

BOARD OF MAYOR AND ALDERMEN

September 2, 2008

7:30 PM

Mayor Guinta called the meeting to order.

The Clerk called the roll. Fourteen Aldermen were present.

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

Mayor Guinta stated thank you very much. Before we go into the agenda I do want to thank Alderman Pinard for being here tonight despite the fact that it is his fifty-first wedding anniversary. I could never use the argument with my wife that we have a wedding anniversary and that I have a BMA meeting and I have to go to a BMA meeting.

Alderman Pinard stated she is a good cook, and she has a lot of patience because all of you Aldermen also... our wives take a lot of beating because of the job that we do, and I really love her, and believe me, it has been 51 hard years but we pulled through. I want to thank one and all for doing this for me, thank you.

Alderman Ouellette stated I would ask Goldenrod to name a flavor in your honor.

Alderman Pinard replied you would have to give my secret on maple walnut.

Alderman Shea stated I would like the executive privilege to bring up a subject that obviously the Manchester Highway Department would like to initiate. I think we all received a letter from Dan Garrity regarding a particular project that they want. Dan is here tonight. If anyone has any concerns or questions, he is very willing to answer them. I am not sure if any of the members of the Board have any questions about the memorial that they intend...

Mayor Guinta interjected unless there are any, I will take a motion. I believe his letter is asking for support to move forward.

On motion of Alderman Shea, duly seconded by Alderman Smith, it was voted to move forward on the memorial for the Manchester Highway Department.

Alderman Gatsas stated Your Honor, only if it is something that can be moved in case the Highway Department is moved to another location.

Mayor Guinta stated thank you, Mr. Garrity, for your work on that and we look forward to hearing updates.

Mayor Guinta stated next would be a presentation by Mr. Bassett, Independent City Auditor, McGladrey & Pullen, LLP, to present the audit plan for fiscal year 2008.

Mr. Bassett stated this evening I just need a few minutes of your time to talk a little about our audit plan and then, as I do on an annual basis, and to reestablish the audit communication between you and us and the independent auditor for the City. We will conduct the audit communication between you and us and the independent auditor for the City according to generally accepted auditors' standards as mandated by the United States. Our goal is to give an opinion on

those financial statements that management prepares, that they are materially correct and are presented in accordance with generally accepted accounting principles. In addition to the audit on the financial statements, we also do a federal single audit in which we look at compliance of your major programs for federal funds received. As I mentioned, the purpose of me coming here tonight is really to let you know that we are in the process of doing the audit and to ask you if you know of any concerns or if any concerns arise as we are doing our field work that you would contact us and let us know of those concerns maybe in some areas that would help us plan and execute the audit in accordance with generally accepted audit standards. If you know of any material fraud or any irregularities that we should be aware of that may not be in the minutes or may not be discussed or something that you think we need to know, I would ask you to communicate that to us. We place a strong reliance on internal controls as we go through the process of the audit. If you know of any areas where controls may be weak or where there can be significant deficiencies, we would ask that you inform us of that. We will not be giving an opinion on your internal controls, but we will render a report about any significant control deficiencies that we become aware of as we plan and conduct our audit procedures. We use a materiality limit as we audit the City of Manchester. There are probably several levels of materiality that we use as our judgment factors. The audit began in June. We will come back up here in September for four or five weeks to do the final field work and hope to have the report issued by December 31, 2008. We do not expect any major impact, any new accounting standards in the current year; it has been a quiet year as far as the GASB goes in the new accounting standards. Hopefully it will be pretty similar to last year, but if you have any concerns or questions, I would be more than happy to answer those questions.

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.

Ratify and Confirm Poll Conducted

- A.** Ratify and confirm phone poll of the BMA conducted August 8, 2008 setting the polling hours for the State Primary Election, September 9, 2008, from 6:00 a.m. until 7:00 p.m.

- B.** Ratify and confirm phone poll of the BMA conducted August 21, 2008 entering the City into a contract with MCAM under same terms and conditions as the expired contract with the exception of dates, with a new term of July 1, 2008 to June 30, 2011.

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

- C.** Sidewalk petitions:
 - 316 South Hall Street
 - 60 Oakdale Avenue
 - 78 Batchelder Avenue
 - 1154 South Beech Street
 - 111 Mission Avenue
 - 129 Ferry Street
 - 1529 Union Street

Informational to be Received and Filed

- D.** Communication from David Brillhart, NHDOT advising the Board of fuel and asphalt cement price adjustments for construction contracts.

- E. Approved minutes from the Commissioners meeting held June 24, 2008, June 2008 Financial Report, and June 2008 Ridership Report submitted by David Smith, Executive Director MTA.
- F. Monthly Bulletin from the City of Manchester Health Department for June 2008.
- G. Communication from Kevin Kincaid, Office of the City Clerk, providing an update on the Neighborhood Enhancement Team.

REFERRALS TO COMMITTEES

COMMITTEE ON FINANCE

- I. Resolution:

“Amending the FY2009 Community Improvement Program, authorizing and appropriating funds in the amount of Two Hundred Sixty Eight Thousand Dollars (268,000) for the FY2009 CIP 612509 22 Concord Street Redevelopment Project.”

REPORTS OF COMMITTEES

COMMITTEE ON COMMUNITY IMPROVEMENT

- J. Recommending, after due and careful consideration, that an administration fee be charged on future Section 108 loans at a rate increased one-half percent over current HUD charges.
(Unanimous vote)

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

H. Communication from Jay Minkarah, Director of Economic Development, providing a quarterly report for period ending June 30, 2008.

Alderman Gatsas stated thank you, Your Honor. Jay, I find it interesting that it is taking us six months to complete an RFP for Hackett Hill. Is this on the slow rail coming to Manchester or is it on the fast rail?

Mr. Jay Minkarah, Economic Development Director, replied it is not the time that it takes to prepare the RFP. We have not issued the RFP because we are waiting for the environmental permits to be issued, given that the nature of the permits could alter the project. As soon as those permits are received we will issue the RFP.

Alderman Gatsas asked weren't we told, at least at this level, that we were within thirty days of receiving those some four or five months ago?

Mr. Minkarah replied we thought that was the case. Unfortunately, that was not the case. The deadline was in May for the Department of Environmental Services to respond. Basically we got the response and that was a request for a significant amount of additional information on both the site specific as well as the wetlands permits. At their strong suggestion we requested an extension on those permits; that extension was till mid-July. Those submittals were made and we have now received the wetlands permit. We just in fact have received that last week. For the site specific permit that requested some additional information, our submittal deadline is next week. I am very optimistic that we will be getting those permits. Hopefully we will have everything in hand next week or within a couple of weeks. It has been delayed, unfortunately.

Alderman Gatsas asked is there any reason why we could not have gone out with an RFP subject to those permits?

Mr. Minkarah stated it is possible that we could have, but from the time that we initially submitted until the time that we got through the last round we did have to make some fairly significant alterations to the plans, including relocating one lot fairly significantly. The entrance road was shifted and we also did not know exactly what was going to happen with some of the physical improvements on the road. The cost estimates would have to be revised as well. Our plan is to issue it, subject to remaining approvals. Once we get the environmental programs in hand, the engineering firm will have to prepare the final design. Of course they also held off on that until the final permits were in hand. We will issue it subject to the final design being completed, but we did feel it was a little risky with the permits, not knowing how exactly it was going to impact the budget.

Alderman Gatsas asked has DES put a deadline on you?

Mr. Minkarah replied we have a deadline. I would have to double check but I believe that the deadline is September 7th for the final submittal for the site specific permit.

Mayor Guinta stated a motion would be in order.

Alderman Domaingue asked Jay, can you go through for me what the specific reason for holding the site specific permit was, or what additional information that you needed that you were not provided?

Mr. Minkarah stated it is not so much additional information but I believe it is clarification on the storm water drainage, is what I understand. These are not major issues but they are issues. They do have to be responded to. The engineering firm is aware of it; Gove Environmental is aware of it and they are preparing a response.

Alderman Domaingue stated clarification... is the design in accordance with the wetlands surrounding the area or...

Mr. Minkarah interjected it is details that they are looking for. They are engineering details. A wetlands permit was issued by both agencies they are looking for site specific and wetland permits. The agencies are working in concert and additional detailed information was requested. I do not anticipate any problem.

Alderman Domaingue asked how long after that September 7th deadline do you anticipate a response from DES?

Mr. Minkarah replied I would hope I would have a response in a couple of weeks. Again, they are very familiar with the project and the issues, and we really have been going around this for a very long time. I really do not anticipate a problem; it should be coming very quickly.

Alderman Gatsas stated the seventh is Sunday.

Mr. Minkarah stated again, I might be wrong but I do believe it is next week. Our deadline is next week. I can check the exact date.

Alderman Gatsas asked have they told you that they are not going to extend again?

Mr. Minkarah stated they have not said. Technically, we are the ones that were requesting the extensions at their suggestion. I do not think another extension will be necessary. Again, the information that they are looking for is not a great deal. I do believe this is it.

Alderman Gatsas asked has the Army Corps of Engineers signed off?

Mr. Minkarah replied the Corps, basically with DES approval, signed off. This has been characterized as a minor impact project.

Alderman Smith asked are you going to be able to get results by September 16th? We are having a meeting of the Lands & Buildings Committee, and I am very concerned about Pandora and I am very concerned about the Bedford Street lot. The closing date is the twelfth and I do not know how many proposals you have.

Mr. Minkarah replied I will definitely try to get at least a final answer on the Hackett Hill project by then.

Alderman Smith replied thank you very much.

On a motion of Alderman Pinard, duly seconded by Alderman Garrity, it was voted to receive and file this item.

5. Nominations to be presented by Mayor Guinta.

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

Conservation Commission

Victor Goulet to succeed himself, term to expire August 1, 2011.

Gregory Duval to succeed himself, term to expire August 1, 2011.

Tara Hurst to succeed herself, term to expire August 1, 2011.

Parks, Recreation and Cemetery Commission

Angelo Manni to succeed Steve Johnson as the labor representative, term to expire July 7, 2011.

Police Commission

Richard Bunker to succeed John Tenn, term to expire September 15, 2011.

Thomas Hammond to succeed himself, term to expire September 15, 2011.

Heritage Commission

Peter Sullivan as the aldermanic representative, term to expire concurrent with that of his office.

Kristy Roney to succeed Christopher Newton due to resignation, term to expire January 1, 2011.

Jessica Gustafson to succeed Kristy Roney as an alternate member, term to expire January 1, 2010.

