

BOARD OF MAYOR AND ALDERMEN

November 7, 2007

7:30 PM
Aldermanic Chambers
City Hall (3rd Floor)

Mayor Guinta called the meeting to order.

The Clerk called the roll. Fourteen Aldermen were present.

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

Proclamation in observance of Veterans Day.

Mayor Guinta requested that all military veterans come forward and presented the following proclamation:

PROCLAMATION

- WHEREAS,** we observe this coming November 11th the anniversary of the ending of World War I by paying tribute to the heroes of the tragic struggle; and
- WHEREAS,** in the intervening years the United States has been involved in two other great military conflicts which have added millions of veterans living and dead to the honor rolls of this nations; and
- WHEREAS,** all the American veterans have placed our nation's security before their own lives, creating a debt that we can never fully

repay, our veterans represent the best of America and they deserve the best America can give them; and

WHEREAS, with respect for and in recognition of contributions our service men and women have made to the cause of peace and freedom around the world;

NOW, THEREFORE, I, Frank Guinta, by virtue of the authority vested in me as Mayor of the City of Manchester do hereby proclaim this coming November 11, 2007, to be

VETERANS DAY

in the City of Manchester.

Mayor Guinta called for a moment of silence.

3. Recognition of the 125th anniversary of the First Presbyterian Church.

Mayor Guinta stated we also have one other proclamation. If Reverend Rickard would please come up, and any members of your church, as well as your Ward Alderman, Alderman Smith.

PROCLAMATION

WHEREAS, the First Presbyterian Church was founded on July 26, 1882, by a few dozen individuals; and

WHEREAS, throughout the years the building withstood the flood of 1936 and today is still having worship every Sunday in the original sanctuary; and

WHEREAS, the Church has a long history in the City of Manchester, the parishioners of the Church have changed along with the demographics of the City, originating as a German Presbyterian Church, today it is currently the First Presbyterian Church welcoming all members; and

WHEREAS, today the Church continues to grow and recognize the diversity in our City;

NOW, THEREFORE, I, Frank Guinta, by virtue of the authority vested in me as Mayor of the City of Manchester, do hereby proclaim the celebration of the 125th anniversary of the First Presbyterian Church in Manchester, and may you have many more wonderful years.

Reverend Douglas Rickard stated he asked me if I wanted to say a few words. Of course! We still have the best German supper in the City as well, so all those of you who have come over the years, it has been going continuously for over 100 years. So, every time October comes around be looking for our church to serve that. It is exciting because we've been a City of immigrants. The Germans who had come here to work in the mills and we were right in the heart of the Squad Village and are still there. And now we are serving a lot of the Sudanese community that have come that are Presbyterians and so it's exciting that we are still an immigrant church and still serving the fabric of this community. Thank you, Mr. Mayor.

4. Jac Pac update presented by Dick Anagnost.

Mr. Dick Anagnost, Anagnost Companies, stated thank you for taking the time to have us before you tonight. I figured that after the announcement last week, the Board of Mayor and Aldermen should be updated as to exactly where we are in the process and exactly what we're planning. Our due diligence is just about complete. We're coming down to our final environmental items. We've done borings, we've done samplings, we've done topographical survey, title, everything you can possibly imagine on this site to date. And I probably know more about it than I know about my own house at this point. The announcement the other day with the Elliot Hospital was only part of the

project, and I'd like to take you through the entire project if I could. It won't take very long. This is the site plan that we're going to be proposing. The time frame for which we are going to be proposing it, is we hopefully will submit to the Planning Board for site plan approval in January, along with any variances we might need. It has come to my attention that we might need a few variances for height of retaining walls and location of them. The site itself is the entire 17 acres that you see outlined. It begins here, comes up along the MTA property here, down to the river, back up along the Queen City Avenue, and back to the main entrance, which would be right here across from Hesser. The site as designed meets the intent and all of the criteria of your RFP. It has a 13,000 square foot retail building located right here on Queen City Avenue which is yet to be tenanted. It has a three-story residential building here which would be somewhere between 30 and 50 units, and will buffer the single-family residential neighborhood from the project itself. The main building will consist initially of 236,000 square feet. It will be what they call an ACC, an Ambulatory Care Center, which included doctors, practices, urgent care, radiology, those kinds of uses. The 236,000 square feet is expandable to 350,000 by adding two additions. This one at a later date and this one at a later date. Attached to the ACC is a 700 car parking garage. There is a significant grade change between the railroad and this area here, so we've taken advantage of that grade change by sinking a four car parking garage below grade, essentially right here. It's a four-story parking garage, I'm sorry. The top story is intended to be a courtyard-type effect, with landscaping throughout. There is a speed ramp here that will get you to the lower levels. There is a ramp here that you can drop off and cross over to enter the parking garage from this level. You could also drive around and enter the lower level right here. This will be a green construction, so therefore we've taken advantage of grade in the building by putting in a lower-story. This is really a four-story building, but it will have a basement. The basement will hide a lot of the mechanicals that you typically see. It will

also hide loading and unloading for a lot of the areas of the hospital. IT and those kinds of things, will be located in that lower level. You'll be able to drive a tractor-trailer in here, or a fire truck...come under this bridge. The loading area will be right in here and you can drive right back out around the parking garage again and exit. The second building, and I don't want to call it Phase Two because they are intended to go simultaneously, is here. This is a 108,000 square foot approximate medical office building. Attached to it is its own 300-car parking garage. This property will be joint ventured with the Elliot Hospital. This property will be joint ventured with a number of private practice doctors who are constrained for space right now or looking to expand their practice, and we come to this site because of a) its location and its proximity to the highway; b) its beautiful setting over the river; and c) its proximity to the ACC. The total site will contain approximately 510,000 square feet upon build-out. The initial phase of building would be the dark blue area, which would be occupied by the Elliot Hospital facilities, and the second dark blue area which would be owned and occupied by the doctors. That would give us an initial build of approximately 353,000 square feet. During the approval process and during the build of these two, it's my intent to fully develop a proposal for the site and to tenant this building, so realistically we could be looking at somewhere around 440,000 square feet, right out of the chute when we break ground. To timetable...Well, let me take you through a couple of other things. This four acre parcel is proposed to be developed into a City park and donated back to the City. This is the river walk, which is already constructed. It's separated from the main facility by the railroad and would be an independent parcel and be transferred back to the City. The gas company is presently doing extensive work on the river right here removing some contaminants to give you a good locus. We have a conceptual of these two buildings that I'd like to show you next. This is a view from the river walk, so if you were walking on the river walk and facing the buildings, this would be the Elliot facility

and this would be the medical office facility. You can see how we've recessed the parking garages to take advantage of the grade. So when you're driving up Queen City you would see the buildings, but you would look down on the top level of the parking garage, which will have a courtyard effect, with landscaping and those types of amenities. This white area represents the residential piece and this over here represents the medical office building. Once again, with the parking garage recessed below grade. If you're driving up from the Queen City Bridge and heading easterly on the site, this is what you would essentially see. Once again, this would be the Elliot Building and this would be the medical office building. That again is the residential building and this white structure over here would represent the retail portion of the site. The cost to build these is running approximately \$100 million. So at build out we would be somewhere in that range with respect to the cost to construct. The facilities themselves will be built out of brick, glass, stucco, and stone. I think that's all of the exterior surfaces. Once again, I would reiterate that we are building green here. We have a lead certified architect in Cube 3 who is designing the site for us. The timetable for all of this would be a submission hopefully in January, public hearings in February and March, some work sessions in between with both Zoning and Planning, actually Planning staff, with an approval sometime in the June/July timeframe. We'd be looking for an August groundbreaking. It will take approximately twelve months to construct this building and approximately eighteen to twenty months to construct this building, along with their related parking structures. So sometime in the beginning of 2010 we should have approximately 353,000 square feet occupied on the ground and the ability to expand another 120,000 square feet at a later date, along with the retail and residential component soon to follow, if not already built. The site itself, as we know, is a Brownfield site. We are going to have to relocate monitoring wells. We're going to have to excavate some tanks that are still closed in the ground, and we found a couple of different areas that are still suspect with respect to

