shea asked are we establishing a precedent here by establishing an amendment to an ordinance to an existing ordinance and has that ever been done before in your term as a City Solicitor?

City Solicitor Clark replied this Board has adopted ordinances amending other ordinances on quite a regular basis, however, we have an ordinance now on the books, which states what an Acting Director shall be paid. I don't believe that one has ever been changed.

Alderman Shea stated the pay is not going to be changed.

City Solicitor Clark stated no the ordinance on the books right now says that a person who is an Acting Director shall be paid at the step 1 of the salary grade of a director or a 10% raise whichever is greater if he has a lower grade.

Ms. Lamberton interjected no not 10%...the equivalent of one step right.

City Solicitor Clark stated that's what it calls for. This Board has followed that in the past.

Alderman Shea asked has it been done through the Mayor or through the Board? I've been on the Board 12 years...I never heard a Mayor bring in something like that.

City Solicitor Clark stated I don't know if it's ever been...I don't think this authority has ever been given to the Mayor before no.

Alderman Shea stated so it is a precedent setting step right.

City Solicitor Clark stated it's a different step yes.

Alderman Shea asked do you see any problem with that.

City Solicitor Clark stated that's a policy decision for this Board to make.

Alderman Shea stated as City Solicitor do you see any precedence being set so that it can be done in other types of matters and so forth.

City Solicitor Clark stated it's not a legal precedent...it may generate inquiries or requests from other people in the future but you're not legally bound to do it.

Alderman Forest stated Tom just before you leave I believe we've done this before...didn't we do this when Steve Tellier was out and we appointed Tom Nichols Director until he returned and then he did pass away eventually.

City Solicitor Clark stated he was name Acting Director...he followed the pay step I believe.

Ms. Lamberton stated he followed the ordinances.

City Solicitor Clark stated the ordinances not the pay...we didn't waive that.

Alderman Shea stated you mentioned "we"...meaning the Board of Mayor and Aldermen not the Mayor.

Alderman Forest stated "we" as the Board yes.

Alderman Lopez asked could we exempt the Airport from all ordinances and they can hire somebody?

City Solicitor Clark replied you could amend the ordinances to take the Airport out of the compensation plan if you wanted to yes but you can't amend any Charter provisions that would apply or any other laws.

Alderman Lopez stated we would have to go for a Charter revision that an Airport Director be hired instead of being appointed.

City Solicitor Clark stated correct.

Alderman Lopez stated but we could exempt the Airport from any other ordinances in the City and compensation package.

City Solicitor Clark stated you could take them out of the compensation package...I don't want to make any blanket statement...I'd have to take a careful look at what you're doing but you can take positions out of the compensation package if you wish to.

Alderman Lopez stated maybe we ought to look at that because again here's another one just coming in and it's for the Airport.

Alderman Roy stated a couple of statements have been made about precedent setting and what we're doing for taxpayers and a lot of the statements we all agree on but the Airport as the Mayor suggested is the largest economic driven engine in the State. The Airport Director to the Deputy Director...all the Deputies over there are highly specialized positions. I think if we ask Tom Clark looking at his profession if someone could succeed him and pick up where he's left he has a plan for that as he's been in the City for many years. Unfortunately, our Airport Director received monthly if not weekly job

offers from around the country none of which were in New Hampshire and Kevin said no to a lot of things before he said yes to a job that he had described as the dream job. This provision of changing this ordinance in my opinion is the fairest thing we could do because the gentleman who is acting as interim is putting his retirement plans on hold so that this City doesn't miss a beat and yes it's precedent setting but when you look around New Hampshire and you look around New England our Airport is precedent setting. We have the opportunity to go with a nationwide search, look for an Airport Director. When that Airport Director is found as Alderman Shea said he will be the coach and he will decide who the Deputy is because the Deputy is going to be retiring. So whether that person comes from inside the Airport or a nationwide search he will have the opportunity to fill not only the Director's position but the Deputy's position.

Alderman Lopez stated clarification...the Deputy's not retiring. The Interim Director will appoint a Deputy and the new Director coming in will be responsible for that Deputy.

Mayor Guinta stated that's correct.

Alderman Roy stated okay then I stand corrected that Mr. Farren's not filling the Deputy position but as it comes to this ordinance change we have a precedent setting Airport. We should act that way and when we look at a new Airport Director I think all of us should brace ourselves to get someone of the caliber of Kevin Dillon and Mike Farren and the Deputies at the Airport. We may be bracing ourselves for going off the charts when it comes to Yarger Decker.

Alderman Lopez stated another clarification...I agree with everything you're saying Alderman but the clarification is they are a department of the City Charter and I think that's where the problem is. If they are a special animal out there let's get rid of them out

of the Charter and not bind them because in future years from now whoever's sitting here is going to have the same problem.

Alderman Roy stated exactly.

Mayor Guinta stated and that's a very important point and I'll probably agree with that. There are changes that we probably do want to make at the Airport that are unique to the Airport because of what the Airport is. It's very different than the other delivery of services that we provide as a municipality. We, I think...that is silent in the Charter and we need to take a look at some of those issues and try to address those issues.

Alderman Gatsas asked can I get some numbers because nobody's talking numbers and certainly I think that's an important issue...what are we talking for numbers?

Mayor Guinta asked can I mention that?

City Solicitor Clark replied yes it's public.

Mayor Guinta stated it's \$133,000 and change versus \$141,000 and change. It's a grade 36, step 1 versus a grade 36, step 3.

Alderman Gatsas stated so let me understand...what is Mr. Farren earning now?

Mayor Guinta replied I don't know.

Alderman Gatsas asked does anybody know.

Ms. Lamberton replied \$96,000 and change.

Alderman Gatsas stated \$96,000 and change and to go to an Acting...I guess I have some serious questions with this because I want to know what's it going to cost in retirement because obviously Mr. Farren has made it very clear that by January 1 or one day before the new Director comes in he's gone. Well, I know this is the Cadillac of Cadillac's at this Airport and I would hope that we don't think that we may perceive to find a Director or a department in six months because we may not do it. So, Mr. Farren will be gone January 1 is that my understanding?

Mayor Guinta replied yes and I have every expectation that we will find a Director by that point and this is obviously a substantial reduction from what we were paying Mr. Dillon at around \$185,000 and the retirement is paid out of the Airport not that it's not an important distinction to make but it is paid again out of the Airport fund so I think the difference between the Interim and the Director who just left for \$40,000 would more than cover.

Alderman Gatsas stated so normally from \$96,000 to move to the Director he'd go to \$106,000.

Ms. Lamberton interjected no. What the ordinance says is that the individual would be guaranteed...if the grades were one grade apart then it would be 3-3.5% but since they're more than that you got o the first step in the grade of the position and that is the \$133,000. So no matter who was temporarily promoted they would go at least to \$133,000.

Mayor Guinta stated what I'm asking for is to allow that to go instead of grade 36, step 1 to go to grade 36, step 3 which is \$141,000 which is about \$40,000.

Alderman Gatsas stated that's a \$45,000 raise which almost 50% of an employee's pay scale. Your Honor, it's a \$60 million budget and if it was your budget I think that you'd have a hard time cutting that check.

Mayor Guinta stated Alderman the ordinance requires us to pay the Acting Director a grade 36...that's \$133,000...that's the ordinance.

Alderman Gatsas stated no not if we put him in as Acting Director and moved it to a 29 like everybody just voted and put him in at the \$106,000. One is a \$12,000 raise and the other's a \$45,000 raise.

Alderman O'Neil stated the Deputy Director's position and the Acting Director are two totally separate discussions.

Mayor Guinta stated let me move on here...a final comment and then I'd like to take a vote.

Alderman Shea stated I have a comment...when we're discussing anyone it's not the person...they have to understand that. It's what we call the principle of the thing, it's not Mike or it's not anyone else. It's just the fact that we're talking about precedence, in my judgment, different precedence being considered...some being reconsidered and therefore I think that we have to be very careful that we don't at one meeting do certain things are going to set precedent and then someone else comes along and says and by the way this is what you did on June 5, 2007. I think we ought to be very careful but we should restrict our particular comments to not individuals but what we're discussing which is classification compensation and so forth. The person, Mike is a very qualified person...nobody's disputing that but we're talking about principles and that's what I think we should do.

Mayor Guinta stated so noted.

Alderman Lopez stated just wanted clarification because so much discussion has come around...as I understand the HR Director...an interim department head in this particular case would have gone to a 36 at \$133,000 at step 1 is that correct?

Ms. Lamberton replied that's correct.

