

BOARD OF MAYOR AND ALDERMEN

February 19, 2008
Mayor and all Aldermen

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

Mayor Guinta called the meeting to order.

The Clerk called the roll.

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

Mayor Guinta stated I'd also like to acknowledge former Aldermen Burkush and Lydon who are with us this evening as well. Thank you both for being here.

CONSENT AGENDA

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

Approve under supervision of the Department of Highways; subject to funding availability

- A. Sidewalk petition for 81-83 Harold Street

Informational to be Received and Filed

- E. Communication from Manchester Transit Authority submitting minutes of the January 8, 2008 meeting and reports for the month of December.

- F.** Communication from David Hodgen, Acting Human Resources Director, addressed to Mayor Guinta advising of a projected deficit totaling at least \$101,053 in the salary account for Human Resources, and requesting a transfer of funds from the salary adjustment account.
- G.** Communication from State Representative Leo Pepino regarding residency requirements for sex offenders.

REFERRALS TO COMMITTEES

COMMITTEE ON FINANCE

- I.** Resolution:

“Authorizing the Finance Officer to effect a transfer of Forty Eight Thousand Dollars (\$48,000) from Contingency to the Manchester Police Department.”

REPORTS OF COMMITTEES

COMMITTEE ON ACCOUNTS, ENROLLMENT AND REVENUE ADMINISTRATION

- J.** Advising that it has accepted the City’s Monthly Financial Statements (unaudited) for the six months ended December 31, 2007 and is forwarding same to the Board for informational purposes.
(Unanimous vote.)
(Note: Available for viewing at the office of City Clerk, and previously forward to the Mayor and Aldermen.)

- K.** Advising that it has accepted the following Finance Department reports:
 - a) Department Legend;
 - b) Open Invoice report over 90 days by fund;
 - c) Open Invoice report all invoices for interdepartmental billings only;
 - d) Open Invoice report all invoices due from the School Department only;
 - e) Listing of invoices submitted to City Solicitor for legal determination; and
 - f) Accounts Receivable summary*(Unanimous vote.)*
(Note: Available for viewing at the office of City Clerk, and previously forward to the Mayor and Aldermen.)

- L.** Recommending that the 2nd Quarter FY2008 write-off list for the Accounts Receivable module be approved.
(Unanimous vote.)

- M.** Advising that is has approved a waiver of the City's travel policy for EPD attendance at the NEWEA conference held in Boston.
(Unanimous vote.)

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

- N.** Recommending that a request by the Parks, Recreation and Cemetery Department to have the Fair License fee waived for the annual fireworks display at Arms Park on Thursday, July 3, 2008 be approved.
(Unanimous vote.)

- O.** Recommending that a request of the Palace Theatre to hang a banner across Hanover Street to advertise upcoming performances through April, 2008, be granted and approved, subject to the supervision of Highway and meeting any conditions of insurance set forth by the Risk Manager.
(Unanimous vote.)

COMMITTEE ON BILLS ON SECOND READING

- P.** Recommending that Ordinance Amendment:
"Amending Chapter 32: Boards, Commissions, and Departments of the Code of Ordinances of the City of Manchester by deleting Section 32.026: Appointment of Members, and replacing it with a new Section 32.026 creating alternate members of the Arts Commission."

ought to pass.
(Unanimous vote.)

COMMITTEE ON LANDS AND BUILDINGS

- T.** Recommending that a request of the Manchester Water Works to purchase a 1.03 acre parcel of undeveloped watershed property located east of Proctor Road in Manchester, as outlined herein, be approved subject to the review and approval of the Solicitor's Office.
(Unanimous vote.)

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

- B.** Communication from Carol Johnson, City Clerk, advising that the letter "K" has been chosen by the Secretary of State to initiate rotation of names of candidates on ballots and that such will be utilized for any elections held during 2008.

Alderman Ouellette stated the list that was provided by the City Clerk's office is quite extensive in that how far they seem to be getting behind, so I was just wondering from the City Clerk, is that when they finally do get fully staffed, how long will it take for her staff to get caught up?

Mayor Guinta asked are you referencing B or C?

Alderman Ouellette stated B. I believe it was B?

Mayor Guinta stated B is regarding the Secretary of State and the rotation of names of candidates on ballots.

Alderman Ouellette stated I'm sorry, C.

On motion of Alderman Ouellette, duly seconded by Alderman Smith, it was voted to receive and file item B.

- C. Communication from Carol Johnson, City Clerk, providing the Board a report on the current status of activities at the Office of the City Clerk.

Alderman Lopez stated I had some discussion with you but I thought I would pull this off the agenda to make sure that everybody is aware of, in reading this communication, how important it is to fill the City Clerk's positions. I believe we're at two, but you indicated to me that you've authorized four positions. I think there are some legal issues as far as the state, and I'd like to have the City Solicitor weigh in as to the requirement on getting minutes out. We just can't have the City Clerk's office saying we don't have the people. I think we need to have some discussion as we move forward. I know that the budget is one of the major concerns, but is it two people or four people we've authorized? Where are we going with this whole reorganization in reference to the City Clerk's office? Some things do have to get done.

Mayor Guinta asked are you looking for me to respond or the City Solicitor?

Alderman Lopez stated I would like the City Solicitor to respond to the legality of the minutes. If somebody wants the minutes, they have to produce in a period of time, by state law, I'm told. Is that correct?

Mr. Tom Arnold, Deputy City Solicitor, stated under RSA 91-A currently provides that minutes are supposed to be produced and available to the public within five business days.

Alderman Lopez stated and if the City Clerk could come up to the microphone, these items that you presented impacted the following: the agendas, minutes, and stuff like that. Is there anything you want to add to this? We can read the whole

thing, but I don't think it's necessary. I just want to impress upon the importance of having the people there in order to run the City.

City Clerk Carol Johnson stated I'd like to state to the Board that my reason for submitting the letter to the Board was to make them aware of the circumstances within the Clerk's office so that if questions came up along the way as to cutting down staff at the Customer Service area in order to get other things done, there would be understanding as to what was happening. We are not producing the minutes in meeting the requirements of the law. What we are doing is making the tapes available in the event that somebody needs information. We do try to provide the information; we try to do the follow-up correspondence so that those people who are needing the information are getting what they need. With that being said, I have to admit that we are not on top of things. It's pretty obvious that things are being missed with committee agendas and so forth. In terms of the minutes and the agendas, they are getting done. The minutes are getting done very slowly at this time. We have only a part-time person that is trying to provide those, so we are not meeting the technicalities of the law, and we won't until we get staffed further. In terms of the other items that were listed, and there were several, and I did not list everything that's not getting done, by any stretch of the imagination. Our function and activities, if you look at them, are extensive, so there a lot of things that we are missing along the way that people are looking for, and we will get to them as soon as we are staffed. But the last discussion I had with the Board was based on trying to get the staffing that we feel we need. When I met with the Mayor, we did talk about that. He was concerned about where the budget is at this year and I think was trying to save money, but it's clear to us that we're not going to be able to do the job. So, I need to make sure that everybody is of that understanding as we go forward, if we don't fill the positions. That includes the licensing, the NET team, and those kinds of things as well.

Alderman Lopez asked what about revenue? Are we going to lose revenue?

City Clerk Johnson responded what happens with the revenue is a large portion of what we do is licensing – dog licenses and other things. All of those renewals are in April of this year. We don't have the renewal process in process. That's why my printing line item still has some money left in it actually. We're going to try to get those renewals out on time; we might have a 30-day lag on sending them out. We usually try to give people warning. When we send those out, a lot of people mail those back. So the mail that comes back won't get processed as quickly as it should. We'll have several boxes of envelopes with checks in them that aren't going to get processed, or dog tags that aren't going to go out because I don't have anybody to process them unless I, in essence, shut down my counter, and I don't think that's productive to anybody either. We can stretch people as far as we can stretch them, but I did some review of our prior communications to the Mayor in previous budget years and we said, if positions aren't filled, these are the results. What's happening is this backlog goes back to the beginning of July when we lost some positions. Some of that stuff goes back that far. It's just things that aren't getting done or now are falling so far behind it's going to take us quite an effort to get out of it. It's not that we can't get out of it. We will, eventually, if we can get the staffing at the level it should be at.

Alderman Lopez stated Your Honor, last May you were going to authorize different positions. How many positions did you authorize so far?

Mayor Guinta stated the department head and I actually did have a meeting, and I was under the impression leaving that meeting that we were in agreement of what was going to be approved and how we were going to proceed over the course of the next 30 days or so. So it sounds like what you're saying now is somewhat

different than what you shared with me in our private meeting. If you want to convey how many positions have been authorized...

City Clerk Johnson stated two positions have been authorized. Both have been submitted within the department because that's the first place they need to be posted. At the end of this week, one of those will appear in the newspaper. The other is probably going to be a transfer from within, which is going to create another hole in the department. There are people who are interested in moving into the other position. I had a discussion with Sean Thomas, who isn't here tonight, who said that that would probably be released within a week. That's what he was estimating, but we did not have a personal conversation on that one. The other two positions we had talked about, I had indicated we could hold them back, but in holding them back it doesn't change the fact of the list that I gave you, which is in essence the same list that's here. It's not going to change the fact that we're going to be behind and not able to keep pace. Certainly we're not going to be able to keep pace.

Mayor Guinta stated it seems like there were four positions, not two. There was an Administrative Assistant III.

City Clerk Johnson stated the Administrative Assistant III was approved aside from the four other positions.

Mayor Guinta stated there was an Administrative Assistant III that had already been approved. We talked about an Administrative Assistant III and Administrative Assistant II. You were going to put both out, and take a look at the level of qualifications you were receiving. There was also a Deputy position. And then there was a fourth position that was going to happen within 30 days or so.

