

BOARD OF MAYOR AND ALDERMEN

April 15, 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, J. Roy, Sullivan, Osborne, Pinard, Shea,
DeVries, Garrity, Smith, Ouellette, Domaingue

Ms. Nancy Valparise, a representative of the American Heart Association, made a presentation to the Health Department of the City of Manchester. The American Heart Association Start Program is a national initiative geared at helping employers work with employees to be more active, to avoid diseases such as high blood pressure, diabetes, and heart disease. The Manchester Health Department is one of fourteen companies in New Hampshire who received this national recognition as a Start fit-friendly company. Health Director Tim Soucy and Mayor Guinta were thanked for allowing the program to take place.

Mr. Tim Soucy, City Health Director, stated certainly we want to thank the Heart Association. They are a wonderful partner in our community. We're very grateful for being recognized nationally by the Heart Association for our efforts, and to echo the Mayor's comments, it's a great opportunity to get out and start walking again. Tomorrow is start walking day, April 16th, so we would encourage

everybody to take a few minutes every day and now that the nice weather is here, get out and start walking for your health.

CONSENT AGENDA

3. 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:
11-1192 three poles on concord and Hall Streets
11-1193 two poles on South Maple Street
(Note: Verizon to be replaced with North New England Telephone in final documents)

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

- B. Sidewalk Petitions:
430 East High Street
577 Spruce Street
25 Villa Street

Informational to be Received and Filed

- D. Communication from Frederick Coolbroth, Devine Millimet, advising of the assignment of pole licenses held by Verizon New England Inc. to Northern New England Telephone Operations LLC effective March 31, 2008.

REFERRALS TO COMMITTEES

COMMITTEE ON FINANCE

- E. Resolution:
“Amending the FY2005, 2007, 2008 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Forty Two Thousand Dollars (\$42,000) for the 2008 CIP 411808 Fire Ladder Truck Repair Project.”

COMMITTEE ON LANDS AND BUILDINGS

- F. Communication from Carol Johnson, City Clerk, submitting a copy of a conservation easement suggesting review and recommendation of same for report to the full Board at a later date.

REPORTS OF COMMITTEES

COMMITTEE ON ACCOUNTS, ENROLLMENT AND REVENUE ADMINISTRATION

- G. Advising that it has accepted the following Finance Department reports:
- a) Department Legend;
 - b) Open Invoice report over 90 days by fund;
 - c) Open Invoice report all invoices for interdepartmental billings only;
 - d) Open Invoice report all invoices due from the School Department only;
 - e) Listing of invoices submitted to City Solicitor for legal determination; and
 - f) Accounts Receivable summary

and is forwarding same to the Board for information purposes.

(Unanimous vote.)

(Note: available for viewing at the Office of the City Clerk and previously forwarded to the Mayor and Aldermen.)

- H. Advising that it has accepted the City's Monthly Financial Statements (unaudited) for the eight months ended February 29, 2008 and is forwarding same to the Board for informational purposes.

(Unanimous vote.)

(Note: available for viewing at the Office of the City Clerk and previously forwarded to the Mayor and Aldermen.)

COMMITTEE ON COMMUNITY IMPROVEMENT

- I. Recommending that funds in various CIP programs totaling \$42,000 be transferred to the 411808 Fire Ladder Truck Repair Project; and further that \$13,000 from MER funds be expended for rust repairs to the Fire Ladder Trucks; and for such purpose an Amending Resolution and budget authorizations have been submitted.

(Unanimous vote)

COMMITTEE ON LANDS AND BUILDINGS

- J.** Recommending that a request of the West Side Little League to rename the Southwest Little League complex to Francis “Pat” Lally Memorial Complex, be granted and approved. The Committee notes that the names of the four fields at the complex will not be changed.
(Unanimous vote, with except of J. Roy who was not present)
- L.** Advising after due and careful consideration that it has denied a request of Howard McCarthy to utilize city power for his vending equipment. The committee notes that such decision reflects concern of City liability issues and subsidization of private enterprise.
(Unanimous vote, with except of J. Roy who was not present)
- M.** Recommending that a request of the Airport to purchase a 1.0 acre parcel of land located at One Delta Drive, Londonderry be granted and approved. The Committee further recommends that the Airport Director be authorized to negotiate purchase of same and that the Mayor be authorized to execute any necessary documents relating to such purpose, subject to the review and approval of the City Solicitor.
(Unanimous vote, with except of J. Roy who was not present)

SPECIAL COMMITTEE ON AIRPORT ACTIVITIES

- O.** Recommending the Board oppose HB686 relative to regulation of remotely readable devices and the illegal use of payment card scanning devices or reencoders. The Committee notes that the recommendation to oppose the HB686 is to make sure that it does not interfere with the security functions and efficiency functions of the Airport.

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

- C.** Communication from City Clerk advising that pursuant to the Board’s previous actions, a public hearing on the Charter Amendment question relating to the School Department has been scheduled for Tuesday, May 13, 2008 at 6:30 PM.

***Alderman Lopez** moved that this item of Charter Amendment question be scheduled after the budget process is completely done, and at the same time, to schedule the School Department and the City Solicitor to appear before us on a technical basis before the public hearing, to be set by the City Clerk. The motion was duly seconded by **Alderman Garrity**.*

Alderman Gatsas asked can I ask the City Solicitor what is the timeframe for a public hearing prior to being placed on a ballot?