Donna M. Daneke, Esq. to fill a vacancy as an alternate member, term to expire January 1, 2011.

Mayor Guinta stated these nominations will layover to the next meeting of the Board pursuant to Rule 20 of the Board of Mayor and Aldermen.

Alderman O'Neil moved to suspend the rules for Victor Goulet, Gregory Duval, Tara Hurst, and Thomas Hammond. He asked do I have those correct, the nominations that are succeeding themselves? He stated I am not sure we need to suspend the rules for Alderman Sullivan's appointment.

Mayor Guinta replied yes.

The motion was duly seconded by Alderman J. Roy. There being none opposed, the motion to suspend the rules carried.

6. Confirmation of nominations made by Mayor Guinta.

Conservation Commission

James O'Shaughnessy, to succeed Joann O'Shaughnessy, term to expire August 1, 2009;

Michael Dupree, to succeed Todd Connors alternate member, term to expire August 1, 2009.

Parks, Recreation & Cemetery Commission

Keith Murphy to succeed George "Butch" Joseph, term to expire July 7, 2011.

On motion of Alderman Osborne, duly seconded by Alderman Garrity, it was voted to confirm these nominations. Alderman Domanigue abstained for Keith Murphy's nomination.

On motion of Alderman Osborne, duly seconded by Alderman O'Neil, it was voted to recess the meeting to allow the Finance Committee to meet.

Mayor Guinta called the regular meeting back to order.

9. Report of the Committee on Finance

The Committee on Finance respectfully recommends, after due and careful consideration:

“Amending the FY2009 Community Improvement Program, authorizing and appropriating funds in the amount of Two Hundred Sixty Eight Thousand Dollars (268,000) for the FY2009 CIP 612509 22 Concord Street Redevelopment Project.”

On a motion of Alderman J. Roy, duly seconded by Alderman Osborne, it was voted that the amendment ought to pass and be Enrolled.

10. Communication from Alderman Ouellette requesting the new athletic field on Douglas Street Extension be named Henry R. Thibault Field.

Alderman Ouellette stated thank you, Your Honor. It is with great pleasure that I ask my colleagues to support naming the new athletic field on Douglas Street extension Henry R. Thibault Field. Former Alderman Thibault served the City honorably as Alderman of Ward 11 for 20 years, serving from 1978 to 1988 and again from 1998 to 2008. His generosity and involvement has been evident for many years. Hank started the first ski club in Manchester in the late 1960's. He was instrumental in developing the athletic fields at Piscataquog River Park and worked tirelessly with the children of St. Peter's Orphanage. He has also been a longtime, dedicated volunteer for the Boy Scouts. Please join me in honoring Former Alderman Thibault for his many years of dedication to the City of Manchester with this prestigious gesture. Thank you, Your Honor.

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

11. Communication from Michael McCluskey, Chair, Manchester Development Corporation requesting authorization of grants to promote economic development for the City.

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

12. Communication from Kit Reno and Pat Howard from Friends of Stark Park requesting approval of an alternative Bandstand site to the location previously approved by the Board of Mayor and Aldermen on May 20, 2008.

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

13. Proposed amendment to the Manchester City Charter resulting from a voter petition initiative providing for the insertion of Section 6.15 Limitation on Budget Increases.

Mayor Guinta stated this is the proposed amendment to the Manchester City Charter resulting from a voter petition initiative providing for the insertion of Section 6.15 Limitation on Budget Increases. If the Board so desires, a motion would be in order to send it to public ballot.

Alderman Garrity moved to send the proposed amendment to public ballot. The motion was duly seconded by Alderman Pinard.

Alderman Lopez stated thank you very much, Your Honor. I want to speak to the Charter Amendment, no matter how popular or unpopular my stand, until I am comfortable that I am meeting my sworn oath and duty to do the people's work to the best to my ability. I want more time to speak to the experts and find out answers to a lot of questions that were proposed at the public meeting tonight and especially some of the comments made by the Finance Officer. There are many questions that need to be answered. The most important is bond counsel. It could cost more in the end and people should have all the facts as to what this means to our City. There will be no questions after the vote. The people of Manchester deserve a chance to take the time to fully research and understand what the amendment says and means. This amendment is too important to be rushed onto the November ballot. It will be lost in all of the excitement of the Presidential election. By putting this off until a special election, we will be doing a great service to the petitioners and the citizens of Manchester, enabling them to make their case and to listen to both sides of the issue. Changing our Charter is not something that should be rushed through. Our Charter is our constitution and any and all changes deserve a strong public debate. I will vote no at this time to give me my seven days under state law in the State of New Hampshire and ask for a special meeting next week, and this does not mean that this will not go to a Charter special election. A special election will take place. This only means that we do not want to rush this thing onto the November ballot when the Presidential elections are taking place. We need people to concentrate on this and what it really means to our City. Therefore I would ask for the roll call vote.

Alderman Sullivan stated thank you, Your Honor. I have to respectfully disagree with the Chairman of the Board. This is an issue that has been in front of this Board and in front of the public for at least three or four years now. It has been heavily covered in the Union Leader and the Express, on Channel 9 and WGIR. This is not a surprise. This is something that the public has been discussing. We

have several thousand Manchester residents that want the opportunity to vote on this Charter proposal and I think we do a grave disservice to the democratic process if we decide that a group of 14 people can tell the 115,000 people in the City if they should have a right to say yes or no. Now I am not saying that I am going to vote for this thing when it comes to a vote. I do not know how I am going to vote. I am probably the only person in this room who has no idea how they are going to vote on this Charter proposal. With that being said, I think the public has the right to have their two cents worth heard. So I intend to vote yes to send this to the public.

Alderman Osborne stated over the years...you know I have been an Alderman for a little while. Over the years I have always said, and you have probably heard me say it a thousand times, that I would never go against a referendum question regardless of what it let the people decide. I can see where Alderman Lopez is coming from. It is a tough situation here. The whole thing is this: When is the vote going to be? Is it going to be in November? Is it going to be in January? What I think is that the public does have the right or should have the honor of knowing a little more in-depth information about things that are happening in Manchester, as in Franklin or any place else with a very small population. We have 110,000 people here and you know Franklin has the population of one ward in Manchester, so they can probably come up with a better budget in a sense with a small amount of population that they have. It is a big difference between Manchester and Franklin. I have nothing against putting it before the people which I will, that is for sure. It has got to go before the people, but I think they should have a chance to know the pros or cons. They should have the right to know everything about it because they do not know about the bonds and all of these different things. I am caught between the devil and the deep blue sea. I am not going against any referendum question, that is for sure, but the only thing that bothers me the most in the November election is that you have a lot of people that

vote. Trying to get a special election together costs a little money and you are not going to get the turnout in a special election like you do in the November election. That is the big thing that bothers me the most. On the other hand he is right. The people do not know everything about this. This is Manchester. This is not Franklin or some other town, so it is really a catch-22 here for all of us, not just for me but for all of us. I hope everyone makes the right decision, thank you.

Alderman O'Neil stated thank you, Your Honor. I too believe that the people of Manchester have the right to vote on this. My concern on this is that we are putting a question forward, and I have more questions leaving here tonight than I came in with. This document prepared by the City Solicitor and the Finance Officer has more questions than I had coming in. We need to hear from bond counsel and I think the citizens of our City need to know what the bond counsel has to say. They need to know what our financial advisor has to say. They need to know...on their list I can remember in the past there have been communications with the bond rating agencies such as Standard & Poor, Moody's & Rish. Alderman Lopez talked about how it is going to affect our bond rating and therefore it will cost us more money to borrow money. We need to hear from the County Treasurer. My understanding is that the City Clerk sent the letters, required under statute, to the Attorney General, Department of Revenue Administration and Secretary of State on August 27th. I believe under the law they have 30 days to respond. Am I correct? We need to hear from the School Superintendent. We need to hear from the airport, EPD, Water and Parking, although there seems to be some indication that Water may not be included. But the Solicitor and Finance are not 100% sure about that. What does this do to the Airport? I intend to allow this to go forward but I think we have an obligation to the voters of the City to present all of the information to them and not rush a referendum vote. This might be the most historic referendum to come before the citizens of the City in the last 25 years, and the impact of this, if it passes, will be

for another 25 years. This is not asking whether we are having three commissioners or five commissioners. This is of the highest importance to the citizens of the City. I think we need to get back information before we send it to an election. I am certainly willing to make a commitment here tonight if we have to fund a special election. That is the appropriate thing to do, so that all of the information is presented to the citizens of the City and there is no way between now and November we are going to get back all of the responses we need. And if we are not getting back all of the information, I do not know how the citizens of the City are going to get that information. So thank you, Your Honor.

Alderman DeVries stated thank you, Your Honor. It is never an easy decision to incur the cost of a special election, and that was very difficult for me. When I first realized I had the choice in trying to make headway in a very difficult.... I am running my Senate campaign right now and I know just how difficult it is to get my message out to the voters. We have a lot of top shelf races going on the November ballot and to get through the Presidential and all of the Congressional and US Senate races it is very difficult to get to the voters. It is not going to be as simple as sending out a mailing or doing advertising or being on local cable access TV. It is a difficult time to manage and get the information out to the voters. I heard that it potentially could cost us far more in additional bonding cost. If this tax cap, as expressed by the Finance Director, does impact our tax rating, the expense for the special election would be less of a problem for me. We could be spending hundreds of thousands if not considerably more in finance charges. The City ought to know before they are asked to vote on this. We do not know how this is going to be handled in a time of declining property values which we all know are going on in the City of Manchester. Are we going to be working on negative taxes? How do we handle the declining property values? I do not think we have begun to figure this out. Who will give us that legal opinion? I guess it will be the Department of Revenue. Waiting a week and having a meeting, seeing

if we get a few of these letters and those responses I think is the only decision for us to make this evening, not to rush this to the ballot. It is not our choice whether it is going to be on the ballot. This by the state law that it is going to be in front of the City's voters and if the citizens of this City believe, as I do, this is one of the most, if not the most important vote they have taken on the City Charter. I have no doubt that we will have fabulous participation at the polls for this. The implications could be vast for the City. Thank You.

Alderman Garrity stated thank you, Your Honor. This group has done their job and met their requirement of over 4,000 signatures. It does have an opt-out provision; it can be overridden by two-thirds of the Aldermen. The fact is we are talking about a special election, spending \$50,000 on a special election, when it can go in November. That is probably the reason why this thing is here. I mean, it does not make sense to me to spend \$50,000 on a special election for this vote and I would like to move the question, Your Honor.

