

BOARD OF MAYOR AND ALDERMEN

April 1, 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

City Clerk Carol Johnson noted that the Committee on Accounts, along with management, had referred the report of the audit of the City of Manchester's financial statements for the year ending June 30, 2007, to the full Board.

3. Presentation by McGladrey-Pullen, Independent Auditors.

Scott Bassett stated I am a partner with the audit firm of McGladrey-Pullen and we conducted the audit of the City of Manchester, New Hampshire's financial statements for the year ending June 30, 2007. I had met earlier with the Committee on Accounts and went through the report in detail. What I will do tonight is go through the report with the full Board and open it up to any questions as I go along and try to answer all those. In the green booklet that I believe you all have, on page 11 is the management discussion analysis. This is really a summary of the financial highlights within the City for the year ending June 30, 2007. I think we will just talk through these 11 or 12 pages because everything here are items that I will speak about in the body of the report. If we need further detail, we can go into the report and discuss those. The first bullet is a letter that is

drafted by management. We do not opine on this letter but we do make sure that everything here is accurate compared to the report as a whole.

Alderman Lopez stated when you are referring to a document, please refer to a page so the Aldermen can follow you. Thank you.

Mr. Bassett stated I am on page 11 of that document. The first bullet talks about the government-wide financial statements of the primary government. At the close of the year there was \$501 million in net assets; \$129 million of those assets belong to the government activities and \$372 million belong to the business type activities. Business type activities include the Airport, EPD, Waterworks, the new Parking Garage fund and also the Recreation fund as an Enterprise fund that makes up the \$372 million. On a government wide basis, and these are measured on the full accrual basis of accounting where we measure depreciation in capital assets or capitalize and not expense debts record as a liability instead of a revenue. Our net assets increase by \$36.4 million or 7.8% from \$465 million to \$501 million. Net assets increase by \$16 million in the government activities and by \$20 million in the business type activities. Going down to the fourth bullet on page 11, we talk about the General Fund. The General Fund is the chief operating fund of the City. The General Fund total balance at the end of the year was \$25.9 million, an increase of \$600,000 from the previous year. The General Fund had an unreserved funds balance of \$300,000 at the end of the year. The unreserved, undesignated fund balance represents 0.3% of the total fund expenditures of \$118 million. We will talk a little bit more in detail about the General Fund as we go through the statement. Page 15 of the green booklet presents a statement of net assets compared from June 30, 2007 to June 30, 2006. As I mentioned earlier, the City had total assets of \$1.2 million as compared to \$1.2 million in the prior year, comparable. Assets were \$771 million compared to \$755 in the previous year. Our net assets increased from \$465 million to \$501 million at the end of the

current year. Going to page 17, under the heading of Business Type Activities, we talk about our three major business type activities in this analysis. We talk about Waterworks. Waterworks had net assets increase by \$3.4 million in the current year. EPD increased by \$3.5 million during the current year. Aviation's net assets increased by \$17 million. Capital contributions contributed to much of the Aviation increase in their net assets. They had received \$20 million in capital grants for the year ending June 30, 2007. Going down to the last full paragraph on page 17, we talk about the General Fund. We had mentioned that the General Fund had an unreserved, undesignated fund balance of \$300,000 as of June 30, 2007. The General Fund had an unreserved fund balance of approximately \$15 million at the end of the year, or 16.3% of General Fund expenditures. When you talk about General Fund balance, there are really three components of it. There is a reserve component, a designated component, and an unreserved component. The reserve component reflects external restrictions on that fund balance. The designated fund balance reflects that tentative plans have been made but could be reversed. The unreserved, undesignated fund balance is the portion of fund balance in which no plans have been made for its use. General Fund had a small increase in its fund balance as I had mentioned. Going to page 19, there is a nice comparison there of the revenues and expenditures from 2007 to 2006, which reflects the increase or decrease from the prior year. Stepping back a little bit, on page 18, the second paragraph from the bottom, we talk about General Fund budgetary highlights. In there we talk about the revenues that have come in favorable, taxes that come in favorable from the previous year. We had some shortfalls in the school chargebacks. I believe our revenue was \$1.2 million less than expected, but we had expenditures with the \$4 million better than expected results, so adding to the operating results of the General Fund. There are some discussions about the 2008 budget that management has presented. Turning to page 22, there are some budget trends that management thought were important to present in this NDNA. Pages 26 and 27 talk about the General Fund on the

modified accrual basis of accounting; these are short term liabilities and short term assets. On page 26 we talked about the \$25 million of total fund balance that the General Fund had and then on the last third of that page you can see the various components of the \$25 million that make up the General Fund balance, \$10.9 million of it being in the Rainy Day fund. Going to page 27, you can see the operating results of the General Fund. The City had a small increase of \$567,000, bringing its total fund balance again to the \$25.8 million in the current year. Page 29 presents a summary of the original budget, the revised budget and the actual results against the revenues and expenditures. I mentioned that the revenues came in \$1.1 million short of what was expected. We had an unfavorable negative balance there. The expenditures however made up for that with the \$4.3 million favorable balance in the expenditures. Turning to page 31, we talked about the overall results for the various business type entities. Here I will just lead you to a couple additional of items which may be of importance to you. A third of the way down the page on page 31 you will see the operating income/loss for each of the business type activities. Operating income for the Waterworks fund was \$2.5 million. EPD was \$1.3 million. Aviation had a \$1.9 million loss. The non-major funds had a small increase of \$1.1 million. I am going to flip us back to the back of the booklet now, just to take a look at what makes up those non-major funds. If you could go to page 96, this presents the smaller business type activities, so we present those in the aggregate up front. There are two funds there. We have the Recreation fund and the Parking fund. The Parking fund is a new fund in the current year. Recreation is a fund that has been there in the past. A couple significant items: one, the Parking fund was created, assets were transferred over to the parking fund, and it's operating as a Business Type activities. The Parking fund had an operating income of \$2.2 million. Your Recreation fund has one significant event. We had transferred out the Gill Stadium to the General Government. The operations of the recreation fund had a net loss of \$1 million. Page 35 shows the activity in the pension trust funds. It reflects the additions and

gains on investments and the payments and deductions. During the current year we had a net increase in the pension trust fund of approximately \$18 million, taking earned net assets of \$133 million to approximately \$152 million at the end of June 30, 2007. I turn you to note 4, page 54 of that note; this is the components of your cash and cash investments as of June 30, 2007. The City had \$371 million in cash and cash investments, broken down on page 55 where they were invested as you can see. The \$150 million on the top of page 55 is the investments within your pension trust fund; \$22 million is the other restricted assets in various investments. Next I am going to go to note 11 which is on page 68. This is the Employee Benefit plans. This is a summary. Up front we talked about the \$152 million. Well, against that \$152 million we haven't measured any liabilities so this will kind of walk us through a little bit of what the liabilities are against that \$152 million. Page 71 shows a schedule of funding progress and reflects the actual value of the assets which is less than the fair market value of the assets as of December 31, 2006, and reflects the actual accrued liability. The funded ratio of the plan as of 12/31/2006 was 73.2 percent. The trend there, as you can see, is that it is decreasing, so I would suggest that you keep an eye on that trend as those become very big numbers very quickly. The one other item I will mention is on note 15. This is a summary of the accounting standards that have been issued but not effective. There is one large one out there that will have an impact on the City, GASB 45, and I am sure management has taken review of that and is measuring that liability to see what impact it will have on this. Although I talked about the fund ratio, I still think 74% or 75% is adequate. I am looking at the annual required contribution and positive results, and I believe the City had a sound financial year for the year ending June 30, 2007.

Alderman Domainque asked on page 29 under revenues, what is the Other category comprised of?

Mr. Bassett responded I am going to take you to a detail of that account. If you turn to page 84 of the booklet, those would be all the line items that make up the aggregate of the total on page 29.

Alderman Domaingue stated got it. Thank you.

Alderman Gatsas asked Scott, can you tell me, in your professional opinion, what is the bonding capacity that we can go to before it affects our bond ratings?

Mr. Bassett responded unfortunately there is not just one measurement to do that. I guess the rating agencies would take a look at the ability to pay the debt, the ability to raise taxes to pay the debt. In many cases they look at the ability to tax and collect, which then would affect the bond rating. If tax collections or a percentage of your collected rate would decrease, in my professional opinion, that would impact your bond rating because as you entered into the bond market, there would be some concern as far as the ability to repay.

Alderman Gatsas stated but if my collection rate was at 98%...

Mr. Bassett stated and that dipped to 97% that would probably raise a red flag but if it was a consistent 98% to 98.5% and you were to continue to raise taxes and collect at that rate, I believe that would impact the bonding, how much you can go into the market for.

Alderman Gatsas asked what is the comfortable ratio?

Mr. Bassett responded I think a better measure is the debt per capita ratio that many rating agencies will take a look at, and again that depends on the make up of your grand list, the make up if it's more commercial or residential, so to give an answer directly for the City of Manchester, I can get comparable cities and get what the debt per capita is but I don't know that off the top of my head.

Alderman Gatsas stated if you could get us that please.

Mr. Bassett stated yes, absolutely.

Alderman Gatsas stated there was some discussion last year about the ability of the City to pre-buy salt and how that would appear on a balance sheet. Can you give me an explanation, seeing that we have you here, of whether we as a City have the ability to pre-buy something and put it on a balance sheet?

Mr. Bassett stated GAP allows for pre-paid expenditures.

Alderman Gatsas asked it does?

Mr. Bassett responded yes it does. So it would be similar to an inventory. You would have to classify that as an inventory item or a pre-paid expenditure and then expense it as it was used but GAP does certainly allow pre-paid expenditures.

Alderman Gatsas asked has that changed recently or has that been pretty consistent? Because we were told you couldn't do that.

Mr. Bassett stated that's consistent. To my knowledge that hasn't changed. Now, that's GAP. On the budgetary requirements there needs to be an appropriation to spend, but there could be budgetary restrictions as far as the ability to spend. You need an appropriation to spend.

Alderman Gatsas stated right, but if we had the ability to move appropriations around and pre-buy salt last year because there was a surplus in a line item, we could have done that.

Mr. Bassett stated you would have the legal authority to spend. GAP is one thing but there are also legal authorities to spend.

Alderman Gatsas stated I wish you were here last year. We could have solved an awful big problem last year. Maybe we will solve that problem tonight.

Mr. Bassett stated okay, good luck.

Alderman Shea stated we are going to have a deficit this year, so basically in order to meet that, hypothetically we would have to take money out of some source like a Rainy Day fund. In that event that we don't bill back into the Rainy Day fund an appropriate amount, does that impact negatively our bond rating or our ability to bond? Of course I know the banks are in bad shape today; we all know that.

Mr. Bassett stated I think a couple things there: the benchmark of the 16.3% which you used as your unreserved, undesignated fund balance is there. I think the rating agencies understand that you are going to experience some good years and some bad years. I think what they mainly look for or what they like to see is a consistency and a plan of how you are going to use that fund. So if the plan were to keep this at a stable \$10 million and each of them are going to fund to that level, I think that's important. If they were to see a continued use of that fund and driving down that percentage of 16%, that could have an impact, because I think at that point there could be some questions on the tax ability which I mentioned earlier, but there is nothing wrong with you going into your reserves. Things do happen and that's what the reserve funds are for, but I think the question that

would be directed to the Finance folks is, where are you comfortable keeping that? Is it 12%? 15%? What's your plan? What's your level spending limit that you are going to try to recover that? I think that would be the bigger question.

