

**SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN
(PUBLIC HEARING – RESIDENCY REQUIREMENTS)**

September 3, 2008

6:00 PM

In the absence of Mayor Guinta, **Chairman Lopez** called the meeting to order.

Chairman Lopez called for the Pledge of Allegiance, this function being led by Alderman J. Roy.

A moment of silence was observed.

The Clerk called the roll.

Present: Aldermen M. Roy, Gatsas, J. Roy, Pinard, Lopez, Shea, Smith,
Ouellette
Alderman Sullivan arrived late

Absent: Aldermen Osborne, O'Neil, DeVries, Garrity, Domaingue

Chairman Lopez advised that the purpose of the special meeting is to hear those wishing to speak in favor of or opposition to a proposed amendment to the Code of Ordinances of the City of Manchester creating a new Section 33.100 Residency Requirements which establishes a requirement of residency within the city of Manchester for City Officers and Department Heads. Anyone wishing to speak must first step to the nearest microphone when recognized and recite his/her name and address in a clear, loud voice for the record; each person will be given only one opportunity to speak; and any questions must be directed to the Chair.

Chairman Lopez called for those wishing to speak in favor.

There were none.

Chairman Lopez called for those wishing to speak in opposition.

There were none.

Chairman Lopez advised that all wishing to speak having been heard, the testimony presented would be taken under advisement with reports to be made to the Board of Mayor and Aldermen at a later date.

Alderman Gatsas stated I'm looking at the letter that I'm sure every member of the Board received. Did everybody receive this letter from the Solicitor's office? I'd like to take you to the second letter. It was a letter that was addressed by Dan Muller when he was here and it went to the entire Board. The reference is, as you will find...and I am not a lawyer but I have had some lawyers look at the different citings throughout this, and if you will notice on the fourth line down the last word is 'all'. On the next page, the second line down, the fourth word in is 'all'. The fifth line down, the sixth word in is 'all'. The next paragraph, the second line, the fourth word is 'all'. And I think what you will find is that throughout these different hearings they had at the Supreme Court and also at the Superior Court, it talked about all employees, but you could not make your residency requirement for all employees. I take you to the very last line of that letter, in the second to the last paragraph, it says that the requirement under the terms of their representative collective bargaining agreements...and I want to remind everybody that department heads have no collective bargaining agreements. I'm not looking to impose this on sitting department heads. I'm talking about new department heads that come in, that I think a City requirement for residency is something that we

should consider, because everything that they've cited throughout this, and all the discussions we've had, none of it pertains to all the employees, and everything that you see here talks about all employees and collective bargaining agreements.

Department heads are not in collective bargaining agreements. We're not intending this to be for all employees. So I think that the discussions that we've had with the City Solicitor and people that are looking at this on the outside say that when you're talking about all, and not certain classes of employees, then you run into a problem. If you're looking at just department heads, I believe we as a city have the opportunity to do that and move it forward. With that I will leave the comments and full discussion at the full Board level.

Chairman Lopez stated one of the other points that you made is that this does not pertain to present department heads.

Alderman Gatsas stated absolutely not.

Alderman Ouellette stated Alderman Gatsas does bring up a good point, and one of the questions that I would put to either the Chair or the City Solicitor is this: Wouldn't under our agreement with the Municipal Association, the City or the Aldermen or the Board of Mayor and Aldermen, have the opportunity to send this to them for their review so it is not a Manchester politicians decision? I was hoping we'd have 60 or 70 people here with raised voices one way or the other to help with this decision. I would like to see this go to the Municipal Association and have someone outside of our Solicitor's office, outside of our City employees, outside of our elected officials, look at this and say whether or not we can do this under the state constitution and our city charter, and precedent set in a multitude of cases...let's say someone versus the City of Manchester. I would make that request, if this either needs to be done tonight or go to the full Board and make that request.

Chairman Lopez stated I think that we can do that tonight because the issue is not going to come before the full Board until the 16th of the month. Now, whether or not they can get an answer back by the 16th of the month is a different issue. We can ask them to try to get an answer back by the 16th. If it's still a problem we can leave it till another meeting to get the answer. If that is the wish of the Board, then I'll accept a motion.

On motion of Alderman M. Roy, duly seconded by Alderman Gatsas, it was voted to refer this Ordinance proposal to the Municipal Association for review of its legal validity, with the City Solicitor to coordinate this referral.

Alderman Gatsas stated just for clarification, we're only requesting department heads and not all employees, because even the letter that we received from the Solicitor's office talked about all employees.

Alderman M. Roy stated and I'll even take it one step further and say the word 'future'. I know that's been said, but I'll make it part of the motion.

Alderman Ouellette stated I have a question for the Solicitor, if I might, Mr. Chairman. The last paragraph on the letter addressed to Alderman Gatsas says, "...it is the opinion of this office that the class does not, with the possible exception of the police and fire chiefs..." Would you explain what that meant?

Mr. Tom Arnold, Assistant City Solicitor, responded certainly. I think looking at the Supreme Court analysis in a number of cases, if not all the cases listed in the letter that was written in 2000, the analysis is that the right to travel and choose where one lives is a constitutional right in New Hampshire. And further, it is a fundamental constitutional right. To restrict that fundamental right there must be a

compelling city interest for restricting it. And, it must not unduly or unnecessarily restrict the right to travel. As stated in the letter, we believe that a restriction on all department heads is unconstitutional. But I think what that analysis goes to is that in certain cases the Supreme Court has said that there is a compelling city interest, and not an undo restriction on the right to travel on certain classes of employees. Basically, it is stated in the letter that employees that have public safety functions, where the city has an interest in making sure that those employees can respond to emergencies in a timely manner, that's why it was restricted to police department and fire department employees. Those employees, not the department heads but the employees, are dealt with in collective bargaining agreements, as referred to in the letter.

Alderman Ouellette asked would this affect the position of the airport director? Would that be considered as a department head of the City?

Mr. Arnold responded he is a department head, certainly.

Chairman Lopez stated he is under contract though.

Mr. Arnold stated I'm not sure that that contract has been adopted yet, so to speak. I know there is talk.

Chairman Lopez stated we tried to hire the Airport director under contract. I agree; I don't think that's been implemented yet.

Alderman Ouellette stated one last comment on this...I'm not in favor of this. I think what it does is discourage us finding the best possible candidate for the job. I used the police chief for an example, who lives in Bedford. He wouldn't have been able to apply for the job had this ordinance been enacted. I think that the

feedback of the job that the police chief is doing has been outstanding. We hired the best possible person for the job, regardless of whether or not he lived in the city of Manchester. So I think what this does is discourage us from hiring the best man or woman that we may be hiring, although I understand that they could sell their homes and move to Manchester in a timely manner. In my opinion this is not in the best interest of the City.

Acting City Clerk Matt Normand asked before you adjourn, is there an expectation that this is on the September 16th agenda, regardless of whether the Municipal Association has weighed in on this?

Chairman Lopez responded yes, and at that time the Board of Mayor and Aldermen can decide to either table it until we get an answer or move forward.

Alderman Smith asked are we having a meeting September 16th? I thought we only had one meeting.

Chairman Lopez stated we changed that because there is a lot of business that we have to take care of, especially looking on into next year and the budget. So, we did go back to two meetings in September. We changed the rule.

This being a special meeting of the Board, no further business was presented. On motion of Alderman J. Roy, duly seconded by Alderman Shea, the meeting was adjourned.

A True Record. Attest.

City Clerk

**SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN
(CHARTER AMENDMENT PETITION)**

September 5, 2008

4:00 PM

Mayor Guinta called the meeting to order.

Mayor Guinta called for the Pledge of Allegiance, which was led by Alderman M. Roy.

A moment of silent prayer was observed.

The Clerk called the roll.

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

Messrs: B. Sanders, T. Clark, T. Arnold

Mayor Guinta addressed item 4 of the agenda:

4. 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.

Note: A copy of the proposed Charter amendment is attached including the effective date and a brief summary. Also included is correspondence from Bond Counsel, Financial Advisor, and a memorandum from the City Clerk's Office.

Alderman Garrity moved to send this proposed amendment to public ballot this November. The motion was duly seconded by Alderman Sullivan.

Alderman O'Neil requested a roll call vote.

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

Mayor Guinta stated I'll certainly take another motion. I might want to remind people, as I stated earlier in the week, regardless of your opinion on the ballot question, you have a legal and fiduciary responsibility to place this on the ballot, so I think somebody who voted in the negative needs to do the right thing and change their mind. This is not about whether you support or opposed the initiative itself. This is about adhering to a voter petition initiative that garnered the requisite number of voting members of our City, demanding this be placed on the ballot. Again, as I said last week, the merits of the issue can be debated over the course of the next two months. I would be more than happy to host meetings here on a weekly basis for those individuals who want to provide additional information for the public's consumption. I'd be more than willing to do that. Other organizations can organize and either support or oppose the initiative, but that's democracy and we have an obligation to follow our Charter and state law.