additional contamination that we're going to have to clean up. So we are going to go for a Brownfields designation on the site. That is beneficially to both myself as the developer and the City because once it's declared Brownfields, if you're in the chain of title and additional contamination is found, you're exempt from liability. The site itself has approximately nine active monitoring wells. It once had fifteen. In there are multiple types of contaminants that are currently attenuating naturally. We've met preliminarily with the NES. We're coming up with a plan right now to go into the future with that sort of thing, but the most crucial points to remember are: 1) We have a site that is a Brownfield site, formerly industrial that we will be bringing back to its full potential, once it's developed. 2) We will be creating a City park that we'll be donating back to the City. 3) We'll be a good taxpaying customer. 4) We border a MUA, which is a medically under-served district, and the facility's intent is to serve the medically under-served, along with alleviating the pressure on the current two emergency rooms within the City by creating an urgent care facility on this site as well. There is a 3-D model that I'd like to show you that Amy could pull up, and it kind of gives you an overview from an aerial point as to how it might look once it's constructed. The property will be a great anchor for South Elm Street, essentially. One of the things that we will be coming before you to do is to ask for an easement across the Manchester Transit Authority property to provide us a second means of egress that's more feasible than coming through the residential neighborhoods. As it stands right now, our second means of egress would be up Hancock Street, directly past the single family homes, and then you would need to turn right on the Brown Avenue, one way, and either empty onto Queen City Avenue or try to make the hook up the side street that leads out onto Elm Street. By coming through the Manchester Transit Authority we will be able to simply hook into the end of Gas Street and exit out onto Elm Street to be able to go north and south at the light just next to Theo's pizza. So that would give us two main lighted intersections with both right hand

and left hand turning in and out, in order to give the best control to access and egress from the site for the traffic that's generated by it. I believe that concludes our initial presentation. I'd be happy to entertain any questions that anyone on the Aldermanic Board might have.

Alderman Lopez asked when do you anticipate the closing on the property?

Mr. Anagnost responded it would be thirty days after the applicable appeal period expired for the approvals for what you see to be constructed, so if my timetable is accurate, Alderman Lopez, it would be probably July.

Alderman Lopez stated I would recommend you try to push that up to June, no later than June 30th.

Mr. Anagnost stated if there's a way for me to get through the planning process by then, Alderman, I'd be happy to do it.

Alderman Lopez stated if you need some assistance, please let us know because we want that portion of the finances on the books, at least I do anyway. All the property is going to be taxable. There is not going to be any property that's being developed in lieu of taxes, is there?

Mr. Anagnost responded correct. I'm a private developer. I don't get away with those kinds of things.

Alderman Gatsas stated Dick, the Planning Board process...I don't have to tell you if you've been reading the paper. You've noticed that they're short of funds for moving the process forward. I certainly think that a \$100 million project should have some fast-track process. If this is going to enhance the tax base, and if Alderman Lopez is looking for his money quicker to make sure it gets back into that one-time account that we took for a tax reduction, we should have a conversation that maybe the Planning Board has this as an item, and maybe for the next two or three months they have a separate meeting solely for this item to move the process forward. I would think that either the shortfall in funding that they have...because I'm sure they're going to say that they don't have enough money...I don't think it's hundreds of thousands of dollars, but I would bet that \$20,000 would probably initiate the process from going forward, and I certainly don't have a problem making a recommendation from this Board that we take money from the Contingency Fund and apply it as a \$10,000 apportionment so that they will meet on a night to have only this in front of them, and not cancel the other night or other Planning Board issues. I would think that it's important enough to move a \$100 million project forward that they may at least make an accommodation to this Board to see if we can't get that moved forward, so when the time comes I'd like to make a motion that we take \$10,000 from the Contingency Fund and apply it to the Planning Board and ask them or request them to meet on only this item when they put it on their agenda.

Mr. Anagnost stated a number of working sessions at the Planning Board would be extremely beneficial, based on the scope and the challenges of the site, Alderman Gatsas, so that would be greatly appreciated if that could be arranged.

Alderman Shea asked are there going to be private residences on that property? Did you indicate that there would be some residential? Do you know how many that would be?

Mr. Anagnost responded somewhere between 30 and 50, Alderman Shea. And they would be located in this building right here. And that's the area that's sort of a carve-out from the neighborhood itself. There are currently residents to the east of this site, and this carve-out is kind of in the residential area, so we located the residential building here in order to buffer the neighborhood from the commercial use that we've proposed on the other side.

Alderman Shea asked will they have parking facilities as well there?

Mr. Anagnost responded yes, but there will be surface parking for the most part. It would be located here and behind the building.

Alderman O'Neil stated Dick you mentioned, I think it's Gas Street would be an important part of this. Have you had a chance to meet with City staff including the Transit Authority regarding that?

Mr. Anagnost responded I've had an opportunity to meet with the Transit Authority but not yet with City staff, and Transit Authority says it's within the purview of the Board of Mayor and Aldermen to grant the easement.

Alderman O'Neil asked is there anything we can do on that end? It's just an easement issue?

Mr. Anagnost responded yes, it's just an easement issue to allow us to cross over to tie into Gas Street, and I'll be back once it has been designed and once we submit to the Planning Board to request the easement from the Board.

Alderman Gatsas stated I'd like to make a motion, not that I'm shy in not asking you to pay for it, but I wouldn't think that it would be appropriate for you to fund the Planning Board when they're hearing a project. Trust me, I may come back to you at a later date to ask you to pay for that. I'd like to make a motion, Your Honor, that we request the Planning Department, or Planning Board to expedite this project and meet and have it only heard as a single item on their agenda, and taking \$10,000 from Contingency to help them move this process forward quicker so that we can get the money into the one time account. The motion was duly seconded by Alderman DeVries.

Mayor Guinta asked why does that require an appropriation?

Alderman Gatsas responded well, because I think, from what I've seen, they have a shortfall in funding right now from what I've read.

Mayor Guinta stated I have no objection to expediting it, and if the Board would allow me to work with Mr. MacKenzie to figure out a way to do that, because some of the issues that I think you're referencing I think are long term issues that need to be resolved. I can certainly meet with him between now and the next BMA meeting to see if we can find a way to resolve that.

Alderman Gatsas stated and I don't have a problem with that, Your Honor, if we could make the motion and get it passed so that way if you need the \$10,000 to negotiate the deal at least this Board has taken action...

Alderman Lopez asked Dick, is the Planning Board the only...Is there no Zoning issue here?

Mr. Anagnost responded there will be zoning issues as well, and one of the things I was going to approach Mr. MacKenzie about was whether I could get a joint meeting with the ZBA because there are going to be some variances needed. For instance, based on our preliminary research in our reading of the Zoning ordinance, the residential isn't allowed without a variance. Right along here there will be some retaining walls that will exceed four feet in height. I think they are about six or seven feet, and it's only allowed four feet within the district. And also, a 25-foot buffer is necessary here, and the retaining wall will appear within that 25-foot buffer. So there will be some minor variances that will be necessary in order to construct the roadways through the site in order to serve the buildings.