Mayor Guinta stated there are two other people that I did recognize prior to you moving the question: Alderman Domaingue and Alderman Shea. Then we take a vote.

Alderman Domaingue stated I guess my confusion lies in why we would be spending \$50,000 in a special election, when we can disseminate any information that we are going to receive in the next seven days, well before this is actually voted on the ballot. I do not like the spending cap. I am opposed to it. I do not like the way it is written. I think it ought to be amended, but I am not opposed to putting it on the ballot and I can't think of a better time to put it on the ballot than during a general election when you are going to have a vast number of Manchester voters available to weigh in on the topic. I am in support of it.

Alderman Shea stated thank you, Your Honor. I do not know if it costs \$50,000 to have a special election or not. Do we have that information?

Deputy City Clerk Matt Normand stated we submitted that with the paperwork throughout this process, and it would cost the City between \$38,000 and \$40,000.

Alderman Shea stated thank you. Your Honor, there are four issues here that I am at least concerned with and I will list them one, two, three, four, and we can go on with roll call. As far as county taxes, I don't know how that will impact all of us. You know and I know these expenditures do keep rising, so that is one thing. The second are the bonding issues. Obviously we have to know a little more about how the bonding is going to impact our particular ability. The third are the assessments that will come up periodically and of course, that is a very important. The budget that will be impacted will be in 2011. So although we postpone this a month or two, whatever the case, certainly we are all in favor of it going before the voters. Just to send it arbitrarily without giving it any kind of thought or any kind of real scrutinizing, in my judgment, is not doing justice. With that, Your Honor, do you want to conduct a roll call vote?

Mayor Guinta stated I would like to make three points prior to taking the vote. The motion right now is to move this to the November ballot; it has been made and seconded. I have just three quick points. Regardless of how you feel about the issue, whether you are in favor of it, opposed to it, or undecided, there are three points that I think we need to consider as a Board. The first is RSA 49-B, which is why I asked the City Solicitor to issue this letter today. His letter reads, "This is in response to your question on the obligation of the Board of Mayor and Aldermen to order the proposed Charter amendment to the ballot. Pursuant to RSA 49-B, the Board of Mayor and Aldermen must order the proposed amendment to the ballot within seven days of the public hearing." Everyone in

this room has no choice; you have a legal obligation to issue this to the ballot. Secondly, 6,000 people signed the petition. There were 4,000 and change that were identified as signatures that could be counted toward the required number of petitioners or signers. But 6,000 people signed it. And finally, if there is concern among membership of this Board on disseminating public information to the public, we have more than two months to set up public meetings where the public can be invited. Those department heads or departments who are affected or are potentially affected...concerns that you have raised, policy concerns that you have raised, not legal concerns but policy concerns, those can be addressed. And finally this issue is not brand new to the City of Manchester. There was an organization of people who tried to put this on the ballot in 2005. This Board, which is essentially the same make-up with a few minor changes, rejected the opportunity to place it on the ballot. This is not new to this Board or the people of the City. Now, whether you are in favor or opposed, the law says we have a legal obligation to honor what more than 4,000 signers have asked us to do. You may not like it. You may not agree with the policies that are being proposed but there is no opportunity that more people in the City of Manchester will have an opportunity to vote on this. As someone called it, it is an extraordinary and important issue for the City of Manchester. Why would you even consider a special election where a smaller group of people would dictate policy, when you know the highest amount of people will come out this November to vote? If it is incumbent upon us to insure that the public is properly informed, then we have an obligation to do that as a Board of Mayor and Alderman. But you should not, and I would ask you not, to reject what 6,000 people in the City are asking you to do. There are more than 4,000 registered signatures but 6,000 signed the petition.

Alderman O'Neil stated 2,000 which were not legal in the City, Your Honor.
Can I speak one second, Your Honor?

Mayor Guinta replied I am not finished. It sounds very clear to me that people here just want to move this outside the November elections. You are not giving any real reasons for asking the City to spend \$40,000 in a special election. What information do people need that they can't get between now and the November election? If we do our job, if we present and promote, the supporters can promote it and the people who oppose it can promote their issues. That is democracy. This is the best opportunity where the highest numbers of people have the opportunity in this City to give their opinion. That is when we should be asking the most important questions, not in a special election when a small group of people will have an opportunity and a say. The final point I will make is that I have faith in this Board and the future Boards to always do the right thing. We are not perfect, none of us, but this last budget process showed that when we tried to work together...not everyone is happy with the budget process, not everybody is happy with the decisions but we work together, regardless of whether this initiative passes or fails. I will submit to you that any of us or future replacements of ours would do the same because they care deeply about the oath that they take every two years. That is why, ladies and gentlemen, this should be put forth to every voter in this City this November.

Alderman O'Neil stated thank you. It is because of that oath, Your Honor, that I have taken many times that I take this very seriously. I take the memo from the City Solicitor and the Finance Officer very seriously and there are some holes in this proposed Charter amendment and I think we need to take that seriously. That is why I am suggesting that it does not go forward on the November ballot. Don't tell me that 6,000 people signed it because 2,000 were not legal voters for whatever reason and were discarded. What does that make up? Is it about 6% of all registered voters in the City?

Mayor Guinta replied the requested number is about 3,000 and change.

Alderman O'Neil stated this was not a great majority of residents of Manchester that signed this petition. We have, what, 108,000 or 109,000 residents?

Mayor Guinta stated we are trying to give those people the opportunity to vote.

Alderman O'Neil asked and how many registered voters, 50,000, 55,000, 60,000? So do not make it look like the 4,000 that signed this is the vast majority and that is what is dictating.

Mayor Guinta stated that state law is what is dictating the number.

Alderman O'Neil stated I understand that, but you make it sound like it was the majority of the citizens of the City that signed that petition and that is not what happened. It is very misleading.

Alderman Sullivan stated Alderman, nobody said any such thing.

Alderman O'Neil replied Alderman Sullivan, I am speaking to the Mayor. I am not talking to you.

Alderman Sullivan stated if you are going to putting forward.....

Alderman O'Neil interjected Your Honor, I have the floor.

Alderman Sullivan stated if you are going to make incorrect statements,
Alderman...

Alderman O'Neil stated Your Honor, I have the floor. I take this memo from the City Solicitor and the Finance Officer very, very seriously and you talk about oath. That is why I take this seriously. I have an oath to all of the citizens of the City, not just the 4,000 that signed that petition but all citizens of the City and they have some great concerns. I do not take this lightly. I absolutely have no qualms about bringing this before the voters but it has to be correct. We've got to get this right, what is presented to them.

Mayor Guinta stated I do not disagree with Alderman O'Neil, but we have more than two months to give the public an opportunity to learn more about this proposal. Again, the legal requirement is 20% of the voters that came out of the previous election; that is how you come up with the number and the group came up with more than 20%. We have a legal obligation to send this to ballot. Right now we are having a policy argument of whether we are in favor or opposed. This is not the issue before us. The issue before us is this: Did the group provide this Board the requested number of signatures? The answer is yes. RSA 49-B requires us in seven days to order it to a ballot. What you are talking about, Alderman, and what many others are expressing concern about, is the policies contained within. They are very important, I agree. We have more than two months to set up meetings whether it is here or sanctioned by the governing body or another organization to reach out to voters. And I think we should do that. It does not allow us...it doesn't require us in my opinion to push back a vote. We have some of the most intelligent voters in the City, in the country. We gave them the opportunity to vote on a potential \$17 million liability to the state when it came to retirement benefits. We did that. They passed it. That was their will. We have the same obligation, especially because the law says we do. This is a black and white issue to me. Whether you are opposed to this initiative or in favor, the law says we have to send it to ballot. Let's send it to ballot in November and if people

are concerned that the public is getting the information, let's do our job and get the information out, and let the people make informed decisions.

Alderman O'Neil asked what is the absolute last day that it can be sent to the November ballot?

Mayor Guinta replied I will defer to either the Clerk or the Solicitor.

Deputy City Clerk Normand stated September 5th. If you count back 60 days from the election it is September 6th, which is a Saturday but I believe there is a counting statute that the Solicitor uses as a guide, specifically RSA 21:35. They have determined, therefore, that the last regular day to send this to the November ballot would be September 5th.

Alderman Lopez stated you may want to go to Alderman Garrity. I will ask for a roll call vote.

Alderman Gatsas stated this is too important of a subject, Your Honor, to close the discussion. It is way too important just to move the question because somebody decides to move it.

Alderman Garrity stated I do not disagree that it is important Alderman but

Alderman Gatsas interjected I don't believe that the person that made the attack on the motion can make a motion to move the question. If you want to check Roberts' Rules, let's check them now.

Alderman Garrity stated I do agree that it is an important issue but it is pretty cut and dried. We have to send it to ballot or we are breaking the law.

Alderman Lopez stated thank you, Your Honor. I have just a comment. It is a tough decision for me to move forward like this but seeing what has transpired with RSA 49-B, the interpretation from quite a few people as to whether or not the document that was certified by the lawyer had to be here before we moved up...a clarification from the City Solicitor...according to another portion of the state law, they sent the wrong document and tonight we got the clear document from the lawyer. There seems to be some rushing along here. We talk about state law and it was alluded to that RSA 49-B...and the City Solicitor has provided that...I think that if we all are talking about state law that I as an elected official should have the opportunity to try to get some of those answers. The paperwork went up to the Attorney General's Office. We haven't received those answers. Unfortunately, it went up there the 25th and maybe it should have gone up there sooner. Who knows? Maybe we should have some answers from them. We have the Municipal Association lawyers who I am in contact with to try to get some answers from them because everyone says we never used them. And so I think we have to get all of the information down to a tee. Nobody is saying whatsoever that we are not going to send this to a ballot, okay?

Mayor Guinta stated Alderman, that highest numbers of voters in this City, in this state, are going to come out in November, and essentially a group of people here would like to defer it to when a smaller, a seriously potentially smaller group of people vote. That is more political than anything else. The highest number of people is going to participate this November. If you have questions, if anybody has questions for any organization, let them bring that information forward over the next ten weeks.

Alderman Lopez stated I asked for a roll call vote and I'll be voting no in order to do this and follow the state law.

Alderman Garrity stated I have a question for Tom Clark. Tom, so this basically has to be sent to ballot by September 6th and if that does not happen are we basically breaking the law?

Mr. Tom Clark, City Solicitor, replied no, you have until September the 9th to follow the law.

Alderman Garrity stated I thought it was September 6th with the Clerk?

Mr. Clark replied no, if you are going to order it to the September ballot you have to do it by September 5th but the law gives you seven days after the public hearing to order it to the ballot, so you have until the 9th to order it to a ballot.