Alderman Lopez stated just a follow up in reference to Alderman Shea. If we have a history, as long as I have been in here, we haven't used the Rainy Day fund. That is still a plus for us.

Mr. Bassett stated certainly.

Alderman DeVries stated on page 22, maybe you would take a look at the budget trends again with me, I know we talked about it earlier when we were in accounts and we talked about a different table but I noticed when I look at the three-year trend between General Government and Highway and Streets, there appears to be some swapping in 2007 between the numbers for General government and Highway and Streets, and I just wondered if that's something that you can address because the numbers are fairly consistent when added together. Was that maybe an internal difference of how we were considering about a \$10 million item? Or is that a typo in there of the \$14 million of the General Government?

Guy Belion, Finance Department, stated the benefits were taken out at the departmental level.

Alderman DeVries asked and added back in in 2008?

Guy Belion responded you are right, 2008.

Alderman DeVries asked so you are telling me that the benefits were included in 2006, taken out in 2007 and added back in 2008?

Mr. Belion stated 2008 was the first year the benefits were taken out at the departmental level.

Alderman DeVries stated if I might be a little bit more specific, look at 2007, look at General Government going across on page 22 and notice the \$14 million, and compare that to years on both sides. The variable that I could pick up on would have been comparing it to Highway and Streets and it looks like maybe somehow in 2007 there is a \$10 million, give or take, variance that was being swap between the two.

Mr. Belion stated I think we will have to go back and look at the detail behind it.

Alderman DeVries stated I just couldn't tell. I had marked that as a typo and then realized it's probably not a typo, and I am questioning how we changed things being recorded on the books at that point in time.

Mr. Belion stated it hadn't changed in 2007 so we would have to go back and look at the detail behind this.

CONSENT AGENDA

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

Approve under supervision of the Department of Highways

- A.** Pole petition:
#120-55 for one pole on Second Street

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

- B. Sidewalk Petitions:
233 Boynton Street
780 Chestnut Street
269 Currier Drive
395 Kearney Circle

Informational to be Received and Filed

- D. Communication from Attorney Kathleen Sullivan advising of the release of expressions of interest relating to property at 17 Cedar Street.
- E. Manchester Transit Authority minutes and reports for February 2008.

REPORTS OF COMMITTEES

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

- F. Advising that it has approved use of the City Seal by Hank Balch, of Green Bay Signs, in a brochure for the Manchester Police Department Child Identification kit.
(*Unanimous vote.*)

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

- G. Advising that communication from Mayor Guinta relative to the establishment of a Department of Administrative Services has been received and filed.
(*Unanimous vote*)

COMMITTEE ON COMMUNITY IMPROVEMENT

- H. Advising that a request by James Burkush, Fire Chief, to replace the Fire Chief's vehicle with a recycled Police cruiser from the fleet has been approved.
(*Unanimous vote*)

- I.** Recommending that a request by James Burkush, Fire Chief, to prepare and submit two 80/20% grant applications to the 2008 Firefighter Grants (AFG) for Self-Contained Breathing Apparatus units and a new Fire Pumper be approved.
(Unanimous vote)
- J.** Recommending that a request for sewer abatement for 84 Ashland Street be granted and approved in the amount of \$204.75 as recommended by EPD.
(Unanimous vote)
- K.** Recommending that a petition for:
Layout and discontinuance of a portion of Elm East Back Street
(AKA Manhattan Lane, AKA Harry Theo Drive)
be referred to a Road Hearing at a date to be set by the City Clerk.
(Unanimous vote)
- L.** Recommending that a request from Charles DePrima, Acting Director, Parks, Recreation & Cemetery Department, requesting additional funds totaling \$83,815.50 for the City portion of the Piscataquog River Park Pedestrian Bridge be approved.
The Committee further recommends that the Parks, Recreation & Cemetery Department be directed to utilize funds from the Sullivan Park Project to cover the projected shortfalls in the Piscataquog River Park Pedestrian Bridge project.
The Committee also recommends that the department be directed to immediately go out to bid for completion of the project and work with the Planning Department to complete the necessary budget authorizations and report directly to the Board of Mayor and Aldermen.
(Unanimous vote)

COMMITTEE ON LANDS AND BUILDINGS

- M.** Advising that it has approved a Right-of-Way application for use of the Portsmouth Branch railway for installation of underground residential gas line at 61 Beech Street, subject to the review and approval of the City Solicitor and for such purpose a communication and easement agreement have been submitted by the City Solicitor.
(2007 Committee action; Unanimous vote with exception of Alderman Thibault who was absent.)

COMMITTEE ON PUBLIC SAFETY AND TRAFFIC

- N.** Recommending that regulations for standing, stopping, parking and operation of vehicles be adopted as noted and those inconsistent therewith be repealed.
(Unanimous vote)
- O.** Recommending that Section 70.82 Immobilization of Motor Vehicles for Non-payment of Parking Fines of the Code of Ordinances be amended to increase the fee for vehicle immobilization; and that same be referred to the Committee on Bills on Second Reading for technical review.
(Unanimous vote)
- P.** Advising that it has approved a request from Mr. Alan Heacock of the Daniel Webster Council Boy Scouts to use Arms Park on April 13, 2008 for their annual Hike-a-thon.
(Unanimous vote)
- Q.** Recommending that the request from Ms. Christine Hardy of Easter Seals to be granted twenty (20) one-day parking passes for use in conjunction with their annual "Walk With Me" event at Veteran's Park on June 5, 2008 be approved.
(Unanimous vote)
- R.** Recommending that the request from the NH Department of Transportation to place permanent I-93 Detour Guidance Signs along Route 28 (South Willow Street) be approved.
(Unanimous vote)

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

- C. Communication from Ed and Joy Osborne and family of Louise Covatis thanking the Board for the expressions of sympathy during their recent loss.

Alderman Osborne stated I just want to thank the Board of Mayor and Aldermen for their expression to my wife's mother for her death. It was very nice of the Board and the Mayor to come over and also to have some flowers there. It was a very, very nice feeling. Thank you very much.

***Alderman Osborne** moved to receive and file this item. The motion was duly seconded by **Alderman M. Roy**. There being none opposed, the motion carried.*

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

Pursuant to Section 3.14 (b) of the City Charter, please find below the following nominations:

Christopher Thompson to succeed Daniel Pinard, which is a vacancy, as an alternate member of the Planning Board, term to expire May 1, 2009;

Henry Bourgeois to succeed the late Edward Beleski as a member of the Highway Commission, term to expire January 15, 2009;

Dennis Mires to succeed himself as architectural/design field representative to the Millyard Design Review Committee, term to expire January 1, 2010.

*On motion of **Alderman M. Roy**, duly seconded by **Alderman Shea**, it was voted to confirm **Dennis Mires**.*

6. Confirmation of nomination of Jeff Galvin to succeed Fred Urtz as architectural/design field representative to the Millyard Design Review Committee, term to expire January 1, 2010.

***Alderman Ouellette** moved to confirm this nomination. The motion was duly seconded by **Alderman J. Roy**. There being none opposed, the motion carried.*

7. Nomination of Michael DeBlasi to represent Ward 3 on the Board of School Committee submitted by Alderman Sullivan.
(*Note: Resume to follow under separate cover.*)

Alderman Sullivan stated thank you, Your Honor. This evening I am proud to place in nomination the name of Mike DeBlasi for the vacancy on the Board of School Committee from Ward 3. Many of you will recognize Mike from his former life as the sportscaster on Channel 50 but more important than that he is an active and enthusiastic member of our community. He has worked as a volunteer for Big Brothers, Big Sisters and has coached Babe Ruth Baseball. I think he will bring a dynamic, energetic and thoughtful new voice to the School Board, something that can only benefit the students and parents of Ward 3. I would like Mike to step forward and introduce himself to.

Michael DeBlasi, 55 River Road, nominee for Ward 3 School Board Committee, stated thank you for having me here tonight. I am excited about this opportunity, and I can promise that there will be a commitment on my part driven pretty much by a passionate desire to provide some young leadership in areas where I see that it might be necessary and guarantee I would be up to the challenge.

On motion of Alderman Sullivan, duly seconded by Alderman J. Roy, it was voted to close nominations.

Alderman Sullivan moved to suspend the rules and confirm this nomination. The motion was duly seconded by Alderman Gatsas.

Alderman O'Neil stated I have spoke with Alderman Sullivan about this. As of tonight I have not seen Mr. DeBlasi's resume. I also would ask Alderman Sullivan, just as a courtesy...I know Mike. It's been a number of years and he coached Babe Ruth with my brother, but I just wanted to have the chance to chat

with him. I haven't had the chance to do that yet. I was just wondering if two weeks...there's nothing critical that I am aware of pending of the School Board. This can lay over a couple weeks. I am just asking the courtesy.

Alderman Sullivan stated with all due respect to my colleague, I think it's essential, with the budget situation being what it is, that we have someone who is able to hit the ground running and be a part of the discussion process right away. I can get you that information before the end of the evening.

Alderman O'Neil stated I was promised a resume that I haven't seen yet.

Alderman Sullivan stated I did email it to you. I think it was delivered in a separate packet on Friday.

Alderman Domaingue stated I got the resume in my packet, so I think it was distributed.

City Clerk Johnson stated it was distributed on Friday to the Aldermen as I understand it, Your Honor.

Alderman Ouellette stated Your Honor, we got the resume Friday. It was a very busy weekend for a lot of people. I know that I haven't had a chance to contact Mr. DeBlasi myself and being a former member of the Board who was appointed, I would want to give him a courtesy call and be able to sit down and have a discussion with him about that. I don't think, as Alderman O'Neil said, the budget is passed on the School Board side and they are waiting for action from the City in terms of where they are going to go in terms of their budget. So there is not going to be any budget discussions other than deciding whether or not they are going to hand out pink slips. That's the only discussion about the budget that they are going to end up having. I would like a courtesy of the two weeks myself.

Alderman Sullivan stated Your Honor, will all due respect to the courtesy owed to my colleagues here, I think there is also a courtesy that is owed to the residents of Ward 3, and that's that they have a member representing them on the School Board. We have an individual here who has expressed his dedication to the community, who is qualified for the position, and I really see no need to stall this other than a desire to play politics with the nomination. I don't think that's the appropriate way to go and I think since we have a qualified candidate, we should move forward, waive rule 20 and get him to work.

Alderman DeVries stated I couldn't disagree more with Alderman 3 because if there was politics involved here we wouldn't have closed nominations which have been done. You are the candidate. What I heard is a few Aldermen wanting to have a conversation with you. I really don't want to sit here and ask questions but I have to tell you my curiosity is piqued just by the brief comment you made that there are areas of youth that you have thoughts on. I am not going to say concerns and I forget your exact words. I would love to have that exchange with you, and I hope that we find time over the next couple weeks to find out what you have seen in the City, your involvement with non-profits and it makes us all feel more comfortable with the whole process that we have had that opportunity. Thank you for stepping up. We look forward to your service. I am hoping that the rest of the Board will allow Alderman O'Neil, myself and any other Aldermen that just want to have that conversation with you so that when we are asked later on, why did we support a candidate, we can tell them eloquently.