Mr. Tom Clark, City Solicitor, responded I'd have to look it up for you, Alderman. I don't have the statute with me tonight.

City Clerk Carol Johnson stated the public hearing could be held any time basically right up until the end of August; I believe was the timeframe that I looked at. It has to be no less than 180 days from when the election is held, and it's a November election.

Alderman Gatsas asked can I ask whose determination it was to bring it onto this agenda at this time?

Ms. Johnson responded by your motion originally, you had requested that the City Clerk schedule it at the earliest possible date, and the date that we have placed in the agenda is the earliest possible date. We were just making you aware of that. It was based on the motion you made when you submitted it to the Board.

Alderman Gatsas stated if I may, Your Honor, I think I had a discussion with the City Solicitor to find out what was the earliest time that a public hearing could be held before that went out to a vote. So maybe there was a misinterpretation of my motion, but that's why I think the City Solicitor has going to check because I think it has a 90 day window before the election that there has to be a public hearing on it.

City Clerk Johnson asked so do you want to hold it at the last possible date?

Alderman Gatsas responded I think that the later it is, the better off we are.

City Clerk Johnson stated okay, then we'll work on that if that's what the Board wants.

Alderman Lopez stated basically my motion is the Clerk will comply with the law, whatever it is. If it's 90 days before, fine. But after the budget process, the hearing would be set, and at the same time, the School Department and the City Solicitor will have come before the Board of Mayor and Alderman on a special occasion on the technical aspects of it before we have a public hearing.

Alderman M. Roy stated and again, I will leave it up to the Chairman of the Board and the Clerk to set the date, but I would just ask, because of the subject matter, that it be held during the school year so that we don't lose information because we have it in the middle of August or the middle of July...that we look, because it is a School Department issue...that we do have it before the end of school, so sometime in the month of June, post budget, but prior to school dismissal

Mayor Guinta called for a vote on the motion that the Charter Amendment question be scheduled after the budget process is finished, and to schedule the School Department and the City Solicitor to appear before the Board to address technical issues. *There being none opposed, the motion carried.*

- K.** Recommending that a request of West Side Little League to name the major division field at Cullerot Park the Joe Sullivan Field be granted and approved.

(Unanimous vote, with except of J. Roy who was not present)

Alderman Ouellette stated I pulled this off the consent agenda because I just wanted to comment on the person with the great honor of the field being named after, Joe Sullivan. Your Honor, I was playing at Little League and actually with Joe; we both played on the same all-star team at West Little League together. My father was a former president of the league. He was president of the league when Joe began volunteering over there and Joe has been volunteering there ever since. So Your Honor, it would be my privilege to move this item.

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

- N.** Recommending that the Economic Development Director issue RFP's for the Northwest Business Park providing for the purchase and development of such property in accordance with Phase I of the Northwest Business Park Development Plan.

(Unanimous vote, with except of J. Roy who was not present)

Alderman O'Neil asked is there anyone that can explain to me what effect this RFP has on the infrastructure improvements that I thought we had settled, if there is any effect?

Mayor Guinta stated I think Mr. Minkarah could probably best answer that question.

Mr. Jay Minkarah, Economic Development Director, stated at this point there wouldn't be an impact on moving forward with the infrastructure improvements. We have submitted our revised permit applications for the wetlands and site specific, so we're waiting for responses from those. Probably within 30 to 45 days from last Friday we should have an answer as to whether or not we've received final approval. Once we go through that process and we have the final plans for the engineering of the roads... We've also had to revise the infrastructure improvements themselves in response to the permitting requirements. Once those are approved by Highway and a final set of plans is prepared and approved by the Planning staff, then we can move forward to put out the infrastructure improvements to bid, but not until then. So at this point, putting aside the RFP, our goal was to hopefully put this project out to bid in July or perhaps August. With the proposal that came out of Lands and Buildings last week to put this out for an RFP, as I understood it, essentially we'd be pursuing a parallel track. So we would put out an RFP for the possible sale of the entire park, while at the same time continuing to move forward to get the approvals in place so that, should we elect to sell individual lots, we could still do that. Either way, whether it's an RFP to sell the entire project or it's selling individual lots through the City and the MHRA, we do need to get the approvals in place and we need that final subdivision approval.

Alderman O'Neil stated the bottom line is there's no impact.

Mr. Minkarah stated at this point, that's correct.

Alderman O'Neil asked what's 'at this point?' There either is impact or there isn't impact.

Mr. Minkarah stated there is not at this point. Should we decide to sell the entire project rather than develop it ourselves, then obviously we would not put the construction out to bid ourselves. That would be somebody else. No, there isn't an impact.

Alderman O'Neil asked do you realistically see that we're going to evaluate proposals and make selections by the time this needs to be bid in either June or July?

Mr. Minkarah responded I doubt we would complete that process. I think what we would probably be faced with is I would imagine that we would certainly have an indication as to whether there is interest on the part of developers by that point, in privately developing the project. And at that point we would make an election as to whether we wanted to accept those proposals and move in that direction or whether we would want to continue to develop it ourselves.