Alderman Garrity asked either way we do have to send it to the ballot, is that right?

Mr. Clark replied yes, it does have to go to a ballot.

Alderman Sullivan stated I have a follow-up question. My colleague from Ward 5 was just asking, if we don't vote to send this to the ballot what is the default procedure?

Mr. Clark replied you do not have a choice; you have to order it to a ballot.

Alderman Sullivan asked what if the Board votes no?

Mr. Clark replied then I think a judge would come down very hard on you. It does have to be referred to a ballot.

Alderman Sullivan stated a ballot, not necessarily the November ballot.

Mr. Clark stated no, not necessarily the November ballot.

Alderman Sullivan stated it would be a special election.

Mr. Clark stated if you do it after the 5th and by the end of the 9th it would have to be to a special election.

Alderman Gatsas stated thank you, Your Honor. There is no question this is a serious issue but I think the voters out there have had an opportunity to look at it, and they want an opportunity to vote on it. I think what this Board showed in the last budget that if it comes down to laying off police officers, if it comes down to laying off highway workers, if come down to laying off fireman, this Board is going to stand tall and make sure we protect the people of this great City. So whether there is a tax cap there or there's not one there, I have a fiduciary agreement with the taxpayers in this City to make sure we look at things in a very frugal manner. So if somebody is telling me that the tax cap has to be 3% and we look at it and say that we need to have the essential services at 4%, then guess what? I'm going to vote for 4% as we did in this last budget. I think we had a unanimous agreement here here that that was important, that the lives of the citizens in the City of Manchester were important. So I am not afraid of a tax cap. If Mark Brewer comes before us and says, you know if you put the Airport under this tax cap, we are going to be hurting, I know what this Board is going to do. It is not going to be just two-thirds; it is going to be unanimous, to protect the Airport's position. There is no question. I'm not afraid of a tax cap. None of us in here should be afraid of a tax cap. If the people want the opportunity to vote for it, they should. If we can stay within that tax cap then that's something we should

look at. If we can provide essential services in the City and stay within the tax cap then that is right. If we can't do services in this City, then we should do what we did in this last budget, stand tall and move it forward, and that is exactly what we did. But the people in this City should have an opportunity because at \$40,000 it is almost an entry police officer or an entry fireman in the next budget. And folks, we'd better start looking at the next budget now because I can tell you that it is going to be a critical budget that we will be seeing before us and it is not going to matter about a tax cap. So I would tell you, this should go to the voters; we shouldn't be playing the game with seven days or six days; let the voters have an opportunity. I'm a great believer in that. They make smart decisions. I look at the people who sent out this memo from the City Solicitor and from the Finance Officer. They had an opportunity to get these answers. I know they could have called bond counsel and gotten an answer in 24 hours. They could have done it; they could have asked those questions. I was in an office when they made that call on another issue at the state level. So let's not take a piece of paper and say that is what they say, because many times we don't listen to them. We don't listen to department heads when they give us advice, so they could have come forward not with a question paper but with an answer paper. So if somebody had questions that they thought were important enough to the taxpayers of this great City, then they should have provided the two people behind me with those questions and they could have answered them. Let's not sit here and say that we don't know what the answers to these questions are. Let's not fool ourselves. It has nothing to do with that. It has to do whether we want to take a tax cap and let it go before the citizens of this City. I sat here quietly because I thought we were going to do the right thing, but I had to voice my opinion because I think it is important. We did what was right in the last budget; let's not fool ourselves. Every department out there will tell you we did the right thing, and every taxpayer out there. Has anyone had a call from a taxpayer? You know, you raised taxes 3.9% and I am not happy. No. Why? We did provide vital services and they were happy with that.

So let's move forward and do the right thing and let the voters have an opportunity, not in December when there might be a blizzard, not in January when we can't set a date. And, not spending an additional \$50,000 for an election. That's wrong. That is not what we are here for. Let them vote; let them have an opportunity. Whether you go to the ballot box and strike no that you don't want a tax cap...that is fine; every one of us has that opportunity. Thank you, Your Honor.

Alderman Lopez requested a roll call vote.

Deputy City Clerk Normand stated just so that I am clear, Your Honor, this is on Alderman Lopez's motion which is essentially tabling and convening a special meeting of the Board?

Mayor Guinta stated I didn't think he made a motion. Alderman Garrity made a motion, seconded by Alderman Pinard, to send it to the November ballot.

Alderman Lopez asked this is to send it to the November ballot?

Mayor Guinta stated this is to send it to the November ballot. It was Alderman Garrity who made the motion.

A roll call vote was taken. Aldermen Lopez, Shea, DeVries, Smith, Ouellette, M. Roy, J. Roy, and O'Neil voted nay. Aldermen Garrity, Domaingue, Gatsas, Sullivan, Osborne, and Pinard voted yes. *The motion failed.*

Alderman Lopez stated I would like to make a motion to have a special meeting on the 9th of.....

Mayor Guinta stated no, I am not taking that. That is political. If we are going to do this again, let's do it for the November ballot. This is usurping the power of the people of Manchester, and people ought to be ashamed of the way they voted, not to allow this to go to the ballot in November. You ought to be ashamed. You took an oath; we all took an oath. You don't vote because I am sending this to ballot because you opposed the measure. Whether I oppose or support a measure, when people speak in this City and they ask us as elected leaders to send this to ballot, regardless of what I think about the issue I honor that request. We just rejected a legal request. If there is going to be any motion it should be to have a meeting in time to put this on the November ballot.

Alderman DeVries stated Your Honor, I think any Alderman can call a special meeting. I don't think you can reject that motion.

Mayor Guinta stated I will take a motion to accept a special meeting prior to... what is it, Saturday?

Alderman Lopez stated Your Honor, I want to make a motion that we have a special meeting next week.

Mayor Guinta stated that I am rejecting that; I am not accepting that.

Alderman Lopez stated I am going to appeal to the Board, Your Honor.

Mayor Guinta stated I'm not accepting it.

Alderman Lopez stated I am appealing to the Board.

Mayor Guinta asked if anyone wants to make a motion

Alderman Lopez stated I want to appeal to the Board.

Mayor Guinta replied I am not taking that at the moment.

Alderman Lopez asked what do you mean you are not taking it? The City Solicitor is right there.

Mayor Guinta stated well excuse me, the City Solicitor just sent you a letter to say that we have to send this to the ballot but you don't want to do it.

Alderman Lopez replied he said I have seven days to do that.

Mayor Guinta replied you are playing politics, Alderman. I do not have.....

Alderman Lopez interjected you're playing politics too. If anyone is playing politics, it is you.

Alderman O'Neil stated it is you, Your Honor. Why aren't you willing to have it other than November 4th?

Mayor Guinta replied because the highest number of people in the City..... wait a minute..... allowing the people in the City to vote is playing politics?

Alderman O'Neil stated not one Alderman sitting here said that we're not going to allow the public to have a vote. We have a disagreement. Some of us believe we need more information, Your Honor, but you're insistent that it is November 4th or if it's not, it shouldn't go forward. That is what you are saying, Your Honor.

Mayor Guinta stated 4,000 people are insisting that this Board follows state law. What you are doing is usurping their request by simply saying that you do not want it on a November ballot. Why? Because the highest numbers of people are going to come out and you know it is going to pass and the majority of the Board does not want to see it pass because it makes our jobs more difficult. Well, that is wrong. We ought to stand up for what is right. Let the people speak in November. Very simply, 4,000 people are asking us to let the rest of the City, the highest number of people come out to vote. They are asking us, telling us, according to RSA 49-B, to send it to ballot and eight people are rejecting that. I can't imagine in a democracy, in an elected government in the United States of America, that you would not follow the state requirement. So if you want to follow the state requirement I will give you another opportunity to do it and make a motion to have a special meeting.....

Alderman Lopez stated clarification; you keep on making that statement. City Solicitor are we violating any laws?

Mr. Clark responded there are no laws being violated.

Mayor Guinta stated okay, this is what you are doing. You are sending it to ballot in January, February, March, or April when there is a special election costing us \$40,000 and we have the lowest percentage of turnout. Why are you doing that? Is it because you know that there is a high likelihood that this will fail? And do you think that the people in Manchester do not know what we are doing? They are smart people. This is exactly what eight people of this Board have decided to do, put it on the ballot when a smaller number of people will come out to vote because there will be high likelihood then that it would fail.

Alderman Lopez stated they want to get the correct information. That is what we need.

Alderman M. Roy stated many of us disagree on this tax cap initiative whether it is on a side of reasoning, the signatures that came before the Clerk's office and now before this Board, at the public hearing, or sitting on this Board. But the one thing that we should do as Aldermen and Alderwomen and the Mayor and staff and citizens is keep decorum in this room. So I will ask all of my colleagues to keep the tones down and keep the rhetoric to a minimum. Keep respect for your colleagues present no matter what your viewpoint is. I have never been embarrassed to be in this room. I have never been embarrassed to be an Alderman but it came close a few minutes ago with voices being raised and tempers being shown. So that being said, we have a policy and procedure on how we run this board. There is the Chairman who somebody can appeal to if they want to. There is a Mayor who leads these meetings. There is Solicitor when there is a disagreement that can decide who is right. Please follow the decorum that this room was established under. Thank you.

Alderman Sullivan stated I keep on hearing over and over again tonight that we are not going to have time to discuss this issue; we are not going to have time to exam this issue. I want to remind everybody tonight is Tuesday. Next Tuesday is the State Primary Election. As of today, we do not know who the nominees of the Democratic or Republican Party for Governor, US Senator, Congress, State Senate and Executive Council are going to be. We have a pretty good idea on most of those. Our state primaries are held less than two months before the state general election. It seems that the last 100 years we have done a pretty good job of being able to access information on those candidates in a pretty short time. We have one additional issue that we have to discuss this election year and that is this ballot initiative. One additional issue to president, governor, senator, congressman. If

people can make heads or tails about John Lynch or Joe Kenny, John Sununu or Jeanne Sheehan in that time frame, they are big girls and boys folks. They are grown ups. They can access the information and they can make an educated and informed decision between now and the first Tuesday of November.

Alderman Lopez asked Tom, is there a rule for an appeal to the Board?

Mr. Clark responded the rules of the Board allow for an appeal.

Alderman Gatsas requested a roll call vote.

Mayor Guinta stated I am not accepting Alderman Lopez's motion to set a meeting on the 9th, which is when you would like to set this meeting. My reasoning is that it is after the date by which we can send this to the November ballot. He is specifically choosing that date so we can have a special election, and I think it is wrong. So there has been a roll call vote requested on the appeal.