Alderman Lopez stated I think it is fair to the candidate to understand we have rules where it lays over for two weeks on any nomination just like the Mayor brings in. It's nothing personal against you, believe me, and I don't want you to leave here, because I hear good things about you and I don't have any problem with that. I would just ask that we find ourselves sometimes in a mix here and I

think at the beginning of the year and last year, we decided we would try to do all, take the two weeks and lay over and come back to the next meetings and make a confirmation so I don't think any...I think just take the vote Your Honor because we're going to be here all night talking about something that...

Alderman M. Roy stated Mike, I am glad you are here. I have heard nothing but good things about you, and I absolutely supported closing nominations and moving you forward but the reason we have the lay over is not only that the 14 of us make a decision but this is the first time that people over public airwaves have heard your expressed interest in serving the City. So I don't look at it as making up my mind, I look at this as the constituents I represent, the 7,200 of them being able to give me any feedback, positive or negative, now that your name has been made public and you are looking to take on a position that normally would go through the normal election cycle, so I don't look at this as politics. I don't look at it as anything that should reflect on you. I was the one that moved item 3 to move Dennis Mires because he is succeeding himself in the Mayor's nominations. We always ask for resumes even for our Planning Board, Zoning Board, and every nomination for the last two years we have laid over for two weeks just so the public has a chance to have their input. And, 99% of the time there is no input and I believe 100% of all people who get to this point are confirmed. I have heard nothing but good things about you and I support your nomination but I also do support laying it over two weeks to let the public that is hearing your name for the first time, hearing of your interest, have their voice in this. That is why I will be voting to lay it over as I would if my mother or father were sitting in that chair.

Alderman Gatsas stated in the short time that I have been on this Board there have been either three or four nominations to a School Board member. The last one that came from Ward 3, there was no lay over; we confirmed it the same day. That person sat in that position the first time that name was brought in. The same

thing happened in Ward 2, so I think that with all due respect we have a precedent that we have sat here and done this in the past; nobody's laid over for it, and it has been incorporated. I think we should do the same thing tonight. I have never liked the idea of the Aldermen having the ability to replace a School Board member. I have said that from day one. It has nothing to do with the person that is before us, it's just been...it should be an election. It should be the people of Ward 3 to elect it. We haven't changed that law at the state level so there is a nomination that has been brought in and seconded by the Board member that is sitting here and I think that we should move this nomination along. There should be no wait. Thank you, Your Honor.

Alderman Sullivan requested a roll call on the motion.

Alderman Ouellette asked can I have a clarification on the motion please?

City Clerk Johnson stated the motion is to suspend the rules and confirm Mr. DeBlasi to the School Board representing Ward 3.

A roll call vote was taken.

Aldermen Sullivan, J. Roy, Pinard, Shea, Garrity, Domaingue, and Gatsas voted yeah. Aldermen Osborne, O'Neil, Lopez, DeVries, Smith, Domaingue and M. Roy voted nay. *It was a tie vote.*

Mayor Guinta stated that means I get to break the tie.

Alderman Lopez stated I think it takes two-thirds to suspend the rules.

City Clerk Johnson stated yes, this is a suspension of the rules, so you need ten votes.

Mayor Guinta asked does it require a vote from me?

City Clerk Johnson responded we still have a tie vote, so you should be recorded one way or the other.

Mayor Guinta stated I would vote yes, I think.

City Clerk Johnson stated that would give us a vote of 8 to 7, which is lacking the two-thirds vote to suspend the rules and confirm Mr. DeBlasi.

Alderman Ouellette asked does that mean it will lay over for two weeks?

City Clerk Johnson responded it will lay over under the rules until the next meeting.

Alderman Ouellette stated I would make a motion to make the nomination unanimous of Mr. DeBlas, to not suspend the rules.

Mayor Guinta stated I think the intention here is that no one really objects to the candidate, they just want to adhere to the rules of the Board.

City Clerk Johnson stated the closing of the nominations which placed this gentleman as the only candidate was accomplished by a unanimous vote to begin with.

Mayor Guinta stated I think I can speak safely for every member of the Board that certainly there's no objection to you, Mr. DeBlasi, as the candidate to come before this Board. I suspect in two weeks you will have a unanimous vote.

Alderman Gatsas stated unless someone makes a motion for reconsideration.

Mayor Guinta stated that is always possible. However it seems that enough colleagues would like to adhere to the Rule 20 obligation for nominations of this nature to typically lay over. With your indulgence we will see you here back in two weeks, but I would certainly expect at that time that you would be properly installed as the next Ward 3, School Board Member.

Alderman O'Neil asked can we ask the Clerk to resend the resume? I have everything that came Friday. I don't have his resume.

City Clerk Johnson stated we would be happy to accommodate that, Your Honor.

Alderman O'Neil stated some said they got it and some said they didn't. Can they just make sure everyone gets the resume, so we can get this done in two weeks?

Mayor Guinta stated the Clerk has indicated that will be reissued. So we will see you in a couple of weeks.

Mr. DeBlasi stated for those who would like to speak with me about anything on any level, I would make myself available to you at your convenience.

Mayor Guinta stated we will provide the contact information for every member.

8. Report of Committee on Public Safety, Health and Traffic, recommending that the proposed Late Fee Forgiveness Program be approved and a temporary late fee ordinance will be presented to the Board of Mayor and Aldermen on April 1, 2008; and further recommending that the use of the online citation payment tool be approved.

(Unanimous vote.)

Alderman Lopez moved to approve this item. *The motion was duly seconded by Alderman Domaingue.*

Alderman Gatsas stated I heard a pretty disturbing comment the other day that Police are giving out more parking violations on meters than the people that you have under your jurisdiction. Can you tell me if that's a fallacy or if that is a fact?

Ms. Brandy Stanley, Parking Manager, stated that is a fallacy to my knowledge.

Alderman Gatsas asked do you have a breakdown of how many tickets are given out by Police and how many tickets are given out by your department?

Ms. Stanley stated I don't have it on me.

Alderman Gatsas suggested maybe that can come with the same report I am waiting on on the PML profit statement that we have been kind of sitting on and waiting.

Ms. Stanley replied Alderman, I apologize. My daughter has been in the hospital for the last week, so I will get all that information to you as soon I can.

Alderman Gatsas stated I apologize. I didn't know that was a factor. You will also get us a breakdown on the 7,900 parking tickets, how that breaks down?

Ms. Stanley responded yes. I can tell you in round numbers that Police Officer parking tickets have generated approximately \$27,000 for this year, and the Parking Control Officers have generated well over \$1,000,000.

Alderman Gatsas stated okay.

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

City Clerk Johnson stated Your Honor, we have an ordinance that was distributed in relation to that. I am not sure if the Board is intending to adopt that this evening or put it through the Committee on Bills on Second Reading, but in either case we would need to read it by title only and then act upon it from there.

***Alderman M. Roy** moved to waive the reading of the ordinance. The motion was duly seconded by **Alderman Ouellette**. There being none opposed, the motion carried.*

“Amending Section 70.78 Penalty of the Code of Ordinances of the City of Manchester to temporarily suspend the Increased Penalty provided for certain parking violations.”

City Clerk Johnson stated, Your Honor, the Board can not entirely suspend the rules on this. It could suspend the rules so as to not refer it to the Committee on Bills on Second Reading and allow it to be Enrolled this evening, but it’s a penalty ordinance so it has to lay over for at least one meeting or the Board can merely refer it to Bills on Second Reading. It’s up to the Board, whatever they desire.

Mayor Guinta asked what’s the quickest way to get in enacted?

City Clerk Johnson responded probably to suspend the rules and place it on its second reading for Enrollment at this time.

***Alderman Lopez** moved to suspend the rules and place this ordinance on its second reading for Enrollment at this time. The motion was duly seconded by **Alderman Shea**.*

Alderman Gatsas asked is that to suspend the rules, Your Honor?

City Clerk Johnson stated that’s to suspend the rules to Enroll it at this time, without referral to Committee on Bills on Second Reading.

Alderman Gatsas asked so there is no public input then?

City Clerk Johnson stated it will lay over to the next meeting.

Alderman Gatsas stated my question is, if it doesn't go to Bills on Second Reading then there is no public input?

City Clerk Johnson stated other than through public participation at the next Board meeting, correct.

Alderman Gatsas stated but Bills on Second Reading is where it gets public input. That's why we have Bills on Second Reading, to allow the public to come in and voice their opinion on something.

City Clerk Johnson stated Bills on Second Reading does technical review of ordinances. They don't generally conduct a public hearing but they certainly can if they so desire to.

Alderman Lopez stated I agree with the City Clerk. The Bills on Second Reading doesn't have a public hearing unless you want a public hearing. Is that what you are indicating?

Alderman Gatsas stated I would think the public should have an opportunity to weigh in on it.

Alderman DeVries stated Brandy, for the violation forgiveness that you are proposing, if I read the ordinance correctly, you are saying that any individual who has received a parking ticket prior to May 1st of this year would have the opportunity between May 15th and July 15th to have the amount that may be overdue and has gone up above the base amount, to have that brought back down to the base fee, which is ten dollars.

Ms. Stanley stated for an expired meter ticket, that is correct. Yes, that is what this ordinance does. It waives the late fees and allows the person to pay the original amount of the parking ticket.

Alderman DeVries asked so this is an opportunity for you to get people who haven't been paying their fees to come in and take care of them because if they haven't been taking care of them it is likely that they become rather expensive. So, it is to get their black marks taken care of. My question for you is what happens if they receive their ticket April 25th let's say, current cycle, and why did you leave...I think I just figured out my own answer but between May 1st and May 15th there is a period of time. Isn't that period of time longer than the amount of time to pay a ticket before it goes up to the first step?

Ms. Stanley stated it is by about a week. Basically, we chose May 1st because we wanted to encourage people to continue paying tickets, and it seemed like a round figure and an appropriate amount of time to suspend late fees before.

Alderman DeVries asked if this is going to Bills on Second Reading, and I don't know the outcome of that, I hope Alderman Gatsas is paying attention, because it seems there is a small group of people here that may not get the benefit of the ordinance because they are falling outside of that range, that extra week.

Alderman Gatsas stated if I may Your Honor, I want to make sure my colleague understands I am paying attention probably more times than she does.

Mayor Guinta stated let's try to remain civil. The issue here is whether this should go to Bills on Second Reading or whether we are going to suspend the rules. There is a motion on the floor. If there are any other pertinent questions I will entertain them; otherwise we are going to take a vote and see the outcome of the vote.

Alderman DeVries stated I don't think we were waiting for an answer but I would like to give our Parking Manager the opportunity. Am I correct that maybe this language could be better?

Ms. Stanley stated I don't think we would have a problem with changing the date so that seven days before May 15th...Just so everyone knows, we are not actually requesting that the rules be suspended. There is enough time before May 15th for this to go to Bills on Second Reading and come back to the full Board if that makes it easier.

Alderman DeVries asked so am I hearing that we might want to change it to between May 8th and July 15th?

Ms. Stanley responded I have no objection to that.

Mayor Guinta stated I understand that you have no objection to it, but Alderman Gatsas I think is...I assume he is asking for a public hearing to be set by Bills on Second Reading.

Alderman Gatsas stated no. I am saying that that's where the opportunity for the people to come in.. Is Bills on Second Reading not an offering for public hearing?

Mayor Guinta stated I don't think there was any expectation that Bills on Second Reading would set up a public hearing.