Alderman O'Neil stated Your Honor, I would hate to see things get slowed down because we took a chance. To me, this RFP can be written. I have no problem with going out for the proposal, but whatever happens, the infrastructure improvements need to be done. We were told they were going to be done this summer and fall, with final completions in the spring of 2009. I think that should move forward. What I would hate is we would slow down, not do the infrastructure improvements because we think we're going to have a deal with a developer for the whole site; that falls through, and then the infrastructure improvements are still not done. So I'd like to see...Mr. Minkarah said run a parallel course. I have no problem with that, but I would not want to see the infrastructure improvements stop, unless there's an assurance, and I'm not sure there will be by the time the infrastructure improvements need to be bid. We have made some mistakes up there to date. We can't afford to make another one and

get overly creative with this thing. Do the infrastructure improvements. Do the RFP. If somebody wants to buy the entire parcel, it can be a condition of them buying it that they inherit the infrastructure improvements.

Alderman Gatsas stated Mr. Minkarah, I just want to make sure that it's clear that the only thing that we're talking about is the 125 acres in the first parcel and not the entirety.

Mr. Minkarah stated that's correct.

Alderman DeVries asked is it possible to build into the RFP that, should it be delayed, that any costs or any expenditures made by the City for infrastructure improvements would be passed through, if not specifically called out on the RFP? Where you're on a parallel track you may not know what you're expending when you actually write up the RFP, so is there some way to cover that with language that the City doesn't end up paying for something that normally a developer would have picked up and paid for himself?

Mr. Minkarah responded I would think that we could include a provision where if we're putting in any kind of improvements that we would recover the value of that, yes.

On motion of Alderman M. Roy, duly seconded by Alderman DeVries it was voted to approve this item.

4. Nomination of Jane E. Gile to the position of Human Resources Director, submitted by Mayor Guinta.

Under the rules the nomination shall lay over to the next meeting.

Mayor Guinta stated I do have a brief letter I would like to read:

To the Honorable Board of Aldermen,

After due and careful consideration, I am pleased to nominate Ms. Jane Gile as our next Human Resources Director. I have attached her resume for your convenience. As the Board is aware, I have been frustrated by this selection process and had to post the position itself on two separate occasions. After several meetings and reviewing all qualified candidates, I was at last pleased to receive unanimous support for Ms. Gile by the special selection committee. She is a Manchester resident and currently serves as the Human Resources Director for the City of Keene, New Hampshire. She has extensive background in human resources and is familiar with the operational structure of the City of Manchester and the laws of the state of New Hampshire. I believe she does possess many positive attributes and will make a worthy successor to Virginia Lamberton. This nomination will layover until the next meeting of the Board, pursuant to Rule 20. It is my intention to make Ms. Gile available to meet with each member of the Board prior to that meeting and will notify the Board shortly of a meeting schedule. She would be here this evening, but she is on a previously scheduled vacation. We wanted to give everyone the opportunity to meet with her at their appropriate scheduled times.

Alderman Shea asked are her duties going to be the same as Ginny Lamberton's or are her duties going to include other City administrative duties?

Mayor Guinta stated she would be the HR director and be responsible for all the duties and responsibilities that an HR director is responsible for.

Alderman Shea stated in other words, we did lose other City personnel. Dave Hodgen, who was the negotiator, did retire. And there are other administrative responsibilities. Will those be included and will we know that before we interview her or is it simply that she's going to encompass just the responsibilities that Ginny Lamberton as the human resource director did?

Mayor Guinta responded I think it's certainly open for discussion for her to take on some additional responsibilities that were previously engaged by other employees within that department. But the scope would be HR related. It's certainly something that this Board could speak with her about as they meet with her about her level of comfort regarding some of those negotiation issues.

Alderman Shea stated so basically it could encompass those.

Mayor Guinta stated it could. I have talked to her about that. I wouldn't want to make that specific decision for her today, but it's certainly something we have talked about. I would certainly expect to hear from her as the new HR director once she gets acclimated with the position and the personnel within the office how to best move forward.

Alderman Shea stated I don't want to prolong this discussion but the point is that if we were to sit down with her, could we ask her questions about her knowledge of negotiating contracts and things of that nature?

Mayor Guinta responded absolutely.

Alderman Lopez stated just to follow up on Alderman Shea...but is it fair for us in the interview to tell her that she'd be in charge of negotiations because there's no money for a negotiator?

Mayor Guinta responded we don't want to scare her off too quickly.

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

Mayor Guinta stated pursuant to section 3.14 of the City Charter, please find below the following nominations:

Frederick Matuszewski to succeed himself as a member of the Building Board of Appeals, term to expire January 1, 2011;

Peter Capano to succeed himself as the Mayor's designee to the Planning Board, term to expire May 1, 2011;

Joseph Dion to succeed Todd Connors as a member of the Planning Board, term to expire May 1, 2011;

Jack Brady to succeed Raymond Clement as a member of the Planning Board, term to expire May 1, 2011;

Louis DeMato to succeed Joseph Dion as an alternate member of the Planning Board, term to expire May 1, 2011;

James Triantafillou to succeed Donna Soucy as a member of the Fire Commission, term to expire May 1, 2011;

Paul Harrington to succeed Peter Morin as a member of the Fire Commission, term to expire May 1, 2011.

Alderman Osborne stated I would like to nominate to the Transit Authority John H. Tricianni, term to expire May of 2008, to succeed himself and suspend the rules.

Alderman Osborne moved to approve this nomination and suspend the rules. The motion was duly seconded by Alderman M. Roy. There being none opposed, the motion carried.