***Alderman Gatsas** stated I'll accept the friendly amendment to include the Zoning Board. The amendment to the motion was duly seconded by **Alderman DeVries**.*

Alderman DeVries stated just one additional comment because a lot of what the Planning Board does as far as noticing and hearing their projects is governed under State statute. I don't know that we can guarantee that the funds would be... have until an expedited project from the project comes in from Dick Anagnost's before them. They may have to spend dollars for projects that are already in queue with them rather than wait for this to be brought forward as a proposal. But I certainly am in favor of keeping our Planning Board going forward with entertaining for all of the projects that we appropriate dollars. So I'm behind the proposal.

Alderman O'Neil stated just a question, Your Honor: I know we have in the past for a large project pulled together not only committees of the Board but get all of the departments together at the same time, to get all the issues on the table at the same time, beyond Planning, and should that...I don't think it's premature to do that maybe every quarter or so as this thing progresses. You know – Fire, Highway, Water...I'm sure I'm missing somebody in there.

Mayor Guinta stated it has already been offered to the developer as well as Elliot Hospital, so that will be provided.

Alderman O'Neil stated thank you, Your Honor.

Mr. Anagnost stated it's our intent to take full advantage of it. We actually convened it for the first time on Chase Block, Alderman O'Neil, and we've used it on all of the re-development properties on Elm Street. This one would fall into that same re-development category.

There being no further discussion, Mayor Guinta calls for a vote. There being none opposed, the motion carried.

Alderman-Elect Mark Roy recognized.

Mayor Guinta stated before we move to the Consent Agenda, I just wanted to acknowledge Alderman-elect Roy who is the audience. Thank you very much for being here. We look forward to working with you.

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 #11-1177 located on Summer South Back and Green Street

Sidewalk Petitions (50/50 Program FY2007) – Approve subject to the availability of funding

- B. Communication from Jay Davini, Public Utilities Coordinator, requesting approval of sidewalk petitions.

Accept Funds and Remand for the Purpose Intended

- C. In the amount of \$1,000 from the Granite State Immunization Partnership for the Health Department to conduct a Vote and Vax Flu Shot Clinic on November 6, 2007.
- D. In the amount of \$6,742.80 for a Conservation License Plate Grant award for the School Committee Records of the Town/City of Manchester, 1824-1876 project.

Informational – to be Received and Filed

- E. Communication from the Pinar Family expressing their gratitude for the Board's expressions of sympathy during their recent loss.
- F. Manchester Health Department Monthly Report Summary, October 2007.

- G. Communication from David Smith, MTA Executive Director, relative to health insurance for part-time operators.
- H. Communication from Comcast advising of the third quarter 2007 franchise fee payment in the amount of \$339,318.37.

REPORTS OF COMMITTEES

COMMITTEE ON BILLS ON SECOND READING

- J. Recommending that Ordinance Amendments:

“Amending Sections 33.024, 33.025, & 33.026 (Assistant Director-Accounting & Reporting, and Assistant Director-Treasury) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025, & 33.026 (Attorney I & II) of the Code of Ordinances of the City of Manchester.”

ought to pass.

(Unanimous vote with the exception of Alderman Garrity who was absent.)

- K. Recommending that Ordinance Amendment:

“Amending Sections 33.024, 33.025, & 33.026 (VISTA Project Manager) of the Code of Ordinances of the City of Manchester.”

ought to pass as amended.

(Unanimous vote with the exception of Alderman Garrity who was absent.)

COMMITTEE ON HUMAN RESOURCES/INSURANCE

- M. Advising that it has approved Ordinance:

“Amending Section 33.026 (Fire Chief & Deputy Fire Chief) of the Code of Ordinances of the City of Manchester.”

Providing for changes in class specifications, which do not change the title of the positions and do not provide for any changes in salary grades of such positions and is forwarding same to the Board for adoption.

(Unanimous vote)

- N.** Recommending that the Board of Mayor and Aldermen authorize an increase in the per diem offered to substitute nurses from \$100 to \$135 as requested by the Public Health Director.

(Unanimous vote)

- O.** Recommending that the Public Health Specialist II (Grade 19) position in the Health Department be reclassified to a Public Health Specialist I (Grade 16), and that the part-time position be converted to a full-time position.

(Unanimous vote)

COMMITTEE ON PUBLIC SAFETY, HEALTH AND TRAFFIC

- Q.** Advising that it has approved Ordinance Amendment:

“Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester; 70.57 by revising Sections (1) and (5) to reflect current operating practices for hours of operation; and adding new Sections (7) and (8) to add the current daily maximum charge and a lost chip fee.”

and recommends that it be referred to the Committee on Bills on Second Reading for technical review.

(Unanimous vote.)

- R.** Advising that it has approved Ordinance Amendment:

“Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by expanding the Residential Parking Permit Zone #6 in Section 70.55(D)(6) to include Mechanic Street, north side, between Elm Street and Canal Street.”

and recommends that it be referred to the Committee on Bills on Second Reading for technical review.

(Unanimous vote.)

- S.** Recommending that the Wayfinding Sign Package submitted by the Director of Planning and Community Development, and enclosed herein, be approved.
(Unanimous vote.)

- T.** Recommending that a request of Intown Manchester for the curtailment of parking enforcement during the Downtown Shopping Night to be held on Thursday, November 29th from 5 until 9 PM and on each Thursday during the month of December from 5 until 8 PM be granted and approved.
(Unanimous vote.)

- V.** Recommending that a request to issue SCORE Volunteer Parking Permits for the Pine Street Lot in replacement of Pine Street Lot Permits, as outlined herein, be granted and approved.
(Unanimous vote.)

- W.** Recommending that regulations governing standing, stopping, parking and operation of vehicles be adopted and put into effect when duly advertised and posted.
(Unanimous vote)

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.

- I.** (Referral to the Committee on Bills on Second Reading; concurrent referral to Public Hearing to be held on Monday, November 26, 2007 at 6:00 PM.) Zoning Ordinance Amendment:

“Amending the Zoning Ordinance of the City of Manchester by revising the requirements for the Neighborhood Business District (B-1) to provide more flexibility in uses allowed, dimensional requirements and parking.”

Alderman DeVries stated apparently we don't have Planning staff with us tonight, so I would just ask that this item that is headed to Bills on Second Reading be reviewed further by both Zoning and Planning staff or boards to see if they have any comments. It did indicate in the letter that there had been a review by staff but it didn't indicate that it had been through the two boards. So if there are Planning Board meetings maybe we could ask them if they had any comment. You know Zoning will still have their meetings.

Deputy City Clerk Carol Johnson stated Your Honor, it has also been referred to the Building Department too, under the rules of the Board. It is in process.

Alderman DeVries stated but that says for staff review; it didn't indicate it would be going for the board review.

Deputy City Clerk Johnson asked you want it to go to both boards as well as the Building Department?

Alderman DeVries responded my thoughts specifically. We have the master planning that is still ongoing with the Planning Board and it seems like a perfect place for them to have maybe already considered this and give us their comments, their vote of approval.

Mayor Guinta asked are you suggesting that this happen prior to the public hearing?

Alderman DeVries responded I don't know if that scheduling is problematic but I would certainly like that information before I make my final vote.

Mayor Guinta stated I know the Planning Director is in favor of these changes.

Alderman DeVries stated I understand that, and I'm not saying I'm not in favor of it either. It just seems appropriate to me that those two boards be asked to weigh in.

Deputy City Clerk Johnson asked you're asking that they weigh in before the final vote, not necessarily before the public hearing?

Alderman DeVries stated because it looks like the public hearing is going to be held November 26th.

Deputy City Clerk Johnson stated I think the idea behind the 26th, just for the Board's information, is to try to keep things continuous with one board, because then you're going to start the process over, was the fear, but whatever the Board's desire is I'm sure...