Alderman Gatsas stated I would assume that the chairman of the Bills on Second Reading...if the public wanted to come in and voice their opinion on this they wouldn't stop them.

Mayor Guinta stated I suspect you are right; however this has certainly been discussed multiple times. We are trying to get people an opportunity to pay a bill that they otherwise may not pay because the fines are incurring. We give them a two month period to pay it. It's a forgiveness program for two months. I think it's very clear. From a policy perspective it is a friendly thing for the City to do but also gives us the opportunity to receive additional income. I think from a policy perspective this Board has certainly weighed the issues, and I think today is probably prepared to move forward with it, so we do have a vote on the floor that is going to be taken.

Alderman M. Roy stated I did expect this to go to Bills on Second Reading, but I will ask this question here instead of there. Brandy, the July 15th date...what was the reasoning behind that?

Mr. Stanley stated we originally wanted to start the program on May 1st in the interest of getting the two month program within this fiscal year. However, in working with our online payment vendor, they are a major credit card vendor for the IRS. They are not going to be able to take on new customers or commence the testing process until April 15th so we moved it back to May 15th for a 60 day period ending July 15th.

Alderman M. Roy asked why then the 60 day period? I like that you were trying to keep this in one fiscal year, not only for accounting purposes but just for the fact that this stretches out. Why 60 days versus 45 or 30?

Ms. Stanley stated the 60 day period is going to give us enough time to make sure that we do our best to contact all of individuals in our database. We do know that quite a large number of the addresses we have in the database are incorrect. When we send out the initial notices we know we are going to get many back and the

extra 60 days will allow us to research the proper addresses, if they can be found, and resend the notices and give those people time to respond within the 60 day period.

Alderman M. Roy asked what do you project the cost to be for notification?

Ms. Stanley responded the postage for the notification is going to be approximately \$10,000.

Alderman M. Roy asked and potential, if you have 100% compliance, what is your estimated revenue from this?

Ms. Stanley stated if we have 100% compliance we would be talking about \$1 million in revenue. We don't expect 100% compliance, or frankly anywhere near that, but we do expect obviously more than \$10,000 in compliance.

Alderman M. Roy stated just so when I get asked the question about what we are waving, if someone parked a year ago and got a \$10 ticket, what fees get added to that? What would the liability be a year later?

Ms. Stanley stated it depends on the citation, but in the case of a \$10 ticket it goes up to \$20 after seven days and that's where it stays. There are no other interest charges or fines added after seven days.

Alderman M. Roy stated even people that are on your boot list are looking at it for just a number of violations, not an escalation of fees or interest or neglect. Unlike our Tax Collectors office, you don't have any ability to charge fees or a per annual.

Ms. Stanley stated no, the ordinance basically shows the ‘after seven days’ for each individual citation. It tells us how much the fine goes up after seven days. In a lot of case it doubles and in some cases it goes up by less. But that’s it. That’s all that’s contained in the ordinance.

Alderman M. Roy asked what is your projected target, percentage-wise, for people who will take advantage of the 60 day process?

Ms. Stanley stated unfortunately I don’t have a very good answer. I don’t know how it’s going to happen because we don’t know how many people we are actually going to be able to reach to get this program moving. I know that these types of programs are very successful and they have been running in multiple cities across the United States. Other than saying we are 99% sure that we are going to get more than its cost, the \$10,000, I really can’t tell you until we get a couple weeks into the program.

Mayor Guinta called for a vote on the motion. The motion carried, with Aldermen M. Roy and Gatsas voting in opposition.

Alderman Osborne stated I just wanted to ask my colleague here, Mr. Gatsas, why he wants a public participation.

Alderman Gatsas stated obviously there is a committee that is set up. The only thing that was really going to it is the Human Resource positions and I guess we continue to take...there are questions here that Bills on Second Reading...why would we go until July 15th and not July 1st to make sure the money came into this fiscal year, where we are looking at problems, or do you want to take it into next fiscal year where it would be a benefit to us because this year it’s probably just going to drop into the Rainy Day fund, although, I don’t know because I don’t

know what the profit and loss statement looks like at the Parking Division. So I think there are certain reasons why it would go into...and I don't know what the cost is on the credit card.

Mayor Guinta stated we've taken a vote, so we're going to move on.

City Clerk Johnson stated we voted to suspend the rules and Enroll the ordinance, as I understand it, so that would conclude the business on that. I just want to be clear that we did not change any dates in that process.

Mayor Guinta stated correct.

9. Legislative Update presented by Mayor Guinta.

Alderman Gatsas stated there was a piece of legislation that passed the Senate that had a very disturbing effect on Elm Street. Senator DeVries, myself and Senator D'Allesandro voted against that legislation about signs on Elm Street because nobody wanted to believe that Elm Street was a federal highway, dead end at both ends. Now that we have gotten back, hopefully we can amend a bill to take care of the signage problem that was created in that bill for signs on Elm Street. I don't know what the numbers are. I don't know if Senator DeVries remembers the number; I don't remember it off the top of my head. That is a significant problem on signage on Elm Street.

Alderman DeVries stated we did get a legal interpretation on that and it was interesting because for signage purposes Elm Street is considered a federal highway for no other purposes. The real problem area isn't Elm Street; it is the Millyard District because the legislation takes into account any area within 600 feet of a state highway for regulation. It is a problem and hopefully it's being corrected. Some help from yourself and staff would be useful

Mayor Guinta stated we'll be happy to look into it.

Alderman O'Neil asked the fact that this was brought up...is Senator Gatsas looking for a vote from this Board to request your actions to correct it?

On motion of Aldermen O'Neil, duly seconded by Aldermen Gatsas, it was voted to request the Mayor's assistance with this issue.

Alderman Garrity moved to receive and file item #9. The motion was duly seconded by Alderman Shea. There being none opposed, the motion carried.

10. Communication from Thomas Arnold, Deputy City Solicitor, submitting a proposed easement for a portion of the Portsmouth Branch railroad right-of-way for 61 Beech Street, gas line.

Alderman Pinard moved to approve the easement and authorize the Mayor to execute same for and on behalf of the City, subject to the review and approval of the City Solicitor. The motion was duly seconded by M. Roy. There being none opposed, the motion carried.

11. Communication from Thomas Bowen, Director, Manchester Water Works, submitting Amendment No. 3 to the Verizon Wireless Derryfield Park Cell Site agreement; such having the approval of the Board of Water Commissioners.

Alderman Domaingue moved that the amendment be approved and that the Mayor be authorized to execute same on behalf of the City subject to the review and approval of the City Solicitor. The motion was duly seconded by Alderman Smith. There being none opposed, the motion carried.

TABLED ITEMS

- 12.** Communication from Alderman O'Neil requesting the Board of Mayor and Aldermen identify and fund an additional \$108,000 for the Operation Drugs and Guns (DAG) program of the Manchester Police Department; and further that the Board fully fund the DAG program in Fiscal Year 2009 for a 12 month period.

(Tabled 3/18/2008)

Note: Communication from Police Department requested at the 03/18/08 BMA meeting attached.)

Alderman O'Neil made a motion to remove this item from the table. The motion was duly seconded by Alderman Pinard. There being none opposed the motion carried.

Alderman O'Neil stated Your Honor, I know you informed me you are going to be meeting with the colonel of the State Police soon about future funding on this, but I would like to yield to Alderman Lopez because he made a point to me since you and I spoke earlier this evening that might be of great assistance to this. So if I may I will yield to Alderman Lopez.

Alderman Lopez stated maybe the Deputy Chief can come up because I am sure there will be some questions, but there is a letter in reference to Drugs and Guns, and it was brought up by myself that there was a special account of \$341,000 and the explanation that some of the money has been spent I think and there is approximately \$281,000 left in that account. In conversation with some of the Aldermen in reference to Drugs and Guns, we surely want to continue this program. I think the Deputy Chief has indicated in his letter that the arrest and search warrants in 2000 all the way to 2007 and 2008 are self-explanatory. Everybody has that letter I presume. It was sent out. I requested the Deputy to provide it to the Board of Mayor and Aldermen. I believe that there is \$108,000

between now and July that the Police Department does need to continue, even though they are going to continue, but they will be more engaged in knowing that the money is there and I think the recommendation from the Deputy Chief is to take \$108,000 from that special fund for the simple reason that he has indicated to me, and he can speak for himself, that he does not believe we are going to hire four more police officers before the next budget cycle. Is that correct, Deputy Chief?

Deputy Chief Glenn Leidemer responded right. We have a test scheduled for Saturday; I strongly suspect that we will not reach the complement of 225 before July 1st. I don't think that's possible for us to do. My suggestion and actual request is that we be allowed to use money from the special account, Special Projects Account, to take the \$108,000 from that to continue through July 1st. The reason is that we are continuing, as you said. As recently as last Thursday we executed a search warrant. That was an investigation that was launched several months ago with the New Hampshire State Police and the Attorney Generals Drug Task Force, and we just completed that. What is restricting us now is, we don't have the money; we don't have the mechanism to get the money to these other agencies to work collaboratively with us on these investigations, that we don't have the resources to dedicate to them as we have in the past with Street Sweeper and DAG.

Alderman J. Roy stated in our conversation earlier you said you were going to be talking to someone tomorrow to possibly get funds for this program. Wouldn't it be wise to see if we get those other funds before we transfer these funds?

Mayor Guinta stated as I understand it, the account Alderman Lopez is referencing is within the Police Department budget. It's a line item that has not been fully utilized, so the request here is essentially a line item transfer to be utilized for this program. Two points: First of all, that line item right now is needed in order to eliminate the City deficit and the deficit within the department. If you want to use it, I would suggest at this point, let's find another way to save additional dollars. At this point I can't say to the Board with any level of certainty that we are going to be able to erase 100% the deficit for fiscal year 2008. It's still a great concern of mine, and realistically, I won't have a better projection probably for at least another 30 days. But as I look at it today, I am not confident that unless we do some additional cutting that we are going to meet that deficit. After I received the letter from Deputy Chief Leidemer, I did reach out to the US Attorney's Office and I do have a meeting scheduled tomorrow with Colonel Booth, which is what I have indicated to this Board that I would like to see alternative sources first that we could reach out to. That meeting is scheduled for tomorrow. It was the first available meeting that we could schedule. My hope is just like we have done in the past to see what funds may be released. I would come back to the Board and provide that information to the Board at the next meeting. If we can be successful, that would be dedicated towards this program. I fully agree with Alderman O'Neil and Alderman Lopez that this is obviously an important program that needs to continue; however, we do have an obligation to balance that with the deficit challenge that we're having in fiscal year 2008, so I would ask the Board to allow me to meet with Colonel Booth tomorrow as I have scheduled to see if we can identify an additional source prior to going into a line item that I hope will go toward reducing the deficit for fiscal year 2008.

Alderman Gatsas asked the conversations that you have had in Concord, have they told you that there is a good possibility that you are going to receive funds?

Mayor Guinta responded I wouldn't categorize it that way. I have not had a conversation with Colonel Booth yet. That is occurring tomorrow.

Alderman Gatsas asked and have you had any with the Commissioner?

Mayor Guinta stated no.

Alderman Gatsas asked for federal dollars?

Mayor Guinta responded that is what I am going to talk to Colonel Booth about.

Alderman Gatsas stated well you have had a conversation with the US Attorney's office.

Mayor Guinta stated he wasn't able to provide me with an answer in our conversation last week.