Alderman Gatsas stated parliamentary question. If we vote no, that means that we are refusing the appeal, correct?

Mayor Guinta replied correct.

Aldermen Gatsas, Sullivan, J. Roy, Pinard, Osborne, Garrity, and Domaingue voted nay. Aldermen M. Roy, Shea, DeVries, Smith, Ouellette, Lopez, and O'Neil voted yea.

Deputy City Clerk Normand stated Your Honor, the vote is tied, seven to seven.

Mayor Guinta stated that I am pretty clear where I am on thatno.

Deputy City Clerk Normand stated the motion fails.

Mayor Guinta asked is there another motion to set up a special meeting prior?

Alderman J. Roy asked is it possible that we get the answers to these questions by Friday?

Mayor Guinta replied yes. If there is a question that we need so this Board can feel more comfortable to do the people's work, then the answer is yes. If I have to work 24 hours a day to get the members of this Board the answers to the questions, yes. It is that important that I don't think anyone here will disagree with me.

Alderman J. Roy stated thank you Your Honor, but I was asking the Finance Officer and the legal department.

Mr. Clark asked the answers to which questions?

Alderman J. Roy replied all of these questions that we want to get answered, bonding and stuff like that, can we get this by Friday?

Mr. Clark stated we had a conference call with bond and financial advisors last week and we are waiting for their response.

Mayor Guinta stated this information that you are asking has no bearing on whether we are going to send it to the ballot because we have to send it to the ballot.

Alderman J. Roy stated this is going to the ballot one way or another, or if we can get the questions in time so we can save \$40,000...

Mayor Guinta stated Alderman Jim Roy, I appreciate all of your help in trying to get these questions answered.

Alderman J. Roy stated I am looking for a compromise here; we have to get this done one way or another.

Mayor Guinta stated let's get these questions answered one way or another prior to ... what is the date? Is it Saturday that we have to send it to the ballot? Friday?

Alderman Gatsas stated thank you, Your Honor. I looked at the list of question. I have to believe that they can be answered in 24 hours. We have a meeting tomorrow night at 7:00 for another opportunity to put something to a public hearing, so coincidently we will be here. I have to believe that at least 90% of the questions...the City Solicitor and the Finance Officer they should certainly be able to have them by tomorrow night. We are going to be here; we are going to be talking about an issue that I have gotten some remarks back from the City Solicitor on, and maybe he and I disagree on them. Certainly I hope I can bring them forward. But we are going to be here, Your Honor. They have all day to work on it if they start at 8:00. Those questions are not too tough to get answers to. If we are just getting answers to something, so be it. Let's talk about it tomorrow night. I don't care if we stay here till midnight.

Mayor Guinta stated I would be happy to get some of these questions answered. Again, they have no legal bearing on whether we as a Board have to send this to the ballot. I appreciate Alderman Jim Roy's willingness to try to find a compromise but I am just want to relate, for the public's understanding, the

answers to those questions do not change our legal obligations to send it this to the ballot.

Alderman O'Neil stated thank you Your Honor. I have a question for the Solicitor. Tom, doesn't the statute require that this pass muster by the Attorney General, by the Secretary of State, and by the Department of Revenue and Administration?

Mr. Clark replied yes it does.

Alderman O'Neil asked have we received... that is for legal and constitutional requirements, correct?

Mr. Clark replied it has to conform to the general laws of the state.

Alderman O'Neil asked have we received responses from them?

Mr. Clark replied no, we have not.

Alderman O'Neil stated this is more than just bond counsel. We need those responses as well.

Mr. Clark stated you will not have those before you have to order this to the ballot. The state law gives the Attorney General, DRA and Secretary of the State 30 days to respond.

Alderman O'Neil stated let me ask this question. If it does go to the ballot on November 4th but the Attorney General comes back and says.... and we already ordered ballots, who pays for the ballots if it can't go on if it does not meet state requirements?

Mr. Clark stated the City is still on the hook for the printing of the ballots. If they come back and find it to be deficient in any manner, it does not go on the ballot.

Alderman O'Neil stated there are a lot of unanswered questions. I would like to hear because I know this came up previously. Bill, can you get an opinion from a rating agency?

Mr. Bill Sanders, Finance Officer, stated as I mentioned in my comments earlier, I was expecting letters from bond counsel and the financial manger tomorrow or the day after. If I have phone call tomorrow morning, I will have their letter tomorrow.

Alderman O'Neil asked Bill, that does not include the three credit agencies, correct?

Mr. Sanders replied the financial advisor was going to have some conversations with a couple of the rating agencies on this subject without identifying Manchester.

Alderman O'Neil asked do we need to hear back from the County Treasurer? I thought there were some questions on the county on this. On the memo from...

Mr. Sanders replied the only question on this is the county tax; this is not something that the City of Manchester sets but it is included in our tax calculations and I don't know or can't think of anything that the County Treasure will be able to tell us.

Alderman O'Neil stated that is two questions. Is that something that the state wide and county taxes are included in which we do not have any control over? Is that correct?

Mr. Sanders replied that is correct.

Mayor Guinta asked Alderman, do the answers to these questions have any impact on this going to the ballot in your opinion?

Alderman O'Neil stated this has happened previously. What if the Attorney General comes back and says that this is not constitutional?

Mayor Guinta stated under the law the Attorney General will say that it does not go on the ballot. There is a state law providing for that possibility.

Alderman O'Neil stated usually you like to know if a question is constitutional before it goes on the ballot.

Alderman Gatsas stated that is what happened last time.

Alderman O'Neil stated I understand.

Alderman Gatsas stated and it did not go on the ballot.

Alderman O'Neil stated correct, I'm trying to prevent that same mistake from being made.

Alderman Gatsas stated Alderman, I do not disagree with you. I agree with you 100%. All that I am saying is that it is the printing of one sheet of paper. I am sure, given the length of the question, that it is going to be on one piece of paper by itself. I do not think...do we have any other ballot questions, Matt?

Deputy City Clerk Normand replied no, and I spoke to Deputy Scanlan from the Secretary of State's Office and they will attempt to work with the language on the Charter Amendment and try to place it on the current ballot.

Alderman Gatsas stated that is the only issue that we see as a City; that is a ballot question. So can that be pulled in thirty days if it is incorrect?

Mayor Guinta let me ask a procedural question of the Solicitor. The vote has been taken and we failed to place this on the November ballot. Can we take that question up?

Alderman Gatsas stated he will make a special motion that we have a special meeting tomorrow night, Your Honor after.....

Mayor Guinta interjected I will not be able to attend tomorrow night's meeting. I am actually on City business out of country tomorrow.

Alderman Gatsas stated Your Honor, this is important enough that you

Mayor Guinta stated this is also important.

Alderman Domaingue stated I would move that the Board meet on Friday evening at 6:00 or that we recess this meeting and wait for the documentation to arrive, whether it arrives tomorrow or the next day, and meet either Thursday or Friday evening depending on whether we get the answers that we are looking for but no later than Friday evening.

Mayor Guinta asked can we recess the meeting, Mr. Clark?

Mr. Clark stated you can recess your meeting but if you do not do it time specific then you will have to re-notify everybody anyway; you will have to post it.

Mayor Guinta stated we could recess tonight's meeting no later than Friday.

Alderman Gatsas stated no later than 4:00 on Friday.

Alderman Domaingue stated I have a job.

Alderman O'Neil I have a meeting out of town on Friday night. This timing... it is not my fault that we are hitting these timing problems.

Mayor Guinta stated that we have been discussing this since 2005 as a City. Are you telling me that putting it on the ballot tonight is going to be... you do not think we are going to be getting the answers to the questions that you were asking for in the next few days?

Alderman O'Neil replied I do not know, Your Honor. I had no idea the letter went to the State on the 27th. I know they have 30 days. Do they need all 30 days? I do not know.

Mayor Guinta stated it does not have any bearing on the legal requirement that we have as a Board. That is my point.

Alderman O'Neil stated it has a great impact, if it is constitutional.

Mayor Guinta stated yes, and the law provides that the AG has thirty days to review it. If we order it to the ballot and the AG or the DRA says it doesn't meet constitutional muster, guess what? It doesn't go on the ballot. It is set up this way for a reason. Legal questions are posed and questions that don't meet constitutional muster are not put on the ballot. There are provisions to insure that if something we identify by another agency or the Attorney General over the next month comes before us and says you can't put it on the ballot. Guess what? It doesn't go on the ballot.

Alderman M. Roy stated thank you, Your Honor. I have been very quiet on the subject and I appreciate that you allowed me to talk about the decorum in this hall, but I just want to it on the record that you are speaking against having a special election and to me this deserves its day. It deserves its day. You are going to be looking at a very crowded ballot, very crowded polls even in our regular City elections by the time you get to moderator, clerk and those positions you get a lot of blanks. So yes, we may have record turnout in November, which is fantastic, but I also think we can have fantastic turnout afterwards by giving the people who are concerned with this pro or con their day to read an entire page, understand it and have gained their information. I do not believe \$40,000 for this expense is extravagant. A slight change in our bond rating is going to be far more than that just on maturing debt that was left over from previous administrations.

Mayor Guinta stated I do not disagree with what Alderman Mark Roy is saying.

Alderman M. Roy stated I believe that the voters in this City will come out in force in November but I also believe everyone concerned with this will come out in force again and that is why I am voting no. It will go on a ballot; it will go to an election. Whether it is a special one that I believe it deserves is up to this Board and time frames.

Mayor Guinta stated 80% of the people are going to come out in November. For a special election, we are lucky if we get 20%.

Alderman M. Roy replied it will be a very concerned 20%, pro or con.

Mayor Guinta asked the other percentage do not count?

Alderman M. Roy replied if you have 80% in attendance you will have at least 40% blanks when you get to this question.

Mayor Guinta stated the law is the law. The law says we should put it on. Let's stop playing games. Let's just put it on. We are just playing games, because 4,000 people want this, I cannot imagine that 15 people who are elected by the same people would ignore what 4,000 people are asking for and what the law requires us to do. That is essentially the bottom line; that is essentially what is happening. So let's not mince words about it. We know exactly what is going on. There is a group that does not want this on the November ballot. That is the issue. Let's stick to the issue because all of these other questions do not have any influence on the legal requirement that we have. They have influence over your decision to vote in favor or against and I believe in ten weeks everyone can get access to that information.