Alderman DeVries stated prior to our final vote I am comfortable hearing from those two boards.

Alderman DeVries made a motion that the Board hear comments from the Zoning Board of Adjustment and the Planning Board before voting on this Zoning Ordinance Amendment. Alderman Roy duly seconded the motion.

Alderman Lopez stated I just want to get clarified, Your Honor. These are changes being proposed, with a lot of conversations with a lot of Aldermen in reference to some of the changes. I thought that we make the changes for the Zoning Board to comply with. I've

had some discussions with some of the Zoning Board members and what we've given them in the past and what they have to go by is the law. So I think these changes are administrative changes that are being presented to the Board of Mayor and Aldermen. I could be wrong. Is Mr. MacKenzie here?

Deputy City Clerk Johnson stated Mr. MacKenzie will be here shortly. He had another commitment but he will be back.

Alderman Lopez asked could we just hold this off till he comes? I think an explanation from him would be appropriate.

Mayor Guinta stated sure. I have no objection to that.

Alderman DeVries stated Your Honor, I have no objection either. I do have a comment, if I can, while the timing is appropriate. My thought process on asking the Zoning Board would have been they deal with all of the variances and they certainly would know how many variances are coming from certain types of needs, and this would tell us if this is addressing the needs, the most frequent variance applications that they get because it's dealing with signs and other setback requirements within this particular district. So that would be useful in my mind, just to know if we are putting forth all of the items that initiate the needs for a variance. If we are not, they may say they would add one other piece to it for us to consider. The reason to go to Planning Board is obviously it's a district, and I just find where they're going through the master plan right now, then it's useful. Thank you, Aldermen.

Mayor Guinta stated so we'll hold on that till Mr. MacKenzie gets here.

(Item I is deferred until later in the meeting)

L. Report of the Committee on Human Resources/Insurance.

Recommending that the City of Manchester self-insure the dental insurance program for employee's effective January 1, 2008.

(Unanimous vote)

Alderman O'Neil stated Your Honor, if I can get a courtesy from my colleagues, and I'm not trying to tie this up, but if we could just table for two weeks. The only information I've seen is a one-page letter. If we could get from the department just a list of what's covered now under purchasing a policy, what will be covered under self-insured, and...I'm guessing that we're going to use Delta for the administrative process...is that...but again, I've seen a one-page letter, so if we can just table, I won't make a big deal out of this, but I'd just like some information on this, as long as it's provided before the next two weeks, I'll pull it off the table.

Ms. Virginia Lamberton, Human Resources Director, stated I can answer that question right now.

Alderman O'Neil stated Ginny, I want to keep this going tonight. Let's just table it for two weeks.

Mayor Guinta stated I have no objection. We can just send it in writing.

Ms. Lamberton stated it's just an accounting, that's all. It's an accounting procedure. It has nothing to do with anything more than that.

Alderman O'Neil stated well, you know, I heard there was no changes with CIGNA and now I'm hearing this position paper...I'd like to see a list of what's covered under the policy, what's going to be covered under self-insured, and what the administrative fees I guess paid to Delta will be. They have to get paid for their service.

On motion of Alderman O'Neil, duly seconded by Alderman Pinard, it was unanimously voted to table this item.

P. Report of the Committee on Human Resources/Insurance.

Advising that it has approved the reclassification of the Legislative Assistant (Grade 16) position in the Highway Department to Purchasing Assistant (Grade 12) and for such purpose recommends that the related ordinance be referred to the Committee on Bills on Second Reading for technical review.

(Unanimous vote with the exception of Alderman Garrity who was absent.)

Alderman O'Neil stated Your Honor, I will try not to get as emotional as I did at the HR meeting, and I appreciate Alderman Gatsas allowing me to speak at it. I don't necessarily disagree that moving forward that the position at Highway where coordinated purchasing has been moved that there should be that Grade 12 position. What bothers me with this action is that the incumbent was in the City Clerk, went to the Mayor's office for a short time, back to the City Clerk, and up to Finance. When the Board finally got control of the purchasing program, or as we ended up calling it, coordinated purchasing, she was transferred to the Highway Department as part of the program that we approved. To me this is no way to treat an employee. Whether we should be trying to move forward and find an appropriate place for her...I believe she has eight or ten years of service with the City...this is no way to treat an employee. She's going to be frozen but everyone around her is going to get their adjustments. I think she's an asset. She can help out in some department. Maybe we need to make it a priority to try to find where that is. But she

didn't ask to end up at Highway Department. She was going to lose her job because it wasn't as formalized a program as it should have been, the purchasing program that Finance had proposed at the time. So, I know this passed the committee. I don't know if it would be appropriate to table this to see if we can find some way to find an appropriate place for her. I mean, a four grade cut in pay is significant. In my sixteen years here I've never seen this happen before. And of course it's not happening to somebody at the top pay in the City. It's happening to a single mother. And I think it's a lousy way to treat an employee, to be honest with you. We never discussed this, the Committee on Administration that put months into trying to come up with the coordinated purchasing program. At the end of the day if she could find another job in the City it might be more appropriate for her. I have no problems supporting the Grade 12. I'm going to vote against this unless we can come up with an alternative, if it's to put this on the table to figure out some alternatives, send it back to Administration. I have no problem doing that. But this is an absolute lousy way to treat an employee as far as I'm concerned.

Alderman Shea stated we discussed this at Human Resources. She would have lost her job. She would have been out of a job. The City decided to place her at a pay scale that is commensurate with what she was getting. We can discuss this forever, but the point of the matter is, she would have been out of a job. They took her over. We heard discussions from Mr. Thomas. He indicated at the time that she was doing work, being trained, and for the most part, she was receiving pay commensurate with what she would have stayed as a legal assistant at the time. We have discussed this with the person here who is in charge of Human Resources which I would like her to comment about it.

Ms. Lamberton stated the level of responsibilities that the incumbent has at the Highway Department are at a salary Grade 12 and that is consistent with the other support positions

at the Highway Department. They are also at a salary Grade 12, and they share work with one another. The other employees that are labor Grade 12 have a maximum salary of \$38,000. This individual is already making several thousand dollars more than any of those employees will ever hope to make. So they are not even at \$38,000. The other thing I'd like to remind the Board is we ran into this situation a year ago when we had Traffic merged into the Highway Department. There was an individual who was a supervisor of fixing the meters and that person's position was also eliminated and then he was reclassified downward to the same level as the other people that he was working side by side with. And we did the identical thing. Since it wasn't something that he created, we froze his salary at his higher level until such time as the grade caught up with that level. And so I think it's important for us to be consistent with how we treat our employees in these situations.

Mayor Guinta asked was it discussed at the committee level, what was the original intent of this position to be? Because the current position and what I had originally proposed were two different things. If you remember when I brought forward the idea of central purchasing, the expectation that I had at least proposed was to have a far broader central purchasing program than I think what we ultimately voted on. So the original intent at the time probably would have had increased responsibilities. Now that being said, the decision that we made as a Board was to come up with the current program but I would submit if we looked at the program again and had the true intent that was originally proposed it may actually meet the current salary that she's making.

Alderman DeVries stated I think I agree with Alderman O'Neil that we maybe table this for two weeks, just to give us the opportunity for your office to reevaluate the program as you've just suggested to see if everything has been implemented that could possibly be

implemented there, but also for the HR director and others to take a look and see if there are any other openings in the City that this individual might want to consider. I think there's another consolidation that we're looking at tonight that was suggested by the Finance Department. I don't know if this employee would end up aligning with the job skills necessary within any of the openings in other departments, but at least we'd have a better idea, and delaying for the two weeks may be a fair thing for us to do this evening. I know I am not questioning whether or not the job as described today in the desk audit should be a Grade 12. That's not the question. The question is just is there a fairer way to treat that employee before we downgrade from a Grade 16 to a Grade 12, and a two week delay to look at that process seems in line.