Alderman Lopez stated what's wrong with that. Can somebody explain to me.

Mayor Guinta stated there's nothing wrong with it. What I'm asking the Board is a couple of things and let me try to address both comments from Alderman Shea and Alderman Lopez. Just to be clear for the record the future Boards of Mayor and Aldermen...I do not intend this nor do I believe any member of this Board intends this to be a precedent setting move. We have a very unique situation where after nine years of service we have a Director that has left. We have to find the most qualified individual to lead the Airport while we are in a search. Mike Farren who anticipated on retiring has offered his service to run the Airport in the interim...I have graciously accepted that offer, I think he is the best and most qualified individual to run the Airport and I think to meet what his level of experience would be and to address what I believe proper compensation would be for that position for that individual we have to address the only way we can pay him this dollar amount is to amend the ordinance. So instead of a grade 36 at \$133,000 I'm asking to pay an additional \$8,100 at a step 3. It's a sum setting provision so when Mr. Farren retires as he intends to do the original ordinance replaces what we are doing here...this is a short-term measure. I think it is important and it is my recommendation to pay him at this level. I also note again that it's about \$40,000-\$45,000 less than what the outgoing Director was receiving.

Alderman Lopez stated with that are you saying Mr. Farren...if he wants to answer it fine...that according to our ordinances and being consistent with our ordinances that you go to a grade 36, step 1 at \$133,000 that you're not accepting that?

Mayor Guinta stated let me answer that. I don't think Mr. Farren and the personality should be involved in this. I'm asking the Board to make a policy decision based on discussions that I've had with Mr. Farren as it relates to his remaining tenure with the City in the capacity that he's going to serve. I would prefer not to invite him up here to have a public discussion beyond what we've already covered...I'm asking the Board to do this, I believe it is in the best interest of the City, I believe the votes are there to support this so I'd like to be respectful the best we can to the Aldermen to have the discussion but let's also be respectful and mindful of the fact that we are having this very, very public discussion here.

Alderman Lopez stated I'll keep Mr. Farren out of it since that's the desire to but I think we have to know is it your offer?

Mayor Guinta replied no it's an agreement that Mr. Farren and I came to subject to the approval of this Board. Okay, so there is a motion on the floor. Here's the motion that I was asking for...I want to make sure it's consistent with what was made and seconded. I'm asking actually for three things. The first is a motion is in order to suspend the rules and place the ordinance on its final reading at this time without referrals to Committee...that would be the first. The second would then be a motion to read by title only and then the third would be the motion to ordain. And that would be for the purpose of getting that expedited since he's already in the position. So is that consistent with your motion. Yes, okay.

Alderman Thibault moved to suspend the rules and place the ordinance on its final reading at this time without referral to Committees. Alderman Forest duly seconded the motion. There being none opposed, the motion carried.

On motion of Alderman Thibault, duly seconded by Alderman Forest, it was voted that the Ordinance be read by title only, and it was so done.

Alderman Gatsas stated this says the Mayor will establish it.

Mayor Guinta stated that's correct and I publicly told you what I'm establishing it. It gives me the authority and I'm telling you...

Alderman Gatsas stated you could give him \$150,000 if you want.

Mayor Guinta stated I'm not going to do that. Let me get the final motion on the floor.

Alderman Thibault moved that the Ordinance pass and be ordained. Alderman Forest duly seconded the motion.

A roll call vote was taken. Aldermen Gatsas, Long, Lopez, Shea, and DeVries voted nay. Aldermen Duval, Osborne, Pinard, O'Neil, Garrity, Thibault, Forest and Roy voted yea. Alderman Smith was absent. The motion carried.

Alderman Shea stated your Honor in deference maybe we should congratulate the newly appointed Interim Director.

11. Report(s) of the Committee on Public Safety and Traffic, if available.

There were no reports submitted.

Alderman Osborne stated seeing we're still under Traffic here I'd like to commend Mr. Tim Soucy here at the Health Department...he's doing a great job coming into Committee like he does with all this information for the people out there and I hope he continues.

Mayor Guinta asked would you like to take up your request now then?

Alderman Osborne stated yes I would. I'd like to change the name...it reads Public Safety and Traffic Committee. I would like to make it Public Safety, Traffic and Health because Health is in the Red Book if you look there...it's part of the Traffic Committee.

Mayor Guinta stated here in the memo it's says, Public Safety, Health and Traffic.

Alderman Osborne stated it doesn't matter as long as Health is in there.

Alderman Lopez stated we did that at the beginning of the year we changed it.

Alderman Roy stated we changed it from Traffic and Public Safety to Public Safety and Traffic.

Mayor Guinta stated the request is to add Health.

Alderman Lopez stated what's the difference Public Safety is Health.

Alderman Osborne stated there is a difference. I find the difference is this. When somebody says Safety I think the first thing that comes to their mind is Police and Fire and of course Traffic is Traffic but there's nothing in their minds about Health. When I just recently started this with the Health Department with Mr. Soucy his coming in like

this all the time I think it should be named this not only on the agendas but on everything whether it might be MCTV or anything because the people will have more of a view of health coming in and maybe it would pay more attention to what the Committee has to offer the people out there.

Alderman Osborne moved to change the name of the Committee from Public Safety and Traffic to the Committee on Public Safety, Health and Traffic. Alderman Roy duly seconded the motion.

Alderman Gatsas stated I have no problem with change as long as it doesn't include anymore signs.

Mayor Guinta called for a vote on the motion. The motion carried with Alderman Thibault and Forest duly recorded in opposition.

12. State Legislative update to be presented by Mayor Guinta.

Mayor Guinta stated the legislative update I presented was not included in your packet because a lot of things had been changing up in Concord as of Friday when we had this sent out so I have included it for this evening. If you have any questions I'll take them.

Alderman Gatsas stated SB 35 there is no Conference Committee.

Mayor Guinta stated there is no Conference committee.

Alderman Gatsas stated there's none that's been set up and that has to do with the flood. There was a difference in the Senate and the House took out the funding and now we're back to a 12.5% cost to the City and all of the other communities.

Mayor Guinta stated so you're saying there is no intention of a Conference Committee.

Alderman Gatsas stated I'm going to try and put an amendment on tomorrow in the budget or Thursday.

Alderman DeVries stated that's not my understanding. I'm understanding that that's not going to be set until next week...Committee of Conferences...none of them have been scheduled.

Alderman Gatsas stated I know but they've changed...Senate Bill 35 is drastically changed from what the Senate passed.

Alderman DeVries stated but that's different from what the Mayor just said that doesn't mean that there wouldn't be a Committee of Conference set.

Mayor Guinta stated I think the notation "Conference" here means we expect it to go to Conference. You're saying it's not in Conference yet but we have an expectation that it will go to Conference...we certainly hope it does.

Alderman Gatsas stated I don't know I can't tell you. We're not in the majority up there.

Alderman Shea asked what are we talking about?

Alderman Gatsas replied Senate Bill 35 is a piece of legislation authored by Senate Gatsas making an appropriation for disaster relief assistance and response to the May 2006 floods and now establishing a committee to study the distribution of that financial assistance.

Alderman Shea stated that was for the few watching on TV now would know what we're talking about...thank you.

- 13.** Communication from Frank Thomas, Public Works Director, requesting authorization to accept State funds and execute any related documents for the Household Hazardous Waste Collection Projects to be held in October 2007 and May 2008.

Alderman Shea moved to authorize the Public Works Director to accept State funds and execute any related documents for the Household Hazardous Waste Collection Project to be held in October 2007 and May 2008, subject to the review and approval of the City Solicitor. Alderman Thibault duly seconded the motion.

Alderman O'Neil stated I participated in the Spring collection up on Dunbarton road and I know one of the things that Mr. Thomas is going to work on because it's becoming more of an issue is latex paint which is not...I don't want to speak for Frank and he can correct me if I'm wrong...it's not considered a hazardous waste anymore so people are showing up there thinking they're doing the right thing with latex paint and the firms don't take it because it's not a hazardous waste. I know I made Frank aware of that and it's something that he and his staff are going to be working on with the state to address the issue.

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

- 14.** Communication from Virginia Lamberton, Human Resources Director, on behalf of Sam Maranto, requesting the establishment of three class title codes for the Neighborhood Pride – Cleanstreets Pilot Youth Program; advising of an urgency to adopt same as it is a summer youth employment program.

“Amending sections 33.024 & 33.025 (Youth Worker, Youth Worker Supervisor & Youth Worker Coordinator – (Pilot Program) of the Code of Ordinances of the City of Manchester.”