City Clerk Johnson stated something like that, but not exactly. What actually was authorized as a result of that, and we did a follow-up through email, was that the AA II position was authorized and the Vital Records and Legislative Support Staff person was authorized. The AA III was on hold and the Business Licensing position was on hold. We were holding the Business Licensing position for 30 days, approximately. And the other one was waiting until the applications came in for the other support staff, the supervisor.

Alderman O'Neil stated Your Honor, they've already filled one AA III, correct?

City Clerk Johnson responded out of five positions.

Alderman O'Neil stated so that leaves the...

City Clerk Johnson stated that was the one that was advertised in December, Alderman, yes.

Alderman O'Neil stated that left the Administrative Assistant II, the Vital Records, and the Business Licensing. What's the fourth position?

City Clerk Johnson responded AA III.

Alderman O'Neil asked and is there a fifth position?

City Clerk Johnson responded there are two AA III's; one has been filled. That was before our meeting last week.

Alderman O'Neil asked and just clarification, what was your understanding? You had approved a Business Licensing person...

Mayor Guinta stated why don't I do this: The agreement that we put into writing, that we agreed to last week, I can share with everybody tomorrow, so everyone has a clear understanding of it.

Alderman Lopez stated just a clarification...

Mayor Guinta stated just for the Board's clarification, I stated to the Board I would meet with the department head. I did. We came to an agreement as to what would be approved. I'm hearing something different this evening, so it sounds like you and I need to go back and meet again.

Alderman Lopez asked Your Honor, is it your understanding it is four positions you approved?

Mayor Guinta responded there is one that was previously approved. There were three others, with a fourth that was going to be reviewed again in three days. There are secondary issues that just came up today about back-filling positions. That was not discussed at our meeting last week.

Alderman Lopez stated I know we've had the conversation and you told me it was four, so I just wanted to clarify that. So if you two can get together to make sure that we're not suffering in the City Clerk's office, I'd sure appreciate that.

Mayor Guinta stated I'd be happy to get together again.

City Clerk Johnson asked could I just ask one question that we did not talk about yet? What happens...because even with the current staff we have, we will come in over budget in the salary line item because of the \$85,000 payments in

severance pay. I don't want to be coming to the Board saying I've overspent in any of this, and I have not heard to this date that the funding for whatever positions are authorized and however we get them filled, if I'm spending in a deficit that that's going to be covered somewhere. I've estimated that to be in the \$60,000 range and of course as time goes on that may come down just a little bit more, but not a whole lot because we're not talking huge money on the positions.

Mayor Guinta stated I'm not sure I understand what your question is.

Alderman Lopez stated even if you had these positions, you're short \$60,000. That's basically what you're saying.

City Clerk Johnson stated if those positions are filled over the course of time that we've sort of been talking about...

Alderman Lopez interjected so I would assume that the Mayor would authorize Salary Adjustment for that.

City Clerk Johnson stated I guess that's my question, because that's the question I keep asking him and I'm just a little nervous about whether that's all going to be covered somewhere.

Alderman Lopez stated because you can't hire people unless you have the money.

Mayor Guinta stated typically what occurs if there is a shortfall is a request would come to this Board, identifying what the shortfall is, the reasoning for it, and then we would appropriate it as we've done in the past with a Salary Adjustment. In addition to that, I believe the Finance Officer has issued requests

to the department heads, and the deadline is tomorrow evening, to respond to your current budget status. I don't know if you've reviewed that, if you've sent in that response yet to the Finance Office or not. But once you do that, I would have yours and every other department heads' positions as to the status of the current budget. We, as with any other department, would deal with those shortfalls.

Alderman Lopez just a clarification, Your Honor. If you authorized her the four positions and she doesn't have the money, what you're saying is send a letter saying, I need the money since you've authorized the positions, so the money will come from someplace.

Alderman J. Roy stated Carol, on your second page, the \$60,000 apparently is from severance pay?

City Clerk Johnson responded yes.

Alderman J. Roy stated and I believe, if I read the communication from Mr. Hodgen correctly as well, that he's going to have a significant number in his shortfall due to severance pay. And my question is, why aren't we budgeting for severance? The problem arises that when they have a shortfall, and I've seen this over 30 years, when they have a shortfall they don't fill the position, to save enough money to pay for the mustering out of a severance pay. Now, either you don't need that position, if you can go six or eight months without that position, or it's going to affect our service to the citizens. In this case I can see it's affecting services, and I've seen it in other departments. Now, some departments may say, we can't figure out who's going to retire and when they're going to retire. But there are departments out there that can tell you. There's going to be ten people retiring this year; there's going to be twenty people retiring this year. And I can't for the life of me figure out why we don't budget that in so that we don't affect the

services to our customers, and we don't have this problem here where we aren't even meeting the law. There must be a way to do it, and I would believe it's in the budget process, having the departments budget in their severance pay. Does anyone have any suggestion of how we can fix that? Am I wrong?

Alderman Lopez stated I think the system works itself, because when Mayor Guinta took over we got a salary line item, and there's \$700,000 in there. So I think what the situation is, let's take for example the Police Department when they pay out a severance pay. They usually have a lot of vacancies that's going to cover that particular one. And then at the end of April and May, the Finance Officer looks at all the departments and juggles the figures around to balance the books in June. So to me it's a pretty good system, where the department head pays out the severance pay, understanding that by doing that, in her particular case she doesn't have enough money in the operating for the employees. She has to come to us and to the Mayor to get money out of Salary Adjustments or Contingency – one or the other – in order to pay the employees. So, it balances out in the end. It's not a bad system.

Alderman J. Roy stated I guess the problem I see is that it doesn't balance out quickly enough and services are affected.

Alderman Lopez stated that is a problem in this particular case because of personnel. That's the issue.

Alderman DeVries stated Your Honor, did I understand you to indicate that we would be getting a list from all of the departments with any potential shortfall they may have? Can I ask when we can expect that list? It certainly is important for us to consider as we look at all of the departments.

Mayor Guinta stated the deadline given to the department heads was for tomorrow night at the close of business to get them to the Finance Officer. And then we'll have a more complete report for the full Board at the next BMA meeting.

Alderman Gatsas stated Carol, clarification: You were authorized two positions. One of them was filled from within.

City Clerk Johnson stated one is anticipated to be filled from within. It's currently advertised within the department. Three people are interested.

Alderman Gatsas stated so the position that was filled from within will become vacant. Have you been authorized to fill that one?

City Clerk Johnson responded no.

Alderman Gatsas so you've gotten two, filled one, and you had another vacancy, so you're down one.

City Clerk Johnson stated the one that got filled is not part of the four that's in this discussion here. That was a former one that was authorized in December, and it took this long to fill it.

Alderman Gatsas stated so let me ask the question a little simpler. Once you fill that position, how many positions do you have vacant?

City Clerk Johnson responded if I fill it from within it's going to leave me another three vacant and one under advertising.

Alderman Gatsas stated so you would have filled one of the five, of your letter.

City Clerk Johnson stated in essence, two of the five, but yes, because then you're going to lose one. I'll be down three still.

Alderman Gatsas asked so is there a reason why we wouldn't be advertising? I thought the agreement we had, that you were going to work with, Your Honor, was to fill these positions because they were something that was needed desperately.

Mayor Guinta stated Alderman, I met with the department head last week. We came to an agreement. This back filling issue just came up at nine o'clock this morning. It was just brought to my attention at 9 AM today. So I was under the impression until this was just taken off the agenda that we had an agreement as to how this process would proceed. So I will sit down with the department head again...

Alderman Gatsas interrupted I guess I'm confused. How many did you authorize her, two or four?

Mayor Guinta responded there was a total...my understanding was there was four over a period of time. Is that not accurate?

City Clerk Johnson responded that was not made clear to me, I guess. My understanding was there were two authorized. I can't advertise for anything else, and that took a few days. But once we got through that, yes.

Alderman Gatsas asked can I ask a simpler question, Your Honor? You said you authorized two to her? Four, but a timeline of the other two being 30 days from now?

Mayor Guinta responded no, there was one that has already been approved, the AA III. We agreed to the AA III and the AA II to be advertised at the same time, and you were going to see what kind of responses you received.

City Clerk Johnson stated the Supervisor and the AA II were the two that you authorized to be advertised. The AA III we were holding until we saw what we got for applications on the Supervisory position. And the Business Licensing Officer position, basically that did all of the business licensing side, that was going to be held for 30 days. So that would be a total of four at that point. The AA III, it was not clear that it was going to be filled.

Alderman Gatsas asked may I ask a simple question? Why are we holding the person that's generating revenue for us for 30 days? The licensing person is the person who's going to generate revenue in that department.

City Clerk Johnson responded in the discussion I had with the Mayor, initially he suggested perhaps filling that position and not the others, and I said that I needed the clerical staff. It's critical to me that I get the clerical staff. If I have a choice of positions here, that's my choice. My understanding was the Mayor was trying to save money and asked me, What can we do? What can we not fill for now? He suggested filling originally the licensing position, and I said I need the clerical. I have to get that data entry done; I've got all of that work that has to be done. So if I have a choice, that's my choice, and that's the agreement we came to. I was not of the impression that anything was going to get released otherwise.

Alderman Gatsas asked how much do these employees get paid?

City Clerk Johnson responded it ranges between \$500 to \$600 a week. It depends on the position.

Alderman Gatsas stated so we're looking to save \$2,000 in the course of a month.

City Clerk Johnson stated on one position, yes. It ranges. I think the highest there is \$700 a week.

Mayor Guinta asked can we get a motion so we can move on with the agenda?

Alderman Gatsas suggested how about we put it on the table so they can come back at the next meeting?

Alderman Lopez stated yes, I think we're going to table this until the next meeting, with the understanding that you're going to work with her tomorrow on the four positions that she needs.