Alderman Gatsas stated my understanding was that the meeting that we were here for tonight was for an explanation on the sheet that the City Solicitor and the Finance Officer sent us vis a vie whether or not the bond counsel thought it was in the right position to do what we're doing. I would have thought that we might have had that discussion. Maybe one of our colleagues that voted the other way maybe would have had their mind changed listening to some of those answers. Are we not prepared for those answers? Does the Finance Officer not have them?

Mayor Guinta responded I believe those answers have been received by the Finance Office. There were some questions earlier in the week about how this would affect potential future bonding in the City. If there are questions by members of the Board, I would be more than happy to have Bill Sanders provide further explanation.

Alderman Lopez stated I think it would be appropriate if the Finance Officer would just give us a briefing on the letters so the audience and the people at home understand the documents.

Mr. Sanders, Finance Officer, stated as we discussed at the meeting the other evening, I have received and forwarded to the Aldermen yesterday two letters. One was received from Robert Beinfield, who is bond counsel for the City of Manchester. There is also a letter from June Matte, who works for Public Financial Management and is the financial advisor for the City. First, the bond counsel's letter is a little over one page long. It points out a couple of potential issues from bond counsel's point of view that may need to be addressed if the amendment ultimately is approved. He does not take a definitive position in the letter, I don't believe, on whether it would be a positive or a negative, but he addressed certain issues having to do with a potential change from our current unlimited ability for the Board of Mayor and Aldermen to support the good faith and credit of the City of Manchester with full and complete authority to increase taxes, both in rate and amount, to support any debt service. That's been a disclosure that the City had made for many years, and its offering document is an issue that bond purchasers rely on for the repayment of the bond in the future. It's conceivable, as bond counsel points out, that that particular disclosure would have to be altered or changed in the event the tax cap was approved. In the third paragraph of his letter, he also points out something that I had neglected to mention the other evening. It's in the fourth paragraph. Although the proposed

amendment authorizes capital expenditures and principal and interest to be accepted on the expenditure limitation, it does not appear, he points out, that they are accepted on the tax rate limitations. That is something that would need to be clarified and worked out. But that is his letter, just pointing out concerns that he has or potential disclosure issues that we have. On the letter from June Matte, the financial advisor, she reiterates a couple of the points that have been brought up by bond counsel. Maybe I'll just read a couple of sections. "One of the elements of the proposed legislation as currently drafted is the requirement for debt service to be placed outside the cap; the Aldermen on an annual basis must vote to exclude debt service in that given year from the cap. This is an unusual requirement compared to other examples of tax cap legislation that we have examined." In most other examples, as I understand it, a bond issue is excepted from the cap either by the terms of the cap or in the initial year that the bond is issued and accepted for the term of the bond. If's a twenty year term, it's excepted for twenty years. Under the cap that you are deciding on this evening, that limitation would have to be voted on for every bond issue every year, as long as that bond issue is in effect. As it relates to rating impact, she says...

Alderman Gatsas asked don't we need a two-thirds vote on any bond issues anyway?

Mr. Sanders responded yes we do, at the time it is issued we do.

Alderman Gatsas stated so at that point it would be an elimination of the tax cap anyway if we voted two-thirds for a bond issue.

Mr. Sanders stated no, it wouldn't. It would only be on the first year, Alderman, under the language of our tax cap. It would have to be voted on every year for the term of the bond by a new Board of Aldermen.

Alderman Shea stated point of order, Your Honor. If people are investing in bonds over a long term and they have to have an override every year, then basically they're not going to invest in bonds. I spoke to a member of the Airport Authority today and they were preparing a financial report for us. I'm not sure if it arrived yet, but there was indication that there was serious concern on their part that any kind of cap would jeopardize certain projects that they have. And there would be no provision under our laws here to reopen the budget because once the budget is sealed on the second of June we cannot open it. We've never opened the budget in the history of Manchester, to my knowledge. Basically, if there was a catastrophic problem, such as 9-11 and so forth, and they needed security or other things, it would be very, very difficult for them at that stage to get the funding needed. So again, there are certain implications that we'd have to consider.

Alderman Gatsas stated right now we need a two-thirds vote if we don't complete the allocation of bond funding that we have on a project, and we look to move that money to another project. I'll ask the City Solicitor if we need another two-thirds vote.

City Solicitor Tom Clark, responded if you're going to move the money after the completion of the project, yes. However, the tax cap as written would require annual exemptions for every bond. If you accept it the first time, to keep it going you'd have to exempt it every year. You'd have to have a two-thirds vote every year, not just the year you are issuing.

Mayor Guinta stated again, the information that's being provided is information that Aldermen were asking for, which could then be conveyed to the public. This information really has no bearing on whether the cap goes on the ballot. It has every level of relevance as someone makes a decision on whether they vote in

favor of the cap or opposing the cap on the ballot. I'm glad to have the information here, but it's also very clear to me that we can get information extremely quickly, provide it to the public, and allow people who are going to vote in the November election to take all of these issues into consideration as they contemplate the question.

Alderman Lopez asked Mr. Sanders, what is the rating impact?

Mr. Sanders responded I'm just going to read from the letter. "We do not know, however, that the change in the pledge to a limited general obligation pledge will have an impact on the way the bondholders view the debt and will result in a higher interest rate than would be obtained on the City's typical general obligation offerings. While difficult to measure at this point, the spreads between the rating categories have widened recently as a result of the market turbulence caused by the failure of the auction rate market and the decline in the credit of the municipal bond insurers. In today's market, the incremental additional interest cost related to a half notch to a full notch downgrade of the City's debt rating related to a Limited General Obligation Bond would be in the range of five to thirty-five basis points." Over the term of the 20 year bond that would approximate \$57,000 to \$463,500 of additional debt service for every \$10 million of bonds that we issue. A half notch would be as if the City of Manchester's bond rating, which is currently AA+ went to AA; a full notch would be if it went from AA+ to A+.

Mayor Guinta asked in your opinion, is she saying that the bond rating will be reduced if the cap goes into effect? Is she saying that unequivocally our bond rating will reduce?

Mr. Sanders responded I would not say that she's saying unequivocally. I think there is uncertainty as to how it would be dealt with. We've had follow-up conversations with Standard and Poor's as recently as today as to how this would be dealt with. Their advice at the present time is that if the amendment were passed on November 4th, they would not lower the bond rating on November 5th. They would obviously note how the cap was managed, how the Board of Mayor and Aldermen handled annual budgets and annual debt service. There are situations in other parts of the country where towns have had caps and they have had bond ratings decline. There are also towns in the United States that have managed the cap and the bond rating has not declined, so it's difficult to say.

Mayor Guinta stated for example, let's take some towns that are near us, like Derry. They have a tax cap and their rating of A1 has not changed in five years. Laconia has a net spending cap, although they call it and reference it as a tax cap. They issue bonds through the New Hampshire Municipal Bond Bank, which has a AAA rating with insurance, which is actually better than ours.

Alderman Shea stated a point of order: How much bonding do they do?

Mayor Guinta stated I could get that information for you.

Alderman Shea stated it makes a difference if they did a million dollars or \$100 million.

Mayor Guinta stated it's through the bond bank. It's the bond bank rating and they have a AAA rating.

Alderman Shea stated it does make a difference, though, how much they do bond, the amount.

Mayor Guinta stated well the bond bank, actually, when it bonds it goes out and pools all the municipalities together. For a community that doesn't have a bond rating, they go through the Bond Bank. It's something that Manchester could access and it actually has a higher rating than we do, assuming you purchase insurance on each bond. So their rating is AAA. There is nothing that precludes us from bonding through the Bond Bank. I'm just giving some examples of communities in our state and how they deal with bond issues, the communities that have some sort of cap. Nashua for example, has a spending cap. In 2000 their bond rating actually went up from AA to AA+ according to Standard and Poor. The concerns that have been expressed that our bond rating may be reduced, I'm also just letting people know that in certain circumstances in New Hampshire the bond rating has either stayed the same or increased. Dover has a net spending cap. They have an A1 rating for Moody's and AA- has not changed since they've had the cap.

Alderman Shea asked do they have an airport there with revenue bonds or are they general obligation bonds?

Mayor Guinta responded to my knowledge they don't have airports.

Alderman Shea asked are we the only community that has revenue bonds that the Airport has to be accountable for?

Mayor Guinta stated I wouldn't say that. But, this in an issue that should be considered by the voter; it shouldn't be considered by whether we place this question on the ballot. These are issues that should be considered when you decide whether you're going to vote in favor or against the ballot question.

Alderman Shea stated no one is saying we're not going to vote on the particular issue. Let's make that clear. No one is saying that voters in Manchester will not have a chance to vote on that ballot question. We're all in agreement about that. There's no question.

Mayor Guinta stated if we're all in agreement then let's put it on the ballot for November.