Alderman O'Neil stated my argument is not that as the program is laid out now that a Grade 12 is not an appropriate position for the second position in coordinating purchasing. My issue is that she was moved there by the Board of Mayor and Aldermen. She wasn't asked to apply for it. Alderman Shea is absolutely correct. The way the program was heading when it was in front she was going to lose her job. She had no choice but to take the job at Highway. But there was never, ever...and I chaired the committee...there was never a discussion about changing that grade, and all I'm saying out of fairness to the employee, which I think I try to do regularly, is maybe try...there may be other positions in the City that are more appropriate for her and before she gets downgraded that we take a look at that. And again, my other issue is that she's going to be working around Grade 12's that are going to be getting their steps every year. And I forget the time...you know, it's going to take five...eight years for her to get caught up at this point. It's just an issue of fairness. That's what that argument is. Thank you, Your Honor.

Alderman Shea stated if the position is reevaluated there is a possibility that she could be out of a job. It is possible that that could happen if it's reevaluated to the point...so I'm saying, you know, a bird in the hand is worth two in the bush.

Alderman Gatsas stated I don't question the fairness issue with Alderman O'Neil. I think it's important that we move forward because we're not taking dollars away from her check. And whether we postpone this for two weeks, to find her another position...She can find that position in that two week period without us having to stop our action. We're not taking money from her. The position goes to a 12 and she's frozen and in the next two weeks if she finds a job, that's fine. But I don't think we should be postponing this first for us to find a position for her to fill, and if she can't, then what does that do? It's not like she's losing money out of her pocket.

Alderman Duval stated just to echo the sentiments of Alderman Shea and Alderman Gatsas, again another option of the committee was to reduce her pay. They could have easily recommended she be reduced to \$33,412. To be honest with you I think it's a very fair proposal to the employee under the circumstances. I feel very strongly about it. I hope we don't table it and I think we should pass it as adopted unanimously by the committee.

Mayor Guinta stated let me at least get a motion on the floor here.

Alderman O'Neil asked is it to table? Is that the appropriate one?

Alderman Lopez moved to accept the recommendation of the Committee. The motion was duly seconded by Alderman Shea.

*A roll call vote was taken at the request of **Alderman O'Neil**.*

Aldermen O'Neil, DeVries, Garrity, Smith, Thibault, Forest, Roy, Gatsas, Long and Pinard voted nay. Aldermen Lopez, Shea, Duval and Osborne voted yea. *The motion failed.*

***Alderman Garrity** moved to table this item. The motion was duly seconded by **Alderman O'Neil**.*

A roll call vote was taken at the request of **Alderman Gatsas**.

Aldermen Gatsas, Duval, Osborne, Lopez and Shea voted nay. Aldermen Garrity, Smith, Thibault, Forest, Roy, Long, Pinard, O'Neil and DeVries voted yea. *The motion carried.*

U. Report of the Committee on Public Safety, Health and Traffic.

Advising that a communication from Deputy Chief Lussier relative to Tasers is being forwarded to the Board for informational purposes only.
(Unanimous vote.)

Alderman Roy stated this body has had quite a lengthy discussion regarding the radios, and some of those are hopefully on their way to the Police Department now. This was on the table in the Public Safety Committee, and I wanted it forwarded to this Board for informational purposes. But it does bring about the question and during budget season what is presented to the Aldermen regarding CIP requests from departments versus just the CIP book. I would ask that the Mayor's office, and possibly consulting with the Chairman of the Board, look at possibly a process for next year where the Aldermen actually receive more information of what's on the initial requests versus what's actually presented in the CIP book that we receive. We all talk about priorities and I think we've

beaten the radio issue to death. I'd still like to see Tasers on the streets of Manchester in the officers' hands, but I think it will take another budget cycle to get there, to fully implement that program. I will support any Alderman that wants to come forward with a taser request, as I see Alderman 8 raising her hand. But I would first like to put this out there as a Receive and File for informational purposes.

Alderman Forest moved to Receive and File this item. Alderman Roy duly seconded the motion.

Alderman DeVries stated there was a supplemental request that did come from the Police Department for a far lesser amount of money that I'd like to see us entertain this evening. The request that we're receiving and filing tonight asks us to come forward with an appropriation of \$328,000. The chief did send out a supplemental report that indicated a far smaller program which would have put 30 Tasers on the street for a cost of \$70,000. I think that included the training costs to train individuals. In light of the fact that we have recently implemented more foot patrols I think that it's timely that we revisit this before we just receive and file the request. We might ask Chief Jaskolka to come up and speak on how he feels, but I would very much like us to earmark dollars in Contingency that...the \$70,000 so that the chief can go ahead and implement the 30 Taser program for whatever purposes he feels are necessary because I don't want to micromanage.

John Jaskolka, Chief of Police, stated Alderman, I believe the report that you're looking at is a report dated June 8th. It was sent to the Traffic and Public Safety, and that had the breakdown of the actual cost on the very last page of what each component of the Tasers' cost, with a total of \$328,000 and an annual cost of \$38,050. In an attempt to get the

Tasers on the streets a little bit quicker in regards to your request for priorities, we broke that down a little bit more so that we would end up with an initial purchase of 30 Tasers and training about 125 of our personnel. What they would do as opposed to being issued the Taser themselves, they would sign out the Taser at the beginning of each shift, so at any given time all the officers on the street would have the Tasers along with whatever officers working whatever details could also come in and sign out a Taser. That approximate cost would be about \$70,000 with an annual... You can go in with just the 30 Tasers, an annual training fee of \$21,000 for training and equipment. As with firearms, the training is mandatory. The officers would have to go out and fire a cartridge and so forth, and if you look at the back page of the June 8th report, it's \$20 a piece for the cartridges. The initial training is six hours. Subsequent training is somewhere around two hours yearly training, so they'll go out and have a refresher course on the Taser itself and actually fire it as we do with our firearms now.

Alderman DeVries moved to earmark \$70,000 in Contingency so that the Chief is reassured that if it's not within his budget during the course of the next year, and I think he feels that he's pretty close to the edge, that he's reassured that he can go ahead with this purchase and make use of the Tasers on the streets sooner rather than later. The motion was duly seconded by Alderman Roy.

Alderman Gatsas asked Chief, can you explain to me how you got to the \$70,000 fee? I'm looking at cost to outfit an officer is \$1,105 per officer. I know that doesn't include the overtime, but I would think that when an officer is taking his training for shooting of his gun, do we...

Chief Jaskolka responded we don't train everybody on overtime. Every opportunity we have, we'll train people on duty. But obviously we can't pull in every cruiser, so we may have two or three people that are on overtime and two or three people that have come out of one of the divisions or we were able to take from community policing, or whatever else. To be honest with you, I don't recall how he got to that figure.

Alderman Gatsas stated well we've got it here and it looks like it makes sense, and it looks like it's \$33,000. I don't think you're going to use another \$37,000 in overtime, because you were only looking for a total of \$64,000 for 235 officers, so maybe we don't need \$70,000. Maybe you can do it somewhere around \$45,000.

Chief Jaskolka stated again, we're going to try to train as many on duty as we possibly can. That's the way we try to do our training. Unfortunately we can't bring everybody in and it prolongs the training, but as I said, we do try to train as many on duty as possible.

Alderman Gatsas stated but I don't see where the cost is.