Mayor Guinta stated as I said, I will meet with her again. I met with her last week; I'll meet with her again this week.

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

- D.** Communication from Comcast submitting their franchise fee payment for the fourth quarter 2007 in the amount of \$330,238.65.

Alderman M. Roy stated if we could, I'd like the Finance Officer to give us a ten year report on what has come in from Comcast, where it has gone up, and see if on the same sheet we could have rate increases that have gone to the taxpayers and see how they have affected the taxpayers. I've been getting calls about cable rates going up, and as you know, we receive a franchise fee based on the total amount. I'd just like to see if there's any correlation between the rates going up and the numbers coming to the City, or if there is actually a decrease. So I would just ask for a report. It can either come to me personally or the entire Board.

On motion of Alderman M. Roy, duly seconded by Alderman DeVries, it was voted to receive and file this communication.

Alderman Lopez stated if one Alderman is receiving something, let's make sure all the Aldermen are receiving it.

Informational, refer to City Clerk for review and report

- H.** Communication from Jeff Michelsen, Moderator of Ward 5, asking the Board guidance in returning the voting booth location at Beech Street School to the gymnasium.

Alderman Osborne stated I'd like to address Carol Johnson. I just want to ask you this question on H, about Ward 5's polling place. What's the status on it?

City Clerk Johnson responded the Ward 5 polling place is currently the Beech Street School. They would like to use the gymnasium area. There's an issue with the flooring. We put it on the agenda as a referral to the City Clerk for report because the intention, when I can find a moment, is to go back and try to work

with Tim Clougherty and perhaps the School Department to see if there is something we can do to get them in the gym. The area that they are currently using I agree is a problem, particularly for people who have difficulty walking, to get to the location. It was not the favorite of the state either when they did their review. I am in agreement that it would be nice to move them into the gym, but we need to do some work on that, and then we can work with the Moderator and the Selectmen. I'd be happy to report back to the Board or a committee of the Board, if you desire.

On motion of Alderman Osborne, duly seconded by Alderman M. Roy, it was voted to receive and file this communication.

Q. Recommending that Ordinance Amendment:

“Amending subsection 97.34: Encumbrances Prohibited of the Code of Ordinances of the City of Manchester, providing for exceptions by permit for the intermittent placement of signage in the public right of way.”

ought to pass.

(Unanimous vote.)

Alderman DeVries stated I'm hoping I can hear from...this would be oversight I think of Highway, if I recall, for this ordinance. Maybe it would be the Building Department that would like to address it. My question with the ordinance is, I'm not sure that it allows any decision-making based on aesthetics. And I'm not sure who wants to give me that answer, if it's going to be Mr. MacKenzie or Mr. Sheppard. My concern is specifically the language in the proposed ordinance says, "...place and manner requirements as are necessary to protect the public safety and convenience." So specifically would convenience allow a decision where aesthetic issues come into play? So whoever wants to give me that interpretation...

Mr. Kevin Sheppard, Deputy Public Works Director, stated our policy hasn't been set yet. The City Clerk is actually...Matt Normand works with the downtown district as far as signs such as this. We would develop a written policy, and it would be up to the Department of Public Works Director as to what signs can be placed in the right-of-way. We want to work with people, and obviously aesthetics would have to be part of it. If we received complaints or concerns, it would be something that we could address.

Alderman DeVries stated so the simple question would be that you feel that you have enough latitude within the ordinance to develop policy that will cover all possible issues that we may be hearing about.

Mr. Sheppard responded sure. There's always the statement that the Public Works Director, at his discretion, has this responsibility. So any permit that we write or license that we give, we've always got the discretion to pull that at any time.

On motion of Alderman DeVries, duly seconded by Alderman Domaingue, it was voted to accept the ordinance amendment.

Report of Committee on Bills on Second Reading

- R.** Recommending that Ordinance Amendment:
“Amending subsection 70.45 of the Code of Ordinances of the City of Manchester to clarify responsibilities of the Parking Division.”
ought to pass.
(Unanimous vote.)

Alderman Lopez stated I just need a clarification from Brandy Stanley or maybe somebody from the Committee. Does this include the residency permits that we have, for this particular ordinance, that she’s in charge of all that? Do you want to answer that Brandy, for the Committee?

Ms. Brandy Stanley, Parking Manager, responded I believe that the ordinance actually provides for the latitude to manage residential parking permits. We don’t as of now. The Ordinance Violation Bureau does. However, I believe that this would actually allow us to do so.

Alderman Lopez stated that’s why I want this clarified. This is going to give you the authority to manage residency permit parking.

Ms. Stanley stated I believe there’s enough latitude in it to...

Alderman Lopez stated I don’t need to know ‘I believe.’ I have to know. Is that the Committee’s understanding?

Alderman Gatsas stated I’m not answering his question. I’m looking at this ordinance saying that it’s way too much latitude without this Board having some access to the answers.

Alderman Lopez stated Lands and Building must...

Mayor Guinta asked can the Solicitor give us a comment?

Mr. Arnold stated the ordinance basically restricts the duties that the Parking Division had before to metered spaces and all the types of parking restrictions adjacent to where meters are located. Since, if my memory serves me correctly, all the residency permits are in the downtown area, i.e. metered spaces or adjacent to metered spaces, then I think that this ordinance would permit that, yes.

Alderman Lopez asked should this go back to Committee? Because she has an impression that she's going to handle the residency permits.

Mr. Arnold stated some action, I believe, would have to be taken to transfer those residency permits from Ordinance Violation to the Parking Division.

Alderman Lopez stated I want to know if the Committee on Bills on Second Reading took that up because she has a different interpretation.

Alderman M. Roy stated Brandy, your understanding is that it allows you to do it but you would need an action from this Board taking it from Ordinance Violation and placing it in your Department. Is that correct?

Ms. Stanley responded that is my understanding because the residential parking zones are within the area that's defined in this ordinance.

Alderman M. Roy stated okay, so your understanding is that this ordinance doesn't change anything regarding residential parking permits. It just allows you, should it be the desire of this Board, to then put it within your department.

Ms. Stanley responded that's correct.

Alderman M. Roy stated okay, I just want that clear, that 'adjacent' allows us to have her control any type of controlled parking in the metered downtown area, and that's where I understood it, through Bills on Second Reading. It doesn't mean we're giving her the authority. It doesn't mean we're taking anything away from any other division or department. It's just we then can do it at a later date without changing another ordinance, if that clarifies some of the conversation.

Alderman Gatsas stated there's no question that this broadens the scope tremendously. Before it was '...manage and operate all on street parking with the City of Manchester.' The dark print is the new changes in the ordinance and it takes 'on street' out and puts in 'metered' parking. And it opens up the scope to a much broader avenue than what was there before. There's no reason that this ordinance should be changed. It should be left the way it is and any changes should have to come to the Traffic Division, so that we at this Board level know what changes are being made. This allows changes to be made without the Board knowing about it.

Ms. Stanley stated I don't believe...you know, we've met as a committee and what we tried to do is to actually narrow the scope of what we are allowed to do. On street, the way we were as a committee, the way we were interpreting it, meant all of the on street parking in the entire City, including the residential neighborhoods and all that stuff. And basically what we wanted to do was to narrow that scope to what we were doing downtown with our metered parking spaces. That's really the effect of...you know, my understanding, that's really what the effect of this ordinance change is.

Mayor Guinta asked Alderman Lopez, do you want to send this back to Committee for further review?

Alderman Lopez asked I think...what's her responsibility? Because Aldermen have said let's go over to the west side, let's go east, let's go south, and she needed a scope of her responsibility, and the meter is okay as far as I'm concerned. I just was wondering if this took the resident permit, and Alderman Roy answered that question. At a later date she can come to the Committee and ask permission to do that in order to have complete responsibility of parking, but not the entire City. I think the other parking aspect of it goes with Ward Aldermen and Traffic. That's the way I understand it. If I'm wrong, correct me.

Alderman Gatsas stated so the people that are out there for parking violations, they're under your scope. Does that mean they aren't going to walk up to Chestnut Street where there's two-hour parking and no meters, and they aren't going to enforce the two-hour parking up there where there are signs that says two hour parking?

Ms. Stanley responded no, that's not what it means. The PTO staff that works for us by default provides enforcement services for the entire City.

Alderman Gatsas asked then how can you enforce this if we're taking out the ability for you to operate on all street parking?

Ms. Stanley responded what the ordinance does allow in a later section is that anything that is outside of this defined scope can be dealt with by the Parking Division upon request of the Mayor and Board of Aldermen.

Alderman Gatsas asked is there more to this ordinance that we don't see?

Ms. Stanley responded I believe so. The entire ordinance was not...I don't have it in front of me, but I think it was just that one paragraph that was changed. But there is a paragraph later that says basically the Board of Mayor and Aldermen can ask me to do anything they want me to do.

Alderman Gatsas asked but is there anything you can do, according to this ordinance, without the approval of this Board?

Ms. Stanley responded I can't change rates; I can't change policies; I can't do anything like that without going to the Board of Mayor and Aldermen. That doesn't change. I can't change ordinances.

Alderman Gatsas asked then why would we want to change this?

Ms. Stanley responded because we want to narrow the scope of what we're responsible for. Basically, we were having overlap problems between the Parking Division and the Traffic Division. Both of our offices were getting requests for the same thing. We were getting overlapping requests. I was getting requests for things that he would normally deal with, and he was getting requests for things that I would deal with.

Alderman Gatsas stated give me an example.

Ms. Stanley stated there's a restaurant on the corner of Bridge and Elm that had some questions about changing some of the signage around the outside of the restaurant. That is not where metered parking is currently, and it was a request of the Ward Alderman at that point that I look into it, and really it probably should have been dealt with by the Traffic Supervisor because he had more history to do

with that. I've also been asked to look at a number of neighborhood situations on the west side and other places, and frankly, that takes up the Parking Division's time and resources from generating revenue and operating its division that could very well be dealt with by the Traffic Division.