Alderman Shea stated let me explain my own feelings on the matter, Your Honor. A constituent of a member of the Aldermanic Board was contacted by an individual representing the New Hampshire Advantage Coalition. In tracing the number, it was the local headquarters of a candidate for elected office seeking a political office. Now we heard before of different problems. As head of the New Hampshire Advantage Coalition, you must have been aware of the fact that \$100,000 to \$150,000 came from Washington, DC in order for different types of petitions to be put on the ballot. It is my firm opinion that if outside interests are injecting their energies and their financial resources into our local political arena for a referendum vote, all of us should be extremely careful that we work to protect the rights of all of our citizens, when a local issue is being decided. And also protect against all of the financial resources of outside interests. I want to find out as a taxpayer what this outside interest has in coming to Manchester before a political election in order to get something on a ballot, and you, Your Honor, as Mayor should investigate. That's your obligation, to make sure that these outside interests aren't involved in our political situation when a local interest is involved. Now let me explain to you, I had kind of a mixed feeling when you came to that meeting the other night, but when I went home and I was contacted by people who are saying outside interests are involved in this. What wants to happen in Manchester is this: A group of lawyers in Washington got together. They provided a lot of resources for certain individuals. These

individuals came back to Manchester. What they tried to do is get anything on the ballot so that they can have outside money, not accountable, so that they can filter it in to not only New Hampshire but also other places. Now that is a given.

Mayor Guinta stated I'm going to ask people from the gallery on both sides of the issue if we could try to refrain so we can conduct the meeting with some decorum and civility. The members of this Board do have a right to their opinion, and whatever they want to say whether we agree or disagree with it. So I will ask both sides if we could just refrain and listen to the debate.

Alderman Shea stated I thank you, Your Honor, for that, and I appreciate that, but I'm a big boy and I know how to fight. Anyway, the point of the matter is, Your Honor, that we have to find out exactly what's going on so that the people of Manchester can vote. Now, I'm not in favor...and there's a misconception about spending \$30,000, \$40,000, or \$50,000 for a special election. That is out. I would never vote for that. We all would never vote for that. But let's get the facts straight. Are we being patsy to outside groups? I don't know, but I would think a local commentator on a program last night, according to my wife, and I didn't watch it because I was involved with something else, indicated that he said that \$100,000 to \$150,000 was coming into the City here from outside interests. So again, we have to be careful where we're putting our trust. People certainly have a right to vote for a cap, and God love them, they can vote yes or no. But I want to make sure that they can vote at a time that's going to be appropriate for the City of Manchester. Thanks, Your Honor.

Mayor Guinta stated the only comment...excuse me. Could we please have decorum in the Chamber? The only thing I would say is that there are more than 4,000 Manchester residents and voters who asked for this cap to be placed on the ballot. We have a legal obligation to those people.

Alderman Shea stated no question, Your Honor. I agree with you.

Alderman Garrity stated I'd just like to state that 20% of the registered voters in the last election have signed this petition. They are all Manchester residents because they have to be verified by the Clerk's office. You stated, Alderman Shea that you would never vote for a \$30,000 or \$40,000 election. Well, you did Tuesday night. That's the vote that the Mayor vetoed. A special election costs \$30,000 to \$40,000. You voted for it on Tuesday.

Alderman Shea stated that's fine. I would not vote for a special election.

Alderman J. Roy stated I agree with you that the information we're getting tonight, while good, really doesn't go to the point of why we're here. It's the law. I was thankful for the break that we had and the ability to look things up, and I've got a copy of the whole law, not just part of it. I think it's well-written. I think it was well-thought-out. The error here, number one, is that I want to make it clear that everyone is going to get a chance to vote on this issue. I'd like to say that as an Alderman if we have a cap, that's fine with me. Either way is fine with me. I'm going to work with the tools we have. As a citizen I'm up in the air about which way I want to go. I want all the information and that's what I want everybody else to get is all of the information. Now in this law, that 60 days is not in stone. And, it's a period that they say you can't have anything before that. And the reason that they don't want anything to happen before 60 days is because they don't want communities to rush into judgments on issues such as this that are going to have serious consequences for the next several decades. In this law it also allows us, and I had some legal counsel because I'm not a lawyer, to reach out to the election next September and marry that special election with that primary so it's not going to cost us \$40,000 or \$50,000. It will cost us the same thing it's

going to cost us this November, the paper to have it printed on. So the reality is that whether it's voted on this November or it's voted on next September when everybody has had a chance to get all of the information, and to dissect this and come up with an informed decision, it's going to be enacted at the same time, 2011. Now the other thing I would like to see when we go forward with this is I would like to see meetings in every Ward so that all of the sides, all of the issues...I don't like to say sides because lots of people say pros and cons. I want to know everything that's going to affect the City of Manchester and how it's going to operate in the future. That's why I don't want this on the November ballot. Now, you talked about democracy, and in a democracy the majority rules. This Board is part of that democracy, and the other night and again tonight, the majority has told you that we don't want this in November. I would like you to listen to our majority and I would like to have another meeting on Monday so we can set the date with the primary in September.

Mayor Guinta stated I'll ask again if we could please have decorum in the Chamber. Alderman, I feel strongly about this because I believe the members who are voting in the negative are not properly following the law. I understand that we rule by majority. There are specifics in 49-b, the state statute that governs these issues, that in my reading and in my view require us to place it on the next regular election. I'm not even sure if the law would consider a primary a regular election. There is a distinction between the two because the primary is a primary and not a regular. We'd have to get an opinion about that.

Alderman M. Roy stated this is a law. It's on the books. I pulled mine off of West Law. My copy, I interpret it one way. Alderman Jim Roy interprets it one way. You interpret it. We have two attorneys tonight...we must be doing something special...in the room that are on the City's payroll. I'd like a legal interpretation from one of them instead of my opinion, Jim's opinion and your

opinion. So could someone with a legal degree that's not a voting member of this Board give us a legal opinion on 49-B, because it matters; it matters quite a bit. The other night there was a number of times it was said, in compliance with the law, we have to, we have to, we have to. And I disagree with that fact. I am one that does not believe because my questions have not all been answered that we should be moving forward. The 60 days is not in stone. So I would like a legal opinion from one of our attorneys on 49-B.

City Solicitor Clark stated as far as the amendment to the Charter, once the public hearing has been held, this Board must refer it to the ballot within seven days. The law gives you seven days to consider when you're going to refer it to the ballot. When you refer it to the ballot, the general election must be no less than 60 days away. If it is less than 60 days away, then this Board must send it to a special election. The Mayor has asked about the primary in September of 2009. That is not a general election but this Board does have the ability to order a special election to be held on that same day.

Mayor Guinta stated okay, so if we set a date today for the November election, that's 60 days away.

City Solicitor Clark stated today if you vote it to the ballot, if you order it to the ballot, then it goes on the November ballot.

Mayor Guinta stated well again, I think there is an expectation by the people that signed this petition, to place the question on the November ballot. That's the same argument I made on Monday evening. We do have a legal duty to send it to a date. There is an anticipation and an expectation that it be placed on the November ballot. And all the answers to the questions that are being raise tonight, we have enough time over the next two months, to get those questions answered.

And again, I couldn't agree with you more, Alderman Roy, that we hope there is great public participation in making the decision about an issue that's so important to the City, which is why I think it makes far more sense to place this on the ballot when the highest number of people, potentially in the history of the state will come out to vote is this November. To place it on a primary date when turnout is extremely low...do we have an idea of what we're projecting for a primary turnout this year? Next week? Is it more or less than 20%?

Deputy City Clerk Matt Normand stated I think they're considering less than 20%.

Mayor Guinta stated so we're looking at less than 20% of the people at least this September. Let's assume it's roughly the same next September, you're only allowing...You have an expectation of a small number of people that are going to turn out to vote. We have the highest number of people who can come out, in favor or against. I think it's imperative that we as a body recognize that this is such an important issue, and there are clearly members of the public who are in favor of this and there are clearly members of the public who are against this issue. Let's let the highest number of voters speak out about their own government, about how they ask or demand their money to be spent. I think that's a reasonable, a more than reasonable expectation of this political body.

Alderman Osborne stated Mr. Sanders I just have a question going back to the bonds. Does that become retroactive for the bonds we have now or is that future bonds?

Mr. Sanders responded bond counsel's letter leaves open that question. He's not convinced at the moment whether it's retroactive or not. I don't have the answer to your question, to be honest. Bond counsel has not yet apprised us.

Alderman Osborne stated that's a big question mark there because the bonding we have out now is humungous.

Mr. Sanders stated I would assume we would have to have exceptions for our current debt service and that the first year this was effective we would begin to...we would have to ask for exceptions for the outstanding debt today. Just to be on the safe side.

Alderman Osborne stated we want to have something we can get together, right? Within the next two months.

Mr. Sanders stated yes. I'm sure we're going to be asking for exceptions for that debt. We should assume that it's effective for it.

Alderman Osborne stated I'd like to make another statement but I'll pass right now.

Alderman Lopez asked can I get a clarification on that comment? Mr. Sanders, did I hear you say...What did you say in reference to the previous bonds? They would have to be asked for an exemption to the debt service going forward?