Chief Jaskolka stated I can't tell you what the exact cost is. I believe that figure would be to train everybody on overtime, with the equipment and so forth.

Alderman Gatsas stated I'm looking to outfit an officer is \$1,100. That's a cost of \$33,000. That's for 30 officers.

Chief Jaskolka stated we're actually going to train 125 officers.

Alderman Gatsas stated I didn't say that you weren't going to train 125, but if I looked at the...

Chief Jaskolka asked you're talking equipment only?

Alderman Gatsas responded correct.

Chief Jaskolka that \$1,105 that you're using would be the taser, the battery, the four-year replacement, the cartridge and the holster. We have to buy additional cartridges initially for their training. The initial training is going to be...and I apologize but I don't have the number that they actually shoot during their initial training, and I don't find that in any of the paperwork here.

Alderman Gatsas stated well in this proposal you were looking for 470 more, at \$20 a cartridge. I'm just trying to figure out how you just threw a number of \$70,000 at this without somebody sitting down and putting some numbers down, and I understand that the taser program is a good one, but don't just throw out a number of \$70,000 and can't justify it.

Chief Jaskolka stated I apologize, Alderman. I didn't...

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

Mayor Guinta revisited item I.

- I.** (Referral to the Committee on Bills on Second Reading; concurrent referral to Public Hearing to be held on Monday, November 26, 2007 at 6:00 PM.)
Zoning Ordinance Amendment:

“Amending the Zoning Ordinance of the City of Manchester by revising the requirements for the Neighborhood Business District (B-1) to provide more flexibility in uses allowed, dimensional requirements and parking.”

Alderman DeVries stated I feel the need to hold onto it. It’s a simple request to ask the two Zoning and Planning boards to get back to us before we have our final vote.

Mayor Guinta stated Alderman DeVries is requesting, and it has been seconded by Alderman Roy, that the Zoning and Planning Boards weigh in on Item I prior to a final vote by the BMA.

Alderman Lopez stated the only question I have, maybe Mr. MacKenzie has already done that and we’re just...

Mayor Guinta stated I think it stands to reason that since that department’s staff would at least advise the Planning Department they’ve probably consulted. However, if the wish of the Board is to...so we’ll take the vote.

Alderman O’Neil asked for clarification.

Deputy City Clerk Johnson stated it would still be referred to public hearing and to the Committee on Bills on Second Reading. It would continue in the process.

There being no further discussion, a roll call vote was taken on the motion of **Alderman Roy**. Aldermen Roy, Long, O'Neil, DeVries voted yes. Aldermen Gatsas, Duval, Osborne, Pinard, Lopez, Shea, Garrity, Smith, Thibault and Forest voted nay. *The motion failed.*

On motion of Alderman Garrity, duly seconded by Alderman O'Neil, it was voted to refer this item to the Committee on Bills on Second Reading, and concurrently refer the item to public hearing.

6. Nominations to be presented by Mayor Guinta, if available.

Airport Director and Acting Director

Mayor Guinta stated:

I am pleased to inform you that the Airport Director screening committee has completed its job. The committee has recommended a highly qualified professional to assume the duties of the Airport Director. I had the opportunity to interview the candidate myself and have concluded that he is exactly the leader we need to continue the effective management of the Manchester Regional Boston Airport.

The name of the candidate is Mark Brewer. Mr. Brewer currently serves as the president and CEO of the Rhode Island Airport Corporation, T.F. Green Airport and five general aviation airports. He brings to us a long successful career in aviation management and his references are excellent, including the support of his immediate two predecessors, Kevin Dillon and Fred Testa.

I am formally nominating Mr. Brewer this evening for the vacant director's position. Pursuant to Rule 20 of the Board, this nomination will layover until Tuesday, November 20, 2007. It is my hope that this Board will confirm my choice of Mr. Brewer at that meeting.

In order to facilitate an easy confirmation, I have asked Mr. Brewer to come to City Hall on Thursday, November 15, 2007, so that interested members of this Board may avail themselves of the opportunity to meet with Mr. Brewer individually. Therefore, if you are so inclined to meet with him, please contact Ginny Lamberton at 624-6543, and she will schedule a time for you to have an interview.

I am confident that once you have had the opportunity to meet Mr. Brewer, you will agree that he will be a great addition to the City of Manchester. Thank you for your consideration of this nominee.

In addition you probably have heard that Mr. Farren, who has served us extremely well, most notably in his latest capacity as the interim director, will be leaving us on November 15th, so I am also appointing Mr. Brian O'Neil who is currently the Deputy Airport Director, to the position of Acting Airport Director upon the retirement of Mr. Michael Farren later this month. This appoint will extend until such time as Mr. Brewer assumes the duties as Director, date yet to be determined, but we expect that will be prior to the conclusion of this calendar year.

Alderman Shea stated point of clarification: Did he serve as the director of the airport in Rhode Island?

Mayor Guinta responded yes he did.

Alderman Shea stated his title is a little bit different than what we...

Mayor Guinta stated, again, Mr. Farren is leaving us shortly and will be retiring. He has served us admirably in many different capacities but we do owe him a debt of gratitude because his expected departure was going to be several months ago. I did ask him to stay on and serve while we conducted this search. He has been excellent during that position and that time, and I and the Board thank you for your service. We appreciate it.

Alderman Gatsas asked has there been a salary negotiated with Mr. Brewer?

Mayor Guinta responded there has been, and I can refer that in writing to the Board.

Alderman Gatsas asked are you asking us to accept this nomination tonight or are we going to see the salary four weeks after?

Mayor Guinta responded I'm just making the nomination. Pursuant to the Board Rule 20, this would layover. So I'm not asking for a vote this evening. I'm just simply bringing his name forward, and any additional information that is required by this Board I'd be happy to provide it to you in writing.

Alderman Shea stated there was a committee that was established to select the Airport Director. Is that committee in agreement with your recommendation?

Mayor Guinta stated the committee had selected unanimously Mr. Brewer and we'll certainly provide documentation from the committee as to why they felt so compelled.

Alderman Shea asked so will we get that information?

Mayor Guinta responded absolutely, prior to November 15th.

Nomination of Carol A. Johnson to be the next City Clerk

Alderman Lopez stated in reference to nominations, I've been asked to bring in at this time:

I would like to inform the full Board of Mayor and Aldermen that the Screening Committee for the City Clerk position has completed our task. As a matter of information, the Committee received four qualified candidates for our consideration. The Committee interviewed all four candidates on October 24, 2007. All four candidates were required to go through a thorough background check. The background checks include financial, criminal, licensure, certification, education as well as employment confirmation.

The Screening Committee would like to nominate Carol A. Johnson to be the next City Clerk. Ms. Johnson has been employed by the City since 1976 in several positions. She was first employed by the Office of Youth Service in a support position. From there, Ms. Johnson transferred to the Welfare Department in 1985. In 1987, Ms. Johnson was appointed the Acting Welfare Commissioner. In 1988, Ms. Johnson was transferred to the City Clerk's office. For a brief period of time, Ms. Johnson was the Interim Assistant City Coordinator. At the conclusion of that assignment, Ms. Johnson returned to the City Clerk's office where she eventually became the Deputy City Clerk.

The Screening Committee would like to appoint Ms. Johnson to the position of City Clerk with start date of December 31, 2007 at noon time. Ms. Johnson's salary will be set based upon Ordinance 33.046 (E), Rate of Pay on Promotion. The salary will be \$94,143 or \$95,085 dependent on whether or not the non-affiliated employees have been approved for the 1% increase in pay.

A copy of Ms. Johnson's resume is attached.