Alderman Smith stated point of information, are all these nominations Manchester residents?

Mayor Guinta stated yes.

On motion of Alderman M. Roy, duly seconded by Alderman Pinard, it was voted to approve these nominations.

Alderman Lopez stated for Mr. Triciani, I think that's fine. Is that a term limit? Is he okay on that?

Mayor Guinta stated it's an Aldermanic appointment and I'm not sure of the limitation.

Alderman Osborne stated it used to be two terms or something like that.

Alderman Lopez stated it's usually a three-year term but I don't know...

Alderman Osborne asked but how many three-year terms can you take?

Alderman Lopez responded two. Just for clarification. We don't want to get ourselves in trouble here.

Mayor Guinta asked the Clerk to verify that Mr. Triciani has another term.

6. Confirmation of Christopher Thompson to succeed Daniel Pinard (vacancy) as an alternate member of the Planning board, term to expire May 1, 2009.

On motion of Alderman Garrity, duly seconded by Alderman Domaingue, it was voted to confirm this nomination.

7. Confirmation of nomination of Michael DeBlasi to represent Ward 3 on the Board of School Committee submitted by Alderman Sullivan.

On motion of Alderman Sullivan, duly seconded by Alderman M. Roy, it was voted to confirm this nomination.

8. Reports of Committee on Community Improvement, if available.

City Clerk Johnson stated Your Honor, the Committee on CIP met this evening, and the Board has a copy of these items. They are recommending that an amending resolution providing for acceptance of FEMA funds in the amount of \$316,877 for drainage work on North Union Street, committing the sum of at least \$105, 627 in fiscal year 2009 cash appropriations or other funds as determined by the Board of Mayor and Aldermen, and further authorizing the Public Works Director to execute any necessary documents be approved. What we're doing is allowing for the provision of accepting the \$316,877 in FEMA monies, and it's my understanding that the Public Works Director was looking for this to come in this evening, which is why this item calls for a report, if available. Unfortunately, you're getting a verbal report, along with your CIP agenda. That's the best we could do at the moment. In addition to that, it's my understanding that you are committing to \$105,627 in matching funds. If I'm wrong, I believe Mr. Sheppard can address that.

On motion of Alderman Garrity, duly seconded by Alderman Pinard, it was voted to approve this item.

On motion of Alderman Garrity, duly seconded by Alderman Shea, it was voted to refer the resolution and the budget authorization to the Committee on Finance.

Alderman Lopez moved to refer to Finance the Business Service District resolution. The motion was duly seconded by Alderman DeVries. There being none opposed, the motion carried.

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

10. Mayor Guinta called the meeting back to order.

11. The Committee on Finance respectfully recommends, after due and careful consideration that resolutions were presented, recommending that resolutions:

Amending the FY 2005, 2007, 2008 CIP transferring, authorizing and appropriating funds in the amount of Forty Two Thousand Dollars for the 2008 Community Improvement Program 411808 Fire Ladder Truck Repair Project;

Amending the FY 2008 Community Improvement program, authorizing and appropriating funds in the amount of Three Hundred Sixteen Thousand Eight Hundred Eighty Seven Dollars (\$316,887) for the FY2008 CIP 713608 Union Street Drainage Project

ought to pass and be Enrolled..

On motion of Alderman Garrity, duly seconded by Alderman O'Neil, it was voted to accept, receive and adopt the report as presented.

*On motion of **Alderman Lopez**, duly seconded by **Alderman Osborne**, it was voted that the continuation and expansion of the Central Business Service District be approved and referred to the public hearing on April 28th at 6:00 PM.*

*On motion of **Alderman Pinard**, duly seconded by **Alderman O'Neil**, it was voted to ratify and confirm the April 28th public hearing at 6:00 PM at Memorial High School for all budget resolutions.*

*On motion of **Alderman Garrity**, duly seconded by **Alderman Osborne**, it was voted that the fiscal year 2009 budget resolutions as proposed by the Mayor ought to pass and layover.*

- 12.** Legislative Update to be presented by Mayor Guinta and seeking the Board's opposition to SB468 relative to the reinsurance pool and the New Hampshire vaccine association.

Note: Letter from Jack Sharry to be sent under separate cover.

Alderman Sullivan stated this probably should have come up earlier when we took up the consent agenda, but the bill that the Airport had concerns about...I just wondered if one of our two state senators here could let us know where that stands right now. Apparently there was some sort of amendment that was attached to that bill at the Senate level, so I'm just trying to figure out where we stand on that. Have the Airport issues been addressed or is that something we're still looking at as a potential problem?

Alderman DeVries stated yes, Alderman. That particular bill, which is the RFID bill did have a public hearing today in Commerce in the Senate. The bill was not acted on today. The language that was added on the floor of the House I believe is the language that the Airport is concerned with entirely. The initial House Commerce committee report did not appear to be concerning, not only to the

Airport but to others who testified in opposition to the bill. I'm not yet aware of exactly how the outcome of the bill will be, though I know many were concerned, as was I, with how it might impact security functions at the Airport.

Alderman Sullivan stated so the long and the short, do we still have time to address this, either during executive session at the Senate committee level on the Senate floor or in the committee conference, if it comes to that?

Alderman DeVries responded there is still time, and if we do make a motion this evening. And you're right that we should have taken that off the consent agenda to make sure there is a letter coming from the full Board. It's still timely.