Mr. Sanders responded bond counsel has not yet rendered an opinion. He wanted to work more within his firm and with others, and how outstanding indebtedness has been dealt with in tax caps that do not exclude debt service, which is unusual. But the question does become, what happens to the current outstanding debt that we have when the tax cap becomes effective? And the safe thing to do would be to have...since previous Boards of Mayor and Aldermen have approved by a two-

thirds margin the issuance of that debt...the Board of Mayor and Aldermen should accept that debt from the tax cap calculation, to be on the safe side.

Alderman Lopez stated if that was the case and if the tax cap was 2.1% like it was last year, and there was another point on the previous debt, that would be forgiven or would it be a 3.1% tax increase?

Mr. Sanders responded the 0.1 that you referenced to the preceding debt would just be excluded from the calculation of the tax rate cap. So it would still be 2.1% if I was following your example.

Alderman Smith stated I have several questions, and I did follow it up. I talked with the City Solicitor in regards to the 365 days and so forth like that. You're absolutely correct, Alderman Roy. But I'd like to ask...I did not receive anything until August the 18th, I believe, from our City Clerk, notifying us of the petition to put it on the November ballot. But I did not receive anything from anybody till August 18th or 19th. I have questions. A lot of people called me up. I wrote down everybody's name that called me up. I have 72 here. If they didn't give their name, I didn't take their name, but there were 72 in all. I have questions. I'd just like to ask the people on staff if we received anything from the Secretary of State yet.

Mr. Sanders stated no, we have not received anything from the Secretary of State or the Department of Revenue Administration or from the Attorney General.

Alderman Smith asked now I understand that the DRA has an acting commissioner, and they set our tax rate, don't they? I don't know the situation is. What date did the letter go up to the state, asking these people for information?

Deputy Clerk Normand responded August 27th.

Alderman Smith asked and you haven't heard a reply from the state?

Deputy Clerk Normand responded we have not.

Alderman Smith stated I don't know what's going on, but I believe that most of my calls are for services, and taxes pay for services. My calls are for either library, education, potholes, and so forth. If it were restricted, it just goes down. The last guy in is the first one out. So the guy on the lowest totem pole...if you want services like garbage pick-up, who knows? Where are we going to get the money? But I'm very, very concerned, Your Honor, about the Airport, and I think it's really...I understand the Waterworks is in there because they are regulated by the PUC, but the Airport is dire consequences in that program. I believe that they bonded money, and who's going to pay the debt on the bonded money? If this tax cap goes through, we've got a problem. And one last thing on the assessed value of properties...as you well know, on revaluation the market was the highest. Now it has dropped. I'm sure the next revaluation we'll probably be down eight or ten million dollars at least. Do we make that up with a tax cap or what is the situation? These are the answers I have.

Alderman Domaingue asked if we were to vote to exempt prior debt service on bonds, is that one vote or do we need to vote every year to exempt?

Mr. Sanders responded every year.

Alderman Domaingue asked were we to vote to exempt Airport bonds, would we have to vote on that every year as well?

Mr. Sanders responded yes, anything that's going to be excepted under the amendment...

Alderman Domaingue interjected would require an annual vote.

Mr. Sanders stated yes, it would. Each Board must...

Alderman Ouellette stated I happen not to agree with your assessment. I think that if the voters are this passionate about an issue, whether you put it on the November 4th ballot or the September primary ballot, I think the voters will come out and they will give their opinions, once they have the proper information in front of them to make an informed decision. I disagree with you, Your Honor, and I respectfully disagree with you. I don't think 60 days is enough to get this much information out to the public and have them make an informed decision at the polls. That's my opinion and take that for what it's worth.

Mayor Guinta stated the only thing I would add to that is that Manchester is...this is not the first time Manchester has ever considered the question. This has been a debated issue since 2005. It has not been on a ballot, but there has been a strong push since 2005 to place this on a ballot. I think there has been more than considerable dialogue and debate amongst the general public. I think Alderman Sullivan stated it best on Monday when he stated next week we're going to decide who nominees are for both parties. And by November people will have made up their minds about hugely important and impacting national issues. Why can't we do the same for this initiative? I have faith in the people that they will take this seriously, that if they want information...and so long as we provide opportunities for them to obtain it, the people will be able to make a decision in two months about the effects and impacts on the bond rate. There is a lot of information honestly that still hasn't been conveyed about the positive effects to communities.

We only heard on Monday evening from one mayor from Franklin. Granted, it was his opinion. The tax cap in Franklin has been in since the mid to late 1980's. There have been positive impacts, at least according to him. There has also been significant investment in education, in fire apparatus, as he stated, and things that people require in order to make a community strong. But it's also our obligation and responsibility, I think, as elected people and as members of this community, to listen to people. Alderman, 4,000 people have asked us. 4,000. That's an enormous effort and undertaking for 4,000 people to come together and ask, or demand, their elected officials to have the rest of the community consider a question.

Alderman Ouellette stated Your Honor, we're going to do that. We're going to send it to the ballot. The last time that this Board rushed a referendum question to the ballot was when they wanted to make the School District a part of the City. And guess what? On the School side, where money could have been better spent on education, books, libraries, materials, SRO's or whatever, they had to spend \$40,000 to fight the issue to the Supreme Court. And guess what? They won. My point is this: If this is not going to take effect until 2011, what's the rush? Why are we rushing? There's absolutely no reason to rush when, if we vote on it tomorrow it will take effect in 2011; if we vote on it in September it will take effect in 2011. Let the people have the information that they need and they want. I'm sorry, Your Honor. There is a tremendous amount of information, which you just stated, the positives and the negatives. There is a lot of information, and I don't think 60 days is the proper time to do that.

Mayor Guinta stated there are two points that I'd like to respond to. When the vote went before the public to make the District a department, remember that it passed by more than 60%. The School Board, 15 people thought that the City of Manchester voters were wrong and they sued. That was the School Board's choice to spend that \$40,000.

Alderman Ouellette stated but the law said they were right.

Mayor Guinta stated it was found that a technical correction was required in order to make a change. That technical correction in state law had been made and that issue came up again this year. Obviously, it didn't go on the ballot. But there still has been long term discussion and dialogue by the people in the City about spending issues. And regardless of where anybody is on these particular issues, the people have consistently said, by using that vote as an example, they want to make changes – right, wrong or indifferent – and it was more than 60% of the voting public that passed that initiative. It was 60%. The public is asking again now to have the opportunity. And why we would say, let's have 20% of the people in September rather than 80% of the people now, just isn't logical to me. If we feel so strongly, not just about our democracy, but about the governance of our City, the 15 people that sit here shouldn't dictate what the 50,000 or 60,000 registered voters are asking us to do.

Alderman Ouellette stated and we won't, Your Honor. We won't. They will have their vote, but my point to the School District question was had they waited for a legal opinion to see if the question was constitutional or not, that never would have happened. Then they could have made the correction, got the question on the ballot the correct way, and voted on it the right and proper way. And guess what? Today the District would probably be part of the City.

Mayor Guinta stated well, I think in that scenario there, nobody, including the Attorney General and the Secretary of State, thought the question was improperly placed on the ballot. Our own City staff didn't believe that it was improperly placed on the ballot. It was a non-elected body, the judiciary, that made that determination. That was their determination so the law was changed. But at the time, no other entity stated that it was illegally placed on the ballot. It was actually all organizations stated yes, it is legal. It did take the court case and that's obviously because the School Board didn't want to comply with what the voters had asked in that election.

Alderman Ouellette stated it didn't comply with the constitution.

Mayor Guinta stated okay, if you want to comply with the constitution, the law is now changed but this Board rejected that question being placed on the ballot. Again, the people are asking for an opportunity to have a voice. And all I'm asking this Board to do is listen to what the people say. And I personally believe two months is more than enough time, after we've been debating this since 2005. This is not an issue that I think City residents take lightly. This has been an ongoing debate, in one form or another, since 2005, and spending in our City is always under debate, rightly so. Again, my opinion is that two months is more than enough time for what people in the country say are the most intelligent voting block in the country, I think we can trust them to make an informed decision in two months. And you know what could happen? 60% could say no, we don't want a spending cap. But we're not giving people the opportunity to make that decision. And that's what I think is wrong, where the injustice is with the votes that are coming before us.