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

Deputy City Clerk Carol Johnson stated thank you very much for your support. I hope that I will meet all of the things that the Board is looking for in the next City Clerk. It's

big shoes to fill from the gentleman sitting in the back. He put out the welcome mat in the City Clerk's office years ago and I hope to continue that policy. Thank you.

7. Ordinances:

“Amending Sections 33.024, 33.025, & 33.026 (Assistant Director-Accounting & Reporting, and Assistant Director-Treasury) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025, & 33.026 (Attorney I & II) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025, & 33.026 (VISTA Project Manager) of the Code of Ordinances of the City of Manchester.”

*On motion of **Alderman Roy**, duly seconded by **Alderman Pinard**, it was voted to read the ordinances by titles only.*

*These Ordinances having had their second and final reading by title only, **Alderman Osborne** moved on passing same and be enrolled. **Alderman Duval** duly seconded the motion. There being none opposed, the motion carried.*

*On motion of **Alderman Pinard**, duly seconded by **Alderman Roy**, it was voted to recess the regular meeting to allow the Committee on Accounts, Enrollment and Revenue Administration to meet.*

Chairman Lopez called the meeting back to order.

A report of the Committee on Accounts, Enrollment and Revenue Administration was presented advising that Ordinances:

“Amending Sections 33.024, 33.025, & 33.026 (Assistant Director-Accounting & Reporting, and Assistant Director-Treasury) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025, & 33.026 (Attorney I & II) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025, & 33.026 (VISTA Project Manager) of the Code of Ordinances of the City of Manchester.”

were properly enrolled.

*On motion of **Alderman DeVries**, duly seconded by **Alderman Thibault**, it was voted accept the report of the Committee on Accounts, Enrollment and Revenue Administration as presented.*

11. Ordinance:

“Amending Section 33.026 (Fire Chief & Deputy Fire Chief) of the Code of Ordinances of the City of Manchester.”

*On motion of **Alderman Long**, duly seconded by **Alderman Gatsas**, it was voted to read this Ordinance amendment by title only.*

*This Ordinance having had its final reading by title only, **Alderman Lopez** moved on passing same to be Ordained. **Alderman DeVries** duly seconded the motion. There being none opposed, the motion carried.*

12. Ordinances:

“Amending Sections 33.024, 33.025, & 33.026 (Assistant Director-Accounting & Reporting, and Assistant Director-Treasury) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025, & 33.026 (Attorney I & II) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025, & 33.026 (VISTA Project Manager) of the Code of Ordinances of the City of Manchester.”

*On motion of **Alderman Smith**, duly seconded by **Alderman Forest**, it was voted to read these Ordinance amendments by title only, and it was so done.*

*These Ordinances having had their final readings by titles only, **Alderman Osborne** moved on passing same to be Ordained. **Alderman Long** duly seconded the motion. There being none opposed the motion carried.*

TABLED ITEMS

Alderman Gatsas asked are we going to move on any of these things on the table or are we just going to let them sit there? Some of them have been there an awfully long time.

Mayor Guinta responded they certainly have to be enacted prior to the end of the calendar year and I suspect the items regarding the south end, there would be a recommendation I would assume at the next meeting.

13. 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 on the table.

14. 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 on the table.

15. 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.)

This item remained on the table.

16. 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 issue as noted in a communication from Alderman Garrity enclosed herein.

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

(Tabled 06/05/2007)

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

(Tabled 06/05/2007)

(Note: additional communications from Alderman Garrity and petitions enclosed.)

This item remained on the table.

17. NEW BUSINESS

Alderman Lopez stated earlier this evening a letter that went to all the department heads to the Board of Mayor and Aldermen in reference to professional image of employees and at this time I'd like to pass that. The motion was seconded by Alderman Shea.

Mayor Guinta stated the motion is on passing the recommendation. *There being no opposition, the motion carried.*

Alderman Gatsas stated I was informed, probably about a week and a half ago, in regards to the property that's located on the corner of Lowell and Chestnut, better known as the old Sargent Museum, that it was in bankruptcy court for sale of the property. My understanding, at least when I was on this Board, is that we were giving it to The Sargent Museum for a dollar and that there were reverter rights that would come back to the City, but I guess I was disillusioned. I'm not opposed to the people that are buying it because it's the Art Institute, and certainly I would look favorably on them being in there and renovating and getting the property back to a condition that it should be in. But I guess I have a problem that some of those proceeds that they're paying for this property aren't coming directly to the City and some of it is staying in the bankruptcy...or actually the probate court and maybe Mr. Clark...he was very gracious with getting this information for me and maybe he should share with the full Board because we need to make sure that whatever deals that we do as a Board that certainly before a contract...at least I'm going to look for before we just give you, Your Honor, the authority to sign something, that I want to see a final agreement before me, rather than just assuming that people are going to make changes or take into consideration some of the things that we as a Board have

agreed to. So with that, if I could have Mr. Clark at least inform this Board on what that position is.

Mr. Thomas Clark, City Solicitor, stated as Alderman Gatsas stated, the property called the old administration building, The Sargent Museum, whatever you want to call it, 88 Lowell Street, is presently for sale. There were problems with The Sargent Museum. I'm not privy to all of the problems there were, but there were problems. The Attorney General's office, through the Charitable Trusts Division got involved. A trustee was appointed. The probate court has approved the sale. They've authorized The Sargent Museum to sell it. The contracts that were approved by this Board many years ago...and I apologize. I don't have them with me. I didn't know this was coming up tonight...did call for a payment to the City when The Sargent Museum originally bought it. It was a nominal payment. I'm not sure if it was a dollar or \$500 but it was a nominal payment. It did allow The Sargent Museum to sell the property and if they did sell it, it spelled out what would happen. The sale price is reduced by the cost of the sale to get to a net price. From the net price, the City is paid \$25,000 off the top because the City funded the roof replacement on the property. After that is subtracted, the net sale price is divided in two: the City gets one half and The Sargent Museum gets the other half. Their half will be administrated through the probate court to try to establish the museum pieces some place within New Hampshire. In addition to that, the Amoskeag Industries had a reverter on the property originally that they waived when the property was sold to The Sargent Museum. This sale will most likely trigger some type of payment to Amoskeag Industries, which I believe the purchaser, which I understand from their attorney, is in the process of taking care of. We haven't seen the documents yet. He has promised to send them over to our office. That's the bottom line at this point.

Alderman Gatsas stated so, Your Honor, if we can get a written narrative from the Solicitor's Office. Obviously I didn't call Tom to tell him to bring it forward this evening. I heard about it. We had a discussion early this evening. I certainly am pleased that he informed this Board, but I would like a written narrative and some sort of time line of what the process has been so that we can move forward.

Mr. Clark stated we'll be happy to trace the history of when the project came through the Board and what happened and where it's going.

Mayor Guinta asked in time for the next BMA meeting?

Mr. Clark responded it will be prior to the next BMA meeting. I'll send it out within a week and a half.

Mayor Guinta asked is the Board due a status on Lowell Terrace?

Mr. Clark stated it's still a tabled item. The Aldermen asked for something from Finance, and I believe it was provided, but I'm not positive.

Mayor Guinta stated I believe it's tabled because we were waiting for some insurance.

Alderman Gatsas stated they finally named us on the policy but I'm sure that there should be an update that comes forward.

Mayor Guinta stated if we could get an update for the Board at the next meeting...

Alderman Shea stated this has nothing to do with that subject but we all received a letter from Todd Connors regarding the Planning Board's secretarial help, and I wondered, Your Honor, if you've responded to that need or...

Mayor Guinta stated that's what I was referencing earlier this morning, earlier during the meeting and I have a meeting scheduled with Mr. MacKenzie to try to work that out, so hopefully I'll have a response or an update to this Board by the next meeting.