Alderman Shea moved to suspend the rules and place the ordinance on its final reading at this time without referral to Committees. Alderman Duval duly seconded the motion.

Alderman O’Neil stated I would not have to believe that this was Ginny’s fault that it’s late getting to us but we’ve known we were going to do this for most of the springtime why is this the first week of June just getting approved...anybody know?

Ms. Lamberton replied because Sam (Maranto) just came to me last Thursday or Friday morning and I asked the City Clerk’s office to hold the agenda so I could get it on so they could hire these children for the summer.

Alderman Lopez stated I guess we have received a letter regarding Neighborhood Pride since we’re on the subject I’d like to just ask this question. With all the youth workers that are being targeted in City neighborhoods as so indicated...2, 3, 4, 5, 7, 9 and 11...are they going to be working in the neighborhoods or are they working for other departments and I presume these people that we’re establishing here are going to be in charge of these people...can somebody explain that?

Mr. Robert MacKenzie, Director of Planning and Community Development, stated I can, your Honor. There will be one coordinator...that’s one of the positions and then there will be several supervisors...they’ll actually be six different crews. So Sam has reviewed with various cities to which you should have supervision. These will all be young people except the coordinator...we’re actually hiring someone through the City Year Program to do that.

Alderman Lopez asked will somebody coordinate with Parks as the top priority areas in these wards that need to be done or is it just going to be hit-and-miss?

Mr. MacKenzie replied the original focus was going to be on neighborhoods...areas that we knew had some real cleanliness problems so it wasn't just parks. One of the crews actually is going to be focused on just parks but the other crews will be both parks and rights-of-ways along sidewalk areas in some of the neighborhoods are also messy. So it's not just a parks cleanup program it is a public lands cleanup area.

Alderman Lopez asked who will have the final say so?

Mr. MacKenzie stated as to the locations.

Alderman Lopez stated yes.

Mr. MacKenzie stated given that these are funded through HUD (Housing and Urban Development) there are limitations on where the people can go. It has to be areas in accordance with the HUD criteria so there's very specific census tracts that they have to have the focus on.

Alderman Shea stated I've already contacted Sam Maranto and Bob MacKenzie and indicated to them where I feel in my ward people should be working and the reasons why so I would assume the other Alderman would do the same as well as Aldermen At-Large, of course.

Alderman O'Neil stated I don't think there's any better and I understand it has to be specific neighborhoods within these wards but Alderman Gatsas, Long, Duval, Osborne, Shea, Garrity and Thibault should be the ones making the recommendations in their wards where the work needs to be done most in my opinion. That should come from the

ward Aldermen and so long as that particular areas meets the criteria of the Community Development Block Grant so I hope people are reaching out. It sounds like Alderman Shea already was proactive on it but I think they should be coordinating with the respective Aldermen to make sure that it's truly hitting with what the Alderman believes is going to have the most effect. So, I hope that happens your Honor.

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

On motion of Alderman Shea, duly seconded by Alderman Thibault, it was voted that the Ordinance be read by title only, and it was so done.

Alderman Shea moved that the Ordinance pass and be Ordained. Alderman Pinard duly seconded the motion. There being none opposed, the motion carried.

- 15.** Communication from David Jagodowski, President of Friends of the Manchester Animal Shelter, submitting a proposed contract in the amount of \$69,000 per year for continued operating costs for the Animal Shelter.

Alderman Osborne moved to approve the extension of the current facility lease and the contract and authorize the Mayor to execute same on behalf of the City, subject to the review and approval of the City Solicitor. Alderman O'Neil duly seconded the motion.

Alderman Forest stated first I think I made this motion the last time the last time this contract came up mainly because there's something...I don't know whether it's in the Charter or it's in this contract that says the ward Alderman should be on their Board of Directors and am on the Board of Directors and did ask the last time to have them notify me either by e-mail or by phone call when their meetings are...that did happen once in the past year so I would like them to at least e-mail me as to when their meetings are so it could be a choice for me to attend.

Mayor Guinta stated that's set by Charter you're saying.

Alderman Forest stated I believe the contract we have states that the Ward 12 Alderman is on their Board of Directors.

Mayor Guinta stated if the Solicitor's office could remind the Shelter of that assuming it's in the contract.

Deputy City Solicitor Arnold stated I'll have to look at the contract it may actually be there...Articles of Incorporation or something like that.

Alderman O'Neil stated if it's not in the contract it's a pretty good idea that the Ward 12 Alderman should be part...funding is okay and all that.

Mayor Guinta stated this was their funding request so it satisfies their needs.

Alderman DeVries stated on page 2 of their agreement I notice that they had highlighted a change of language to accept all stray and homeless animals and I'm wondering what the policy change is there if you can speak to that. I'm assuming that they did something previously that they won't be doing now and I'm thinking that maybe it's accepting strays brought in from individuals rather than just police or maybe the Solicitor can address the language change.

Alderman Gatsas stated if I may, your Honor. The language change is that the physical space there can only accommodate so many animals. Remember that the property is owned by the City and they lease it at a dollar (\$1.00). I think if you talk a look at the previous pages you will see what they're asking for the \$69,000 in their projected expenses are \$230,000...I'm sure they're right now in the process of trying to raise

money to expand the shelter. I would think it would only make sense that we, as a Board, have them come in and take a look at what the appropriation is...whether we bonded it at our level and let them pay the rent rather than them having to raise all the money for expansion might make more sense and reduce their costs. They would pay the debt service and I hear what you're saying but they don't have a spot to put more animals.

Alderman DeVries stated I think this is a great organization and does the City a very worthwhile service at a very low cost. I don't question any of that. I was just wondering because they highlighted stray and homeless and I had an assumption that they only took stray and homeless directly from Police under our budget but I'm just wondering.

Alderman Gatsas stated there are no clear shelters so if somebody brings in an animal other than Police they accept the animal if they're a Manchester resident.

Alderman DeVries stated that's basically the answer I was looking for. Is there a policy shift that they no longer do that? It's just that we don't pay for it, we only pay for the ones we bring. See what happens when pause highlights are on.

Alderman Gatsas stated I don't know who highlighted those.

Alderman DeVries stated that came directly from them. I think that they said the Animal Shelter indicated in their cover letter that they had highlighted the changes with no explanation of the policy shift.

Mayor Guinta stated let's have a clarification from the Solicitor's office sent to the BMA when you identify what that change is.

Deputy City Solicitor Arnold stated certainly.

Alderman Lopez stated I don't know where this letter has been since January 10th...slow boat to China I guess...but I just want to clarify something...it is for \$69,000...we agree on that. I believe there's \$55,000 in Civic Contributions and I believe at some point we're going to have to transfer at least \$14,000 out of Contingency July 1st when the new budget kicks in just so that everybody's familiar with that and I support the \$69,000 I'm just making that point so that we don't come in July and we're looking for a resolution to come in here transferring \$14,000 to the Animal Shelter because it's not in Civic Contributions...there's only \$55,000 there.

Alderman DeVries asked could you clarify that, your Honor...this isn't in the budget. I'm just noticing that date January 10th.

Mayor Guinta stated this takes effect I believe for FY2008 correct...July 1, 2007. I believe \$55,000 was in the budget.

Alderman DeVries stated but I'm looking at the letter indicating the January 10th date so was it just an oversight or what...six months later.

Mayor Guinta stated I don't have an answer to that.

Alderman DeVries stated you recommend this...I just wanted to make sure there wasn't a reason you left it out of your budget.

Mayor Guinta stated I have no objection.

Alderman DeVries stated okay thank you.

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

16. Resolution:

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Two Thousand Five Hundred Dollars (\$2,500) for the FY2007 CIP 310307 Foreign Language Audio Discs Project.”

On motion of Alderman Thibault, duly seconded by Alderman Shea, it was voted that the Resolution be read by title only, and it was so done.

Alderman Roy moved that the Resolution pass and be Enrolled. Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

TABLED ITEMS

17. Appropriating Resolution:

“A Resolution appropriating to the Central Business Service District the sum of \$244,000 from Central Business Service District Funds for Fiscal Year 2008.”
(Tabled 04/17/2007)

On motion of Alderman Long, duly seconded by Alderman Duval, it was voted to remove Item 17 from the table for discussion.

On motion of Alderman Long, duly seconded by Alderman Duval, it was voted that the Appropriating Resolution be read by title only, and it was so done.

Alderman Long moved that the Resolution pass and be Enrolled. Alderman Duval duly seconded the motion. There being none opposed, the motion carried.