Alderman O'Neil stated Your Honor, I'd like to know what the city of Concord knows that we don't because my understanding from a newspaper article is city councilors in Concord last night voted not to place a proposed tax cap on the November ballot. Instead the council has decided to postpone action on the matter until officials in the Attorney General's office, Secretary of State's office, and Department of Revenue Administration decide whether the language in the proposed tax cap conforms with state law. We know that's the statute. We've sent it up. We haven't heard back. Concord is in the same situation we are. There were enough certified signatures but they have decided...and my understanding is the vote there was unanimous to do that. So that's the first thing. I'd like to make just some comments if I may. We are not seeking to prevent the tax cap question from going to the voters. There are too many unanswered questions about how a tax cap would impact the City of Manchester, its budget, its departments, and most importantly its citizens. Forcing the issue on the November ballot does not give the Board of Aldermen enough time to fully identify the impact of the tax cap, and more importantly does not let us fully educate our citizens on what it really means to them and the City. Forcing this issue on the November ballot will permit organizations and campaigns outside of New Hampshire, outside of Manchester, to use this issue to foster their own agendas and efforts to support political candidates for national office, and I truly believe that and I agree with my colleague from Ward 7, with little or no concern or regard for how the issue would impact the citizens of our City. As previously stated by Alderman Shea, there is no doubt that the tax cap issue is being driven by individuals and organizations outside the City of Manchester. As we saw, some of these same questions were asked in Concord about the funding and where the funding came to run this campaign. Putting the issue on a future ballot will allow us to study the impact such a cap would have on our City budget and what impact it would have on our departments and programs. Putting this issue on a future ballot will permit us to schedule neighborhood meetings with our residents

to fully discuss the tax cap issues and to insure them that they have a better understanding of what it means to them in the City. The focus of the November election is on electing a president and other federal and state elections. This in and of itself is a distraction and does not give the tax cap its just due, as Alderman Roy said the other night. The residents of Manchester are entitled to have all the information relating to the tax cap. They need to have a full understanding of any impact it may have of their lives in this City in order to make an informed decision about whether they support it or oppose it. As elected officials of this great City, we can do no less than to slow this train down, put together an impact statement on how the tax cap affects our community, provide this information to our residents in every neighborhood, and give them enough time to absorb the information before making such an important decision. Manchester voters deserve the opportunity to focus on this issue and this issue alone. They deserve the opportunity to consider the red flags raised, not only by those who have expressed what impact the proposal would have on City services and public safety, but also by those like the City's bond counsel who have expressed concerns about the impact on the City's bond rating and hidden costs to taxpayers that this proposal might present. Unfortunately, Your Honor, you have your own agenda on this, and in my opinion it's not in the best interests of the residents of our City. Your Honor, put people over politics.

Mayor Guinta stated we're having a constructive dialogue and debate on the issue. I would ask people, regardless of what's being stated, to refrain from any comments so we can have proper decorum in the Chamber. A couple of points in response to the Alderman: First of all, Rochester and Somersworth have already placed this on the ballot for November. Secondly, there's no requirement that we wait for the DRA or the AG for their responses. There is a particular provision in the law that allows us to move forward while they move in a parallel process. And finally, I'll tell you what my agenda is. My agenda is to have an effective and

efficient government in this City. I've said that when I was a state legislator; I've said it when I was an Alderman; I've said it when I've run for this office, and I've said it standing here at this podium. My agenda is very, very transparent. My agenda is to have a government that works, but a government that only takes as much as it needs to make it an efficient government. I think the voters, the 4,000 people that signed this, should have their say. And I'd go door-to-door with you, Alderman, with information, for the next two months, and hand them out personally to every voter we can reach so people do make an informed decision, regardless of their party affiliation. And I think if we all work collectively we can do that for the November ballot. This is an issue that we have considered for several years. And we have to ignore our personal feeling about the issue and respond, I believe, solely to the 4,000 people who followed state law, who followed requirements, who've done all the necessary work to place this on the November ballot. If you said it deserves a stand-alone issue, why would you argue to put it on a September primary? That's not a stand-alone issue. Again, to me, the highest number of people who may be opposed or in favor will be out in force in November. If you personally want to defeat this proposal, you have a better chance this November. Any organization who wants to defeat it has a better chance this November, because the voters are already coming out. All you have to do is inform the voters. Let's give everyone the opportunity to take the vote. It's a simple, simple procedure. If everyone in this room wants the people to vote, give them the opportunity to do it in November. Tell them you support and trust their wisdom, their faith. After all, they all elected us. We're a group in the last few years who have had a lot of dialogue and debate about a lot of complicated issues. It's gotten heated at times. It's gotten frustrating at times. But we've never disrespected voters. We've never done that. We've had discussions and arguments and disagreements about how to spend money, where to invest. That's democracy. People don't always like the outcome, but it's always been above board. It's been transparent. And I think we owe that, because of the oath we

took, to the people who put their faith and trust in government, not just us as personal individuals. What is it we are saying about government when we're saying we are going to decide that such an important issue will happen a year from now? I just don't think it speaks well of us as a Board.

Alderman Shea stated I want to reiterate that if it's passed in November it will not be implemented until the year 2011. Let's make that plain and clear.

Mayor Guinta stated yes, that's true.

Alderman Shea stated as a Ward Alderman from Ward 7, I can tell you I've answered over 4,500 calls. Believe me. That's calls to my home. I've answered every single call that I have received excepting for today when some people called and didn't give their...or yesterday. My point is that in my Ward I have to defend my constituents. I have drainage problems, which you attended a meeting. That drainage problem at one time cost \$280,000. Today it's \$460,000. Do you think, Your Honor, if there were a cap and there was a decision made, do you think that the Ward 7 Alderman that maybe doesn't fit with all the Aldermen here could get something done for his constituents? That's one thing. The second is crime. You live in the north end, Your Honor. My Ward has crime, murders, all kinds of different problems down there. I need police protection for my Ward. If there is a cap, where do you think the money is going to go? It's not going to go to Ward 7 all the time. It's going to go where the need may be. Excuse me, Your Honor, if you would allow me to go through this...My third point is I have high occupancy. I have trash collections. My concern is I want to know whether things are going to be impacted for my Ward for trash collections. Other concerns I have have to do with roads and so forth. Now let me give you a little story, Your Honor, and I'll kind of read this. We have so many trucks that plow during the winter time. When a truck breaks down in Ward 1 or Ward 2, and a truck is working in Ward 7,

do you know where that truck goes from Ward 7? It doesn't go to Ward 7; it goes up to Ward 1 or Ward 2. This has happened. And I've tried, Your Honor, to make sure we have our streets plowed in Ward 7. I want to know all these implications. I'm here because my constituents have called me and have said to me, you fight for the rights of the constituents in Ward 7. And I can tell you, Your Honor, and I can tell these people, that most of the calls I got were from Ward 1 and Ward 2. I didn't get many calls from Ward 7. I've answered every one of those calls, and the people agree with me. Hold it until we find out how it's going to impact us in Ward 7. And that's why I'm defending my right as a Ward 7 Alderman to speak from the heart and to speak for my conscience, and I thank you for listening to me.

Alderman Sullivan stated apparently the talking points went out to some of my democratic colleagues. I guess I didn't make it on the list this time. Barack Obama button...I think I'm the only member of the Board that wears one of these on a regular basis. Last night I was at a fund raiser for Jean Shaheen. I was the only member of the Board that was at that event. Don't tell me this is a partisan issue. Don't tell me this is about whether or not you support a government that takes an active roll in trying to improve the lives of people in this community. That's not what this debate tonight is about. This is about whether or not we have a serious respect for the democratic process. 4,000 people put their name on the line and asked us to send this issue to the voting public. They want a chance to vote up or down on a spending cap. Do I agree with the spending cap? I'm not convinced yet. I've got some serious problems with some of the possible ramifications. But, it's not my choice to impose my viewpoint on the other 114,000 people that live in the City of Manchester. This is about whether or not we respect the people of Manchester enough to allow them as adults, as grown up boys and girls, to make a decision that affects their own future. That's what this is about. It is the height of arrogance for 15 people in a room on the third floor of

City Hall to make a decision for another 114,000/115,000 people. Let's move this forward; let the people decide.

Alderman M. Roy stated a few minutes ago...and I'll touch on two points. I'm going to ask you a question and then I'm going to respond to my colleague from Ward 3. Actually, I'll respond to my colleague from Ward 3. We were elected to sit here and make decisions for 114,000 people. I have made decisions in this room that I find personally against my better judgment and not good for my family, but I've voted for them because they are the best thing for this City and the 7,200 people that live in my Ward. So, we are here, elected by those 114,000 people to make decisions for those 114,000 people, and we give up our family time and our lives outside of City Hall to do so. So while there were 4,000 signatures raised, that was on one of our lowest attended elections yet. Less than 20,000 people came out. And as the Mayor said, less the most people vote. If this initiative was going forward after this election, they'd be looking at 16,000 signatures needed to fill out the petition in order to get this on next year's ballot. By my viewpoint of getting the maximum amount of education out there, I am doing the best thing for my taxpayers and my constituents in Ward 1. The people that called me today asked a series of questions. Many of them, even though they supported it, were just reading from the newspaper and they got the talking points from people outside of the City of Manchester. This is an initiative that I don't believe is coming from Manchester, and that leads to my next question which is going to be very blunt. Mr. Mayor, as the honorary chairperson of the New Hampshire Advantage Coalition, who has championed this in your opinion now for three years, could you tell us, in response to the many people that have brought it up, where the so called \$100,000 to \$150,000 to fund this campaign has come from?

Mayor Guinta responded what I will say is you have more than 4,000 Manchester residents who asked you to place it on the ballot.

Alderman M. Roy stated so your answer is no.

Mayor Guinta stated my answer to your question is 4,000 Manchester voting residents asked this to be placed on the ballot. That's who I listen to.