Alderman Lopez asked will my colleagues accept the special meeting on the 8th? That is not the primary. The primary is on the 9th. I know you voted against it and the compromise is the 8th. This would be on a Monday and I believe that you would vote for a special election and not to vote for November 4th. The appeal was seven to seven. I think we can wrap this up. I think you are exactly right, Your Honor. The question is we have a legal obligation to send it to ballot. We want to send it to ballot. My argument as well as other argument is that November the 4th is not the right time. So come next Monday we will set the date to send it to the ballot and get all that information that we need to get and give the public the information needed to make an intelligent decision instead of just political remarks by other people.

Mayor Guinta asked how much time is enough time for a voter to make a decision?

Alderman Lopez stated the November election, with the presidential it is going to take away a lot of time to educate the people about such a thing is to get the DRA down here and getting the Municipal Association down and getting the pros and cons out there and getting the correct information. I am asking my colleagues if he can compromise to the 8th of September.

Mayor Guinta asked does the September 8th meeting preclude is from putting this on the November 4th ballot.

City Solicitor Clark replied yes.

Mayor Guinta stated how is that a compromise?

Alderman Lopez stated that would make it a special election.

Mayor Guinta stated I am opposed to a special election when we have the largest election in November.

Alderman Domanig stated prior to voting on a meeting on the 8th I think I had a motion on the floor to meet on Friday.

Mayor Guinta stated yes, I accept that motion.

A motion made by Alderman Domaingue, duly seconded by Alderman Garrity.

Mayor Guinta stated 5 P.M. on Friday for a special meeting on this particular issue.

Alderman O'Neil stated that tomorrow night was not good for you and Friday night is not good for me, I am out of town on Friday night.

Mayor Guinta stated Alderman I am on City business out of Country tomorrow. Let me make sure from the Solicitor that if we have a new meeting on Friday that we can take up the same questions.

City Solicitor Clark replied yes you can.

Alderman Domaingue stated Alderman O'Neil with all due respect you stated you would wait as long as possible to get the answers, Friday is technically as long as is possible.

Alderman O'Neil stated you have to work and you're not available until 5 and we have to reach some compromise here. I will meet Friday during the day, I will meet. I have a commitment Friday evening.

Alderman Domaingue asked Alderman O'Neil what time does your commitment start.

Alderman O'Neil stated 4:30- 4:45.

Alderman Domaingue stated I will be here at 4.

Mayor Guinta stated 4 p.m. on Friday is the motion.

Alderman Smith stated do not count me on being here.

Alderman Domaingue asked can we take a vote?

Mayor Guinta stated can you repeat the motion Alderman so we can. Alderman Domanigue can you repeat you motion so I can get a proper time. .

Alderman Domaingue stated *I move that we meet on this issue on Friday at 4p.m. in Aldermanic Chambers.*

So moved by Alderman Domaingue duly seconded by Alderman Garrity.

Alderman Smith stated this happened to me in July when I was going out to a wedding and I have the same thing happening Friday. It seems that everybody takes home court. I can meet any other time. I have a previous engagement and I have a wedding to go to and it is on Friday. It seems it is good for other people. I

kept quiet all evening long and everything as been said here, it is like people going up and down a seesaw. I do not know what the rush is it is going on a ballot and it takes questions. The people doing the survey I commend them for doing the survey but they had a piece of paper outside city hall and said sign it. A lot of people did not want the ratification of the tax cap. I do not know how it is going to involve the school department. Everyone says you can change it with two-thirds, well you try it, how many time do we have two-thirds to try to change things. I am perturbed. It seems that everybody has an agenda and when it comes time for me, when I can't make it for one reason or another, it is a personal thing. It happened to me in July when people said they could not make it the first Tuesday in July, I could make it. I had a wedding the following week that is when the meeting is held. I represent Ward10.

Alderman Gatsas asked how about Thursday night at 8.

Alderman Smith stated Thursday is fine.

Mayor Guinta stated that would be a problem, I am back on Friday.

Alderman DeVries suggestion that we can recess the meeting. This may help the round robin discussion about a date that can suit everybody. Before you accept the motion as I hope you will, to recess this meeting. There is a piece of new business that I would bring up on one of the committee reports. Please let me table this motion and bring up the new business and we can recess this meeting and determine a date that works for all of us.

Mayor Guinta stated I appreciate your suggestion I do not think recess will solve this problem we have to recess to a date certain and a time certain. No later than... So we are talking Friday at 4 or 5. I do not want to impose on anyone's personal or private schedule; that is not the point. I figured this was going to be a no brainer vote 14-0. We will do the best we can; if it fails we will take another vote. We do have a motion I believe that it is Friday at what time?

Alderman Domaingue stated 4P.M.

Mayor Guinta stated a motion was made and seconded. Those opposed? Let me get a roll call on that.

A roll call voted was taken. Alderman Sullivan, Pinard, Garrity, Domaingue voted yea. Alderman M. Roy, Gatsas, J. Roy, Osborne, Shea, DeVries, Ouellette, Lopez, O'Neil voted nay. Alderman Smith abstained. *Motion failed.*

Mayor Guinta stated *the motion fails.* What we will do is that we will finish the meeting and recess the meeting. Mr. Clark, at the appropriate time, give me the correct language for that.

Alderman Roy stated a parliamentary question. What is the process for reconvening a recessed meeting?

City Solicitor Clark stated it depends on how you recess the meeting. If you recess it to a date and time certain that is when you reconvene, if you just recess without a certain time and date then you have to send out notices to the public again.

Alderman M. Roy asked that notice to the public or to an Alderman is at least 24 hours.

City Solicitor Clark replied yes.

Alderman M. Roy stated it is much like if it is 24 hours from now it would be like calling a new meeting.

City Solicitor Clark replied yes, and the public has no way of meeting if you did not do it.

Mayor Guinta stated the other option is to take a vote on the issue tonight. We all know we have a legal obligation to send this to the ballot. We can avoid this by doing what we have to do anyway. If somebody wants to reconsider their position, and send this to the ballot and that is by law what we have to do, again I will reiterate the position, let the majority of the people in the City that were going to come out probably 80% vote on what people are calling an important decision for the City. Whether they are advocacy groups or something put together by the City so people can come and provide information we can do that. We are talking about all of these organizations before us. We have the authority to call any meeting that we want and have anybody before us. Let's commit to put this on the ballot in November and if you want a weekly meeting from now and until then, then I will follow this. It is important to have the super majority of people who are going to vote on this particular issue.

Alderman Lopez stated Your Honor, we are following the law, the City Solicitor said we are following the law so the only argument that we have, as you indicated before us, is the November 4th verses a special election. Therefore you do not want to go to the 9th lets go to the 8th.

Mayor Guinta stated Alderman what you are asking, your goal is to have a special election.

Alderman Lopez replied absolutely.

Mayor Guinta stated what I am saying that less than 20% of the people are going to come out to vote, why would you do that and have the City incur \$40,000 in fees to put on the special election when you have an election were you have 80% of the people coming out to vote in November. What is the mindset there? The only mindset is that you know the likelihood of success in November is much higher is much higher than a special election. I think that is terrible to do it to the 4,000 people who signed a petition and asked them to have this move forward.

Alderman Lopez stated I gave my reasons before Your Honor.

Mayor Guinta stated tell the people what your real reason is. I know what it is.

Alderman Lopez what is your real reason Your Honor other than political?

Mayor Guinta stated 4,000 people are my reason.

Alderman Lopez asked so you want to debate this?

Alderman Gatsas stated parliamentary question Your Honor, Alderman Smith I think has a motion.

Alderman Smith stated I just made a phone call and I will be able to make it if you start the meeting at 4 on Friday, trying to be congenial to everyone here.

Motion by Aldermen Domaingue seconded by Alderman Gatsas. The motion passes. Special meeting at 4 p.m. on Friday.

14. Resolution:

“Amending the FY2009 Community Improvement Program, authorizing and appropriating funds in the amount of Two Hundred Sixty Eight Thousand Dollars (268,000) for the FY2009 CIP 612509 22 Concord Street Redevelopment Project.”

On motion of Alderman Roy, duly seconded by Alderman O’Neil, it was voted to waive reading.

On motion of Alderman J. Roy duly seconded by Alderman Pinard, it was voted to that the Resolution ought to pass and be Enrolled.

NEW BUSINESS

Alderman DeVries stated thank you, Your Honor. The Committee on Parking had a meeting the other day and should have had a report on the Consent Agenda. This did not seem to make it. The Committee on Parking has been working on a proposal regarding the high schools. We are trying to come up with something that would allow the residence the privilege of parking in front of their property but still eliminate the students that are creating the issues for them when they park in front of their property. We thought that the residential parking plan would work though I will admit when I heard we could not legally exclude one group from parking on a public street we had to come up with the two hour exception. The two hours gave me angst. I have asked the Parking Director to see if we can do something considerably shorter so that we have less of a potential for the high

school students to abuse the issue, as one of our residence had indicated earlier. I have not heard back whether we could go to something considerably shorter. It was also requested that we have some sort of hearing. I am asking that we table the ordinances here at this meeting, refer on to the Human Resources committee the new hire for a Parking Enforcement Officer and have that discussion at the committee level and then come back and hopefully we can both meet up again and move this forward.

On motion of Alderman DeVries, duly seconded by Alderman Smith, it was voted to refer this issue to the Committee level.

Deputy City Clerk Normand stated just for the record Your Honor, the committee report that Alderman DeVries references is before you tonight. The agenda was already prepared prior to the committee meeting. We also have another report of the Committee.

Reports of the Committee on Public Safety, Traffic and Health

The Special Committee on Parking in the vicinity of high schools respectfully recommends, after due and careful consideration, that the following ordinance:

“Amending Chapter 70: Motor Vehicles And Traffic of the Code of Ordinances of the City of Manchester by adding a new Residential t Zone 0.55(D) (8) Residential Parking Permit Zone #8.”

be approved and recommends same be referred to the Committee on Bills on Second Reading for technical review.

The Committee further recommends that a Seasonal Parking Control Officer be approved immediately for the Parking Division to enforce the new regulations.

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

The Special Committee on Parking in the vicinity of high schools respectfully recommends, after due and careful consideration, that the following regulations governing standing, stopping, and parking and operation of vehicles, be adopted pursuant to Chapter 70 of the Code of Ordinances of the City of Manchester and put into effect when duly advertised and the districts affected thereby duly posted as required by the provisions of that Chapter and Chapter 335 of the Sessions Laws of 1951.