Alderman Gatsas asked Bridge and Elm doesn't have the kiosk?

Ms. Stanley stated no. I'm sorry. Bridge and Union. I apologize, Bridge and Union.

Alderman Gatsas stated I was going to say, if they don't have them there, how do we get them up further on Elm Street?

Alderman DeVries stated my questions have been answered. I would be willing to offer a motion recommending the ordinance amendment.

***Alderman DeVries** moved to approve the ordinance amendment. The motion was duly seconded by **Alderman Shea**.*

Alderman Domaingue stated before we take a vote on that, I'm looking at the full ordinance right now, which is Duties of Parking Management and Operations, and it's very substantial. It has letters A through F listed in separate duties that they are and are not allowed to perform. I just think that maybe the right thing to do here is to send it back to Committee, and instead of reading it as an excerpt, read the actual ordinance as a whole when we're amending it.

***Alderman Domaingue** stated she wished to move this item back to Committee by **Alderman Gatsas** indicated he would second that motion.*

Alderman DeVries stated Your Honor, it appears that Aldermen would like to see it back in Committee. I would ask a question, if I might, of Ms. Stanley. Is there any time issue for you with this ordinance change, other than the fact that you hope that you are not distracted from your parking duties downtown?

Ms. Stanley responded there's no time sensitivity to this at all.

Alderman DeVries stated I would withdraw my motion at this time then, and allow another motion to be made.

Alderman Shea withdrew his second.

On motion of Alderman Domaingue, duly seconded by Alderman Gatsas, it was voted to send this item back to the Committee on Bills on Second Reading.

- S.** Recommending that a uniform policy be adopted for all street vendors. The Committee further recommends that the Board order that the energy source of these vendors be self-contained, clean, well maintained and quiet, and noting that such actions have been recommended by the Risk Manager after consultation with other City staff.
(Unanimous vote.)

Alderman Lopez stated I just needed a clarification from Lands and Buildings. This does not affect Veterans Park or Arms Park. This is just referring to a vendor on the street. Is that correct?

Deputy City Clerk Matthew Normand responded this refers to all vendors.

Alderman Lopez stated I just want to be clear in my mind that Veterans Park has the Latino Festival, the African Festival, and other things that happen at Veterans Park as well as Arms Park. And there's vendors in those parks, too, that use our electricity. So I just want to make sure that we're not...

Deputy City Clerk Normand clarified those are special events. This is directed toward street vendors, whether they are operating in a park or on the street, but for the day-to-day operation.

Alderman Lopez asked just day to day operation, not a one-time event?

Deputy City Clerk Normand responded yes, someone operating, for instance, in the Stanton Plaza. The thought process from Mr. Ntapalis and Mr. Clark was that the post that provides electricity for the vendors has to be opened by a Parks employee every day. That was one of the reasons for the recommendation that came out, which was to have a self-sufficient vendor on the street, day-to-day.

Alderman Lopez stated but it will have no effect on special events.

Deputy City Clerk Normand affirmed it will have no effect on your special events that occur in the parks.

Alderman Lopez stated thank you.

Alderman Lopez made a motion to approve this ordinance amendment. The motion was duly seconded by Alderman Shea.

Alderman DeVries asked was there any consideration to any noise issues that could be created by...or any restrictions placed on the generators?

Deputy City Clerk Normand responded the generators would fall under the noise ordinance that's currently in place, and that restricts the decibel level. Most generators now would fall well within that noise ordinance.

Alderman DeVries asked is it your testimony that there are many vendors that already have self-contained power and use it effectively?

Deputy City Clerk Normand responded all vendors that operate day-to-day have self contained power sources.

Mayor Guinta called for a vote on the motion. There being no opposition, the motion to approve the ordinance amendment carried.

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

Mayor Guinta stated first I would like to read a letter from Robert MacKenzie, Planning Director.

I will be taking early retirement from the City. My last day will be April 1, 2008. It has been a pleasure and an honor serving the citizens of Manchester for the past 27 and one half years. I leave behind a dedicated and experienced staff that is well equipped to continue serving the community after my retirement. If you have any questions please feel free to contact me.

Sincerely,
Robert MacKenzie

On motion of Alderman M. Roy, seconded by Alderman DeVries, it was voted to accept this retirement with regret.

Mayor Guinta stated I did have a chance to spend a little time with Mr. MacKenzie earlier today, and while I'm not completely surprised by the knocking on my door and the handing of the envelope, because I had a bit of an inkling that this could be coming, I did reiterate my hope that it was not real. As much as he has served us all well for 27 years, I certainly respect the fact that he's got other things in his future that he'd like to pursue, and I think he's served this City with great distinction, and I think he'll be missed. I think we all feel about Bob someone who has been a very, very good steward of the vision and the planning of our City. He has certainly served most recently in dual capacities without any second guessing. We're really going to be sorry to see you go, Bob, but I respect your decision. We've got another month or so with him, so he certainly deserves our praise and our thanks and our appreciation.

Mr. Robert MacKenzie, Planning Director, stated thank you, Mayor.

Mayor Guinta stated I have some other nominations pursuant to Section 3.14, the City Charter. Please find below the following nominations. Robert Dastin to succeed Albertine Morrissette due to term limit as a member of the Airport Authority, term to expire March 1, 2011; Daniel Goonan to succeed himself as a member of the Board of Adjustment, term to expire March 1, 2011; Raymond Clement to succeed himself as a member of the Board of Adjustment, term to expire March 1, 2011; Michael Langton to succeed himself as an alternate member of the Board of Adjustment, term to expire March 1, 2011; Sean Owen, John "Jack" Brady, James Hood, and Joan Bennett to succeed themselves as members of the Manchester Development Corporation. Nominations would lay over to the next Board meeting pursuant to Rule 20 of the Board of Mayor and Aldermen, and your consideration is appreciated.

On motion of Alderman Pinard, duly seconded by Alderman Shea, it was voted to waive the layover required by Rule 20.

Mayor Guinta stated I have one final nomination this evening. After due and careful consideration, I am pleased to nominate this evening Deputy Fire Chief James A. Burkush as the next Chief of the Manchester Fire Department. Chief Burkush has served as member of the Fire Department for the last thirty-one years, having risen through the ranks to his current position. He prides himself as being a firefighter first, but has taken great strides throughout his career to gain additional education and experience in order to make himself more knowledgeable of the many facets involved in running our Fire Department. I am confident that he will make a fine Chief and believe he has the quality and character necessary to lead such an important department. This evening I am asking for your immediate consideration of this nominee and the suspension of Rule 20 of the Board. I hope I have this Board's concurrence of this important nomination.

On motion of Alderman Garrity, duly seconded by Alderman J. Roy, it was voted to accept this nomination and suspend Rule 20.

Mr. James Burkush, Fire Chief, stated I just want to take a second to thank the Board of Mayor and Aldermen for this appointment to Fire Chief of our great City. I also want to recognize my family for their support. I also want to recognize the firefighters here and at home that have been extremely busy. They have rescued no less than 30-35 people in the past couple of months. I look forward to working with everybody. Thank you.

Alderman O'Neil stated there are a couple of distinguished guests here this evening for this appointment. One is Jim's uncle, former Alderman Pete Burkush,

who we should recognize. And the other is former Fire Chief and a former colleague of many of ours on the Board of Aldermen, John Lydon.

Mayor Guinta stated thank you, Alderman. Chief, congratulations.

5. Confirmation of nominations:

Mayor Guinta stated we've got three. I'd like to take them all at once, if that's possible.

Arts Commission

Susan Ware to succeed Kelleigh Domaingue, term to expire December 1, 2008;

Planning Board

Daniel Pinard to succeed Richard E. Molan, term to expire May 1, 2010; and

Heritage Commission

Cathryn Vaughan to succeed Verna Perry, term to expire January 1, 2011.

On motion of Alderman Ouellette, duly seconded by Alderman Garrity, it was moved to confirm these nominations. Alderman Domaingue abstained.

6. Mayor Guinta advised that a motion is in order to recess the meeting to allow the Committee on Finance to meet.

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

7. Mayor Guinta called the regular meeting back to order.

8. Report of Committee on Finance, if available.

Deputy City Clerk Normand stated Your Honor, with the item tabled in Finance, there is no report.

9. Report of Committee on Human Resources, if available.

Deputy City Clerk Normand stated there is no report, Your Honor.

10. Report of Committee on Lands and Buildings, if available.

Deputy City Clerk Normand stated Your Honor, the Committee on Land and Buildings respectfully advises, after due and careful consideration, that it has reviewed the terms of the currently expiring Wall Street Towers parking lease and recommends the current terms not be renewed at this time and further recommends as follows:

60 employees parking to be moved to the Victory Garage;
60 employees parking be moved to the Bedford Lot;
an RFP be issued immediately to provide for building of a parking garage for the Bedford Street Lot; and
staff be authorized to negotiate a favorable lease agreement for 400 parking spaces at the Wall Street Towers facility.

The Committee has suggested that the Parking Manager make arrangements for Seacoast students by other means than the current arrangement.

***Alderman M. Roy** made a motion to approve this item. The motion was duly seconded by **Alderman Gatsas**.*

Alderman O'Neil stated I don't know if this would be for the Chairman or for Brandy. I'm pleased to see moving forward an RFP for the Bedford Lot. You and I have had a discussion on this. But I don't know, are we just putting out to see...Are we selling the land? Are we partnering in a public/private partnership?

Mayor Guinta stated I don't know. This is the first I'm hearing of it.

Alderman O'Neil stated and then I guess on top of that, my question I just asked Brandy: Why wouldn't we include Franklin Street and the Federal Lot and similar...I think that there's been some information provided in the past that there are needs there. Why wouldn't we go out for an all-inclusive RFP for those three lots?