18. Resolution:

“Continuation of the Central Business Service District.”
(Tabled 04/17/2007)

On motion of Alderman Lopez, duly seconded by Alderman Long, it was voted to remove Item 18 from the table for discussion.

On motion of Alderman Long, duly seconded by Alderman Lopez, it was voted that the Resolution be read by title only, and it was so done.

Alderman Long moved that the Resolution pass and be Enrolled. Alderman DeVries duly seconded the motion. There being none opposed, the motion carried.

19. Report of the Committee on Community Improvement advising that it has requested

staff to prepare documents to provide that the City agree to extend the term on the 2nd mortgage relating to Lowell Terrace Associates property located at the northwest corner of Lowell and chestnut Streets to coincide with the expiration of the existing first mortgage in 2013.

(Unanimous vote)

(Tabled 05/15/2007. Additional materials provided by Finance enclosed.)

On motion of Alderman Gatsas, duly seconded by Alderman Shea, it was voted to remove Item 19 from the table for discussion.

Alderman Gatsas stated we had requested...oh, we did get one.

Mayor Guinta stated yes it was handed out in that large packet this evening. Although it's dated May 31, 2007 and the effective date is May 18, 2007 and the expiration is May 18, 2008...I would like without objection previous years.

Alderman Gatsas stated I would have asked the same thing, your Honor.

Mayor Guinta asked is that the Finance Officer or the City Solicitor that we're asking?

Alderman Gatsas replied whoever because I guess it just appeared and maybe we also need financials like they're supposed to give us. So, with that if we can request the financials so that we can look at the financials because I think they owe us funds according to the agreement.

Mayor Guinta asked would you like to place it back on the table.

Alderman Gatsas stated with the request that the City Solicitor can send out and ask for the financials according to the agreement. Alderman Forest duly seconded the motion. There being none opposed, the motion carried.

Removal \$1.2 million from the Health Insurance line to the Health Insurance Reserve Fund effective July 1, 2007 as proposed by Alderman Gatsas.
(Tabled 05/01/2007)

Alderman Gatsas stated I have another one, your Honor. But it's not on the table...I believe at the last meeting I had requested to move the funds from the insurance savings into the insurance reserve account and the motion was tabled, however, it's not on the table...somebody must have eaten off of that plate.

Deputy City Clerk Johnson stated the motion would be to remove that from the table at this time.

On motion of Alderman Gatsas, duly seconded by Alderman Shea, it was voted to remove this item from the table for discussion.

Alderman Gatsas stated now that we've all had an opportunity to understand that the best thing to do with those funds is to put them into the medical reserve account I think it would behoove this Board to move the \$1.3 million into the Medical Reserve account and I'll make that motion, your Honor.

Alderman Shea duly seconded the motion.

Alderman Roy stated just a clarification. I believe Ms. Lamberton may be able to answer this. Are these funds that we have already received, plan on receiving and how will this affect the information that goes to Concord come October?

Ms. Lamberton replied when the Mayor did his proposed budget he put in for a 4% increase in our current class for health insurance.

Mayor Guinta interjected 4.5%.

Ms. Lamberton asked what did I say?

Mayor Guinta replied you said 4%.

Ms. Lamberton stated sorry.

Mayor Guinta stated I think I put in 4.5%.

Ms. Lamberton stated you did...you put in 4.5%. After we were finished with CIGNA we came up with \$8 million and change that we needed for the premiums and then we asked to put \$1.1 million in for the let out so that left a balance of \$1.1 million in the Mayor's proposed budget in health insurance.

Alderman Roy stated just so I'm crystal clear...the \$1.1 million balance is received through tax billings that have gone out and will come in throughout fiscal year '08 so there's not a balance of \$1.1 sitting in a bank account somewhere.

Ms. Lamberton stated I guess your right correct.

Alderman Roy stated so this is the anticipated revenue correct.

Alderman Gatsas stated no.

Alderman Roy stated that's where I need the clarification from.

Ms. Lamberton stated I think Bill Sanders should answer that question.

Mr. Sanders stated the \$1.3 million is an anticipated expense that we budgeted for that the Alderman thinks we weren't actually going to incur so the money is going to be raised through taxation.

Alderman Roy stated so it's a reduction in an anticipated expense in the Mayor's budget so when we appropriate it to an account come July 1 we don't actually have those funds in hand.

Mr. Sanders stated that is correct. We do not have the money on July 1.

Alderman Roy asked can we appropriate funds to that account that we do not currently have in hand that is anticipated revenue.

Mr. Sanders stated it's not revenue it's an expense we don't expect to incur.

Alderman Roy stated the semantics of what we call it the taxpayers paying it we're getting it from the tax bills we send out.

Mr. Sanders stated that's correct.

Alderman Roy stated I just haven't gotten an answer as to whether or not (1) legally we can do this...(2) it's prudent to do it and (3) is it better to build our reserve versus returning the money to the taxpayer who's paying it and those are just questions that I have out there.

Alderman Lopez stated I may answer that this way as I said many a times and the Finance Officer has indicated. Here again we have an ordinance that at the end of the year the Finance Officer will juggle all the things around and in that particular account will go into that account...it's an expense. Let's say for argument I don't know what the exact number is...say \$10 million and it's \$9 million for the expense and you anticipate the \$1 million it doesn't mean necessarily that your expense could be \$9.1 who knows...we don't know and I think if you put it there you're restricting in case something else happens. We have a provision that at the end of the year it's going to go there...to do it now I think is fruitless because we don't know what the balance is going to be.

Alderman Gatsas stated with all due respect we have had a Finance Officer previous to this one that used to consistently tell us that we should be somewhere around 25% of reserves in that account. In the last two years we've taken money from that account unbeknownst to this Board...it's been done. The prudent thing to do is to build that account up...I think we're up to \$500,000 Mr. Sanders?

Mr. Sanders replied yes that's correct.

Alderman Gatsas stated we're at \$500,000 on an \$8 million claim run...we're less than 10%. This money should be put in there. If the auditor was sitting before us he would tell us that's the prudent thing to do...that's where it should go, that's where we should put it...prudent business people would do this...there's no reason to wait. We as a Board should put it in.

Alderman DeVries stated if I could ask a question or two more of the Finance Officer. The impact on the tax rate when we go to have that set from this transfer would be what?

Mr. Sanders replied there would be no impact on the tax rate if this money was transferred into the medical account. It would still be expended but it would be expended into the trust or into the reserve account as opposed to being expended as a health cost so it would have no effect on the tax rate.

Alderman DeVries stated the recommendation from you for the most prudent use...you've had some time to examine it...we seem to have two lines of thought here. One would be that it is available for other urgencies as they arise this year and the second being that it should go into the health trust.

Mr. Sanders stated my understanding is if we put it into the health trust in July...it's not really a trust, it's just a reserve account so to answer Alderman Roy's question it's not really money we're putting into an expendable trust it's an accounting entry where we're reserving money for a future period so we could do it on July 1st if the Board so voted. Back to the other question..., which I've now forgotten unfortunately.

Mayor Guinta stated I think the question was what's the most prudent.

Alderman DeVries asked is this something that you would recommend we do today as the most prudent move or leave it there so that it can be reappropriated later in the year?

Mr. Sanders replied as I understand the rules, the ordinances that are covering this account as soon as you vote to put the money into the account it is there and I can only take it out of the account to pay shortage in the health care cost line item. As long as it's just in the health care budget number it could conceivably be reclassified to another account if an issue comes up. So I think a prudent thing to do would be to look at it quarter-to-quarter as we go through the next year and if things are working saving it that we should put it away as we go through the year maybe rather than waiting till the very end of the year. But I personally would suggest that.

Alderman Gatsas stated I guess I need a question of the Finance Officer. Mr. Sanders my recollection is is that you came before this Board when you had your other hat on at the School District telling us that the prudent thing to do there is to build up that account and as quick as you could build it that's what you told us and that's when we set those accounts up. We're less than a 10% balance in that account. If we were a private entity on a self-insured plan ARISA would be in here and just about shutting us down because we don't have a 25% to 30% reserve. Wouldn't you agree?

Mr. Sanders replied I don't know about ARISA shutting us down, Sir. I do think that the reserve does need to get to the 25% level, we are having a positive year this year and we should be able to put some money away here at the end of June due to some favorable health experience coming out of the year we're closing out. It won't be substantial but it could be another \$500,000. I think that it is good to have money in these reserve accounts and I don't mean my comments to say one is a bad idea and the other is a good idea. I was asked what was to be the most prudent thing that I would recommend and that is what I recommended.