Alderman M. Roy stated Mayor, I will make one final comment, and I honestly feel that I'm doing the right thing for my constituents by having this vented over a period of time. I believe the best thing would be for this to have its own day. I said it last week. I said it again. I said it to people out front today. This should have a stand-alone day because it is a big enough issue, pro or con, that it should have its own day. And the outside influences and the fact that you will not answer that question solidifies my opinion. Thank you, Your Honor.

Mayor Guinta stated Alderman, please, a stand-alone day would cost the taxpayers \$40,000. And people have already said at this meeting this evening that your intent is not to spend money for a special election. It gets back to having one option.

Alderman M. Roy stated Your Honor, I'm stating my belief. The state law is clear that it believes that 60 days is the absolute minimum that voters, whether they're Manchester voters or any other city or town in this state. Sixty days is a minimum to get information to voters. I do not want to go with that minimum. I believe this is a big enough issue with enough consequence to the taxpayers of the City of Manchester that this needs its own day. Whether Alderman Shea, who does not want a special election, or other Aldermen disagree with me, that's their prerogative. I will not criticize them for that. They have their wants and their

needs in their Wards. But I believe this is a big enough issue that every person in this room has a right to be heard and not overshadowed by federal influence.

Alderman O'Neil stated Your Honor, as I stated the other night, I have a conflict this evening, and I was willing to come here and see if anything would give, and obviously it's not. So with that I'm going to make a motion that we refer this question to Monday night, and I'll ask for a roll call vote.

Mayor Guinta stated I am not accepting that motion at the moment. I understand that this is a heated issue for people, but I'll ask you kindly, please try to refrain so we can have proper decorum in the Chamber. I greatly appreciate your consideration.

Alderman DeVries stated Your Honor, there are still a couple of questions that I've been waiting for answers for this evening, and I'm hoping that maybe the Solicitor can address those two for me. Starting off, I would ask...there has been a question as to whether the state and county increases are going to become part of the tax cap here in Manchester. Do you have that answer for us tonight?

City Solicitor Clark responded yes, I thought we told you that the other day. I'm sorry if it wasn't clear. The state tax and county tax are included in the cap.

Alderman DeVries asked are or are not?

City Solicitor Clark responded they are inside.

Alderman DeVries asked and also, do you have an answer...The other night you gave us a handout, and you thought that the third part dealing with a revaluation year for the tax cap, that that sentence was in conflict with the other two sentences.

It is referencing how we are going to handle the tax cap in a revaluation year. Do you have the answer for us tonight as to whether those sentences are in conflict with each other and how we are going to handle the tax cap in a revaluation year? And first I'd like to hear the reply from a Solicitor as to whether those sentences are in conflict with each other.

City Solicitor Clark responded my apologies. I don't recall that conversation, but if you would clarify which sentences you are talking about...

Alderman DeVries asked do you have a copy of the handout? Do you have a copy that you could give me because I don't have that handout with me tonight, but you indicated...maybe it was Bill Sanders, because the letter came from both of you.

City Solicitor Clark stated it was Mr. Sanders.

Alderman DeVries stated my apologies. Then I'll ask the question of Mr. Sanders. How are you addressing that?

Mr. Sanders responded we are attempting to arrange a meeting with the DRA to obtain their insight into how we would resolve that. That they do conflict, I don't think there is a doubt. Section E conflicts with the revaluation sections of the document. There's no doubt about that.

Alderman DeVries stated so that opinion coming from the Department of Revenue, there's 30 days from August 27th for them to give us that feedback.

City Solicitor Clark stated that is correct.

Alderman DeVries asked so we potentially are not going to hear those sort of answers until October 1st or September 27th, close enough thereto?

City Solicitor Clark responded correct. I believe that they will take most of the 30 days to do their research.

Alderman DeVries stated so it sounds like we're going to have about 30 days in a very important or a very busy election cycle in order to try to get to our constituents to let them know those answers, if we find this out September 27th, as by statute they need to.

City Solicitor Clark responded it will depend on what they come back and tell us.

Alderman Lopez stated I'd just like to make a couple of comments in reference to the Presidential election. I don't consider this equal to a constitution that's going to govern our City after the Presidential election. It's been campaigning for three years. In reference to the comment that was made of the mayor of Franklin coming down here, I checked and took the liberty of checking with the School Department. They have the highest drop out rate in the state, number one. I respect you. If you don't respect me, respect the Chamber. And Your Honor, I would hope that you would take care of...

Mayor Guinta stated I have asked several times for people to adhere to proper decorum.

Alderman Shea stated apparently they don't get it, Your Honor.

Alderman Lopez stated one of the most important questions that, why didn't we, and I think you alluded to that this has been going on for three years. Why didn't we get some of these answers? Just so the public is well aware of a couple of things. Until there is a resolution coming forward, a lot of people didn't want to answer any of these types of questions, the DRA, the Attorney General's office, and other people. Secondly, as the CEO, and maybe you're at fault, maybe the 14 of us are at fault, for not scrutinizing our own as to some of the old documents. But I think what became obvious during the last process is the document was not illegal, so every time you went to ask the question, they said well, we don't have anything. When we get something we'll be able to tell you. And I think after we received this, and after it was certified by the City Clerk, then the City Solicitor and the Finance Officer and everybody started doing what they were supposed to do by state law, and sending things up to the state in order to get the right answers. I commend them for it. I don't look at it that we had three years to do this stuff because you know and I know that the Attorney General or the Secretary of State is not going to do anything till they have something that they can sink their teeth into. I wanted to clarify that up. The second thing, and the last thing I would say, is that I do respect the people that went out there and stood out there, whether they got paid or didn't get paid is an immaterial factor. They did collect the 4,000 signatures. I did respect them. I respect the people that called me on the telephone. Some of them...some of the remarks they made...I wasn't too receptive but I understand the compassion. But I am a representative of the entire City. I'm representing and trying to find the right answers because when people come to you, it's just like anybody else. What type of guy is he if he's running for office? Or what does this cap mean? I had 17 calls. I had to explain in my own...and I couldn't answer half of the things there because I don't have the answers to. So, it's not just a plain, vote yes and you're going to get a tax decrease. I think it has been alluded to that in the long run... and this is a

dialogue...and I agree with you, what you said in the beginning. The issue is to put it before the ballot. But these are major issues that we're going to have to talk about, whether we're moving forward in November or whether we're moving forward next September. And having those neighborhood meetings, and make sure and put those packets together and let the people decide in the end. Because other cities and towns are destroying themselves, and Franklin, New Hampshire is one of them.

Mayor Guinta stated I would disagree with the characterization of Franklin. I think it's a beautiful town in New Hampshire and I think it has done great things. I also think Derry is a great place. I think Dover is a great place. I think Laconia is a great place. I think Nashua is a great place. All the places that have some sort of tax cap, spending cap, or net spending cap are places that those residents are proud of. Again, the issue before us is whether people have the opportunity to vote for this in November, and to me it's very clear. We have what...55,000 registered voters? More than 80% are going to show up in November. Give them the opportunity to vote. I can't say it clearer or simpler.

Alderman Gatsas stated just a clarification for my colleague, Alderman Lopez. Franklin's dropout rate is now one of the lowest in the state. They were at 24%, so they worked at it and their drop out rate is less. You heard that statement when you and I attended the Mayors Youth Advisory Council when they were talking about drop out rates at that time.

Alderman Lopez interjected a clarification, Alderman, I heard that yesterday from the Superintendent of the schools.

Alderman Gatsas asked from what superintendent? The new superintendent?

Alderman Lopez stated yes.

Alderman Gatsas stated I would have thought he would have had his statistics right because I respect Mr. Brennan.

Alderman Lopez stated I do too.

Alderman Gatsas stated and I think you ought to get a clarification from the Department of Education in the State of New Hampshire.

Mayor Guinta stated I would like to have some sort of vote on a date. We have got to make a decision.

Alderman Garrity moved to place this question on the November 4, 2008 ballot. The motion was duly seconded by Alderman Pinard.

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

Alderman O'Neil moved to refer the question to a special meeting on Monday, September 8, 2008. That puts us in compliance with the law.

Mayor Guinta asked before I take the motion, what's going to happen Monday night?

Alderman O'Neil stated I believe by Tuesday we have to set a date by statute that is my understanding.

Alderman Garrity asked Monday won't meet the 60 day requirement, will it?

Mayor Guinta stated not for the November ballot it won't.

Alderman O'Neil stated it meets the statute requiring setting a date after the public hearing I believe. I put that motion on the floor.

Alderman Gatsas stated with all due respect to my colleague I am busy Monday night.

Alderman Domaingue stated I also cannot make a meeting on Monday night.

Alderman O'Neil stated I was busy tonight and I am here.

Mayor Guinta stated this is the second time we have met on this issue.

Alderman O'Neil stated we have to meet to comply.

Mayor Guinta stated well we are here so let's take the vote.

Alderman O'Neil stated I will make the motion that we refer it to the election in September of 2009.

Alderman J. Roy called for a point of order. I believe we have to talk with counsel; we can't do that tonight.

City Solicitor Clark stated that's correct.

Mayor Guinta asked why can't we do that tonight?