Mayor Guinta stated well I suspect probably the others aren't quite ready for it and there is a money issue. But the RFP for Bedford, is this an RFP for the City to pay for it?

Alderman M. Roy stated thank you, Your Honor. I did make the motion. As you know, the Chairman put me on the Seal Tanning discussions when that RFP came in. It has brought to light that the Bedford Street lot is both underutilized and very centrally located. Therefore, I'd like to see a very broad RFP go out and ask the private sector what they'd be looking for. Whether it's for a public/private partnership if it's a purchase. If it's some sort condoization as Alderman Gatsas has looked for in the past, I'd like the RFP to be broad enough that anyone that has a parking issue in the Millyard can step forward with some bright and new private ideas and get that back to this Board as soon as possible so we can at least start the ball rolling. The Seal Tanning process has been well over two to three years now. That's now a month, maybe two months away from even a purchase and sales agreement between the parties that are looking at that lot. So, I just want something out there that's as broad as possible to get the private sector knowing that the City is real about moving forward on parking in the Bedford Street Lot.

Alderman O'Neil stated I guess my concern, when you go out with a broad RFP, you're going to get a wide range of different types of responses. I don't know if that's where we want to go though. I mean, you can't put out a broad RFP and say we'd like some of the downtown businesses to condoize. I don't know what the right word is, Alderman Gatsas, but buy the space as a condo. Because they're not going to be the builder. We may be the builder; there may be a private entity that's the builder. I guess I'm concerned about a broad RFP.

Mayor Guinta stated first of all, I don't disagree with the notion that parking should be built at the Bedford Street Lot. It sounds like this was amended from an original recommendation from the Parking Division. Is that true?

Deputy City Clerk Normand responded yes.

Mayor Guinta asked is there a reason not just to take the Wall Street Tower issue separately?

Alderman Gatsas stated I think it's clear, at least from my objective Your Honor, it's been very clear that people in the Millyard have been looking to take an initial step in developing parking there. There's no question. There's no reason why we should be waiting. I think you'll find that there could be as many as five or six proposals, or maybe everybody gets together with one. But until we put out that RFP that says, come down and tell us what you think, as we've done with the Seal Tanning Lot, we're not going to get any takers.

Mayor Guinta stated so one doesn't necessarily have to do with the other; it's just an opportunity.

Alderman Gatsas stated correct, this is just an opportunity to have people come forward and say they've got an interest.

Mayor Guinta stated that makes more sense then.

Alderman Sullivan stated I guess I share Alderman O'Neil's concerns that we're moving too quickly on the issue of an RFP. What I'm hearing is not a RFP; it's a RFI, request for ideas, and we don't really even seem to know what we're asking for in this case. So that looks like it's premature. I do agree that we need to move forward in a favorable lease agreement for the Wall Street facility. Would it be appropriate to amend the motion that's before us to address simply that part of the discussion?

Mayor Guinta stated it would not be inappropriate. However, it's going to take...I would assume the Economic Development Office would be working with the Parking Division to put together an RFP or an RFI. What's the time frame?

Alderman Gatsas stated I think it's absolutely vitally important that the Millyard needs space. I think tomorrow if we put out an RFP to build a parking garage, whether we sell the land or whether we give them the land really depends on the deal that's going to come forward. If somebody says the land's worth two million and the parking garage is going to generate two million in taxes, I'm not opposed to giving somebody that, with the understanding that the availability of the spaces in that garage by whoever does it is an opportunity for anybody with mill space down there to be entitled to it. I'm not looking to give anybody from the outside to come in the opportunity to control the parking on the Millyard, but I think that the Millyard owners are looking for something to move forward in a positive manner. So the RFP can say if you build it and you put up 800 spaces and you only have 10,000 square feet, you've got to appropriately make that space

available to anybody else that's in the Millyard. I think that's the important issue, but I think we've got to get off of the square because we've been talking about it for three years. we've sold two parking garages in the past that we should have kept because we gave them away for ten cents on the dollar. Now all of a sudden we realize that parking is a very valuable commodity and that we could condominiumize these spaces. So I think that it's important that we move it forward, so that...there are people that have a serious interest in doing it.

Mayor Guinta stated I have no objection to moving forward with an RFP on that site because we have been talking about this for years. We know that there is a need. I just want to make sure there's a fair opportunity for property owners within the Millyard to proactively respond and not have an alternative new management that changes the rates and doesn't deal with the actual true need in the Millyard.

Alderman Gatsas stated I don't disagree with you, Your Honor.

Alderman O'Neil stated a couple of points: number one, the only way the rates get controlled is we have to be a partner. It doesn't mean we're 100% partner, or the only partner, but we have to be a partner in this somehow. That's why I like a public/private...

Mayor Guinta stated unless they're condoed.

Alderman O'Neil stated right, which we can control things then. If we just give it up we have no control over the rate. Secondly, I don't know why in that same RFP...I agree with Alderman Gatsas that the need today is in the Millyard, but there's also indications of a need with the Franklin Street Lot and with the Federal Lot. We've heard some presentations on that. Why wouldn't we throw...if

somebody is interested in doing something in Bedford Street, might that same firm be interested in doing Market Street and the Federal Lot?

Mayor Guinta stated the Market Street lot I don't really think is large enough. The City portion that's owned is probably not large enough. I think you need to put several lots together.

Alderman O'Neil stated but my understanding is there have been some discussions about that, so why wouldn't we put that out then, to include those two lots.

Mayor Guinta stated well we only own a portion of them.

Alderman O'Neil stated right, I mean, it would be up to them to figure out how to get the other piece of the Franklin Street Lot done, but that's why you put out an RFP.

Mayor Guinta stated I just don't know if that needs to be part of...

Alderman O'Neil stated well I'm just looking...If we get someone's interest, we may get a real...we may get a more favorable deal if it includes more than one parcel.

Alderman Gatsas stated I don't disagree with my colleague, but I think that the two geographic differences...I think you're going to find that the people in the Millyard are the serious players for a garage down there. I don't think they're going to come up and look at Franklin Street to build another one for that proximity. That would be more away from what you were talking about, having somebody as a partner.

Alderman O'Neil stated I'm thinking there's an outside party that would do this. I honestly don't think the developers in the Millyard are going to build a parking garage. They're going to be at war with each other over the rate. That's why I think it has to be an independent party with us; that's the only way there is no war over the rates.

Alderman Roy stated one of the reasons why I wanted the RFP to be very broad is so that we would hear those things from the people that are willing to use it. They'll tell us whether or not they can get along. They'll tell us whether or not they're willing to pay market rate. They'll tell us whether or not we're needed as a partner. And that's why I wanted it to be very broad. It could be an outside company that has nothing to do with owning property other than parking structures in the Millyard, if they go out and secure the leases or the condoization, and the City can step fully out of it. So I'd like to see this move forward. As far as it being specific to the Bedford Lot, I just didn't want to confuse it. I do agree with Alderman O'Neil that we have parking issues throughout the downtown and Millyard. But where there has been a lot of discussion over Millyard parking right now, and its impact on every business from north to south; it definitely is the time to move forward on the Bedford Street Lot, and the RFP can be broad enough so that if someone wants to come in and look at other City lands as well as the Bedford Street Lot, then the RFP can be written that way. The RFP can't be written in the next 12 hours. This will be a process that I just want to get started.

Alderman Lopez stated just a couple of comments. The 60 employees at the Victory Garage and the Bedford Lot, good luck. I guess the draw of the hat; that's where you go. Seniority, whatever the case may be. The RFP, I'd like to have a viewpoint from Mr. MacKenzie on it for the simple reason that we're going to put all these people to work on an RFP, and to do what? Is the Committee going to

okay the RFP to go out so that there's no mistake afterwards, saying well, that's not what we want. And wasting everybody's time. What kind of an input would you have, Mr. MacKenzie, in reference to something like this?

Mr. MacKenzie stated I do concur first of all that the Millyard, in order to grow any more, is going to need more parking. I think that the Bedford Street lot is the logical place to do it, and there probably could be a partnership there, a public/private partnership. If any lot is going to have it, that lot would. I just think you have to be very careful about crafting the RFP, because you will get a lot of different apples and oranges and grapefruits that come in, and you do have to have a professional review of that to make sure that you're pulling out of all of those different options. Going back to Alderman Sullivan's comments, maybe there is an intermediate stage where you look for requests for expressions of interest from parties that would actually put dollars on the table to at least get the ball rolling and let the Board know what the options are. Because right now it's a little unclear to me what the realistic options are for getting private involvement.

Mayor Guinta asked has there been agreement at the Committee level on the parameters of the RFP? This just happened tonight, right? Let's take a vote on the motion. Assuming the motion passes, a draft RFP can be provided to the Committee. Additional City staff can work on it to make sure that it's got the appropriate parameters. And again, the Economic Development Office has done this in the recent past. I think ultimately what they put together will probably be very reasonable. But I think it is important for us to move forward and to show property owners in the Millyard that we are as a city serious about parking infrastructure in that particular area. I mean, we've had several parking summits. We know the short and long term parking needs of just about every single building, and almost every single tenant. I think we all probably generally agree that we do need more parking in that area, but if we at least vote on it and it

passes, the Economic Development Office can work with other City staff to put something together and make sure that it's meeting the expectations of what the Committee was hoping to achieve when they met earlier this evening.

Alderman Lopez stated I want to clarify two things. If I'm going to vote for this RFP to go out, I'm not necessarily saying that I'm committing any money from the City in order to build this garage. And the other point that I wanted to make...maybe we should take all of these things separately because the staff has to negotiate 400 parking spaces at Wall Street tower. What time frame are we talking about?

Mayor Guinta stated I think it's up now, isn't it? March? So we're talking about as soon as possible.