Alderman Shea stated I'm a little bit nit picking here tonight maybe but is it \$1.344 or is it \$1.3? Are we just putting \$1.3 and using the \$44,000 floating into outer space or what?

My understanding and you Mr. Gatsas you were on the committee what is the actual amount?

Alderman Gatsas replied \$1.3 would go into the reserve account, the \$44,000 would stay in the medical line. If that matured at the end of this next session then we could put those additional funds in there. So it's not going anywhere...the \$1.3 would be put into the reserve account.

Mayor Guinta asked can you read the motion on the floor?

Deputy City Clerk Johnson stated the motion on the floor is to transfer the \$1.3 million effective July 1st.

At the request of Alderman Lopez a roll call vote was taken. Aldermen Lopez, DeVries, Thibault, Forest, Roy, Long and O'Neil voted nay. Aldermen Shea, Garrity, Gatsas, Duval, Osborne and Pinard voted yea. Alderman Smith was absent. The motion failed.

Alderman Roy stated I do have a lot of respect of where Alderman Gatsas is going with this I just don't like the method and the timing to be perfectly honest with you. So, I would make the motion that of the monies that are in that account \$1.3 be frozen until a vote by this Board is taken.

Mayor Guinta asked does that require a vote?

Alderman Gatsas stated you can't do that.

Alderman Lopez stated the motion's out-of-order.

Mayor Guinta stated I appreciate the intent.

Alderman Roy stated the point is the taxpayer may get the feeling tonight by a no vote on that that we're willing to spend the money.

Alderman DeVries stated I just wanted to further clarify that those quarterly reports that the Finance Director mentioned would be forthcoming so that we can track this in accounts and decide when we should make that transfer.

20. Report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include property currently zoned IND (Industrial) located on the south side of Gold Street east of the former Lawrence Branch of the B&M Railroad and including the following three lots Tax Map 875-14, 875-15, 875-16.”

ought to pass.

*(Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)
(Tabled 09/05/2006)*

This item remained tabled.

21. Report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the R-3 (Urban Multi-family) zoning district to include property currently zoned R-1B (Single-family) located on a portion of Tax Map 691 Lot 143-1 that will be on the north side of a proposed Gold Street Bypass and adjacent to Bradley Street and the New St. Augustin’s Cemetery.”

ought to pass.

*(Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)
(Tabled 09/05/2006)*

This item remained tabled.

NEW BUSINESS

Report of the Committee on Bills on Second Reading recommending that Ordinance Amendments:

“Amending the Zoning Ordinance of the City of Manchester by extending the Neighborhood Business District (B-1) into an area currently zoned Residential Two Family District (R-2), including two lots, Tax Map 325, Lots 18 and 18A with addresses of 316 and 322 South Main Street and abutting Goffe Street. The intent being that the entirety of these two lots would be in the B-1 District.”

“Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Urban Multifamily District (R-3), being a portion of Tax Map 315, Lot 8 with an address of 116 South Main Street and abutting Walker Street. A majority of the property is currently zoned B-2 and the petition would extend the B-2 to include the entire lot.”

ought to pass.

Alderman Thibault moved to accept, receive and adopt the report of the Committee. Alderman Lopez duly seconded the motion. There being none opposed, the motion carried.

A Majority report of the Committee on Bills on Second Reading recommending that

Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Residential One Family District (R-1B), being a portion of Tax Map 381, Lot 47 with an address of 466 South Willow Street and abutting South Lincoln, South Willow and Parkview Streets. A majority of the property is currently zoned B-2 and the petition would extend the B-2 to include the entire lot.”

be denied at this time.

The Committee notes that the business owner should work with the neighborhood and may return with a petition after addressing issues as noted in a communication from Alderman Garrity enclosed herein.

(Aldermen Garrity, Pinard and Duval in favor. Aldermen Lopez and Gatsas opposed.)

A Minority report of the Committee on Bills on Second Reading recommending that

Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Residential One Family District (R-1B), being a portion of Tax Map 381, Lot 47 with an address of 466 South Willow Street and abutting South Lincoln, South Willow and Parkview Streets. A majority of the property is currently zoned B-2 and the petition would extend the B-2 to include the entire lot.”

ought to pass.

The minority advises that the proposed zoning, in its opinion, is consistent with the highest and best use of the property and that neighborhood concerns can be best addressed through the development process at the Planning Board level, therefore, that such rezoning should be considered subject to the Planning Board approving any plans for development of the property.

S/Alderman Lopez

Alderman Garrity stated I'd like to speak to the majority report having it be denied and just give you a little history on the lot. This is kind of unique because this encompasses Ward 8 and Ward 9...Parkview Street is Ward 8, Ward 9 that's where the ward is split. It would be my recommendation that this application be denied at this time. The business has been there for approximately 20 years, it really doesn't have a good relationship with the neighborhood at all...there's a lot of animosity there and it really doesn't reach out to the neighborhood. I think it's a little disingenuous that when he comes in for a rezoning he's willing to fix up the lot. I think there's some wounds over there that are going to take a lot longer than two months or three months...it will probably take about half-a-a-year and I would be opposed to tabling this item. I would like the support of my colleagues and I don't know if my colleague from Ward 8 wants to chime in on it at all.

Mayor Guinta stated let me get a motion first on the floor.

Alderman Garrity moved to accept the majority report. Alderman Pinard duly seconded the motion.

Alderman Lopez asked how about the minority report?

Mayor Guinta replied the majority wants it killed, the minority wants it passed so we've got a motion on the floor. So you can speak to the first motion if there's a subsequent motion then we'll go to that one.

Alderman Gatsas stated that passes as a higher motion.

Alderman Lopez stated right.

Mayor Guinta stated this is the one I'm taking...we've got a motion on the floor. So, if Alderman DeVries would speak to.

Alderman DeVries stated pointed of clarification I think what he was telling you is that the minority report ought to pass is the higher priority motion.

Alderman Lopez stated right.

Alderman DeVries stated but your Honor that's not the reason I asked you to speak and while I have the floor I would like to speak because as you just heard this is split between the two wards and I don't disagree with what Alderman Garrity is saying because this has been a very contentious neighborhood for both of us for some period of time...for six years. That being said if I could improve some of the immediate lot which was a good part of the discussion last night at the public hearing that lot is in horrific condition and the abutters were pleading that something be done to force that property owner to clean up the existing conditions and I'm not sure if I would heard any of that attended to if this is just an outright denial.

Mayor Guinta stated it sounds like that would be...what you're suggesting it sounds...unless I'm misreading the recommendation from the committee it says "the

committee notes that the business owners should work with the neighborhood and may return with a petition after addressing issues as noted in the communication.” Does that try to address what you’re...

Alderman DeVries interjected it does but it does not. I think there had been some discussion that tabling this motion would not cause that individual to forfeit the fees that he has already paid to bring the process along this far.

Mayor Guinta stated I’m sorry what are you talking about, what fees?

Alderman DeVries stated I think there are some fees that he had to pay and Carol Johnson is nodding yes and I don’t know the exact amount but I think between the attorney and the scheduled fees he’s already paid substantial dollars.

Mayor Guinta stated isn’t it standard and normal that you have these fees regardless of the outcome of the decision. So that really shouldn’t enter.

Alderman DeVries stated that’s not the point, your Honor. If you could allow me to finish one thought here. I think the point is from what I have heard from them they will not come back for another application...that they’ve tried this before, they’ve been denied before, they may well be denied again this time outright but if there’s any opportunity for this property to be improved this is probably the one window that we have and by tabling this motion even if it’s for a couple of months giving them the opportunity to improve it and then we decide on the merits with the neighbors whether those improvements have made them happy...that would in some ways...the neighbors will come back after the improvements are made and they will tell us if they have enough buffering in place to make them feel comfortable but at least then as an Alderman we live with an improved property as opposed to today a very dilapidated property. I don’t know if that’s a win/win because when they come back...well, actually I think it is...when they

come back we can always say no. If the neighbors are still unhappy it will be denied but at least there's a window for improvement and I thought it was worth exploring.

Mayor Guinta stated if can could be clear. I don't think action by this Board positive or negative would impact if somebody wants to clean up a privately owned parcel though.

Alderman DeVries stated your Honor that's not what we heard from them though. What they have expressed to us is an outright denial, they will leave it in the status quo.

Mayor Guinta stated I guess that status quo...is that in violation then of any existing ordinances?