Alderman Shea stated but the point is that there are constituents in my Ward that have to attend a Planning Board meeting tomorrow night and there will be some sort of people there that would take notations and so forth? And then following that there will be some sort of an adjustment made?

Mayor Guinta responded yes.

Alderman Forest stated this is actually under Old Business or whatever. And I'm not going to disclose anything but we all received a copy of a letter this week or last week from the attorneys of Corcoran Environmental, and the question I have is, are we going to respond to that letter? There were certain allegations made by their attorneys and I'm just wondering if our legal department or are we going to respond to that letter?

Mr. Clark stated I also received a copy of that letter. I read it. I don't quite agree with everything that's in it. The last week or so was kind of busy. I planned on meeting with the Mayor's office to see how they'd like to handle it. And also with the Highway Department.

Alderman DeVries stated I just wanted...for the public who might be listening and might be interested, there's a joint meeting of two senate committees tomorrow. Actually it's two State boards tomorrow: the Equalization Standards Board in joint meeting with the Assessing Standards Board to discuss if it's possible, a simplified standard for public use explaining taxation. It will be a manual that's being developed. It will be available in draft form tomorrow and there will be an overall explanation, a simplified explanation of the taxation process and the equalization process that takes place every year. We'll be at the Radisson as part of the meetings already taking place, at 1:00 tomorrow afternoon. It will be filmed by Channel 22 so that it will be reviewed, and hopefully there will be some good information for all of our constituents explaining how properties are taxed, how they can be abated, and how we handle the changes, the fluctuations in values within the different classifications of taxes from year to year.

Alderman Roy stated just going back to the Corcoran Environmental issue, now that our plates have been somewhat cleared by the election being over. I would ask that an agenda item be placed on the full Board. As I mentioned at our last meeting, I think this is larger than just a solid waste special committee. I think this does impact every Ward of the City as well as every taxpayer of the City, so I would ask that the report, after the City Solicitor meets with the Highway Department and the Mayor's office, that an agenda item be placed on our next agenda. And because we are under contract with someone, that we keep this on the forefront and find a way to move forward and work with all of our neighborhoods, as suggested by the Mayor's office, so if that could be an agenda item for our next meeting I'd greatly appreciate it.

Deputy Clerk Matthew Normand presented an Ordinance amendment on behalf of Ms. Stanley, noting the request is going to require a suspension and a final reading.

Amending Chapter 70, Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester, 70.48 by revising section E to allow the Parking Division to reduce parking fees by 50% for participants in the in-vehicle parking meter pilot program as approved by the Mayor and Board of Aldermen.

***Alderman Long** moved to suspend the rules and place this Ordinance on its final reading by title only without referral to Committee on Bills on Second Reading or Committee on Accounts, Enrollment and Revenue Administration. The motion was duly seconded by Alderman Pinard.*

Alderman Gatsas stated I've been getting an awful lot of complaints about people that are parking, and like at five minutes of eight are getting tickets. And I guess my question is, is that if we could have a report back to this Board on how many parking violations have been issued in the last sixty days compared to the number of parking violations that were issued in the same sixty-day period a year ago, because people are starting to think that we've put these new parking people on to increase fines instead of these kiosks being pedestrian or parking friendly. I just want to make sure that we're not overdoing the fines that are coming in on parking violations, Your Honor.

Mayor Guinta stated I see that Ms. Stanley noted that so she'll have a report back.

Alderman O'Neil stated clarification...You were looking specifically on the time controlled...

Alderman Gatsas stated I'm looking for the number of violations that have been issued in the last sixty days because I think that's when she's been at full complement.

Alderman O'Neil asked there are other violations, correct Randy, other than time violations? I'm just trying to help her out.

Alderman Gatsas asked are you talking about over the two hour?

Alderman O'Neil responded kiosk metered or time specific. It could be, are you looking at No Parking From Here to Corner?

Alderman Gatsas stated I'm looking for the violations of time, or if it's been over the two hours and they haven't moved.

Mayor Guinta called for a vote on the motion to place the ordinance on its final reading. *There being no opposition, the motion carried and it was so done.*

*This Ordinance having had it's final reading by title only, **Alderman Long** moved on passing same to be Ordained. **Alderman Pinard** duly seconded the motion. There being none opposed the motion carried.*

Deputy Clerk Normand stated we have one other item, and it's amending the previous resolution for the continuation of the Central Business Service District. This would be amending the assessment amount in order to meet the budgeted items by the BMA. I would need a motion for title only.

Resolution:

“Amending a Resolution ‘Continuation of the Central Business Service District’ so as to revise the Special District Assessment for Fiscal Year 2008.”

Alderman Long moved to read the Resolution by title only. The motion was duly seconded by **Alderman Pinard**.

Mayor Guinta asked what's the amount that it is being changed?

Deputy Clerk Normand stated the previous assessment was 0.364300 per thousand dollars of assessed value and the new total is 0.369832 per thousand dollars of assessed value. I believe Assessor Cornell is here if the Board has any questions but the report to the Board indicates that this would generate \$244,000.

Alderman Gatsas asked is that a tax increase?

Deputy Clerk Normand responded correct.

Alderman Gatsas called for a role call vote.

Mayor Guinta asked what's the current amount that's being raised, at the current rate?

Mr. David Cornell, Assessor, responded the rate is just being adjusted very slightly to raise the \$244,000 that the Aldermen approved. The old rate was 36.43 cents; the new rate is 36.9 cents.

Alderman Gatsas asked what was the evaluation before the increase in the Central Business District?

Mr. Cornell responded I don't have that exact figure but it was roughly around \$600 million.

Alderman Gatsas asked has that number gone down?

Mr. Cornell responded it has gone down slightly, yes.

Alderman Shea asked how much has it gone down?

Mr. Cornell stated it has gone down about \$7 million.

Alderman Shea asked and how much has residential property gone down?

Mr. Cornell responded the total tax base increased about \$42 million.

Alderman Shea stated on the backs of the residential property owners more than on the backs of the commercial and industrial property owners?

Mr. Cornell stated the Central Business District is roughly 361 parcels in the downtown area. The year after revaluation it's typical of some of the downtown properties to file abatements. A few of those have been granted. It's not uncommon to have a slightly smaller assessment in the central business district the year after a reevaluation.

A roll call vote was taken on the motion to read by title only.

Aldermen Gatsas, DeVries and Thibault voted nay. Aldermen Long, Pinard, O'Neil, Lopez, Shea, Garrity, Smith, Forest, and Roy voted yea. *The motion carried and it was so done.*

Alderman Shea stated I would like to compliment the Finance office, Your Honor. I'd like to compliment the Assessor's office, for getting the tax rate back to us at a reduced rate of \$16.57, and I think that the taxpayers that have paid taxes will appreciate that particular deduction in their taxes, and obviously I think that they did a good job getting

it back, and obviously the 3.5 that was removed, we have to understand that is not Alderman Lopez's money. That's taxpayer's money, and I think that we gave them back the money that they had given to us in terms of other projects.

Alderman Gatsas stated with due deference to my colleagues, if Jac Pac doesn't close by July 1st, the taxpayers that got that Christmas present early in November of this year certainly will be looking to pay the elves twice as much for those presents next year, Your Honor.

Alderman Shea stated basically in answer to that, why don't we wait until we decide as to what the tax rate will be? Who knows? Maybe Santa Claus will come again next year and it will be \$15.20.

*There being no further discussion, **Alderman O'Neil** moved to adopt the Resolution as presented. **Alderman Shea** duly seconded the motion. There being none opposed, the motion carried.*

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

A True Record. Attest.

City Clerk