Alderman Gatsas asked the number you are trying...how much of a revenue shortfall is it to meet the obligations of this budget, because if revenues are short it allows us to look at the Rainy Day fund. I would rather take the opportunity to take some of this money that may be within these departments as we did last year when we could have bought some salt and we were discouraged to say that that couldn't be done and it probably would have put us in a lot better position if we had taken that \$400,000 and not sent it to the Rainy Day fund but bought salt. It certainly would have put the Highway Department in a much different light this year. So I am looking at some of the things as we started last year during Finance when we were hearing from the different departments. We bought some cruisers three years ago. We did some other things last year. I think we are going to find,

just from the numbers I have calculated, that the numbers within the budget, in line items for wages in Police, Fire and possibly Highway are going to come in a much lower fashion as they always have done. If you look at the ten year history on those line items, there is about one to two million dollars in wages that aren't expended because of the retirements that are before us, so I think there is going to be plenty of money when we see it. I just don't want to see money that falls into the Rainy Day account because we have got the fund balance at the bottom of \$840,000. You've got a line item of \$700,000 for Salary Adjustment which has not been touched.

Mayor Guinta stated that would go toward the reduction of the deficit.

Alderman Gatsas interjected well that wasn't even figured in the last time when the Finance Officer brought his numbers forward and we were only \$800,000 or \$900,000 away from hitting that target. So between what they have in that line item and what you have in the line item you are talking about, that is close to a million dollars. I think we need to proceed in a manner that gets things done and potholes filled and police officers with radios and not sending money to the Rainy Day fund.

Alderman Lopez stated as you are having these discussions, I think what I am asking tonight is that we give the authority for them to move ahead with the \$108,000. If by chance you can get some money we can always replenish the account with that money. It's a matter of accounting. We are using it for Drugs and Guns; he has the money. And a little reminder: this \$241,000 was not even anticipated in the financial report that was given to us before. This was a fund that I brought up that was a special fund that even Chief Leidemer had to go back and double check it. Am I correct?

Deputy Chief Leidemer stated yes sir.

Alderman Lopez stated so the money is there for hiring police officers and he has indicated to me that he is not going to hire any police officers so I think we are doing the right thing, so I would ask this Board to approve this request.

Alderman Shea stated this is a simple question. I would like to keep it short and sweet and not going on forever. One of the things is, if we don't appropriate any money, does the program start or stop or what's the position?

Deputy Chief Leidemer stated it won't stop. I committed to you two weeks ago that we are not stopping. I have to be clear with you. It will not be as effective as it has been in the past because we don't have the other components that add to it.

Alderman Shea stated that is what I am asking you. In other words if you don't get the assurance of the Board as far as funding tonight, your program will not impact or be as efficient tomorrow as it would have been if you had the assurance of where the money is coming from. Is that correct?

Deputy Chief Leidemer stated that is correct. If we don't get additional funds, it will strictly be Manchester Police Department resources, our undercover officers, our tactical officer and our detectives and patrol officers working this exclusively.

Alderman Shea asked and if the Board gives you approval to use the source of money that is existing in your department, other than taking it out from this particular source, you can still continue the program as such.

Deputy Chief Leidemer stated I am not sure I understand the question.

Alderman Shea stated in other words, you are mentioning that there would be available monies because you are not hiring additional officers so that if you had the assurance that you could use the money available to us that will not be used to fund additional officers, you could then continue the program.

Deputy Chief Leidemer stated yes, but to be perfectly clear with you, I think the caveat that went with the \$341,000 would be used to hire, train, and equip officers from 221 to 225. We may have an officer or certified officer from the state of New Hampshire or somewhere else that comes to us in two weeks that we may hire, but I am very confident we are not going to reach the 225 by July 1st.

Aldermen Shea stated right so you will have additional money in your budget.

Deputy Chief Leidemer stated we will have money; we won't have money in the budget as much as we will have money in the special account that was set aside, if you will, for officers 221 to 225.

Alderman Shea asked so your preference is to use the money that is being suggested?

Deputy Chief Leidemer stated my preference is to be funded to continue this operation, and it's my obligation to bring this to you, the problems in the community and our solutions to them. It appears that the money is there in that account to use but it's your decision if it's going to be used for that. My job is to come here and tell you what the problems are and we need the money to keep this program going.

Alderman Shea stated so either way, if for instance you do not use the money that you have in excess, it will be returned back to the City.

Deputy Chief Leidemer stated that's correct. We have already spoken with the Finance Officer and planned that for the deficit. I have to admit and I committed to writing that we did use that money and applied it towards the deficit.

Alderman Shea moved to take \$108,000 from the special account in the Police Department budget for the Drugs and Guns program. The motion was duly seconded by Alderman Lopez.

Mayor Guinta stated you people do understand that that's another \$108,000 we have got to find now towards the deficit because this money is applied. We were trying to apply this money toward the current deficit. As long as you understand that.

Alderman Shea stated Your Honor, this is a very important issue. We shouldn't quibble over the fact. This is safety.

Mayor Guinta stated Alderman, I don't disagree, which is why I have scheduled the meeting.

Alderman Shea stated if you schedule it tomorrow and you are successful, Your Honor, you can call him up and we can retract our motion. Otherwise he is explaining to you that the program is not going to be as efficient and maybe tomorrow you may get some additional funding but then again maybe not.

Alderman O'Neil stated not to sound like a wise guy, Your Honor, but I don't particularly think the bad guys are concerned whether or not we are running a deficit or not. They are continuing their activities, unfortunately, and I think we have an obligation to stay on top of them and hopefully arrest and convict as many of them as possible so I will support my colleague's motion.

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

13. Petition to rezone a parcels of land located west of Mack Avenue and north of Frontage Road submitted on behalf of One Mack Avenue, LLC.
(Tabled 03/18/2008)

Alderman Garrity moved to take this item off the table. The motion was duly seconded by Alderman O'Neil. There being none opposed, the motion carried.

Alderman Garrity moved to receive and file this item. The motion was duly seconded by Alderman Smith. There being none opposed, the motion carried.

14. Communication from Carol Johnson, City Clerk, providing the Board a report on the current status of activities at the Office of the City Clerk.
(Tabled 2/19/2008)
NOTE: Available for viewing at Office of City Clerk; previously forwarded to Mayor and all Aldermen.

This item remained on the table.

15. 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.

16. 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.)

Alderman Gatsas moved to remove this item from the table and refer it to Lands & Buildings. The motion was duly seconded by Alderman M. Roy. There being none opposed, the motion carried.

17. 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.

NEW BUSINESS

Alderman Lopez stated last night when you presented your budget and resolution it wasn't, in my viewpoint, according to the City Charter. So some technicalities...talking to the City Solicitor, have to be made in reference to eliminating departments in your budget and therefore I would like to bring to the

attention of the Board that Parks & Recreation, the Building Department, Economic Development has to be in the budget according to the City Charter. I've had some discussions in reference to this, and I am prepared to make a motion to this effect. I understand that communication has been done with your office. Is that correct?

Mayor Guinta stated yes, we spoke with the Solicitor's office this morning. The technical corrections are being worked on and will be provided to the Board with the budget book inside of a week.

***Alderman Lopez** moved that the FY 2009 budget resolutions that are technically corrected be submitted to the City Clerk on or before noon April 4, 2008, and that such resolutions be referred to a public hearing at 6 pm on Monday April 21, 2008 at a place to be determined by the City Clerk. Further, these resolutions with corrections should be referred to the Committee on Finance pursuant to rule 18 of the Board. The motion was duly seconded by **Alderman Domaingue**. There being none opposed, the motion carried.*

***Alderman Lopez** moved to hold a special Board meeting on April 22, 2008, of the Finance Committee and the Board of Mayor and Aldermen. The motion was duly seconded by **Alderman Garrity**.*

Alderman Gatsas asked has the Finance chair set up a schedule yet of when we will be hearing from the departments?

Alderman Garrity stated not yet, Alderman. The Mayor just released his budget yesterday so it will be in the coming weeks, probably a week to ten days. I have to look at my schedule too and I have to ask all of my colleagues what their schedules look like. I will be in touch with everybody.

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

Alderman Lopez stated also under New Business in reference to the budget, I think it's imperative that we get some information from all of the department heads in reference to the budget that was given to them, as to what it means if they received that budget, and this Board would go along with your recommendation as to what's going to happen. I have heard some weird stories in the last 24 hours, so I would like to direct the department heads to put it in writing and give it to us within 72 hours.

Mayor Guinta stated I am not sure that that is actually possible for the department heads to provide. That is what the Finance Committee process is for.

Alderman Lopez stated that is true, Your Honor. That's why the process is in Finance, but I think we need some information, not for department heads to just come here and talk about it. I want to see it in writing of what is going to happen.

Mayor Guinta stated I don't object to that. I have no objection to the department heads meeting with the full Board or the Finance Committee, as they have typically done. They can put together anything that the Committee asks for in writing, but to ask for that in 72 hours...They don't even have the budget books yet.

Alderman Lopez asked you talked with the department heads about their budget didn't you?

Mayor Guinta replied of course I did, Alderman.

Alderman Lopez stated then they should know. That's what we pay them for.

City Clerk Johnson stated the Clerk would just note that the technical corrections may affect...and some departments won't know what their budget is actually until at least Friday, so I am not sure that the 72 hours...

Alderman Lopez stated all right. I'll make it next week.

City Clerk Johnson stated I would suggest sometime next week be used for a deadline.

Alderman Lopez stated that's fine. Next Friday is fine.

Mayor Guinta stated honestly I think this should be done in the Finance Committee, Alderman. If the Board wants to take that vote...but that's why you have a Finance Committee. Let the Finance Committee do its work and let the department heads review their budgets when they receive the budget books and I am sure as always they would be happy to come before the Board, put whatever you are asking for in writing.

Alderman Lopez asked when are we going to get the budget books?

Mayor Guinta responded inside of a week.

Alderman Lopez asked inside of the week?

Mayor Guinta stated like you typically do. Alderman, the process hasn't changed for years.

Alderman Lopez stated the process has changed for a number of years. We are waiting here for a whole week or two before we get the final budget.

Mayor Guinta stated Alderman, I just presented the budget last evening. The budget books are being created. They will be distributed within a week. The department heads will have an opportunity, just like they do every other year, to meet with you and the committee and provide to you whatever is asked for in writing. So, give them the opportunity to do that through the typical process.

Alderman Lopez stated I think that most of the department heads know what the budget is and what the ratifications are. If they are calling and telling me a few different things here and there, I want it in writing and if it's a week from now, fine. When we have the Finance Committee meeting at least we will have some answers on a few things to save some time.

Alderman O'Neil stated I just want to make sure we I am clear. What I thought I heard Alderman Lopez say was just provide something in writing. I didn't hear him ask for meetings. Just what, in writing, at first pass, what do you think the effects will be on the 2009 budget? I agree with you. We are going to have meetings as we move forward but I think it would be good to have some, even if it's early, observations or opinions from the departments with the proposed budget, what effects that may have.

Alderman Sullivan stated I have to object with what the Chairman of the Board is proposing here. I think it's needlessly antagonistic. It looks like you are just trying to take the Mayor's budget, set it up as a piñata and you are inviting the department heads to start whacking away. That's the whole problem that we have with our budgeting process is this City, and it's the whole problem that we have

with our political culture in this City. Everybody wants to grandstand and everybody wants to gain.