Mayor Guinta stated we did receive a letter from Jack Sharry who is our insurance consultant.

Alderman DeVries stated I was just going to ask you, if Mr. Sharry's not here to speak to his letter, and it's rather technical in nature, but my read of the legislation deals with a small group health insurance reinsurance pool and I'm not sure it has crossover into ERISA plans, of which the City of Manchester would be one. I guess I'm a little bit confused and would love to get some clarification from him. But my read, and I just went through the legislation again, I think it's dealing with the small group reinsurance pool, though I wouldn't want to go up against Jack Sharry. His experience is a million times mine.

Alderman Lopez asked does our health director, Tim Soucy, have any comments on this?

Alderman DeVries stated the immunization piece, I think, is separate.

Mayor Guinta stated it's more of an HR related issue so I think it would be more appropriate for the Solicitor to comment. Essentially, we got the letter, and I have not had an opportunity to speak with Jack himself since I saw the letter. I know that my office did speak with him quite extensively, and I believe this is also a recommendation from Harry Ntapalis and the HR department. Is that correct?

Mr. Clark responded I believe the HR department has been involved in this. They originally contacted Mr. Sharry. He and I had a conversation last week where he addressed the bill. I believe he's been in contact with Senator Gatsas on a couple of these issues. He was very concerned about he effects on the City of Manchester. The City in the past hadn't been under reimbursement because we are not subject to ERISA. This bill changes that and an assessment would be made, and it's probably going to trickle down to the City. He was very concerned about it, and I think his letter pretty much spells out what his concerns were. If the Board has additional questions, I'm sure Mr. Sharry would be happy to send something further, an update.

Alderman Lopez stated I just wondered if one of the senators...

Alderman Gatsas asked do you want the senator that voted against it or the senator that voted for it?

Alderman Lopez responded it doesn't make a difference. If you can tell us in three minutes what this is all about.

Alderman Gatsas stated you're going to hear two different opinions.

Alderman Lopez asked is it going to affect children?

Mayor Guinta stated I'm not looking to have a debate here from a Senate perspective. I think what we need to do is acknowledge that, based on what our consultant is telling us, if this bill passes, and it passed the Senate...I think it has a hearing next week, if I recollect properly, in the House in committee. Jack is essentially stating that if it passes as amended, it can cost the City as much as \$900,000 to \$1 million. That is obviously a concern that I have, particularly through the budget process. I'm not looking at the policy issues behind the piece of legislation. I'm concerned about the fiscal impact to the City.

Alderman O'Neil asked is there a probability that this is going to end up in a committee on conference? And should we get Mr. Sharry up here for the next meeting and do we have time to do that?

Mayor Guinta stated the hearing is Tuesday.

Alderman O'Neil stated information can always be obtained.

Mayor Guinta stated he issued a letter. Is there additional information that...

Alderman O'Neil stated I don't know. I'm not clear on this.

Mayor Guinta stated again, what our consultant is telling us is that if it passes as amended, it's going to cost us about \$900,000 to \$1 million.

Alderman DeVries asked when did Jack Sharry first get in touch with the City?

Mayor Guinta responded well he wrote the letter April 11th. I think he's been talking with the HR department over the last couple of months. But I couldn't tell you specifically when he spoke to someone in the HR department.

Alderman DeVries stated I guess I'm just surprised that we're now hearing about this at the eleventh hour. If we've known for a couple of months, and obviously the bill hadn't worked it's way through the Senate, why we chose not to express an opinion while the bill was in the Senate.

Mayor Guinta stated he wrote a letter April 11th. I read it. I expressed concern. I had it placed on the agenda so we could discuss it this evening. As soon as his concerns were brought to my attention, I wanted to bring it to the Board's attention.

Alderman O'Neil stated I don't recall that this was a tracked piece of legislation in the report that Mark had been doing for us. So if HR was involved, why weren't they putting that in their report? We were getting some pretty detailed reports from all the City departments on positions you took, legislation that departments or your office was tracking. If HR was involved in this, why wouldn't they give Mark that information?

Mayor Guinta responded I couldn't speak to why they did not. We have the information now. I'm presenting it to the Board.

Alderman O'Neil stated I'm disappointed that this has gone on and we're seeing this for the first time.

Mayor Guinta stated I think as a City we should go on record at the House because of the fiscal concerns, so that's what I'm asking. If the Board is not comfortable with that, then we have to seek an alternative approach.

Alderman DeVries stated I guess I need some clarity on this as to whether they think we're falling under the category of a treaty reinsurance program because if you go through reading it, it's stating time and time again it's dealing with the

small group health insurance fund, and we are not part of the small group health insurance fund, which is only with employees up to 100 people. So again, I guess I'm just not seeing quite...I would need some clarification to explain Jack Sharry's letter before I would want to go on record. I would urge my colleagues to seek that clarification as well.

Mayor Guinta stated we don't have a direct assessment. The assessment is to the reinsurance carrier whose position is that he would then pass that cost on to the City, which is why there's a fiscal impact. It's very possible that the initial legislation...that there is an unintended consequence here. I think maybe the legislation was trying to address one issue. His concern is that that cost would then be passed on to the City.