Section 70.36 Stopping, Standing, or Parking Prohibited
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RESCIND NO PARKING DURING SCHOOL HOURS:

Celeste St., both sides, from S. Porter St. to Rockwell St. (Ord. 7015)
Cambridge Court, both sides, from S. Porter St. easterly (Ord. 2742)
Lois St., both sides, from Weston Rd. to a point 100 feet north (Ord. 7146)
Lois St. both sides, from Roysan St. to a point 290 feet south (Ord. 7178)
Joshua Dr., both sides, from Roysan St. to Hoyt St. (Ord. 9028)
Joshua Dr., north side, from Hoyt St. to Roysan St. (Ord. 9103)
Joshua Dr., south side, from Roysan St. to the west property line of 25 Joshua Dr. (Ord. 9104)
Roysan St., both sides, from Lois St. to Jeanine St. (Ord. 9102)
Roysan St., both sides, from S. Porter to Lois St. (Ord. 6052)
Roysan St., both sides, from Weston to Jeanine St. (Ord. 6053)
Roysan St., west side, from Lois St. to Joshua St. (Ord 7342)
Roysan St., east side, from Joshua St. to Lois St. (Ord 7343)
Jeanine St., both sides, from Roysan to Lois st. (Ord. 7143)
Weston Rd., south side, from Roysan to S. Porter (Ord. 6335)
Weston Rd., both sides, from a point 105 feet west of S. Porter St. to Circle Dr. (Ord. 7507)
Weston Rd., both sides, from a point 105 feet west of S. Porter St. to Circle Dr. (Ord. 6334 and 7507) Alderman DeVries

NO PARKING DURING SCHOOL HOURS:

Jeanine St., north side, from Roysan to Lois
Weston Rd., north side, from a point 105 feet west of S. Porter to Circle Dr.
Weston Rd., south side, from Roysan to Lois St.
Weston Rd., south south side, from Roysan to Jeanine St.
Alderman DeVries

2 HOUR LIMIT EXCEPT BY PERMIT – SEP. 1ST THROUGH JUN 15TH:

Celeste St., both sides, from S. Porter St. to Rockwell St.
S. Gray Court, east side, from Fernand St. to dead end
Cambridge Court, both sides, from S. Porter St. easterly
Lois St., both sides, from Weston to Jeannine
Lois St., north side, from Roysan St. to a point 370 feet south

Lois St., south side, from Roysan St. to a point 290 feet west
Joshua Dr., both sides, from Roysan to Hoyt St.
Jeanine St., south side, from Roysan to Lois
Roysan St., both sides, from Weston to S. Porter St.
Weston Rd., south side, from a point 65 feet west of S. Porter to Circle Rd.
Weston Rd. south side, from a point 90 feet west of Circle Rd. to Circle Rd.
Weston Rd., south side, from Lois St. to S. Porter St.
Manor Dr., east side, from Circle Rd. to a point 276 feet south
Manor Dr., east side, from a point 312 feet south of Circle Rd. to Circle Rd.
S. Porter St., both sides, from Weston Rd. to Gerald Connors Way
S. Porter St., both sides, from Weston Rd. to Fernand St.
S. Jewett St., east side, from Maurice St. to Constant St.
Gabrielle St., north side, from a point 26 feet west of S. Jewett to a point 102 feet west
S. Gray St., both sides, from Purdue St. to Fernand St.
Alderman DeVries

HANDICAP PARKING:

Manor Dr., east side, from a point 276 feet south of Circle Rd. to a point 312 feet south
Alderman DeVries

RESCIND NO PARKING:

S. Porter St., east side, from Weston Rd. to Gerald Connors Way (Ord. 6145)
S. Porter St., west side, from Weston Rd. southerly 95 feet (Ord. 6146)
S. Porter St., west side, from S. Porter to dead end (Ord. 6148)
S. Porter St., west side, from a point 575 feet north of Weston to a point 105 feet north (Ord. 8569 & 8593)
S. Porter St., west side, from S. Porter St. to a point 75 feet north (Ord. 8602)
S. Porter St., both sides, from S. Porter St. to the dead end (Ord. 8985)
S. Porter St., east side, from Weston to Roysan St. (Ord. 6533)
S. Porter St., both sides, from Connors Dr. to the dead end (Ord. 6150)
S. Porter St., east side, from Roysan St. to Celeste St. (Ord. 6144)
S. Porter St., east side, from Celeste to Roysan St. (Ord. 7757)
S. Porter St., west side, from S. Porter St. to a point 75 feet north (Ord. 8653)
Weston Rd., south side, from from S. Willow St. to Circle Rd. (Ord. 8177)
Alderman DeVries

NO PARKING ANYTIME:

Weston Rd., south side, from S. Willow St. to a point 90 feet west of Circle Rd.
Weston Rd., south side, from S. Porter to a point 65 feet west
Alderman DeVries

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

Mayor Guinta asked there is no parking in school areas, correct?

Deputy City Clerk Normand stated I can read those streets...

Mayor Guinta stated I think these go together, correct Alderman DeVries?

Alderman DeVries stated I think they are duplicative of... I think we have tabled that here.

Mayor Guinta stated just for the record...

Mr. Clark interjected traffic regulations by law have to go to the Traffic Committee. This Board does not have authority by law to adopt the regulations.

Mayor Guinta stated this was only a special committee.

Mr. Clark replied correct. Traffic regulations would have to be referred to the Traffic Committee.

Alderman DeVries asked Your Honor, could I ask for a reconsideration of that last motion to table and then we could refer it to the Safety Committee and table it there?

Mayor Guinta responded the motion for reconsideration is granted. We will remove it from the table.

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

Alderman DeVries stated I would like to refer the parking ordinance revisions and still send the new position to Human Resources.

Mayor Guinta asked both items to Human Resources or to Traffic?

Deputy City Clerk Normand stated to Traffic. You want the ordinance and the traffic regulations to go to Public Safety.

Alderman DeVries replied we want the new position to go to Human Resources Committee.

Deputy City Clerk Normand stated you already voted on that. It is all set.

Mayor Guinta stated the motion is on the other item. The ordinance goes to the Public Safety Committee.

On motion of Alderman DeVries, duly seconded by Alderman Smith, it was voted to refer this item to the Committee on Public Safety Traffic and Health.

Alderman Gatsas asked did we just add a new employee?

Mayor Guinta replied no, it will be going to Human Resources Committee.

Report of the Special Committee on Riverfront Activities

The Special Committee on Riverfront Activities respectfully recommends, after due and careful consideration, that the City purchase a certain .2633 acre parcel of land located at 2 Line Drive under the terms and conditions identified in the attached purchase and sales agreement.

Deputy City Clerk Normand stated this also was passed out to the Board tonight.

Alderman Gatsas moved to approve this recommendation. The motion was duly seconded by Alderman Smith.

Alderman Gatsas stated there is a piece on there if I could indulge the Finance Officer and the City Solicitor to meet with Public Service and see if they will contribute their portion to the City or relinquish their portion to the City, so we can reduce the cost by that amount. Not that this would stop the process from going forward because I think the payments are going to come from the City to Public Service of New Hampshire. I think that at least we should make that attempt to see if they will make the contribution to the City.

Mayor Guinta asked is that part of the original motion?

Alderman Gatsas replied I am not looking to stop or slow down the process, but I think that it is appropriate for the City to talk with Public Service of New Hampshire to see if they will alleviate that \$33,000 to the City as a cost.

Mayor Guinta asked your motion that was seconded is for ought to pass?

Alderman Gatsas replied ought to pass and ask the City Solicitor and the Finance Officer to contact Public Service of New Hampshire to see on their \$33,000 and if they say no then we move forward.

Mr. Clark stated this is just ought to pass. The Alderman is asking us to meet with Public Service of New Hampshire. We will do that. It does not have to be part of the motion.

Mayor Guinta stated the original motion ... if this passes tonight we could execute the document. This is the one and only vote.

Alderman Gatsas stated that is correct.

Alderman Garrity asked can we read the motion again?

Mayor Guinta stated the motion is for the recommendation of the Special Committee on Riverfront Activities. Their recommendation is to purchase a parcel of land in front of the ball park for \$277,000, I think it is.

Deputy City Clerk Normand interjected \$271,300.

Mayor Guinta stated there is a request by the Alderman to have Finance contact Public Service of New Hampshire regarding the \$33,000.

Alderman Garrity interjected the cost is \$271,000. Where are we going to get these funds to purchase?

Alderman Gatsas replied the one time account, I believe is what we heard in that committee.

Alderman Garrity asked by doing this, does this actually increases the cost of the baseball stadium?

Alderman Gatsas replied I think it protects a \$19.5 million investment the City has. I guess we can look at it either way.

Mayor Guinta asked was tonight the only time this issue was heard?

Alderman Gatsas replied that is correct.

Mayor Guinta stated as I understand it, there is a lease back provision that is in this. I quickly had a chance to look at the purchase and sales agreement. There is a lease back provision for a dollar Do we have anything from the team as to what they will do with the land?

Alderman Gatsas replied they still have to come to the Riverfront Committee, Your Honor, to do anything.

Mayor Guinta stated the original plan with the parcel was to make it a property that realizes taxes. This would essential assure that it does not...

Alderman Gatsas interjected I think Your Honor, when you have a \$19 million investment in a piece of property ...

Mayor Guinta interjects I do not dispute that.

Alderman Gatsas stated we should have never separated from the deal because separating all those letters of credit have dissolved themselves. It is very easy to look at hindsight but looking forward I believe we instructed City Departments here to go see if we could participate in the Sherriff's sale. It is not like this has not come forward on the City owning. I think it is important that ... obviously there was a \$450,000 addition done to that stadium by Mr. Solomon that is going to belong to the City. I do not think that he is going to be out there; that is going to be detrimental. My concern is that it gets into the hands of the wrong people at some point that could be detrimental to a \$19 million investment. Whether the project is 19.5 million or 19.7 million I do not think it is going to change the scope

of where the tax payers are because we have a tenant that is paying some \$900,000 towards that debt service.

Alderman Garrity asked am I reading this correctly, the size of the lot is a quarter acre, is that right?

Mayor Guinta replied yes.

Alderman Smith stated thank you, Your Honor. What we are doing? I think what Alderman Gatsas said it right. We are protecting our interest in that whole development. I think it is very important. If you remember correctly Mr. Sullivan who was on the School Board was going to try to put in a restaurant but he could not get parking. Then it was suppose to be another restaurant, and then a high rise four stories and a garage. I think we have a big investment, I do not know what baseball is paying in on our... is it about \$750,000 or \$900,000? I think that would be a good investment if we buy this parcel of land and if we can get Public Service to help us out its all well and good.