Alderman Lopez interjected I resent your remarks.

Alderman Sullivan stated I have the floor Mr. Chairman. Everybody wants to gain the upper hand. That's not what we need to be doing. I would rather have the department heads come in and talk to us in a constructive manner, give us some idea on how they can change their department, how they can make their departments operate more efficiently, rather than having it turn into a whining and moaning session because certain people are trying to stoke the fires. I don't think that's a productive use of anybody's time.

Alderman Gatsas asked what do we expect for response time from department heads, when an Alderman requests something?

Mayor Guinta responded I think it depends on the request.

Alderman Gatsas stated well, I requested the Finance Director to get us some percentages on budgets. You directed him to send them to all the Aldermen. I know this Alderman hasn't received it so can you... We need to have some sort of understanding because I shouldn't have a problem having to ask for something for months. I have asked for the Finance Director to give us a budget number based on 98%, if you remember; that was a three week request; you said he would give it to us.

Mayor Guinta stated I said after I propose my budget.

Alderman Gatsas stated okay, well we are here today. You said it would be at the next meeting.

Mayor Guinta stated no, I didn't.

Alderman Gatsas replied yes you did. You said it would be at the next meeting.

Mayor Guinta stated it has been about 27 hours since I proposed the budget.

Alderman Gatsas stated how about if we get back to my question. I have asked for a profit and loss statement on Parking, and I understand Ms. Stanley's daughter has got a problem. I understand that, but there has got to be somebody else, in that department, that's going to be accountable for where the numbers are and if she is under Mr. Minkarah then he should be producing them. Somebody should be bringing that forward. We are looking at a three million dollar revenue and nobody knows where it's at. It doesn't appear in the budget. It doesn't appear anywhere. Are we on course for that or not?

Mayor Guinta stated well as Ms. Stanley indicated earlier she will be getting that...

Alderman Gatsas asked have you seen the number, Your Honor?

Mayor Guinta stated not recently, no.

Alderman Gatsas stated so then we don't know if we have a two million dollars deficit in parking.

Mayor Guinta stated I don't believe we have a two million dollar deficit.

Alderman Gatsas asked if you haven't seen the number, how do you know?

Mayor Guinta stated because I do meet with the department heads on a fairly regular basis.

Alderman Gatsas stated I think that is a pretty important issue.

Mayor Guinta stated okay. I don't disagree, Alderman, and as she has stated, she will provide that information to you. At the last meeting we discussed the 98, 100 and 103. I had said I have no objection to the Board receiving that information but I asked the Board's indulgence to receive it after I provided my budget. I think in the process of being fair and open and providing everybody as much information as they want...

Alderman Gatsas interjected if I can your Honor, can I asked the Finance Director when he proposes and is submitting it to us, so that I can get a date from him.

Mayor Guinta stated sure.

Mr. Bill Sanders, Finance Officer, stated we should have that ready no later than Friday.

Alderman Gatsas stated thank you very much.

Alderman Lopez stated I would like to respond to Alderman Sullivan. Let me assure you of one thing, as Chairman of the Board and as an Alderman, equal to you, nobody is grandstanding. This is serious business. I don't believe you have

been through a budget process. I have been through eight of them, and if you have something to contribute I am going to listen to you, and if you think you can do something or do whatever you say, work together consolidate, this is not grandstanding and let me assure you of that. It's serious business this budget. We are running a \$289 million budget and I hope that you have something to contribute.

Mayor Guinta stated Aldermen, this is day one of the budget. I hope it gets better. I understand the need for information from the departments. I think there is a reasonable way we can accomplish what your objective is. I would ask if we could do that through the Finance Committee process. If there are particular issues that you require as Chairman of the Board or a member of this Board, I have no objection to you talking to any department head. I just want to give the department heads reasonable and ample time to review what has been proposed and have a timely opportunity to respond in writing. That's the objective that I am seeking.

Alderman Lopez stated I will compromise in the sense that the Chairman lets us know what departments are coming to the Finance Committee meeting and before they get to us they provide us the documentation.

Mayor Guinta asked is that agreeable? I thank you very much Alderman. I appreciate it.

Alderman DeVries stated I would like to add to the list and I think we have spoken about it in this room before tonight, a list of comparisons of what the department actually requested from you. I go back to what happened last year with the Police Department, where we heard about radios late and just wanted to be able to go through and see what was on the initial request to the Mayor's

Office, so we can compare to where you ended up in your budget and obviously we need that ahead of Finance meetings so that we can start deliberating on it. If that could be formally requested through the Clerk's Office, I would appreciate that.

Alderman Garrity stated I have a date for the Finance Committee, and that's June 15th.

Alderman Gatsas stated I am sure all of my colleagues and yourself are in receipt of the letter that I have sent. I appreciate that you would nominate me for such a difficult task as trying to look at MCTV and MCAM, but I think that in the interest in my opposition of that, being a 13-1 vote and being the sole vote in opposition to the 2% funding for MCAM and MCTV, I don't think it's fair that somebody with a predetermined decision on that should be in that position, and I am asking to be removed, and certainly it should be the Finance Chair that would have to look to the magnitude and best suited for the significance on the FY2008, 2009 budget.

Mayor Guinta stated so noted. Thank you very much.

Alderman Sullivan stated a very brief item of New Business: I was asked before the meeting this evening to remind everyone that MCAM, now that we mention it, is holding their annual auction this Sunday April 6th from 3-9pm. If anybody wants to go down to the studios and help out, they are more than welcome to, if you want to go down there, buy something and support local television.

Alderman J. Roy stated I would like to make a comment on the letter we received from the Fire Department, if I may. I would ask Chief Burkush to come up but unfortunately he had to go to triple alarm fire.

Alderman J. Roy stated I was very disturbed this morning when I found out there was a crisis at the Fire Department. That crisis was that four of the ladder trucks were noncompliant and had to be put out of service. They don't meet the UL specifications any longer due to rust. The rust item has been not funded for the last two years. What was most disturbing to me was that I found out that one of those trucks failed in the year 2006. No one on this Board knew that. I was still on the Fire Department at the time. I did not know that. Apparently the previous administration took it upon themselves to keep that piece of apparatus in service even though it was a danger to our employees and to our citizens. I would like to make a statement that I, for one, and I don't think that anybody on this Board would accept that type of decision from any department head, to put our employees at risk. With that said I would like to expound a little bit if I may on the ramifications on not having four ladder trucks, or being down four ladder trucks, in a City that has six. That leaves two in service. The plan that I heard and I understand that we may have some money that we are going to repair two very quickly, but the plan that they have come up with is that they are going to have to put one ladder truck over at Engine Six and one at the Central Fire Station. In order to man those properly so that they can do the job that they have to do, they are going to put Engine 11 out of service. Engine 11 is the busiest company in the City. It's a matter of semantics but essentially we are closing a fire house. There are three distinct fire houses at the Central Fire Station: Engine 11 truck one, Engine 1, and Rescue 1. We are going to have to close Engine 11 in order to do this because they need to put officers on those trucks now. The reality is when they strike one alarm and there is a fire, as is happening on Pearl Street right now, we send three pumps, two ladder trucks, the rescue, a Chief and a fourth pump as a rip team, which is a team that takes action if fire fighters become trapped. That would take the two ladder trucks that we have in the City, stripping the City completely of ladder trucks. Now our citizens are at risk. Second alarm, they get another truck, two pumps and another truck. Third alarm, they get another truck.

Once we get these two trucks repaired and back in service that is going to be all four of our trucks; we are still going to be down two, which means once we have a third alarm in this City, we are not going to have any more ladder trucks to cover. Again, the citizens are going to be at risk. It's a very serious situation and I can't express to you forcefully enough how important it is to maintain this rust program and keep not only the Fire Department fleet but the rest of the fleet in service. Thank you.

City Clerk Johnson stated based on the communication that was just submitted, I am just going to inform the Board that there is a report of the Committee on Community Improvement with regard to the same manner. It is recommending that a request from the Fire Department to repair rust on two ladder trucks be approved and that \$13,000 be transferred out of MER account to the Manchester Fire Department for such purpose.

Alderman Garrity moved to approve this request. The motion was duly seconded by Alderman Lopez.

Alderman M. Roy stated as referenced a few minutes ago, we currently have a building on fire with every ladder truck this City has, plus two out of town ladder trucks, currently fighting it for those residents. While I appreciate the efforts of CIP to do a phone poll for \$13,000, I think anything short of the \$55,000 that was requested by the Chief to keep all ladder trucks in...I'll say marginal repair, because many of them are passed their life cycle and should be replaced but at least we should be looking at keeping them all in service and not mothballing, for lack of better purposes, two of the ladder trucks we are talking about. If we are just going to repair rust then we should repair rust on all of them and not just pick and choose the minimal staffing of the City. I would ask that the amendment be made to \$55,000 not \$13,000.

Alderman Garrity stated Alderman Roy, I met with the Chief this morning about the situation. The \$13,000 repairs two of the four ladder trucks that need repair, that have the quickest turnaround time, which is two to three weeks. The other two ladder trucks have a lot more time in the shop which is probably six to eight weeks. I would ask if I could work with CIP to see if I could find some more money that we could possibly get that up to \$55,000 without just taking that out of Contingency, but that's what I could find today.

Alderman M. Roy stated I greatly appreciate you finding the \$13,000 to get the two done quickly, but if we start tonight with the others, six to eight weeks quickly moves forward before you have a meeting. So like many of the other things we need to do, I think this is pertinent. I think it's a safety issue, not only the manpower and City employees, but for every constituent. One of those ladder trucks that will be put out and I don't mind saying it publicly, is Truck 5 on Webster Street, which covers Southern New Hampshire, the north end of this property that is on fire right now, many multi-families on Smith Road that are in Ward 2...

Alderman Garrity stated I can probably have an answer for the Board by the end of the week and see if we can find some more money from CIP.

Alderman O'Neil stated this may not be fair. Alderman Garrity may have the answer to this or possibly our two resident experts, Alderman DeVries or Alderman J. Roy. Do we know what are the two pieces that are expected to be fixed immediately and what are the two that won't be fixed immediately?

Alderman Garrity stated the Chief told me that this morning but I forgot what number trucks they were.

Mayor Guinta stated I have got the list. After the meeting I can get you that, Alderman.

Alderman J. Roy stated I can tell you what two are going to be left in service, but I don't know which two are going to be repaired.

Alderman Shea stated I am not quite sure if Engine 7 is going to be without one of these ladder trucks.

Mayor Guinta asked can we appropriate the \$13,000?

Alderman Gatsas stated I will second the \$55,000.

Alderman M. Roy stated and I can answer Alderman Shea's question: 5 and 7 are out.

Alderman Shea stated so basically, if we are going to repair some others, I want to make sure that my constituents...talk about blocks. Let's face it, Sommerville Street, Silver Street, I don't go on forever like some of us do but the point is we all have different types of problems in our Wards and we should all be treated the same.

Alderman Lopez asked what's the motion?

Mayor Guinta stated right now the motion is for \$13,000.

Alderman Lopez asked is there an amendment on that motion?

Mayor Guinta stated they are asking to amend the motion but there has not been... You are asking to do \$55,000 you don't have a source for that. You could do a couple of things: we can do the \$13,000 and look for the rest of the week for the remaining of the money or we can rescind the current motion and go to Contingency for the balance.