City Solicitor Clark stated if you are going to take a motion to send it to ballot tonight it has to be the November ballot.

Alderman O'Neil stated then I will go back to my original motion on meeting Monday, September 8, 2008 so we comply with the state law. Seconded by Alderman J. Roy. Roll call vote was requested by Alderman O'Neil.

Alderman Garrity stated point of order Your Honor. If we were to vote yes on that motion, there would not be a vote on the referendum in the next election in November?

Mayor Guinta stated that would be correct Alderman.

Alderman Lopez requested the motion be read.

Deputy City Clerk Normand stated the motion is to reconvene the meeting on Monday, sending the proposed amendment to the Charter to a Special Meeting of the Board of Mayor and Aldermen.

Alderman Lopez asked is this to reconvene or just to have a Board meeting?

Deputy City Clerk Normand stated to have a Special Meeting of the Board, I am assuming.

Mayor Guinta stated Special Meeting of the Board of Mayor and Aldermen.

Alderman O'Neil stated whatever puts us in compliance with the statute.

Mayor Guinta asked Mr. Clark would that be a Special Board of Mayor and Aldermen meeting?

Alderman Gatsas interjected do you need a two thirds vote for that Your Honor?

City Solicitor Clark stated no. You could either order a Special meeting Monday night or you could recess this meeting until Monday night.

Mayor Guinta stated Special meeting Monday night. That voting yes would effectively kill the opportunity to place this to the November ballot.

Alderman Domaingue stated I just want to apologize in advance, I do have a previous commitment and I cannot be here on Monday.

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

Mayor Guinta vetoed the vote.

Mayor Guinta stated I am going to veto because of the simple fact I believe the intent of this, the will of 4,000 people, would like this placed on the November 2008 ballot. I think we owe them that obligation whether you agree or disagree with the initiative and the question itself so I exercise my right to veto and I would hope and urge someone from the dissenting side would have enough courage to reconsider their vote, place this on the November ballot and work with me and any other member of this Board to provide all the information that you feel voters require to make an informed decision. An informed decision on an issue that we have already been considering for the last three years.

Alderman O'Neil moved to override the veto. **Alderman J. Roy** duly seconded.

Roll call vote requested by Alderman Garrity.

A roll call vote was taken. Aldermen Garrity, Domaingue, Gatsas, Sullivan, Osborne and Pinard voted in opposition. Aldermen Smith, Ouellette, M. Roy, J. Roy, O'Neil, Lopez, Shea, and DeVries voted in favor. The motion to override the appeal fails.

Alderman Garrity moved to send the question to the November 4, 2008 ballot. The motion was duly seconded by **Alderman Pinard**.

Alderman O'Neil requested a roll call vote and for clarification on the motion.

Mayor Quinta stated the motion is to send the question to the November 4, 2008 ballot.

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

Alderman Lopez requested a five minute recess.

Mayor Quinta called for a five minute recess.

Mayor Quinta stated I'm calling this meeting out of recess and into order. Is there a question, comment or a motion?

Alderman Domaingue stated during the break I spoke with one of my constituents from Ward 12 who pointed out to me that I haven't been outspoken in this meeting. I have been rolling around in my head since then. There is a very good reason for it and that is that I have strep throat and it is difficult for me to project but I am going to try to do it anyway. This has been the most difficult for me to roll around in my head. I don't love the tax cap. I don't. I am sorry. I don't like the way it is written. I think it could be drafted better. If it goes on the ballot, I have no qualms about telling you I won't vote for it. But I didn't get elected to represent me. I got elected to represent you. The people that put me in office have asked to put this on the ballot for the November election. This isn't about me. It's about the people that live in my ward. It's about the 38 phone calls I got, 17 from constituents. Not a single one telling me don't vote for this, send it to a special election. That is why I am sitting here tonight and that is why I will sit here with a fever of 101 for as long as it takes to do the right thing. Thank you.

Alderman Garrity stated thank you Your Honor. I have received the same type of calls Alderman Domaingue has and on that note I make a motion to send it to the November 4, 2008 election. The motion was duly seconded by Alderman Pinard.

Roll call vote requested by **Alderman O'Neil**.

Alderman Gatsas stated there was 4,086 people who voted for this, we are not going to go to 4,086 roll calls are we? Just a joke! I thought we needed a little humor in here.

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

Alderman M. Roy stated just because we have now voted on that four times I have stated very publicly that I believe this deserves its own day. I will ask the Clerk to give us a date in March and I will throw out that we send it to ballot in that month.

Mayor Guinta stated this evening we have to vote...

City Solicitor Clark stated if you vote tonight it has to be to sent to the November 2008 ballot.

Mayor Guinta stated so I guess there is only one vote I guess, one motion I can keep on accepting.

Alderman Lopez stated you can accept more if you want to.

Alderman M. Roy asked if you accept a motion to adjourn we can do this until Monday or Tuesday if we sit here long enough. At this point Your Honor, I don't think any public, whether it's the view point of November 4th or a later date, is being served by us sitting here with a roll call of November 4th. Obviously there is a stalemate in the room. Obviously people have made up their minds. I either think we have to come back Monday night and set a respectful date and have this on the ballot then let everyone do their work. I think you are to the point now where we voted on that four times with roll calls.

Mayor Guinta stated Alderman, I know there are people in this room that are opposed to this measure. I know there are people in this room in favor of it. What I would prefer is that we could all speak in one voice because we seem to all agree that people should have an opportunity to vote on it. It's never easy having to

make difficult decisions when you have half of the people who want something and the other half who don't want it but that's where I believe your principles need to forge ahead. My principles have always been to try to serve this community, the people of our city the best I can. Some people agree with what I have done, some people disagree. I would like to think that not just I, but this Board, respects the public so if it takes us all night until midnight, when the deadline expires, I will stay here until midnight. I think it is a hugely important issue. The Solicitor has told us that a vote for the November ballot is the only vote we can take tonight with respect to a ballot. We have been told by more than 4,000 people in this city to place this question on the ballot for all of Manchester to answer and if you disagree with this initiative I encourage you to vote and if you agree with this initiative I encourage you to vote. That's a right that we all have and there is no better way to exercise it than on an important issue like president, like senator, like congress or like spending. I am prepared to continue to take that motion until the evening expires at midnight. I will do my very best to adhere to the law, take this vote today because today is the deadline for it to go on the November ballot.

Mayor Guinta stated I am prepared to continue to take that motion until the evening expires at midnight. But I will do my very best to adhere to the law, to take this vote today, because today is the deadline for it to go on the November ballot.

Alderman Pinard stated I don't speak too often, but I've been listening since last week. We have 4,000 people that signed the petition. We might have another 4,000 at home that would have liked to sign this petition. I think that there are more than 4,000 in this City of ours, this great City of ours, that maybe the people that are looking and scratching their heads that this Board cannot make a decision. If you're in business you have to make decisions. We're like a business here. We're like directors of a big company. But we're sure not acting like good

directors. Your Honor, I'm 78 years old, and I will stand by you till midnight or 7:00 tomorrow morning. Thank you, Your Honor.

Alderman Shea stated I was just going to say, if we're going to stay till midnight, are we going to bring the beds in. Sometimes people get tired, you know, like 78 years old, he gets tired. I happen to be a nighthawk so it doesn't bother me.

Alderman Pinard stated I might be 78 years old but I think I still have a lot of guts left in me because my mother died at 102, my uncle died at 105. I think I can stand up until midnight and further on. And I do get up at 4:30 in the morning, so I think my track record is right there. It speaks for itself. Let's face it. We're all gentlemen here. We have senators here in the crowd, and the ladies. I think that we should act what we're elected for. Something McCain said last night, I got elected by the people to represent the people and this is what I'm doing and this is what you should be doing.

Alderman Shea stated personal privilege. I didn't mean in any way to impugn him. I'm not saying that in that sense, and I'm sorry if he took it that way.

Alderman Pinard stated I don't know if you're older than I am or on the same track, but you have a lot of guts too and I do too, so thank you very much, Alderman Shea.