Alderman Garrity stated the lot is in tough shape. There is currently no buffer in there but there's also a problem with the operation of the business and I feel by denying this application they're either going to have to do two things. Clean up the lot and see that it satisfies the neighbors...reach out to the neighborhood...have a neighborhood meeting. Number two they're going to have to change their operation around a little bit to please the neighborhood. Now we can put this on the table and they can put some trees in and we can say okay you've got your rezoning and they can say okay we're not going to deliver cars at eleven o'clock at night and they'll do it for three weeks and everything will change. The reason I would like to see it denied is because number one they'd have to clean up the lot and they'd have to change the operations over there and after six months if the neighborhood is pleased I don't have a problem having them come in for a petition for a rezoning but they have to have a good track record with the neighborhood and currently that does not exist and you know what this business has been there for more than 20 years...it's been a car dealership 40 years. Some neighbors have been there for 45 years and nothing's ever changed over there and it needs to start changing and so by denying the request and if they want to commit to changing the operation and work with

the neighborhood but that's going to take six months to heal all those wounds over there in that neighborhood. It's just not going to happen in three weeks.

Alderman DeVries stated if I can respond to this because it is in my ward.

Mayor Guinta asked wait a minute is it Ward 8 or Ward 9?

Alderman Garrity replied it's split right in the middle.

Alderman DeVries stated it's property being asked to be rezoned is Ward 8, the abutters across the street are in Ward 9. All I wanted to add to that because I don't deny what Alderman Garrity is saying. All I would say is that for six years I have been working with this property owner and with those neighbors. We've had numerous conversations, I have some of those neighbors on speed dial, I've talked with them that frequently. We have not been able to move this property owner and I just see...I'm sure this property owner is listening and will not improve his property because he knows he still may not get an approval but if we table this for three months, six months we may get some action out of him that six years of requests did not get any. It's a small window of opportunity I hope we don't miss.

Alderman O'Neil stated when I look at the two reports I look at really trying to get to the same results. Both Aldermen involved say that the current use anyway...I don't know if I heard it went back as far as Mr. Nixon's operating business in the late 50's but at least the current use has been a problem, the site needs cleanup, both Aldermen agree on that. Both aldermen agree that there needs to be buffers created. It's just how do we get there and how can we best leverage getting those things done. The other factor in this and I think I'm correct in this...I stand corrected if I'm wrong is Mr. Marino who spoke leases the property from Mr. Nixon. I think it was Mr. Nixon who hired Attorney Craig to do the legal work and I think we need to...we not only have the neighbors to work with but I

think we have two different parties there to work with regarding what goes on. Alderman Garrity's right from what I understand speaking to the neighbors last night the operations of tractor trailers out there, loading trucks...that's unacceptable...would be unacceptable in any neighborhood in the City of Manchester. It's how can we best force change there. My personal opinion I believe tabling it will force the change and I believe that is where Alderman DeVries is going. Alderman Garrity believes to force the change we need to deny it. I don't really disagree with either of them but I would support tabling to force the change and as far as I'm concerned until there are some agreements and the neighbors are comfortable it can sit on the table forever as far as I'm concerned. I would like to see Mr. Nixon get involved which I think he's a very respected long-time businessman in the City and Mr. Marino if that was the gentleman's name who leases it. He certainly needs to step up to improve relationships in the site with the neighbors.

Alderman Lopez stated in speaking to this I will speak to the minority report that I submitted and I agree with all concerned that they have to do something over there. But again in the committee meeting Mr. MacKenzie was asked the best use for this particular property and whether or not we could put stipulations on it. I believe that we can and as the minority report has indicated that passing this doesn't necessarily mean that that's the end of it...we want them to go to Planning, we want them to do the things that they showed last night...put the trees in, pave the roads, do all the necessary things before anything moves forward. So I think that we're all trying to struggle with the same thing and in working with the people over there since it's two different wards so as the Alderman At-Large I'll sort of go in between both of these but it is a complicated issue just like Ward 1 had a complicated issue about parking because two people didn't like each other. So I think the minority report ought to pass and move forward but if it doesn't move forward then tabling the other one is fine with me too but we get some solid work out here that we can sit down with the neighbors and the owners and say hey look...just to let everybody know I've talked to Mr. Marino and he's willing to do anything over there...putting up a fence even to that extent to stop the lights from shining

into one person's yard or elevate it...pave the area there. It looks like...from the pictures that Alderman Garrity gave us you can't see through the trees but the area there where the cars are parked could be a lot neater and I'm sure a lot of things can be worked out. I agree with Alderman DeVries that denying this is not the proper procedure. We're trying to help business in the area and at the same time help the neighborhood. So I would like to ask you to move the minority report.

Alderman Garrity stated there's a motion on the table so I'd like to move that.

Mayor Guinta stated there is a motion on the floor but I did say I'd let Alderman Roy speak...let's take that vote and if that fails we'll go to the next one.

Alderman Roy stated last night I asked Mr. MacKenzie a question of how much we could ask the Planning Board to do in order to make these resident's lives...maintain the quality of life and I unfortunately was at a wake and not at Bills on Second Reading so I'll just ask the question of Mr. MacKenzie again. The answer you gave Alderman Lopez regarding what we can mandate this property owner do...what is that regarding Planning?

Mr. MacKenzie replied I think the Board could request that the applicant work with the Planning Board to find a solution to the buffer and the operating conditions.

Alderman Roy stated okay it's "work with" we're not allowed to mandate a buffer or anything like that.

Mr. MacKenzie stated I would want to check with legal counsel.

Alderman Roy stated as it currently sits as I make a decision between a tabling and approval and ought to pass...can the way the property is zoned if this is tabled...can the

property owner or the renter go in and create buffer and tree space and landscaping at this point?

Mr. MacKenzie stated I'm sorry I was conferring with the City Solicitor.

Alderman Roy asked can the current owner or tenant go in under both zoning and create the buffer and do many of the things the neighbors suggested recommended the way it is currently zoned?

Mr. MacKenzie replied yes.

Alderman Roy stated so a lot of these things if it was tabled could be taken care of in the next 30 to 60 days if the owner and the tenant desired it.

Mr. MacKenzie stated yes. After a quick discussion with the City Solicitor he would be hesitant to say that we could mandate it because if it doesn't necessarily meet the guidelines for site plan review he does not believe we could mandate that as a condition.

Alderman O'Neil stated I think the way we're going to bring the best change not only to the site and if I recall and I don't have my notes from last night...I heard several people talk about speed on Parkview, I heard at least a couple of people talk about some parking issues I think on Parkview and So. Lincoln. One person even brought up the signalization coordination at the intersection. I think the best place for those items to be addressed are by this Board, not by the Planning Board in my opinion. If there needs to be speed enforcement the Planning Board can't ask police officers to go over there we can. If there needs to be a change in the traffic signal coordination we can ask Frank Thomas to do that. If we want to create, add or delete some current parking we do that not the Planning Board. So I think whatever we do here we should leave this current at our level and not refer it to the Planning Board because I think this is beyond just a site

plan approval. I think it's the whole area of that So. Lincoln and Parkview that needs to be addressed. So, I hope whatever we do we keep it here to address.

Alderman Garrity stated the fact of the matter is that the operator of the business should have been cleaning up that property and putting buffers in 20 years ago and again I think it's a little disingenuous when he wants a rezoning that he's willing to do a buffer right now. So, there's a motion on the floor and I'd like to have a roll call.

Alderman Osborne stated what happens if we go through all of the beautifying and the buffer zones, etc. and two or three months go by and the residents are still not happy with what they did. Why should somebody go along and spend that money and then after all of that the residents are still not happy with the situation...where to do we go from there?

Alderman Garrity stated that is why I've recommended denial by the committee because that's what my constituents wants...they want it denied.

Alderman Lopez moved to table the majority report.

Mayor Guinta stated ladies and gentlemen let's try to get through this. A tabling motion has been requested...it's non-debatable.

Alderman Forest duly seconded the motion to table the majority report.

Alderman O'Neil stated clarification...this is tabling the majority report is that correct.

Alderman DeVries stated it tables the ought to kill.

Alderman Lopez stated we table this then I can bring my minority report in.

Mayor Guinta stated if the goal here is to try to work with the neighborhood let's just table both of them then.

Alderman Lopez stated okay that's fine. As long as we're going to work with the neighbors and work with the business people and get some concrete information as to the direction they're going in.

Mayor Guinta stated to be fair to both Ward Aldermen I would not want the recommendation one to fail and then the other to pass when it's not in consideration of one of the Ward Aldermen. So, if there is going to be a tabling on the first my preference would be to table both until both Aldermen have seen some sort of semblance of cooperation.

Alderman DeVries stated it's not necessary to table both.