Alderman Gatsas stated 468 changes that, just so that I can keep my colleague informed with what's happening. 468 changes that and it assesses all groups. So the assessment to fill the hole in the reinsurance pool is going to come back to large employers that are ERISA or not ERISA. That's what the amendments did on 468.

Alderman Lopez asked with all that dialogue, is it going to cost us money if they pass it?

Alderman Gatsas responded it will.

Alderman Lopez stated then we're against it.

Alderman Gatsas stated Alderman, I voted against it, so I agree with you.

Alderman Lopez moved to opposed SB468 if it's going to cost the City of Manchester money from the state. The motion was duly seconded by Alderman Garrity.

Alderman O'Neil stated we've done pretty well with Mr. Sharry over the years with good advice, so there's a bigger issue to me why this is just coming to life now, but I'll support the motion.

The Mayor called for a vote on the motion, which carried, with Alderman DeVries abstaining.

13. Communication from City Clerk requesting that a petition to rezone a parcel of land located west of Mack Avenue and north of Frontage Road submitted on behalf of One Mack Avenue, LLC be referred to the Committee on Bills on Second Reading and to Public Hearing at a date to be set by the City Clerk.

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

14. Communication from Carol Johnson, City Clerk, reporting back to the Board regarding the Ward 5 polling location, and requesting the Board authorize the City Clerk to purchase floor matting totaling \$5,356 and to transfer funds to cover such expense.

Alderman Osborne moved to approve this request. The motion was duly seconded by Alderman O'Neil.

Alderman Sullivan asked where are we going to get this money, and is there a way we can find...does someone have this matting that they're not using, somewhere from a polling place in years past or another jurisdiction?

City Clerk Johnson responded the Ward 5 polling location, the matting that's needed is matting that we would need to purchase. We did check with Facilities Division and this seems to be the most economical way to cover the floor. We have done it in other Wards such as 12; it is similar to the matting that we're using in those Wards. The floor will be damaged if we use it for a polling location

unless we do cover it, and as far as I know, the only funding that might be available would be Contingency, unless it's eligible for some CDGB funding but I really don't know. It would need to come back to the Board at the next meeting for a funding source.

Alderman Sullivan stated I should re-direct the questions to the Ward 5 Alderman. Why are we moving the polling place? What's the back story?

Alderman Osborne stated this has been on the fire for quite a few years, as the Mayor knows. It's very difficult for the elderly people to go to the rear of Beech Street School. In fact, there are a lot of people out there who don't even vote because of that reason, because of walking that corridor all the way down to the end of the building. Where it was before...it's really history...in the front of the building at the gymnasium, and it has been there for many, many years, Ward 5 is really accustomed to that location. And the only reason why we need the flooring, of course, is to not damage the new floors that were put down, which are very expensive. And I'd like to make a motion, Your Honor, if we could move this along, or can we Carol, from Contingency?

Mayor Guinta stated there's a motion on the floor already to move the item.

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

15. Communication from Thomas Bowen, Director, Manchester Water Works, submitting a NHDOT Use and Occupancy Agreement, allowing for the installation of a water main on Eastpoint Drive, Bedford, in relation to the Airport Access Road.

Alderman Pinard made a motion to approve the agreement and authorize the Water Works Director to execute the agreement on behalf of the City Water Works, subject to the review and approval of the City Solicitor. The motion was duly seconded by Alderman M. Roy. There being none opposed, the motion carried.

16. Warrant to be committed to the Tax Collector for collection under the Hand and Seal of the Board of Mayor and Aldermen for the collection of sewer charges.

Deputy City Clerk Matt Normand presented the amount as \$185,107.19.

Alderman Shea moved to approve this item. The motion was duly seconded by Alderman Smith.

Alderman DeVries stated I know this is just a tad off track, but I've had an ongoing discussion with Kevin Sheppard and Fred McNeil, EPD Director, in reference to the way we assess the increases in our sewer charge. Kevin Sheppard can come up and speak to this, but in the past our sewer charges have been retroactive to the date of billing, not retroactive to the time of service, so if somebody has a bill that they are receiving in January, part of that quarter is retroactive back prior to the increase of a new assessment. They have a couple of months of increased charges prior to even the effective date. It has been, as I understand from Kevin Sheppard, the practice of the City, both for water and sewer, to make their increases on date of billing rather than date of assessment. I've done some checking throughout other PUC regulated utilities, which this is not, and that doesn't seem to be a consistent practice. Frequently with electric

increase, any surcharges are date of service, not date of billing, so I would like to make a recommendation to ask those two departments to look at the way that they are increasing the cost to the customers of the City for their services and maybe report back with recommendations on how going forward we can more fairly increase the charges in the City.

Mayor Guinta stated so noted.

Mayor Guinta called for a vote on the motion to approve item 16. There being none opposed, the motion carried.

17. Ordinance:

“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.”

On motion of Alderman M. Roy, duly seconded by Alderman J. Roy, it was voted to waive the reading of this item.

On motion of Alderman J. Roy, duly seconded by Alderman M. Roy, it was voted that this Ordinance ought to pass and be Ordained.

18. Resolutions:

“Amending the FY2005, 2007, 2008 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Forty Two Thousand Dollars (\$42,000) for the 2008 CIP 411808 Fire Ladder Truck Repair Project.”

“Amending the FY2008 Community Improvement program, authorizing and appropriating funds in the amount of Three Hundred Sixteen Thousand Eight Hundred Eighty Seven Dollars (\$316,887) for the Fy2008 CIP 713608 Union Street Drainage Project.”