Alderman Smith stated we deliberated on this because of the simple reason our lease was up. We had a meeting last week, and we had a meeting this week. What we tried to do was to try and take care of some of the businesses that are very close to the Victory Parking lot. I realize that we have a dilemma with the 60 employees, but we had to free up some parking at Victory Garage, and we had to buy some time. And this was the best possible avenue we could take at the time. And in regards, we also have coming up, as you well know, Seal Tanning and Granite Street, so I think that this is going to give us some direction in the Millyard parking as we go along.

The Mayor called for a vote on the motion to approve the recommendations of the Lands and Buildings Committee regarding parking. The motion carried, with Aldermen Sullivan and Osborne voting in opposition.

11. Update on FY2008 Budget to be presented by Mayor Guinta and the Finance Officer.

Mayor Guinta stated just so that everyone is aware, I did ask Bill Sanders to ask all the department heads to respond by tomorrow at the close of business on the status of their current budget, and after reviewing that information, I'd have some recommendations at the next BMA meeting for what if any actions need to be taken. We were hoping we could have that information by tonight but it was just too challenging to get it all for tonight, so we did set the deadline for tomorrow. So this is more of a verbal for sort of what your expectation is, based on additional information received in January. We'll have a more full and detailed written report provided in the next agenda for everyone to review. If there is going to be action, I'd make those recommendations in the next agenda.

Mr. Sanders stated first, speaking to the revenue, and once again, these are the Finance estimates, and hopefully we'll have the reports tomorrow night, and into next week we'll have the department heads' best estimates. Three categories of revenue are falling below the original estimates that we worked on at the time of the tax rate. The first is auto registrations. Based on our auto registrations through the month of January, right now we'd project that we would probably miss out on registrations by about one million dollars. We have a budget this year for \$16,156,000 in auto registrations. We are trailing about \$450,000 through January. The estimate right now is that we might be about a million dollars short there. The second is in building permits. We are currently estimating that we will be short about \$300,000 to \$350,000 in the building permit area at the end of the year. The third area is the Highway block grant that was reduced by the state of New Hampshire for this year below that which we had originally been advised we would receive in our budget. Overall those three categories total about a \$1.6 million shortfall on the revenue side. Other revenue categories are overall a little bit higher but it's a little early in the year to project that we'll have any surpluses

in those areas. The one that comes to mind initially is interest income, which we are doing better on through January, but interest rates, as we all know, have been falling precipitously over the last six weeks, so the expectation would be for the remaining five months of the year that our interest income will not be as good as we estimated. So right now the Finance Department would estimate that we will be about \$1.6 million short on the revenue side. As far as expenditures go, through the month of January, all departments except four are spending at a rate that's consistent with the passage of time. That is, through the month of January, you would expect departments to have spent about 58% of your budget. And most of our departments are around that figure. Four departments, the City Clerk's office, Human Resources, Parks and Recreation, and the Highway Department, are all substantially above that. They are all in the mid-60's or a little bit higher, in terms of their percentage rates. Obviously, the two major departments that are spending higher are Highway and Parks and Recreation, almost entirely attributable to the weather situation that we've experienced. Right now if we just took the department level expenditures without talking about the Salary Adjustment account or the Contingency reserve, the Finance Office would estimate that our expenditures at the department level could be as much as a million dollars over budget, at the current rate of spending. Once again, tomorrow afternoon and into Thursday we should have an estimate from the departments. Hopefully, they would be somewhat lower than that. Right now that would be our estimate. To offset the million dollars, we have a few categories of opportunities that would offset that. The first of course is the Salary Adjustment account, which is \$700,000, none of which has been used at this point. So that would make a major reduction in that expenditure deficit. The second category would be Contingency. Some of the Contingency has been earmarked, if I can use that word, primarily for the Police Department. We bought radios in the fall of 2007; we earmarked about \$180,000 of the Contingency reserve. Tonight we talked about another approximately \$50,000 that was going to the Airport. That might

leave about \$250,000 of the Contingency fund undesignated at this point that would be available if our estimate of the deficit is correct. There also will be some health insurance savings undoubtedly as we proceed into the end of the year. And we also likely will have a modest savings in the City retirement because of the settlement that we reached with the City Retirement earlier in the year, locking in our contribution for the second half of the year. The result of that is basically any overtime worked in the second half of the year we do not have to pay City Retirement on that in the current year. That will get factored in in future years. All told, if we have the Salary Adjustment, the Contingency savings, and health insurance if needed and City Retirement, we should be able to make up about one million dollars of an expenditure deficit, which would then leave us with about a \$1.6 million overall deficit because of the revenue shortfall. If this all turned out to be true and correct at the end of the year, if we had a revenue deficit and expenditure was neutral, we would have to dip into the rainy day fund for the \$1.6 million revenue shortfall.

Alderman Gatsas stated I don't quite have the same math because if the Contingency is \$250,000 and the Salary Adjustment account is \$700,000, that's \$950,000. I think we heard about a week ago or maybe two weeks ago that the medical savings was somewhere around \$600,000. Is that a right number or a wrong number? My understanding is it was going to be close to a million when we did this initial jump last year.

Mr. Sanders stated right now our projections would show that we would probably see between \$600,000 and \$800,000 in savings in medical.

Alderman Gatsas stated let's use the \$600,000 to be conservative. That brings us to \$1,550,000. I'm looking at \$2.6 million if the revenues are short \$1.6 million and we're over budget by \$1 million. That's \$2.6 million. If we have \$1.5

million, we're looking at about \$1.1 million in a shortfall. My understanding is that last night the Joint School Buildings started spending \$1.8 million that was coming back as an insurance rebate from the OCIP program. Now I thought we had discussion, probably six or eight months ago when the Gilbane settlement was coming forward, that that money was kind of frozen in time, that we weren't going to be doing work without this Board at least having an approval as it is by state law to say that any money in a bonded project can't go to another project without 60% of the vote from this Board coming forward. I think that was very clear, at least in the discussions that I had with Gilbane. So if we were looking at that shortfall and somehow the OCIP money came back as bonded money to the City, we would be fine. So somehow we need to get the School District to understand that there's two sides of the street, and the \$1.8 million needs to have conversation about possibly coming back to balance this budget.

Mr. Sanders stated my understanding is that any monies that are left over in the Design/Build project that are not needed for work there would be directed exclusively to the debt service on that bond and would not be available for the School District budget or the City budget.

Alderman Gatsas stated well, that may be the case, but I can tell you last night's meeting, from what my understanding is, sprinkler systems and other things are being talked about with that \$1.8 million. Is there somebody here? Is Tim Clougherty here?

Mr. Tim Clougherty, Chief Facilities Manager, stated I don't have the information with me that the Alderman is referring to, so I'm going to work from the best of my memory. The \$1.8 million that I believe you're referring to, Alderman Gatsas, is monies that were part of a settlement agreement with Gilbane. Those monies are intended to remedy deficiencies that were known at the time of

the settlement agreement, and it was the decision of the Joint School Buildings Committee to authorize the Department of Public Works to move forward with remedying such deficiencies as part of that settlement agreement. Part of that \$1.8 million, as you said, was money that was held in a reserve account through Citizens Bank through a letter of credit that was used to secure the City's position relative to the owner controlled insurance policy. The letter of credit was subsequently reduced and there was money that came into the project account because of that. There remain some monies outstanding through a letter of credit which was reduced, as I said, somewhere to the tune of three quarters of a million dollars, and those are not included in the \$1.8 million.

Alderman Gatsas asked the letter of credit, that was put up by the City?

Mr. Clougherty responded that's correct.

Alderman Gatsas asked were the funds City funds?

Mr. Clougherty responded they were project funds.

Alderman Gatsas asked project funds out of the 105?

Mr. Clougherty responded yes.

Alderman Gatsas asked so is it your understanding that new sprinkler systems and putting up walls in different schools is part of this project? Or is it an expansion of the project?

Mr. Clougherty responded I think that you'd have to get an opinion of that from either the City Solicitor or the Finance Officer. There were several questions

throughout the course of the project as to what the scope of the project was. I don't think it's my position to determine what the scope of the project is. I can tell you that the \$1.8 million was identified specifically to remedy deficiencies associated with that Design/Build contract, the \$96.5 million contract with Gilbane, and that's what we are moving forward with remedying. Those are directly related to deficiencies in construction.

Alderman Lopez stated along the same line, I think we need a clear understanding of the \$1.8 million. The Joint School Buildings Committee has the authority to spend it. If we don't spend it, as Mr. Sanders said, it would probably go back to the bonding aspect of it, so if the City Solicitor and Finance Officer could give us a written document as to who has the authority because we have an individual, Tim, here tonight who doesn't know the answer, and so we have to put it on the City Solicitor and the Finance Officer to provide that answer to us, just so we can clear it up because it seems like the Joint Committee has taken a lot of CIP projects that were listed and now we're going to take care of some projects. Let's have an understanding.

Alderman DeVries stated I'm moving on to a different part of the original question which was a budget discussion, and my question is not directly for Mr. Clougherty. Your Honor, you have indicated that you'll be getting some more information from the departments for tomorrow night. One of my concerns is with the positions that are not being filled, which is part...I understand that you are attempting to manage through this short funding scenario. I can appreciate that, but I think it's our responsibility to know, as we heard earlier tonight with the City Clerk's office, what other departments are out there that have dramatic shortcomings of their personnel. I'm hoping that the information that will be presented to us in advance of the next meeting, as soon as it's available to you, will be a detail from each department as to what open positions they have and

what their request has been to have them filled with you, so that we understand how you are making those management decisions. I would make that in the form of a motion at this time, if I have somebody who would second me, that we are part of that conversation with you over the next couple of weeks.