Mayor Guinta stated the Alderman was asking. I think he was asking...it sounded like he was going to bring the second one up.

Alderman Lopez stated I asked you if we tabled this could I bring the second one up.

Mayor Guinta stated you could...is that your intention?

Alderman Forest stated seeing I seconded the motion can I say something.

Alderman Lopez stated we'll table it and I'll work with the Aldermen if they allow me and work with the business owners.

Alderman Forest stated that was what I was going to add to it.

Mayor Guinta stated the tabling motion is non-debatable so we've got a first and a second.

Roll call vote was taken on tabling of the majority report. Aldermen Garrity, Gatsas, Duval, Osborne and Shea voted nay. Aldermen Thibault, Forest, Roy, Long, Pinard, O'Neil, Lopez and DeVries voted yea. Alderman Smith was absent. The motion carried.

Mayor Guinta asked what's the expectation with the second?

Alderman Lopez moved to table the minority report. Alderman Thibault duly seconded the motion. There being none opposed, the motion carried.

Alderman O'Neil stated I hope the message is pretty clear to the parties involved what's going on here. Correct the problems.

Alderman Garrity stated it is not the message that Ward 9 constituents want. They wanted the application denied.

Alderman Shea stated we don't really give credence to how people living in a ward think and have to live. These are the people that are impacted. We're not impacted directly and we have to take that into consideration and we wouldn't want that kind of an existence next to where we live and that's when we make a vote that's how we should think.

Alderman DeVries stated the people that came in last night were also saying please they have a decrepit fence, force them to get it cleaned up, clean up all of the trash and the garbage on the lots.

Alderman Shea stated they were not saying that...I'm sorry to say they were saying they do not...the people were saying, Alderman DeVries, they did not want it there.

Alderman DeVries stated I heard that as well.

Alderman Shea stated and they said that repeatedly...they did not want it there, they did not want it there and they stated the reasons why and that's why I'm saying that when we consider we should take into consideration what they say.

Alderman DeVries stated Alderman Shea respectfully...

Mayor Guinta stated can we move on.

Alderman DeVries stated respectfully this is not an intention to complete this project.

Mayor Guinta stated you're out-of-order, Alderman. Let's please move on.

Alderman DeVries stated so isn't Alderman Shea.

Mayor Guinta stated have the conversation privately with your colleague. I have one item of new business and then I'll get to the Board. I believe this letter has been passed out.

Deputy City Clerk Johnson stated it's being passed out now.

Mayor Guinta stated the letter that's being passed out I'll read for the record. It's from myself to the Board.

“To the Honorable Board:

As we approach the close of Fiscal Year 2007, we appear to be on track to meet our fund balance goal for the coming fiscal year. I am, therefore, recommending that the Board transfer the following monies from Contingency to the Manchester Police Department:

1. Equipment for five new officers (\$41,000) – these funds were not included in the Mayor’s proposed budget and therefore were not included in the adopted budget.
2. Fiber optic and related equipment for the Rimmon Heights Police Substation (\$12,750) – the identification of an outside donor has not materialized at this time. It is therefore prudent to expend these dollars now so that the effective operation of the substation will not be delayed.

The total appropriation is \$52,750. I hope that the Board will continue its commitment to properly fund public safety efforts today and in the future.

Sincerely,
s/Frank C. Guinta

Alderman Thibault moved to approve transfer of funds for the Police Department as requested. Alderman Garrity duly seconded the motion.

Alderman Roy stated clarification your Honor. The equipment for the new five officers...the \$41,000...that was the five officers included in your budget not the Aldermen’s budget correct.

Mayor Guinta stated it was a total of \$82,000...\$41,000 was included so we need to include another \$41,000.

Alderman Roy stated right but the five officers that got added later had the \$41,000 okay so it’s not a double.

Mayor Guinta stated it doesn't matter to me which five...and called for a vote on the motion. There being none opposed, the motion carried.

Alderman Pinard stated this is our last meeting before July and I'd like to announce to the Board and invite the Board to our 9th Annual Concert at Massabesic Lake on Sunday, July 1 from 1 PM until 4-4:30 PM. This year I have the opportunity of having an individual who resides at Villa Crest that is blind and he is a concert pianist...it's probably the first time that this gentleman has appeared anywhere but he plays in the nursing home. We also have the Heritage Baptist Church on Londonderry Turnpike that will take part with us through the connection with Tom Bowen from the Water Works and they're going to have about six different acts of their own. So it will be a Sunday of fun for the people in the City who don't have any place to go. So come on down to Massabesic Lake, enjoy the lake, enjoy the boats and enjoy the concert.

Alderman O'Neil stated two items relating to Cyzygy the City Year National Conference which starts on Monday. First of all Friday the 15th is the big day for service in our community and I want to thank the departments that have been working and there's many of them working with the folks from City Year regarding this. I remind the Board that they are invited to the Champion Reception at 7:30 AM. I'm not a hundred percent sure that PSNH has confirmed that morning so they'll to get some communication out to you if that changes. The big kick off is that morning at 8:30 to 9:30 at Veterans Park...if any Alderman would like to volunteer for the service please contact the City Year folks and then they'll be coming back at Veterans Park at 4:30 to 7 PM and all happens on the 15th and we have some 2,000 young people in and around the community of Manchester. I guess on an equally important note we have a letter from them seeing if there is a way we can help out financially. Unfortunately, the private sector did not step up to the plate fully to allow this event to go on in Manchester. According to the letter they needed to raise locally about \$650,000 and they have fallen short of that and just didn't know if there was anything the City could do to help out. I don't have a specific recommendation

but this is a pretty important event for Manchester, it puts Manchester on the national map and I just throw it out for any suggestions that someone might have.

Mayor Guinta stated I think we need to continue to try to support the private fund raising efforts, they have asked me to step up and I will be doing that and making some calls on their behalf to try to meet that final goal. I do think we can make it...some local people Skip Ashooh and Rich Ashooh and some others have been making calls.

Alderman O'Neil stated I appreciate your efforts, your Honor, and anything you can do to help them meet that goal of \$650,000 because it appears they're currently about \$100,000 short.

Mayor Guinta stated I will do that.

Alderman Lopez stated I was wondering regarding the spending freeze we put on...could you explain that again because there seems to be some confusion out there and I want it out here as to why we're doing it.

Mayor Guinta stated why we voted to endorse the spending freeze. We did because I had some concerns about meeting our obligations through the end of this fiscal year and I felt that it was the most prudent thing to do to tighten the belt so to speak for the last couple of months of the fiscal year and have a little additional oversight over any expenditures over \$2,500 and the department heads have been complying with that process going through the Finance office. I have been able to view each and every request and so far I have not heard any complaints from department heads. I've heard on the contrary it seems as though it's been going very well.

Alderman Lopez stated I think it has been going very well to try and make the \$750,000 fund balance that was in your budget. I just want to get the rumor out of there that it's

because the Aldermen increased and shortchanged the revenue aspect...it has nothing to do with that. It has to do with the \$750,000 that you needed in the fund balance.

Mayor Guinta stated the budget that was passed did include an additional \$1 million in revenue, it was your budget, you authored it, it's there. I wasn't going to bring it up but since you did that was part of the reason that I had to do it.

Alderman Lopez stated to just respond we didn't increase revenue. All of the revenue that we put into the budget was your revenue.

Mayor Guinta stated well that's wrong.

Alderman Lopez stated that's not wrong. If you'd like me to prove that I'll prove it. Let's get the facts straight...that's all I want.

Mayor Guinta stated Alderman I don't know what to tell you the Finance Officer's told me that the budget that was adopted authored by you is a million dollars more than the revenue I produced. If you have an issue with that take it up with the Finance officer.

Alderman Lopez stated I will take it up with the Finance Officer because it's totally wrong...we did not increase revenue...Alderman Gatsas increased it by \$300,000 which never materialized and that was taken up.

Alderman Gatsas interjected whoa, whoa, I didn't vote for that budget. If you want to include me in this discussion I've got big feet I'll step right in.

Alderman Lopez stated I've got the floor.

Alderman Gatsas stated I'll take it right when you're done.

Alderman Lopez stated that's fine you can take it when I'm done. There was a total of \$600,000 your Honor.

Mayor Guinta stated I don't know why this is even coming up tonight.

Alderman Lopez stated I just want to make sure that why we're doing this is because there's \$750,000 going into next year's fund balance...so we have the right facts on the table.