On motion of Alderman M. Roy, duly seconded by Alderman O'Neil, it was voted to waive the reading of this item.

On motion of Alderman M. Roy, duly seconded by Alderman Pinard, it was voted that the Resolutions pass and be Enrolled.

TABLED ITEMS

- 19.** 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.

- 20.** Report of the Committee on Bills on Second Reading recommending that Ordinance:
“Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include property currently zoned IND (Industrial) located on the south side of Gold Street east of the former Lawrence Branch of the B&M Railroad and including the following three lots Tax Map 875-14, 875-15, 875-16.”
ought to pass.
(Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)
(Tabled 09/05/2006)
NOTE: Available for viewing at Office of City Clerk; previously forwarded to Mayor and all Aldermen.

This item remained on the table.

- 21.** 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.

22. NEW BUSINESS

Alderman Lopez moved that residents and taxpayers of the City of Manchester speak first at the April 28th public hearing, and then all others. The motion was duly seconded by Alderman Garrity. There being none opposed, the motion carried.

***Alderman Lopez** moved that CIP Committee be requested to review and report to the full Board of Aldermen regarding the FY 2009 – 2015 period on or before Tuesday, May 6th. The motion was duly seconded by **Alderman Garrity**. There being none opposed, the motion carried.*

***Alderman Lopez** moved that all departments that have not previously been requested, minus the Highway, Police, and Fire, provide a bullet listing to the Board of Mayor and Aldermen regarding how the proposed 2009 budget will affect their department, and submit it to the City Clerk by April 22nd. The motion was duly seconded by **Alderman Pinard**. There being none opposed, the motion carried.*

Alderman Shea stated during the CIP Committee meeting, there was a discussion about obviously the Parks & Recreation Department. In talking to other members of the CIP Committee, I think that we at that meeting probably made a very serious mistake, because what we did was we removed funding from the Parks & Recreation. The parks, whether it be at the Derryfield Park...if some item is broken, whether it be at Prouts Park, whether it be at other park... I would like to have Mr. Deprima come up and explain to the Board of Mayor and Aldermen exactly what the impact of what we did...and I admit that I did it as well as somebody else. Chuck, could you explain...when we moved that money from your cash to what we would say would be reduction in the City budget...so that we can reconsider what we had done.

Mr. Chuck Deprima stated simply put, that money is given to us every year in the CIP cash account, and it allows us to react to situations as they come up regarding various problems that arise in parks. For example, it's for broken playground equipment, repairs to fields, repairs to fencing; there are quite a few requests that come to us from either Aldermen or the public.

Alderman Shea asked would that have to do with Prouts Park and the problems that we had there with baseballs flying out?

Mr. Deprima responded the money that was spent there to remediate the backstop and the fencing and everything, that money, for example, did come out of that cash account.

Alderman Shea stated just to put it in perspective, Your Honor, when we were discussing whether we should have a Christmas tree worth \$6,500 permanently placed through a vendor at Stanton Plaza, there was a discussion about whether or not we should do that now or wait for other information. And in the process, one of the Board members then discussed with Sam Maranto how much money was in that account. Apparently there was \$31,000 in that account, and so a motion was made, and we all kind of went along with it, to put that money which was in that cash account, into a fund which would I guess be included so that there was about \$91,000 that would obviously help out with reducing the deficiencies that we have. If other members of the CIP Committee want to discuss it they can, but my particular motion in the future would be to restore that money so that we could have, through the Parks & Recreation Department, money that they can use. Otherwise if somebody calls up Chuck and says...

Mayor Guinta interjected let me just get a point of clarification. This was something...a vote occurred in CIP which has not been approved...Can I just get clarification from the Alderman Garrity, the chairman of that committee?

Alderman Garrity responded those reports are not coming to the full Board tonight, so I don't even know if we can discuss it here. I think if we did a phone poll of the CIP Committee we could solve the issue tomorrow.

Alderman Shea stated fine. We could do that and then we could remove that. Whatever the case might be.

Alderman Lopez stated I wish you would reconsider that, Alderman Garrity, because we all know what happened. I think the figure is \$31,000; we're all going to do it and give it back to him. There's no question about that, so I'm asking you to...

Alderman Garrity stated we'll do a phone poll tomorrow morning of the CIP Committee and be done.

Alderman Lopez moved that we allocate back the \$31,000 to the Parks Improvement cash account, CIP 511408, the money that they took out of there. The motion was duly seconded by Alderman Shea.

Mayor Guinta stated I'm not accepting it. It's not even a report coming to the full Board, and the chairman of the committee is saying that he'll do a phone poll of the committee tomorrow morning. So I think it's inappropriate for us to even be dealing with it. It sounds like it's going to be resolved first thing in the morning.

Alderman Lopez stated I can't understand, Your Honor, why we can't resolve it tonight because we might have a playground piece of equipment tomorrow and you've got to wait for a phone call vote.

Chairman Garrity stated we'll do the phone poll at 9:00 AM.

Alderman O'Neil stated I guess legally the money hasn't been taken from his budget. I'm one of those that made the mistake in committee and I plan on restoring the money.