Alderman Garrity stated in speaking with the Chief today, he is going to try to get two of the trucks into rust repair. I don't know where they go; they go to some vendor. So quite possibly he would not be able to get all four trucks in probably until the end of the week anyway.

Alderman M. Roy stated but Alderman, with all due respect, starting the process now saves a week, so it's going to be eight weeks; it's still eight weeks; they are still out of service, but instead of it being nine weeks, it's eight weeks.

Alderman Garrity stated my point is, in speaking to him today, he doesn't know if he can get those trucks into rust repair this week anyway.

Alderman Smith stated I know one of the ladder trucks is going to be pulled out of my Ward. I know that. I know it needs repair right away, but if you read the Chief's report, he is not going to put them out of service until April 6th and Alderman Garrity said that he would be able to probably get sufficient funds on Friday, so I can't see what we are beating the bush for. Safety is everybody's responsibility and as everybody knows, any ladder trucks that have been removed from a Ward... South Main Street has been removed at least four out of the seven years I have been there. We try and do the best we can. They came from Rimmon and Bedford, but let's wait two or three days and never mind the whirlwind grandstanding.

Alderman Garrity stated I would be happy to do a phone poll for the CIP Committee and then we can do a phone poll for the Board. They are not going out of service until Sunday.

City Clerk Johnson stated Your Honor, no matter what happens here we are still going to be required to bring resolutions back to the Board, so if the idea is to allow the Fire Department to proceed with fixing all four fire trucks, you could do that by amending the report to state that, to allow them to authorize them to proceed, with resolutions to be submitted to the Board at the next meeting. That allows Alderman Garrity to proceed with trying to find some other money.

Alderman Garrity moved to amend the report to authorize the Fire Department to proceed with fixing all four fire trucks with resolutions to be submitted to the Board at the next meeting. The amendment was duly seconded by Alderman DeVries. There being none opposed, the motion carried.

Mayor Guinta called for a vote on the original motion, recommending that a request from Fire Department to repair rust on two ladder trucks be approved and that \$13,000 be transferred out of MER account to the Manchester Fire Department for such purpose. There being none opposed, the motion carried.

City Clerk Johnson stated we do have more business here, Your Honor. We have a report of the Committee on Public Safety, Health and Traffic recommending that a request to add “Maximum Fine \$1,000” to “Do Not Block Intersection” signage at two locations be approved.

Alderman O’Neil moved to accept the report on the Committee on Public Safety, Health and Traffic. The motion was duly seconded by Alderman Pinard.

City Clerk Johnson stated the Clerk apologizes. That should have been a part of the Consent Agenda. It was overlooked.

Alderman Garrity asked what is the current fine for “Do Not Block Intersections”?

Mayor Guinta responded the current fine is up to \$1,000. As I understand it, this request is just adding the words “Maximum Fine \$1,000” on the sign. The current law, as I understand it, is up to \$1,000. So the law is not being changed. What you are being asked to vote on is to put it on two signs in the City at these two locations.

Alderman Shea stated I stand in opposition to that, Your Honor, because no judge is going to fine someone \$1,000 for blocking an intersection, and all the money that is collected now is really sent to the state. We have documentation that most of the violations are violations that aren't really in terms of this particular ordinance, and I think some of the people on the Committee obviously favor more enforcement, and I am not sure whether one intersection is blocked more than another, whether there are several in the City that are blocked. I think that the Traffic Department obviously could give us a reading as far as how many times an intersection is blocked and so forth. But to me, \$1,000 is a feel good kind of thing and so forth. The Committee can vote the way they want but I stand in opposition.

Alderman Osborne stated I just want to explain to the rest of the Alderman where I am coming from because they weren't on the committee. The reason I am putting those under the signs in my Ward at least...I have tried for...there are 11 signs out there that read that throughout the City, but I guess that failed in committee, so I brought this back in to committee with the two locations I have in my ward, which we have quite a time with, lots of times. As far as the Police

Department being there 24/7, that's impossible and it's a state statute anyway. The maximum fine is \$1,000. I am not trying to scare anybody but I am trying to make them think twice before they block the intersection. It will make it a lot easier for a lot of people including themselves. So this is all I am putting it up there for, for recognition. At least they know what the maximum fine is. Not that they are ever going to be fined \$1,000, I hope they are not, but at least it will catch attention to a lot of drivers. Thank you.

Mayor Guinta called for a vote on the motion, which carried, with Alderman Shea voting in opposition.

City Clerk Johnson stated Your Honor, next is a report of the Special Committee on Solid Waste Activities. They are recommending Corcoran Environmental be released from the Dunbarton Road site on the condition that they bring evidence of a firm commitment acceptable to the City Solicitor of an alternative location in the City of Manchester. All of the remaining terms and conditions in the contract will remain the same.

Alderman Domaingue moved to accept this recommendation. The motion was duly seconded by Alderman Sullivan. There being none opposed the motion carried.

Alderman DeVries stated as you know, the south end of Manchester is not very happy with the way that this has turned out. There are a few problems that have yet to be addressed. Because this is being proposed now for a ready-built building, there will be no need for regulatory oversight by Planning or by Zoning. This really will limit the ability of any of the constituents like the ones from Ward 9 that came in this evening that happen to have caught it...not too many of our south end Ward 8/Ward 9 constituents have heard about this yet.

Mayor Guinta asked is this because the property in question is already zoned?

Alderman DeVries responded it's already built and the footprint is not going to be dramatically altered so it will not require any regulatory oversight. I don't know how we get the constituents in Ward 8 and Ward 9 the kind of interface that Ward 12 already had. I hate to repeat where I was yesterday because this should never have come down to Ward 8 and Ward 9. We share the location; this should have gone forward many months ago at the prior site of our landfill. It was a perfect location. This whole body voted for that and somehow, without ever coming back to the Aldermen, that deal dissolved.

Mayor Guinta stated I would like to comment on that because there has been a lot of information presented at public hearings. This is a clarification on the issue and think it's important that it be stated. Why don't you finish and then I will make a quick statement on that issue, but there is something that does need to be clarified.

Alderman DeVries stated I am sure there is, Your Honor. There is a difference of opinion between Mr. Corcoran and yourself on how that came about. I am not particularly concerned with that.

Mayor Guinta interjected I am.

Alderman DeVries stated I am concerned about the City being sued, but that being said, my concern is that all of a sudden now this is coming to an area in the City that already has problems with congestion. You can't get out onto Brown Ave. If you go there during peak traffic time, which peak traffic is when the airport campus empties out and because those businesses do not stagger their in and out times, Brown Ave today will back up between 293 and Pine Island Plaza

headed south. I am sure we see the same thing in the morning in Ward 9 when individuals are trying to come down off of the Airport and back up. It's a problem. The concern is going to be even greater when there is a new bridge coming across the Merrimack River. To avoid the tolls, all of the trucks coming from the south, and we are talking about 350 trucks, all of those trucks coming from the south, to avoid a toll, they are not going to come all the way around and loop through on 293. They are going to come across the brand new airport access bridge and continue down the entire length of Brown Avenue, Hazelton Avenue, Brown Avenue again, going through far more residential neighborhoods than they ever would have on Dunbarton Road. There is no improvement to that road that you can offer those residents. We need to have public hearings. We need to have interface. The way that this has been handled by the City has been unconscionable.

Mayor Guinta stated I have got to comment on that because that's part of the problem with this issue. I have been silent for the last six months on this issue and I am not going to let it continue. Corcoran came to me personally. I sat in that conference room where they asked - actually they stated to me - that they were withdrawing their proposal from Dunbarton Road. This business that the City told them to do that, it's wrong. It's completely false. I have been quiet on it because as a City I felt that we have an obligation to try to work with this owner and this company to continue with a deal that had been set in place almost two years ago. We were very specific and we asked them very politely that they work with the Highway Department, and they did for a certain period of time, and then they started talking publicly and providing misstatements and mistruths to reporters. I can tell you unequivocally that they told me they were withdrawing their application at the Planning and Zoning Board for Dunbarton Road because they felt they were going to be sued by a third party. There is nothing the City has done wrong. There is nothing even remotely possible as a lawsuit that can be filed

against the City, and the fact that that continues to be conveyed to the public puts the City in a very bad light. We have been quiet because we have tried to be responsible in working with this company, but the fact is they said to me...and I believe Alderman Roy might have actually been in the room and I know that Kevin Sheppard was there and I know Frank Thomas was there, they asked to withdraw and the reason they gave me was that they were concerned of a third party suit by neighbors on Dunbarton Road. They made that decision. They were never asked to do it. They were never forced to do it. It has been very difficult for me to be silent on it, but I have tried to be silent on it so we as a City could put our best foot forward to work with this company, but it continues to be rehashed and people in this community think that the City has done something wrong and the City has acted responsibly. The staff has worked responsibly and they have repeatedly changed their position and told members of this Board different pieces of information. It should stop from that company. It really should stop. I don't disagree with the objections you are raising at all with this location. You have every right, as Alderman Garrity has every right, to raise these objections, but I think as we move forward as a Board we have got to figure out how we are going to act in a unison way. The idea that we are acting in bad faith is absolutely wrong. They asked to withdraw. I told them, that is up to you as a business if you want to withdraw, and they gave me the reasons and the reasons were they were concerned there was going to be lawsuit from the residents. So that's now on the record. It's out there in public. As I understand the Special Committee on Solid Waste Activities has this resolution before us. It is either going to be voted up or down tonight. We can amend it. I certainly understand the objections and concerns for your neighbors and your constituents and rightly so. In my opinion this was handled, not poorly by the City, but by this company and it's still being handled poorly by this company. You have not had an opportunity to meet with this company. The residents has not had opportunity to meet with them. We had someone tonight who was saying that the owner of the land in question hasn't

even been contacted in six months. The due diligence here on Corcoran's part, I think, is suspect at best. At best. I am going to defend the City and the City's position because we have done everything right. Staff has done everything right and we have been waiting for them to come back to us to make a decision on what they want to do, and we have given them all the time in the world to do that. It's frustrating when I see our departments and our staff working diligently and honestly. Particular people's names are dragged through the mud privately. That to me is what's unconscionable, and I will tell you as far as I am concerned the City has acted responsibly in every communication, written and oral, to Corcoran. I have been party to a lot of those meetings, but I am not going to allow the subtext of the issue to drag more people through the mud from the City. It's wrong. I still remain optimistic that we can expand the program that we have in the City for recycling. There is no question that this is challenging because it is going to certainly impact neighbors and neighborhoods, but we do have to somehow work through it and decide whether we want this in the City or we want it somewhere else.

Alderman DeVries stated Your Honor, others have things to say, I will be brief. Tell me how my constituency and Ward 9's constituency are going to be able to have their meeting and really find recourse for the issues that they bring to light. If there is no regulatory...and tell me that you are committed to make sure that that public hearing process will occur just like it might have if they were going in front of a regulatory court.

Mayor Guinta stated those are conditions that we as a policy board could make contingent on this deal. In my opinion the language that's before us gives us that latitude, and if it doesn't then we should get the language from the Solicitor that does allow us that flexibility.

Alderman DeVries stated I will pursue that while others speak.