Alderman DeVries made a motion requesting to receive from the departments lists of their open positions, as well as what positions have been requested to be filled by the Mayor and they have been told to leave open. The motion was duly seconded by Alderman Domaingue.

Alderman Shea stated of course we're all in this together. A couple of years back when we did have a problem, some of us sat down and we reduced certain budgets one or two percent. And I think that it is trying times and I think that we should all look upon it in the same vein. In other words, we should be solicitous about how the City is going to be impacted in terms of...what concerns me, of course, is the rainy day fund, our borrowing and so forth. And I think that we all have to put our heads together and see how much we can come up with too...what our thoughts and ideas might be. And I think that's very essential because you're in it up to your neck, we're in it too somewhat, up to our...whatever. I'm not going to go into it. But I'm just saying that we do have to look at the common good, and I think that's very essential. And I want to make that a point.

Alderman O'Neil stated just a follow up on Alderman DeVries' comment: We may want HR in this discussion about open positions because if I recall...I don't remember if it was last year doing the budget or the year prior to that, we had departments thinking they had certain open positions, and HR, and it didn't jive. So we need to have apples to apples.

Mayor Guinta stated that I think we've rectified through this budget process this year.

Alderman O'Neil stated okay, but as part of the information Alderman DeVries asked for, we just...we don't need somebody coming in later...no, they really...and we heard a little of that tonight. There was some confusion, and it might have been just the discussion that went on, but just to make sure so we can compare apples to apples.

Alderman Domaingue stated I was also going to request, for each department that's running a deficit, I'd like to not only see the areas that they're running a deficit in but where they were last year at this time as well, just for a point of comparison.

Alderman Lopez stated Mr. Sanders, I didn't hear, could you...Is that report you're going to provide us, is it going to tell us the severance pay that had to be paid out by departments?

Mr. Sanders responded yes, I could include that.

Alderman Gatsas stated question of Kevin Sheppard: The \$250,000 block grant from the state, is that the Betterment account money?

Mr. Sheppard, responded I don't have the details. I believe that's the account that it comes out of. I didn't bring the details with me. I didn't anticipate information on that tonight. I was just talking to the Finance Director and I can get him the information tomorrow morning, first thing.

Mayor Guinta stated I believe it was an accounting error that they had made.
Bill, do you have a copy...I have a copy of it, do you have a copy of that letter?

Mr. Sanders responded I think I do.

Mayor Guinta stated later this week let's just get a copy out to the Aldermen so everyone is aware of it, but for lack of a better term, they made an error in their calculation earlier in the fiscal year, so they had issued a letter recently, within the last thirty days or so.

Alderman Gatsas asked what's the total amount of the grant?

Mr. Sanders responded I've got the number back behind me. It's one to two million dollars and there was a \$300,000 shortfall in that.

Alderman Gatsas stated no, I think that's the Betterment account. There used to be three cents of that gas tax that used to come back to the local communities. In the scheme that they did for paying for the operating budget at the state level, they took one penny of that to pay for the bond. They were going to send it in other ways back to the City after it was bonded, so I guess I'd have to find out up there if the full amount is going to come at a later date.

Mayor Guinta stated according to the letter it's not. We'll get a copy of the letter to every member.

Mr. Sanders stated I'll do some more research.

Alderman Gatsas stated that's not what was supposed to have happened.

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

12. Legislative Update presented by Mayor Guinta.

Mayor Guinta asked are there any questions on the legislative update?

Alderman O'Neil stated I just want to thank you and your staff. It was very detailed. It looks like all the departments are participating so we know what's going on. Thank you, Your Honor.

Alderman Smith stated in regards to House Bill #1573, dilapidated buildings, I was wondering if any letters were sent up by the Building Department. I know that you were encouraging it. It's in the House right now. I was wondering if we got anything from the Building Department supporting the effort because it's going to benefit us in the long run. In other words, the bill essentially says if the fellow owns several properties, you can take the property or the money he owes, or the property itself to pay for a burned out building. We have several in my Ward, as you well know, and I'd like to see these picked up. On Mast Road, it's a disgrace. It's been there for a couple of months, and that debris hasn't been picked up. I don't care if they have an insurance policy. The City should be picking it up because the neighborhood is all upset.

Mayor Guinta asked Mr. MacKenzie to meet with Alderman Smith to see if something appropriate can be crafted.

Alderman Gatsas stated just for the Board's acknowledgment, Senator DeVries and myself and Senator D'Allesandro met with the Department of Education because there were some questions, along with Kevin Sheppard and Tim Clougherty, there was some discussions about the MST project and whether

certain things were going to be covered in the construction. Two of the things that were in question...one was the roof, whether we could put a new roof on a building that we were spending \$10 million on. That was resolved, and the new roof is part of the \$10 million project. The other one was fitting up the PASS program in their space. They have agreed that that was fine, so that \$250,000 was part of the project. The third thing that's still outstanding and is in question is the site work. The RSA's are clear that somehow site work is not included, but I find it very difficult to understand. At least the discussion that I had was that that site work, for us to put a building in, needed to be fixed. I've been talking with Senator D'Allesandro and Senator DeVries, and we're looking to bring in a piece of legislation and amend it to a bill to allow the site work at MST to be part of the \$10 million project. If it's not done that way, and it's not allowed, Facilities is going to have to come back to this Board and look for an additional \$750,000 in bonding or cash to finish that project. So I think it's important that at least we move forward. If we have a problem I would ask for this Board's indulgence to send a letter to make sure we get it done at the state level so that \$750,000 isn't an impact. Now, it doesn't increase the cost of the project. The site work is included in the \$10 million cost as it stands now. The only difference is they don't consider it as something that they would pay for on their \$7.4 million, so it would be turned back to the City and the City would have to pick it up either on our bonding share or cash. So, just for the information for this Board to know that there is something going on and hopefully we can get it resolved.

Alderman M. Roy stated Your Honor, with all due respect to my colleague, I make that motion, that he requested and ask the City Clerk to send a letter...

Alderman Gatsas stated I don't think we need to do it right now. I think we just need to see if we can get it done. If we're having a problem certainly either one of

us or both of us would come back to this Board and make sure we look to get some sort of approval from this Board.

Alderman Shea asked is there any time line? In other words, is there going to be a month when we'll know? Two months?

Alderman Gatsas responded Alderman, we're going to try to get this done in the next couple of weeks, probably on a bill that's coming across from the House to amend it so it can get done and the RFP's can go out.

Alderman Shea asked and how would that compare with when the work is going to start?

Alderman Gatsas stated they're looking to send out RFP's on the quotes on the building in the next three weeks, so hopefully it will be done before they go.

Alderman DeVries stated Your Honor, and I realize we haven't closed out the legislative update, but since it pertains to it, I'm wondering if you would entertain a motion to take tabled item number 19 off the table, which is a legislative update from the Retirement System, so that they don't have to wait and rack up any additional dollars of staff time, if that is occurring this evening.

Mayor Guinta stated let's close out on item 12 and we'll go right to 19.

On motion of Alderman Garrity, duly seconded by Alderman Shea, it was voted to receive and file item 12.

On motion of Alderman DeVries, duly seconded by Alderman Smith, it was voted to remove item 19 from the table.

19. Communication from Stephen Quinn, Advisory Committee to MECRS, regarding SB373, an amendment to an existing health insurance subsidy provision, requesting the bill be allowed to progress through the legislative process so that the voters of Manchester can have a final say through referendum later in 2008.
(Tabled 2/5/2008)

Alderman DeVries stated I do see that we have with us tonight a couple of individuals here. Some of the information that they requested was not on my behalf. It was I think Alderman Gatsas that was looking for some of the detail that they did give to us, which was the outline of the legislation which is currently tabled in the Senate, waiting for our action here on this Board as well as some of the detail on what the cost to us might be. I don't know if the Retirement System wishes to come up and speak to their information.

Alderman Gatsas stated with all due respect to my colleague, this is about the dental insurance. It's a cost to the City. I'm not too sure that this Board here needs to make a decision. If we're going to include extra costs in the retirement fund, that right now we're looking at \$2.6 million shortfalls in a budget. Are we looking to move forward with an additional expense?

Alderman DeVries stated Alderman, I didn't say that I was offering a position of passing this. What I told you is that this legislation is currently tabled, waiting for the outcome of whatever the action of this Board might be. The committee has held onto this, hoping that this evening there might be a decision on how we want to handle this additional item.

***Alderman Garrity** made a motion to oppose this item. The motion was duly seconded by **Alderman Sullivan**.*

Alderman O'Neil asked can you tell me what the cost is?

Mr. Sanders stated I believe it was up to \$227,000; the maximum would be \$227,000 in year one.

Alderman Lopez asked Mr. Fleury, the question I have for you is the \$227,000 which was indicated...the money that the employees are paying in for their health now that don't get any benefit, one and a quarter percent, they don't get any benefit in health. Where does that money go? Does that go towards the \$227,000?

Mr. Gerald Fleury, ME CRS Executive Director, stated that money goes to fully fund the benefit that all employees are entitled to. So those who pay toward it and don't use it are funding toward the overall cost of those who have never really fully paid for it but are getting the benefit. If you recall when our legislation went through, there was a measure of accrued liability because we had people who had been retired from the City for some time who had never contributed toward this, but they were eligible for 50% of that benefit level.

Alderman Lopez stated but my question to you: That \$227,000 figure that was used by the Finance Officer in reporting to us what it would cost the City, my question to you, any of that money in the Retirement System, can that be put toward the dental?

Mr. Fleury responded no, not at the present time.

Alderman DeVries stated one of the concerns that I had would be if we would be granting additional vested rights to a group, if because of the situation just outlined by Alderman Lopez, all of the retirees now are funding a benefit for which there

has been some perception that they are not seeing a return on their investment. I as an Alderman have heard from some disgruntled souls that they're not sure they made the best move by entering into this arrangement. My concern is because we did hear from our Solicitor approximately a year ago that there was a vested interest, a vested right, once we had contractually entered into this. Aren't we just increasing those vested rights now into dental as well, in increasing the buy-out costs to a group of individuals, should all of the employees decide they want to get out of this deal?