Alderman Pinard stated I have a brief announcement to make, and I'm very proud to. I'm sure a lot of you people have heard that the Rockingham Trail...we have a trail system throughout the City and this is probably the major link that connects the east side to the west side. Saturday morning at about 8:00 or 8:30, I'm having a little ceremony at 294 Brennan, which is the next street over from Page Street. Thanks to Chuck Deprima and Parks & Recreation, they have conservation youth, from around the country. I met four of them today, and they're really excited to be able to come over and spend three hours here in the Queen City to blaze through the Rockingham Trail which eventually will probably wind up in Portsmouth. It's starting at Lake Massabesic and it's coming through. We've been working on this for years. There will coffee and Dunkin' Donuts at the Candia Road store. There will be a guest speaker. Mayor Guinta will be there. It's going to be quite exciting because these kids are going to run on the track with their chain saws and their wheelbarrows and whatever. So I'm very proud to announce that, and I hope that a lot of people come down and encourage these kids. Thank you very much, Your Honor, and I'm inviting the whole Board of Aldermen to be there to encourage these kids from around the country and show that the Queen City in the state of New Hampshire is there to help our youth.

Alderman Ouellette stated earlier this week I received a communication from some Parks & Recreation Department employees. It has come to my attention that dogs are not prohibited from being walked in cemetery. I believe that dogs should not be allowed to walk in this area out of respect to the families and gravesites therein. I am requesting the matter be referred to the Committee on Lands and Buildings for consideration of an ordinance or policy relating to prohibiting dogs from City-owned cemetery land.

Mayor Guinta stated that will be referred to the Committee on Lands and Buildings.

Alderman Ouellette stated Your Honor, there is no bigger dog lover in this building than I am. I did talk to the director and Alderman Garrity as well. I did talk to the Director of Parks & Recreation and he did communicate to me that there is a problem that families are finding things that should not be on the gravesites of their loved ones, and it has become a problem.

Alderman M. Roy stated I was very pleased to get the memo regarding a press conference with Senator Gregg regarding Streetsweeper funds. Unfortunately that was cancelled due to scheduling on Senator Gregg's part. But, is there any news or anything that we can bring to the public about that amount of funds being given to the City?

Mayor Guinta responded I would defer to Senator Gregg. He had a request that he make the announcement to the City, so unfortunately he did have a HUD bill that had to be voted on that Friday, so he was unable to attend. We're trying to reschedule that, but I'd be happy to see if his office would allow us to provide a communication to the Board of Aldermen.

Alderman J. Roy stated last meeting when we discussed that issue, you had stated you were going to Concord the next day to try to secure some funds for the Streetsweeper or DAG program as it's known here. Were you successful?

Mayor Guinta responded yes. We're still trying to work out the amount for Manchester. The answer is that we will receive funds. The question is how much, and that has not been determined yet.

Alderman J. Roy stated the money that we appropriated that night may very well go back into the Police Department?

Mayor Guinta stated that's very possible, yes.

Alderman O'Neil asked is there a 'when' with that?

Mayor Guinta stated I'm trying to work it out with Senator Gregg's office.

Alderman O'Neil stated probably the fall, correct?

Mayor Guinta stated that one might be for the fall, yes.

Alderman Ouellette stated now that the winter is over, I just would like to publically acknowledge...I think we all around this table really know that the Highway Department just did a tremendous job this winter of getting out there and clearing the streets; and Kevin, any issues that I had, I really want to thank you and your department. They just did a tremendous job this year, and it certainly wasn't easy. Thank you very much, Kevin.

Alderman Gatsas stated for the Finance Officer, back to your projections for 2008...Mr. Sanders, can you tell me why we've again on this sheet not included the savings in medical or health insurance?

Mr. Sanders responded the savings in medical, if there are any, go directly to the reserve account for medical cost that is established by ordinance, so they're not available to offset...

Alderman Gatsas interjected I think that we certainly can get into that discussion right now, real quick.

Mayor Guinta stated I think it would require an ordinance change, and I believe the Solicitor...Do you agree with that, that if we wanted to utilize those funds we'd have to change the ordinance?

Mr. Clark responded I'd have to take a look at that for you, Your Honor.

Alderman Gatsas stated Your Honor, I clarified that motion three times to move it into that account; I couldn't do it.

Alderman Lopez stated yes, Alderman Gatsas did try to move it into that account. We stopped him from moving it into that account. If at the end of the year that money is still there, then the ordinance complies. If we want to take money out of that account now, we can move money out of that account.

Mayor Guinta stated I think he's referring to the potential surplus, unused funds for fiscal year 2008. Or were you referring to both?

Alderman Gatsas responded we could have balanced the budget without taking one time funds.

Alderman Lopez stated no, that's not true.

Alderman Pinard stated we thanked the Highway Department, but I think these fires that we've had in these past few days, I think we should thank Pete Burkush and the Fire Department for a job well done. They saved many lives.

Alderman Sullivan stated before we adjourn I just want to hearken back to our last meeting two weeks ago where I had to leave before the meeting was over. That was the night of the Pearl Street fire. There were a couple of individuals I just want to real quickly give them a little bit of thanks and gratitude. The first one is Lisa Michaud from the American Red Cross who did an incredible job of setting up the recovery and relief effort. The other two people are Peter and Christine Telge from Milly's Tavern who donated their own time, their own money, let the recovery folks use their business as a staging area and a collection point for supplies. I think they deserve our recognition and our thanks and our gratitude as a Board.

*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