Alderman Garrity stated this company did not do a very good job over in Ward 12 working with neighbors and things like that. The City has worked with them. In my opinion they don't have a very good reputation at this point. They can meet with Ward 8 and Ward 9 residents and make us all the promises they want, but I don't think they will keep them. They could sell the company and it could be chaos down in the south end. So I think with the history so far that we have with this company it would be a poor move even to talk about them moving into Manchester at this point.

Alderman Domaingue stated with all due respect to the Aldermen from Ward 8 and Ward 9, this is a difficult issue. I just wanted to clarify some of the points that were given during the testimony in last night's meeting, and that is that primarily the Brown Avenue area is currently zoned for an industrial area. I grew up on Donohue Drive which is right over the hill so I know it has been a heavy traffic area for pretty much my entire life. That being said, the site that occupied this building previously was a lumber yard. They had trucks going in and out on a daily basis. Testimony that was given during the Solid Waste and Recycling meeting last night was that because of the rail access with the current building and them moving into it, they could actually decrease the amount of trucks that would be on Brown Avenue by two-thirds. Presumably, and we would have to actually get the numbers to figure this out, that would be less than the truck traffic that would have been created with the lumber yard from the get go. This would result in a less than a one percent traffic impact, and they did state that the truck traffic would be occurring on off peak hours. I just want to make that clear.

Alderman Lopez stated I have been asked if Pam Goucher from Planning could come up to clarify something.

Pamela Goucher, Acting Planning Director, stated the use of the category this recycling center would be in, requires a conditional use from the Planning Board, so a public hearing is required for a conditional use permit and therefore the neighbors and everyone will have their opportunity to speak. Further, there is criteria under Article 12 for what the Board has to address and look at before granting a conditional use permit and some of the issues that have been raised in the past on the other site as well as, I suspect, the issues that would be raised in this location have to do with compatibility, the devaluation of property and adverse impact of traffic. Certainly with the change of use, the Planning Board could rule that the change in use is significant to rise to the level of a site plan. Without knowing how they plan on utilizing the site, we don't really know if there will be changes that would warrant that, but that certainly would be in the preview of the Board because it's a change of use from what has been there in the past. So there would be a public hearing and there would be opportunity to comment.

Alderman DeVries stated thank you. Pam, is there any kind of appeal process that goes along with a conditional use permit as there would be with...

Ms. Goucher stated yes. It is the same 30 day appeal period after a decision of a board, 30 days.

Alderman DeVries so there is a delay from even when they are granted or not granted. That decision has no validity for 30 days.

Ms. Goucher stated any decision by the Planning Board is appealable, just like it is the other boards.

Alderman DeVries stated very nice.

Alderman M. Roy stated I am just going to take a brief liberty as Chairman of the Solid Waste Committee. As far as the residents go, we can mandate where the trucks go, enforcements, speed limits; we can help you as much as we can and that is a commitment I will make to any resident, whether it ends up in Ward 12 or Ward 8 and 9. So as far as those fears, we have had discussions with the company. A lot has been said and I would just ask the Board...we invited Corcoran to Manchester almost five years ago. I took over as Solid Waste Chair after a number of Aldermen didn't want to be Chairman anymore and have stuck it out. This is a potentially huge savings for the City and we have lost focus on that. No one wants this in their backyard. No one is willing to look at what it is. There is a large amount of misinformation out there, whether the amount of truck traffic, the amount of waste, the smells, whatever it is going to be, I would just ask every Alderman and every citizen to learn what it is. Give them the opportunity to get in front of the Planning Board and let those people who are trained to look at projects like this decide where it ends up. They may get to the Planning Board and not like off of Brown Ave. They may look to build something in a different part of the City. I would just ask that everyone give it the time that it is due because the amount of misinformation that is out there is extreme and I think this is a great benefit for the City. If it was a private company with no ties to the City, we wouldn't be having these conversations. They would have submitted an application and it would have been handled by staff and we would have gotten a notice that it appears on a Thursday night agenda for Planning and Zoning. So I would ask that everyone learn about what it is and then take a stance from there.

Mayor Guinta stated I will remind you though that is exactly what this Board did, and this company voluntarily withdrew their application from the Planning and Zoning Boards. So to suggest that this Board or my office or department heads have been instructed to politely work with this company and we have not done our

due diligence is disingenuous. Now there is greater frustration because there is little or no information before the Board as to what the process is, and as has been communicated by the south end Aldermen, there has been very little communication to the south end residents. In order for this to move forward there has to certainly be, I think, a true commitment to change the approach in working with the City. I know Kevin Sheppard spent a lot of time, and Frank Thomas spent a lot of time when he was still here, working with them to try to come up with a reasonable solution after they asked for our help.

Alderman M. Roy stated with all due respect Your Honor, and we have agreed to disagree on a number of subjects regarding solid waste, but up until last night's committee vote, we had a contract with Corcoran to go forward on Dunbarton Road. Whatever had happened last year or before that is water under the bridge and we will agree to disagree there, but until tonight we have been holding them to Dunbarton Road.

Mayor Guinta interjected, no Alderman, I am sorry but I am going to defend the City employees who have been working on behalf of the City here. Corcoran asked me directly - they didn't ask, they stated – that they were withdrawing their application for Dunbarton Road. We have as a City waited patiently for a response from them as to what they want to do next. That is undisputable. I have seen meetings where their representatives have sat here and lied to members of this committee. It's very frustrating to see it when I have been very much aware of what departments were doing on behalf of the City to try to work with this company, but they withdrew their application and they told me it was because of a lawsuit that was going to be filed on behalf of residents on Dunbarton Road.

Alderman M. Roy stated all I am trying to do is move forward to another resolve. If they have lied to us, if they have done things that you are aware of that have

been to any extent an impropriety to the City, then we should have them into a full Board meeting instead of a committee meeting and we should have the truth laid out.

Mayor Guinta stated my point here is to defend the City, the members of this Board and City staff that have tried to work to resolve this. They have gone over and above what they were required to do. That's my point and I am tired of hearing from this company and their representatives that the City is at fault because the City is not at fault, and the point is they withdrew their application voluntarily and they stated it to me, they stated it to the Highway Department and I believe you were in that meeting.

Alderman M. Roy stated the meeting that I attended just for clarification, Frank Thomas was not at and it was two weeks prior to them removing it when you promise to work with them to go on Dunbarton Road.

Alderman Lopez stated Your Honor we are not going to get anywhere with 'he said, he said.' Take it to court of law and let's move on here.

Mayor Guinta stated there is a motion on the floor.

Alderman Garrity stated I would like a roll call, Your Honor.

Alderman Gatsas stated I was just looking to move the question, Your Honor, because I had another piece of business.

Alderman Shea asked for a restatement of the motion.

City Clerk Johnson stated the motion is to accept the report which is recommending that Corcoran Environmental be released from the Dunbarton Road site on the condition they bring evidence on a firm commitment acceptable to the City Solicitor of an alternative location in the City of Manchester. All of the remaining terms and conditions of the contract will remain the same.

Alderman Osborne stated this does not state Gay Street.

Mayor Guinta stated it could be anywhere in the City.

Alderman Garrity stated I believe there is no other location they find acceptable. They said this is their number one choice a couple solid waste meetings ago.

Mayor Guinta stated the point from Alderman Osborne is this specifically does not state Gay Street. That's correct.

Alderman Osborne stated so let the private sector take its course.

A roll call vote was taken.

Aldermen Smith, Ouellette, Domaingue, Gatsas, J. Roy, Osborne, Pinard, O'Neil, Lopez, and Shea voted yea. Aldermen Garrity, M. Roy, and DeVries, voted nay. Alderman Sullivan was absent. *The motion carried.*

Alderman Gatsas stated I am in receipt from Sheehan, Finney, Bass and Green and also the Grace Episcopal Church in regards to a variance that is being sought after for moving 88 Lowell Street to a different position and adding a six-story building to it. That's the historical site that we sold as the Sergeant Museum to be restored. I don't think that the intent of this Board...maybe it was maybe it wasn't; it wasn't the intent of this Alderman, that we sell a historic property, have

it moved and have a six-story, 26,000 square foot building added to it without parking.

Mayor Guinta stated I have met with the Institute of Art, who is the purchaser of that, and I think they are looking to move it forward on the property and build, I think it is dormitories, in the back if I remember correctly.

Alderman Gatsas stated a 24,000 square foot addition. Six stories.

Mayor Guinta state I believe it's dormitories but I honestly don't know where it is in the process.

Alderman Gatsas stated I know that this Board and also the Conservation Commission is very in tune with restoring properties and making sure that they keep their architectural intent. I don't know if you have the right to move a historical building. This is on the registry.

Mayor Guinta stated I think that would have to go through the proper regulatory process.

Alderman Gatsas stated there should be some discussion and I don't know if this Board wants to weigh in, but I don't know how it feels about selling a building to somebody, assuming that it is going to be restored for a museum and then all of a sudden there is a six-story building being attached to it for dormitories.

Mayor Guinta stated as I understand it they are restoring the existing structure, moving it forward and then adding to it. I don't know that they ever stated they would use it for the purpose of a museum.

Alderman Gatsas stated no but when we first originally sold this property, before it was foreclosed on and lost, the intent was that it was going to be a museum and that it was historical and that is wasn't going to be moved; it wasn't going to be altered. I believe this building is on the historic ledger and if it is, you can't move it.

Mayor Guinta stated we can ask staff to research it.

Alderman Gatsas stated well it's going to a variance on Thursday.

Mayor Guinta stated I am not sure what action we can take, Alderman.

Alderman Gatsas stated well I don't think it was ever the intent of this Board to have that happen there. So I don't know if we want to send it...

Alderman Lopez stated Leon LaFreniere of the Building Department is here, so he can answer the question.

Mr. Leon LaFreniere, Building Commissioner, stated this is something that would obviously have to be dealt with before they could move forward with the project and would not necessarily impact any actions that the Zoning Board might take to grant approvals because any requirements under the property being listed under historic registry would still have to be maintained. I understand that they have made investigations there. I am not fully aware of what the results are of those investigations. They have told us that they believe that they can move the property and fall within complete parameters as defined by the historic registry. In the meantime the ZBA process really is a separate process and that would not in any way extinguish the requirements under their limitations under the buildings listing.

Mayor Guinta asked would you be able to clarify over the next couple of weeks some of the questions that have been raised?

Mr. LaFreniere I certainly can make an effort to, but I believe that I will probably need to work with the Solicitor's Office on that because I know they have done a lot of research on how the property transfer took place.

Mayor Guinta stated we will have the Commissioner and the Solicitor work on a response to the Board.

Alderman Smith stated Leon, if I recall correctly we gave this to the Sergeant Museum for the purpose of restoring the school house and I know that there were conditions when we did give a donation, and it was supposed to remain in the school house. I would think it would be imperative for you to look back and see what the records are when we did make that sale, and maybe the City Solicitor can help him out, but I remember that was a condition with the Sergeant Museum.

Mayor Guinta asked can you research it and get back to the Board, you and the Commissioner?

Mayor Guinta stated we have one final piece of business. We received a letter from the Police Department from Deputy Chief Marc Lussier regarding a \$4,000...

City Clerk Johnson stated there were two donations Your Honor; we are looking for a motion to accept those donations.

*On motion of **Alderman O'Neil**, duly seconded by **Alderman Pinard**, it was voted to accept these donations.*

Alderman Garrity stated Alderman DeVries and I would like to put a notice into the Board for vote for reconsideration on the recycling item.

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

A True Record. Attest.

City Clerk