Mr. Fleury responded I would agree with you that you're increasing your vested cost and you would do that to the tune over a 29-year period of about \$2.6 million, and that assessment of \$227,000 first year cost is correct. I'm not sure what you're referring to when you're talking being able to buy out of it. My analogy is just a little like skydiving. Once you're out of the plane, you don't get back in!

Alderman DeVries stated and I would certainly...I'm not an attorney, so I would certainly have to turn to the Solicitor. I just remember the comment that was offered up that once we entered into this deal, as you said, there's a cost to the City, and it would cost us to get out of the deal. I don't know how you break. It may be the Solicitor or HR has some help here.

Mr. Arnold stated I couldn't add anything right now other than to say there may be various vested rights but we would have to investigate what rights would be truly vested, meaning that we could not get out of them.

Alderman M. Roy stated a couple of questions regarding the letter we received from Finance: Right now there are 569 retirees currently eligible, according to this letter. Of that, 186 actually participate in the City's health plan. Do the others receive a different benefit, either spousal or other employment?

Mr. Fleury responded no, Alderman. When the legislation went through, everyone who was eligible was contacted and told that if they were not currently part of the group...because they had been able to participate in the program, but they were paying 100% of the cost. When the benefit was first enacted, everyone was contacted and it created an opportunity for them to join the group if they had not already done so. Anybody that was already in the group was simply notified that they were now going to be eligible; they needed to do nothing; it was an automatic for them. So we got to that level we're currently at as a result of that group opening. It's about a 37% participation level, a little under 40%.

Alderman M. Roy stated so that's 186 currently retirees. Now the \$227,000 figure is based on 100% of the retirees. Is that those who have elected to be in the program or the 569 number?

Mr. Fleury responded let me answer that as simply as I can. The proposed legislation would not affect anybody that's currently getting that subsidy for the medical because it doesn't change the eligibility level or the amount of the subsidy; only what it can be applied to. So if you're entitled to something and you're already using 100% of that entitlement for health insurance, it doesn't change anything. But if you're not taking the health insurance and you want to take the dental, and you've still got that subsidy that you could otherwise use, then you would be able to do it. If you look at that group and you extrapolate forward, everybody that's in the workforce now, there is a measure of accrued liability there. I had discussions with the actuary as recently as this afternoon to make sure I had this straight. That \$227,000 figure is your first year cost to pick up that accrued liability for anybody that isn't currently taking any form of the benefit, and all of those people currently in the plan who will someday retire and be eligible for it.

Mayor Guinta stated that's anybody who is not taking the medical benefit and any future employee has the option.

Alderman M. Roy asked so right now what would you estimate that number to be?

Mr. Fleury stated that would be speculative on my part. I can tell you that there's about 37% that take the health insurance, I would speculate that those who don't take it either can't afford health insurance at all or have it from some other source. Now what would be unique about this and why I think the 100% utilization may be a fair estimate is that the subsidy in most cases is going to be close to the full cost.

Alderman Gatsas stated it's about 380 people that would be eligible. So what you're saying is that those people would get 100% of the benefit where people that have the medical aren't seeing even 50% of the benefit.

Mr. Fleury responded I think that's a fair statement. Let me give you some numbers. The monthly medical runs more than \$300. The subsidy is \$216. So they're going to use up 100% of that subsidy toward their coverage. The monthly cost for the dental is something like \$35. So if they're entitled to \$216, it's going to pay for \$35 of it and the rest of it goes unused.

Alderman Gatsas stated so it's not a maybe \$227,000. There's no reason why somebody is not going to take this. Those 380 people, there is no reason why those people are not going to participate in this benefit.

Mr. Fleury stated I can't understand why they wouldn't. The one thing that I want to clarify is that the \$227,000 is not the dollar cost of the premiums; it's the accrued liability component.

Alderman O'Neil asked Mr. Sanders, the number in your letter is \$227,000. Does that include...is that all General Fund or would we be able to back Enterprise out of that or the School District employees that are part of the City retirement?

Mr. Sanders responded yes, it would include the School District portion. The \$227,000 includes School District and would also include Enterprise.

Alderman O'Neil asked would you happen to know what the net would be to the General Fund?

Mr. Sanders responded I know the School District is not a terribly significant portion. Jerry, did you happen to go into that?

Mr. Fleury responded the actuary was not asked to break that out. The actuary was not aware of the divisions within the City on the revenue side of things, so the \$227,000 is everybody.

Alderman O'Neil stated my point is \$227,000 is not the General Fund number. There is some of that attributed to the School District and some of it is to the Enterprises: Airport, Water, EPD.

Mr. Fleury responded that's correct.

Alderman Shea stated you listed the first year. How about the second and third? Is it apt to go up higher if in fact the 100% scenario worked out?

Mr. Fleury responded it would drop slightly from that point for a period of 29 years. At the end of the 29 year period, the accrued liability is completely paid for and then from my understanding from the actuary, the one and a quarter percent being paid by the members would then continue to fund that in perpetuity.

Alderman Shea stated so you said it would drop slightly the second year. Is that correct?

Mr. Fleury responded that's correct. I don't have an amortization schedule for the whole 29 years.

Alderman Shea asked ballpark, how much would it drop? Ten thousand? Twenty thousand?

Mr. Fleury responded that would be speculative on my part.

Alderman Shea asked but it's going to drop a little bit?

Mr. Fleury stated it would drop a little bit, and after 29 years it's to zero.

Mayor Guinta called for a vote on the motion.

Those voting in opposition to the motion to defeat this item were Aldermen M. Roy, O'Neil, Lopez, Smith and Ouellette. Aldermen Gatsas and DeVries abstained. *The motion carried.*

13. Ordinances:

“Amending Chapter 32: Boards, Commissions, and Departments of the Code of Ordinances of the City of Manchester by deleting Section 32.026: Appointment of Members, and replacing it with a new Section 32.026 creating alternate members of the Arts Commission.”

“Amending subsection 97.34: Encumbrances Prohibited of the Code of Ordinances of the City of Manchester, providing for exceptions by permit for the intermittent placement of signage in the public right of way.”

“Amending subsection 70.45 of the Code of Ordinances of the City of Manchester to clarify responsibilities of the Parking Division.”

On motion of Alderman O’Neil, duly seconded by Alderman M. Roy, it was voted to waive the reading of these ordinance amendments.

On motion of Alderman Garrity, duly seconded by Alderman Pinard, it was voted that these ordinance amendments pass and be Enrolled.

14. Mayor Guinta advised that a motion is in order to recess the meeting to allow the Committee on Accounts, Enrollment and Revenue Administration to meet.

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

15. Mayor Guinta called the meeting back to order.

16. Report of Committee on Accounts, Enrollment and Revenue Administration.

Deputy City Clerk Normand stated Your Honor, the Committee on Accounts, Enrollment and Revenue Administration respectfully advises that the following ordinances have been properly enrolled:

“Amending Chapter 32: Boards, Commissions, and Departments of the Code of Ordinances of the City of Manchester by deleting Section 32.026: Appointment of Members, and replacing it with a new Section 32.026 creating alternate members of the Arts Commission.”

“Amending subsection 97.34: Encumbrances Prohibited of the Code of Ordinances of the City of Manchester, providing for exceptions by permit for the intermittent placement of signage in the public right of way.”

*On motion of **Alderman M. Roy**, duly seconded by **Alderman J. Roy**, it was voted to accept the report of the Committee on Accounts, Enrollment, and Revenue Administration*

17. Ordinances:

“Amending Chapter 32: Boards, Commissions, and Departments of the Code of Ordinances of the City of Manchester by deleting Section 32.026: Appointment of Members, and replacing it with a new Section 32.026 creating alternate members of the Arts Commission.”

“Amending subsection 97.34: Encumbrances Prohibited of the Code of Ordinances of the City of Manchester, providing for exceptions by permit for the intermittent placement of signage in the public right of way.”

*On motion of **Alderman M. Roy**, duly seconded by **Alderman Domaingue**, it was voted to waive the reading of these ordinances.*

Deputy City Clerk Normand noted that the third ordinance has been removed from the list.

*On motion of **Alderman Shea**, duly seconded by **Alderman Sullivan**, it was voted that these ordinances be passed and Ordained.*

18. Resolution:

“Authorizing the Finance Officer to effect a transfer of Forty Eight Thousand Dollars (\$48,000) from Contingency to the Manchester Police Department.”

This item was tabled in Finance and therefore removed from the agenda.

TABLED ITEMS

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)*

NOTE: Available for viewing at Office of City Clerk; previously forwarded to Mayor and all Aldermen.

This item remained on the table.

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)*

NOTE: Available for viewing at Office of City Clerk; previously forwarded to Mayor and all Aldermen.

This item remained on the table.

- 22.** 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.)
NOTE: Available for viewing at Office of City Clerk; previously forwarded to Mayor and all Aldermen, with additional materials provided by Finance.)

This item remained on the table.

- 23.** 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: Available for viewing at Office of City Clerk; previously forwarded to Mayor and all Aldermen.

This item remained on the table.

24. NEW BUSINESS

Alderman Lopez stated in reference to the Planning Board alternate Alderman, Alderman Osborne has withdrawn and I'd like to nominate Alderman DeVries to be the alternate to the Planning Board.

Alderman Lopez so moved, and the motion was seconded by Alderman J. Roy.

There being none opposed, the motion carried.

Alderman Lopez stated there was a resident who came up tonight and criticized an Alderman, and I'll take full responsibility

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

A True Record. Attest.

City Clerk