Mayor Guinta stated we are buying it from the owner of the team to protect the City from someone who is going to do something adversarial to the team. The owner of the team is the one who owns it. Why would he be doing something detrimental to himself at that location?

Alderman Gatsas replied only if he moves the team out, Your Honor, that price is going to go through the roof.

Alderman M. Roy stated thank you, Your Honor. I am looking at this slightly differently than that has been said. I agree with Alderman Gatsas and Alderman Smith but the owner of the team I believe is under a management operation

agreement to the ballpark. If that changes at some point in the future then they will also be out of the management operations contract and also be the owner of real estate outside of the ballpark, which may or may not be detrimental for the future uses of the ballpark, which is a City owned property. I look at this as a small investment, as Alderman Gatsas said it, to make sure nothing ever changes. It becomes part of the same management operations. It becomes ownership of the City should the ballpark owner or ballpark managing partner leaves. It simply protects our interest. The case of tax base, knowing the owner of the team is doing everything he can to create economic development in that area, I believe that this quarter of an acre will go a long way in creating some useable tax base in this area.

Mayor Guinta stated he already owns it. How does buying it from him...

Alderman M. Roy interjected because he does not own the ballpark.

Mayor Guinta stated he owns the parcel. The parcel...

Alderman M. Roy interjected the little piece of land in front of the steps of the ballpark.

Mayor Guinta stated he could develop it now.

Alderman M. Roy replied he could develop now or he could sell it to someone else to develop it in a way that we who own the ballpark do not see as a mutually good fit.

Mayor Guinta stated I do not see that because he bought it in the first place.

Alderman M. Roy stated he bought it to prevent someone else from doing what we are saying; someone would have the potential of doing something later on. It is just the issue of control. We are protecting our investment.

Alderman Garrity asked can any City staff could tell me what a quarter of an acre of commercial land is going for. Is \$271,000 a bargain?

Mayor Guinta asked do we have an appraisal on this?

Alderman Garrity asked does anyone know what it is worth? Are we overpaying for it?

Mayor Guinta inquired is there a reason that this has to go through tonight? Can we get a little more of a review? The only time this was dealt with before the committee was today.

Alderman Gatsas replied no, Your Honor. We dealt with it has a Board when we told both the City Solicitor and the Finance Officer, and correct me if I am wrong, Tom, you talked with both Capuano and also Blouin to see if the City could get involved in the middle. Is that not correct? Did this Board give you that direction?

Mr. Clark replied I do not believe that was the direction. You brought this up before the Board and you referred it to the Riverfront Committee. I was asked to work with Mr. Miller who represents Mr. Solomon to see if we could come to a mutual agreement.

Alderman Gatsas asked was there no discussion about going to the Sheriff sale?

Mr. Clark replied there was some discussion about a Sheriff sale and there was a discussion as to whether that Sheriff sale was ever going to take place.

Mayor Guinta asked is there a reason that this has to be voted on tonight? The committees just listen to it this evening and it was prepared for tonight's meeting. Is there any reason this cannot wait for a couple of weeks or a month?

Mr. Clark stated prior to the vote I was at the Committee meeting and I expressed my concerns over the price of the purchase. I informed the Committee that in my opinion and the opinion that our office always gives this Board, we should only be paying fair market value. You are paying value for what you are getting and not violating the public trust by spending more than what the property is worth. You are asked here to purchase the property for what Mr. Solomon paid for it, plus what he paid for title insurance, plus what he paid for in transfer fees, plus what he is paying for Public Service, plus what he paid for legal fees to try to work it out. In my opinion it does not equate getting value for your money. That is the advice that I gave to the Committee and to be on record, I have to give it to this Board. The Committee decided to move forward.

Alderman Garrity asked when did the current owner purchased the property?

Mr. Clark replied his attorney is here; I think he can tell you.

Alderman Garrity stated everyone in this room knows that real estate land value is down because it was purchase three or four years ago.

Mayor Guinta interjected no, July of this year.

Alderman Shea stated thank you, Your Honor. As I wanted to hold on and get more information about valid questions, certainly I am being consistent in requesting that we put this off and get more information. I will make that motion, asking that we get more information about the different details concerning this particular project.

Mayor Guinta asked is there a motion on the floor? There is a motion on the floor, I cannot accept that. We could either resend this or make it a tabling motion so that we can get more information.

On motion of Alderman Shea, duly seconded by Alderman Sullivan, it was voted to table the Riverfront Committee recommendation.

Alderman Lopez interjected as Chairman of the Riverfront Committee, I am not going to repeat everything that everyone said. Mr. Miller answered Alderman Garrity to a point. We understand that we are paying a little more money for it; the value is about \$173,000 assessed value. I think looking at the whole project, when they came to us to build the \$450,000 lounge down there they put the entire money up front and built the lounge. I think they have been very good tenants for us and I do agree in the aspect of protecting the City's interest, so it was stated and this is the reason the Committee was moving forward on it.

Mayor Guinta stated there is a tabling motion on the floor.

Alderman Gatsas requested a roll call vote. Aldermen Gatsas, J. Roy, Pinard, Lopez, DeVries, Smith, Ouellette, and M. Roy voted nay. Alderman Sullivan, O'Neil, Shea, Garrity, and Domaingue voted yea. Alderman Osborne was absent. The motion failed.

Alderman Garrity stated I just found out some information. This lot is assessed at \$173,000 and we are paying \$271,000. This makes no sense to me. This is probably why there is a spending cap in front of us.

Alderman Gatsas stated I guess that is the difference of wanting to protect your investment or not of \$19 million. I guess the difference is that he paid \$210,000 for it so I guess we should expect him to take a loss.

Mayor Guinta replied no.

Alderman Gatsas moved to approve this recommendation. The motion was duly seconded by Alderman Smith.

Mayor Guinta stated the Committee meeting was tonight. I do not see the objection to waiting a couple of weeks. This is the first time that I am hearing about it. My preference would be to get full and complete details as to why this is completely necessary from staff. Staff had some concerns apparently at the Committee level. That is only my concern; this was dealt with at the Committee level tonight and now at the full Board. This is the only opportunity that we have. My preference would be to wait to have all of the pertinent information before something like this passes. That being said, there is a motion on the floor for this recommendation to be approved. I think that motion was made and seconded.

Alderman Garrity requested a roll call vote.

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

Alderman Shea stated basically you wanted today... I am making an example in my mind and I am not doing anything other than saying in our Aldermanic Board you have to be consistent. You can see that sometimes people have a determination as to what their analysis of a situation may be. In all due respect all of us have to be respected on the way that we approach a problem, and not feel that we are in opposition to your particular view point or opposed to it. We are simply elected by people to make judgment concerning how we view things. Therefore it is very important that each one of us do what their conscience tells them to do, not necessarily in agreement with each other. I respectfully...

Mayor Guinta interjected I do not disagree with you. However, the difference between these two issues is that one has been debated since 2005. The other just started the debate.

Alderman Shea stated I did not mean to bring this up again, Your Honor.

Mayor Guinta stated I gave you personal privilege to make the comparison. I just like the public to know that the Committee on Riverfront Activities dealt with this issue for the first and only time at 4:30 today. I am actually going to exercise my right to veto. I think that maybe this is a decision that should be made at a future date. I think that there is more consideration that the Board should consider especially when we are looking at an assessed value certainly different than the purchase price. It may turn out to be the right thing to do. I think that there are more questions to answer so I will exercise my veto.

Alderman DeVries asked Your Honor, do we have additional new business that needs to be brought up?

Mayor Guinta replied I do not know if this issue is done yet. If it is done we can move on to other items.

Alderman M. Roy stated I would just state that the attorney that negotiated this is here. I know he is ready to speak...

Mayor Guinta interjected no, I am not going to have this discussion tonight.

Alderman M. Roy replied okay. I am just saying that you are vetoing it for a reason and the reason and the answer is in the audience.

Mayor Guinta stated let me be clearer. This issue came up at 4:30 today. This committee is asking us to spend \$271,000 five hours later. My answer is no. I do not want to talk to the attorney; I do not want to talk to the team about it tonight. I think a more appropriate time to have this discussion is when we have a longer amount of time to discuss it. The first time this came up is 4:30 today. I am not going to spend \$271,000 after someone asks me to do it at 4:30 today.

Mayor Guinta vetoed the vote to approve the recommendation of the Special Committee on Riverfront Activities.

Alderman M. Roy stated and again Your Honor, I respectfully disagree. Since we broke up the partnership and the lines of credit, this has been in front of the Riverfront Committee since I have been here as an Alderman.

Mayor Guinta stated purchasing this piece of property for \$271,000 came up for the first time on the agenda today at 4:30.

Alderman M. Roy stated dealing with this piece of property.

Mayor Guinta stated the first time the issue about the City buying it from the owner came up today at 4:30.

Alderman Gatsas stated with all due respect, it has been around for longer than that. I will leave it at that.

Mayor Guinta asked when did it become before the Committee?

Alderman O'Neil asked can we go on with new business?

Mayor Guinta replied yes, on with new business.

Alderman O'Neil stated on behalf of the Parking Manager and the City Clerk, there is a memo regarding the need to make a slight adjustment, apparently for something we previous approved. I would ask Brandy to come up and just... I will move on it.

***Alderman O'Neil** moved to approve this recommendation. The motion was duly seconded by **Alderman Pinard**.*

Mayor Guinta asked is it a technical change or is it spending \$271,000. It is a technical change, right?

Alderman O'Neil replied it is my understanding, Your Honor.

Alderman Domaingue asked to the parking plan?

Alderman O'Neil replied that we approve for Intown Manchester.

Mayor Guinta asked does anyone want Brandy to come up?

Alderman DeVries replied I would like her to come up to explain the technical changes.

Ms. Brandy Stanley, Parking Manager, stated in principle this Board, I believe, passed a night of free parking on September 10th which is the night of the Taste of Downtown. This is not actually what was requested by Intown Manchester, if you read their original letter. I want to make sure that I do not overstep any authority that has been given to me by this Board, and I wanted to make sure the Board will approve exactly what they wanted, which was free parking for all on and off street locations for that night.

Alderman DeVries stated thank you for the clarifications because I did not see that it was only regarding the Taste of the Downtown parking. I thought this was more expansive. I am all set now, thank you.

*On motion of **Alderman O'Neil**, duly seconded by **Alderman Pinard**, it was voted to approve free parking for the Taste of Downtown Event.*

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

A True Record. Attest.

City Clerk