Mayor Guinta stated I was trying to be respectful of the Board and my colleagues but there is more than just the fund balance that we were trying to achieve. There were fiscal decisions that were made by this Board that I didn't agree with but I as Mayor have an obligation to manage. Part of it is the difference of opinion that the Finance office has with you regarding \$1 million in revenue. If that doesn't satisfy your concern please feel free to take it up with the Finance office and have a formal report made to the Board so it can be clarified.

Alderman Gatsas stated with all due respect to my colleague he was very proud of his budget that he produced a year ago. All of a sudden he doesn't want to own up to it...that was your budget, you voted for it, I voted against it. If you assumed revenues Alderman Lopez then you should have corrected them in your budget. You assumed them, you didn't vote for my zero budget or we would have got there and I would have got those revenues done. So with all due respect it was your budget, you were proud of it when you presented it, you got your votes and now you've got to live with it.

Alderman Lopez stated I don't have any problem with it.

Alderman Roy stated at this evening's Public Safety, Health and Traffic Committee meeting tended to run late, I made a motion to solve a Ward 1 problem that we've been working with a number of Aldermen and the Highway Department on. I neglected to request that it come in tonight so I will ask the indulgence of this Board. We do have it as time sensitive and I did not realize we are not meeting in two weeks. We have found an agreement between two abutters that have a problem created by the water and sewer lines that we put up on Walnut Hill Avenue...all parties are in agreement and it passed the Committee unanimously as endorsed by Frank Thomas so I'd ask under new business we accept the plan that Frank Thomas prepared and authorized him to get the work done. It does also have a 60-day trial period, which is supposed to commence this evening. If we wait 30 days we're just prolonging the agony. It's basically changing a curb cut and an apron to a driveway.

Mayor Guinta asked is this already appropriated?

Alderman Roy replied yes.

Mayor Guinta asked why here?

Alderman Roy stated it just needs full Board approval which would come next month delaying it another 30 days.

Mayor Guinta stated the money's already been appropriated and the project has been approved.

Alderman Roy stated no. The project has been approved by the Committee but not the full Board.

Deputy City Clerk Johnson stated it doesn't require a Board action, it only required the Committee's action. There's no change in traffic regulations as I understand it. They can endorse the action of the committee if you wish.

Mayor Guinta stated let's just do this properly. Does it need Board action or not?

Deputy City Clerk Johnson replied it does not need Board action.

Mayor Guinta stated do you want an action even though it is not required.

Alderman Roy moved to endorse Frank Thomas as it relates to the Walnut Hill Avenue project. Alderman O'Neil duly seconded the motion. There being none opposed, the motion carried.

Alderman Gatsas stated I think a very important issue...I got a call from John Rist at Central High School...there's a real problem with parking at Central High School. Now that Ash Street's back on the market the question was can they start parking there again. I noticed the fence has come down, I think we should send a directive because we've just about signed them out of parking and my fear is your Honor is that some young lady at Central High School has to park their car in a neighborhood far enough where they've got to walk in the evening because of basketball practice or because of baseball practice and we're going to have an outcome that we're not going to like because we've moved them out of the neighborhood so far from Central High School so I think we need to start looking at it because the accommodations around Memorial and West High School are such that there's an accommodation...at Central there are none. The motion would be to allow them to park at Ash Street School.

Alderman Lopez duly seconded the motion.

Mayor Guinta stated let me go to the ward Alderman before I accept the motion.

Alderman Duval stated Central's need for parking and that whole issue preceded, long before preceded the available parking at the Ash Street School. When the School Administration had it and they used it for their own employees. It's only in recent years since the School Administration office vacated the building that the people were able to use the parking lot. I think it's a mistake to sort of lead them to believe that this is sort of going to be there for them...we've disallowed it recently with the pending sale.

Obviously Amoskeag and the city jointly is looking to get rid of that property. We hope it's Weston...that deal is not officially dead yet as far as I'm concerned and I would like to think that the City leaders are doing everything they can to breath life back into the opportunity to convey the sale to them. Again, I would ask as Ward 4 Alderman that we do not do that. I think it's a band aid approach at best...it provides them with a limited number of cars only...is certainly by no means a solution to the problem. A committee has been formed by the Board to address the parking conditions around Memorial, Central and West...they are hugely impacting neighboring residents of those three schools and I think we should stay the course.

Alderman O'Neil stated I agree. We set up a committee of the three Aldermen to try to meet to try to resolve this and I do agree with Alderman Duval. It would be very misleading by us to say go park there and then come the middle of September the building's sold and now we have a whole issue again of where the kids park. It's the intent that that building is going to be sold to someone soon.

Alderman Gatsas stated how about if we let them park there until the end of the school year and maybe this committee will start meeting because Central High School has some serious parking problems.

Mayor Guinta stated the graduation is next week.

Alderman Gatsas stated whatever it is...graduation I don't know but I'm just telling you John Rist called me.

Alderman Duval stated John Rist hasn't called me on this...shame on him. It's been going on for years and years.

Mayor Guinta asked hasn't this issue already been referred to that committee?

Alderman Duval stated yes it has.

Mayor Guinta stated I would prefer to allow that committee which was approved by this Board to try to work on the matter.

Alderman Gatsas stated so the motion that I made to allow them to park at Ash Street School until the end of the year is not something that we want the kids at Central High School to do.

Mayor Guinta stated I will accept the motion.

Alderman Gatsas stated they were doing it until it was fenced off.

Alderman Lopez duly seconded the motion.

Alderman Forest stated we don't own the building how can we okay it.

A roll call vote was taken. Aldermen Gatsas, Osborne, Pinard, Lopez and Roy voted yea. Aldermen Long, Duval, O'Neil, Shea, Garrity, Thibault and Forest voted nay. Alderman DeVries abstained. Alderman Smith was absent. The motion failed.

Deputy City Clerk Johnson stated there was a news release from Public Service of New Hampshire advising that they are lowering the water level of the Merrimack during the month of July and we wanted to make sure the Board was aware of that.

Alderman Gatsas stated seeing I wasn't extended the courtesy that I extended my other colleagues in regard to Item K on the Consent Agenda. On the Consent Agenda there was parking that was allowed on Elm Street as residential parking. I think that's a huge mistake...we're taking over neighborhoods and allowing them to not park where schools used to park for many years, we're telling people on Elm Street that if you're looking to occupy the business or visit the business across the street you can't because you need a residential parking sticker. I think it's bad, it's a bad precedent to be setting and we've done it up and down on the side streets, we're now starting on Elm Street...that's a wrong precedent to set.

Alderman O'Neil stated I do owe you that courtesy on that one.

Alderman Gatsas stated no you don't.

Alderman O'Neil stated yes I do Alderman...that's the one I told you I owe you on.

Alderman DeVries stated I think that your office was notified as was I that there is a request of approximately 60 or 70 apartment renters and owners up off of Circle Drive...Pondview apartments that had requested their transit stop was eliminated and they were seeking assistance. So I would ask that you join me in directing the Transit Division to take a look at the bus stops that have been eliminated to see if this elderly apartment complex could possibly be accommodated and I would ask you that you join me in that request.

Mayor Guinta stated I'd be happy to join you.

Alderman Roy stated in that same vein and I thought I was the only one going through this process with MTA but Colonial Village was also wiped off the Transit map so I know that they put some time and effort into their route schedule but now that I'm hearing it's in the north end, the south...I'm starting to think that this is more of a problem than I had initially expected so I'd offer to work with Alderman DeVries and the Mayor's office to bring both of those communities back on line when it comes to the route.

Alderman O'Neil stated not to extend this but I got a call about west Manchester. I think there needs to be a look back on this a little bit.

Mayor Guinta stated let me tell you we are working with MTA...not just Alderman Roy's which was the first one...also Alderman DeVries...there are several, we are looking at all of it with MTA.

Alderman Osborne stated I just want to follow up with Alderman Gatsas. I've been the one to oppose this Elm Street situation right along being Chairman of Public Safety, Health and Traffic. I think like Mr. Gatsas said or I've been saying for quite a while I have nothing against my colleague or the ward itself or anything else but again we're opening a can of worms or a Pandora's box with this because it involves all wards...you have to remember that...everybody's going to be coming in for private parking in front of their homes or one thing or another...residential parking and it's going to be a big can of worms eventually. So I just want to let you know where I'm coming from...usually I go along with an Alderman in his ward but when this contains something that affects the whole city or all wards...it's a little bit different and wanted to express my opinion.

Mayor Guinta advises that immediately following adjournments the Board will hold a negotiation strategy session with the Chief Negotiator.

There being no further business to come before the Board on motion of Alderman Thibault, duly seconded by Alderman Shea, it was voted to adjourn.

A True Record. Attest.

City Clerk