Mayor Guinta asked does anyone have anything else to say? I can give my spiel again and again and again. I can bring out the phone book if I have to. I feel very strongly. No one of us is more powerful than the people of Manchester, and I think that we need to listen to what they've asked us to do, and unfortunately I think some people are voting because they oppose the measure, rather than respect the fact that 4,000 people have asked us to do something. If 4,000 people asked

me to do something that I opposed, by this process I would place the issue on the ballot. That's what our City Charter is about. That's what small government in New Hampshire is about. That's what municipal and town government is about. And I understand that some Aldermen have some concerns about the impacts. But we could take a night a week, stay here till midnight, and continue to talk about those concerns and bring anybody forward for the public's consideration. The information that the opposition wants to get to the public can easily, easily conveyed to the public. We can do every Ward meeting. We can do every single Ward before November. We can have meetings here. We can have different organizations, some represented here this evening in the gallery to hold events. We can get more information, since there are so many people who are interested in this issue. We can get more information out the public than at any other time. This seems to be on the minds of people, not just in this room, but in Manchester. It's a very simple request that I feel we have a legal obligation to adhere to, and it's allowing those people who obtained the requisite number of signatures to place it on the ballot. To me governance doesn't get simpler than that. When you have a grass roots effort, and you have that number of people who feel so strongly, how could we object to it? And I understand again the points you've made about issues need to come out. I'm sure the NEA will get their issues out. I'm sure the firefighters that are here will get their issues out. I'm sure that the New Hampshire Advantage Coalition that's here will get the issues out. The average voter who is in the Chamber or watching at home will certainly identify ways to obtain information to make informed decisions. There seem to be a lot of interest groups that are interested in the outcome of this question. But the best and only interest group that should make the difference are the people that vote on election day. And we'll have more than 80% of those people speak their mind this November. You couldn't get a better opportunity to gage the public's opinion. I think most people know that a special election, the same number of voters will not turn out. Every time we've had a special election in this City or in this state, the

vote has been depressed, because it's a special election. That's a fact. It is what it is. Primary day is always a lighter turnout. And if it's so important to each and every one of you, why would you want a smaller number of people deciding how we as a Board and future boards operate the City? In my opinion you would want every person we represent to have that opportunity to speak. And again, I will say if you oppose the measure, come out and vote. And if you support the measure, come out and vote. But it is our obligation. The law says it. We've got seven days to set a date. I think everybody knows the reason I don't want to recess this meeting tonight is because if we go to Monday, you no longer can place it on November. We've been talking about this issue for three years. I think that's plenty of time for people to make up their mind, and when there's more specific information required, we have two more months.

Alderman Sullivan moved that the question be place on the November ballot and in addition that public meetings be held in each of the City's twelve Wards, and in addition no less than two informational hearings would be held at City Hall or another appropriate venue. The motion was duly seconded by Alderman Pinard. Alderman O'Neil called for a roll call vote on the motion.

Alderman Ouellette stated that would mean when Alderman DeVries asked a question about some of the information that the Finance Officer was looking for, and he said that he wouldn't get an answer till about September 27th, I believe you said, Bill. So that would leave us about 35 days until we get all of the pertinent information, so you want to have public meetings in all twelve Wards and have public forums in here with only 30 days worth of information that we can gather? I don't think we can do it, Your Honor. I don't think it's feasible.

Mayor Guinta stated if the point of this is to provide information to people, let's not underestimate the people's ability to obtain their own information. First of all,

they don't need to only get it from the Mayor or an Alderman. There are several documents that we can provide that we already have. What information is it that we're not going to get until the 27th? The response from the AG and the DRA? That's just a yea or a nay on the constitutionality of it.

City Solicitor Clark stated no, it's more than that. When the Attorney General or one of the agencies sends back a letter, if they find it unconstitutional they have to spell out why and tell you what's wrong with it and how you could fix it in the future.

Mayor Guinta asked so that goes to constitutionality and DRA goes to impact?

City Solicitor Clark responded it's not just constitutionality; it's the general laws of the state.

Mayor Guinta stated but that wouldn't prohibit these meetings, the dissemination of information.

City Solicitor Clark stated nothing prohibits meetings.

Mayor Guinta stated the meetings that are included in Alderman Sullivan's motion could move forward without that information. It's not requisite to impacts of the tax cap. It's about constitutionality.

City Solicitor Clark stated constitutionality and the fact that it's in accordance with the general laws of the state.

Mayor Guinta stated so it essentially says is it legal or is it illegal? We can still move forward with Ward meetings prior to September 27th.

Alderman M. Roy stated again, I will reiterate that this is about education and time. If you're talking about getting an answer from the Attorney General and having Ward meetings at which people are going to educate themselves, and we're going to get out there and either be in front of or behind talking about this, without the knowledge that comes from DRA and our bond counsel, I greatly feel that there's an agenda of getting this on the November 4th ballot versus, like you said, we want the most people to turn out. I honestly believe the people that are concerned about this will show up for this whenever this is on the ballot. So, if it's not about this subject in November, then what is it about? If we're going to have Ward meetings, I'd much rather have them when all of the facts are in. Is it constitutional? The funniest thing would happen is if we go through these meetings, this meeting and other meetings like this, and then find out from someone outside of Manchester that it's not constitutional. So, I think that we need to get the timeframe that works for everyone. We've already come to a stalemate a number of times with the November 4th because it is the absolute minimum that state law allows from tonight. And I disagree with the fact that...the simplest and the most complex law has to follow those time frames. And you're asking people to take a very complex law that many of the Aldermen don't have answers to, the Mayor's office hasn't answered a number of questions, and we're sitting here saying we're going to put it to the largest amount of voters and hope that they have picked up a copy either on the web or through publications and understand exactly what could happen to their garbage pick up, to their police protection, to their fire protection.

Mayor Guinta interjected you know, I have to respond to that. Listen. I ran on cut spending and adding police officers. We've done that. To be honest with you...Alderman O'Neil, we've got complements of 225; when I started as Mayor it was far lower.

Alderman O'Neil stated not because of your budget.

Mayor Guinta stated I disagree with that. We can prioritize government; we can prioritize how we invest in this City and still live within a cap. Services aren't going to be cut because a cap is in place. What it does do is allow us to be a lot more...it forces us to identify efficiencies and better ways to run government.

Alderman M. Roy stated because we have the time, and obviously we're going to have a debate over the cap, because you are speaking to the motion, I chair the Solid Waste Committee. We've been working for years to bring a recycler into the City. We have a very large expenditure that is in this year's budget to provide a toter to every residence in the City of Manchester. That means a triple-decker with three units gets three; a single family gets one. It's a roughly \$800,000 expense. Going into this next fiscal year with possibly a decrease in our tax base because of the economy, will we be able to fund those toters?

Mayor Guinta responded yes.

Alderman M. Roy asked what, out of this budget would you have taken out in order to accommodate an almost million dollars of spending? I won't even say a million; an \$800,000 spending, which is in the best interest, and we've all agreed to this, that the City of Manchester recycle and get the waste management 800 pound guerilla off our back, what would you have cut in order to get us there?

Mayor Guinta responded I can thumb through the several hundred pages of the budget, but I think, if my memory serves, we broke it up over two years and I proposed half this year and half next year. I'd have to find out what exactly was adopted by the Board but the plan that was put in place was a plan that was in my

budget recommendation. And secondly, you're talking about a cap that starts in 2011. So we've got some time to figure out and focus on prioritizing. But again...and by the way, if you don't like the budget, if you don't like the spending restriction, you have the ability to override it. It gives you the opportunity to spend more if you want to spend more.

Alderman Lopez stated I agree very much with you, the ability to override, to get the ten votes. This Board worked very hard to get a unanimous decision, working together for the budget. Not all boards in the future will be like this Board. I wanted to ask Mr. Sanders, maybe for the public to understand the CPI Urban, what that covers, and how we go about it because it's probably the lowest CPI...

Alderman Sullivan interjected point of order. There is a motion on the floor dealing with a specific proposal here, and the economic basis of the CPI really isn't germane to the question that's pending.

Mayor Guinta stated so noted. I will allow the answer, especially if it helps him make a change in his position on the issue, but I do appreciate the fact that we have a compromise motion which I think is more than adequate and fair to address the issues that have been expressed here. So, I will allow Bill to answer the question and then I will take a vote on your motion.

Mr. Sanders asked could you repeat your question, Alderman?

Alderman Lopez responded on page three of your remarks, the goods and services the CPI covers and some items it doesn't cover.

Mr. Sanders stated okay, very fine, thank you. The CPI Urban index measures the consumption of families and individuals of about 200 goods and services. It includes food, housing, apparel, transportation, medical care, recreation, education, tobacco, personal services, and other items. The weighting of the individual components is based on the Department of Labor's assessment of the buying patterns of about 7,000 families in both urban and rural America. The difference between CPI Urban and other CPI indexes is really in the weighting that the different factors receive in the index as it's put together, and that's not something that I'm aware that the Bureau of Labor and Statistics discloses so I can't explain the weightings, but the commodities that are included are generally the same. I guess I should probably point out as is noted as you go through that list that the City's purchases are not really taken into account, the purchases of municipalities in this index, in terms of diesel fuel and salt and heavy uses of electricity and some other commodities that are more directed to municipalities than they are to the Consumer Price Index.

Mayor Guinta stated there is a motion on the floor. Would the Clerk please repeat the motion?

Deputy City Clerk Normand stated the motion on the floor, made by Alderman Sullivan, is to send the amendment to the November ballot with the addition of Ward meetings in each of the Wards throughout the City in the next 60 days, including an minimum of two additional informational meetings to be held here at City Hall.

Alderman Lopez asked the motion to send it to public hearing, would that be an amendment or is that included in the motion?

Mayor Guinta responded I believe that was included in the motion. It was to send it to the November ballot with the caveat that we have a Ward meeting in each Ward prior to the election, as well as a minimum of two informational meetings, public hearings, in the Chamber.

A roll call vote was requested by Alderman Garrity.

Alderman M. Roy stated when he made the motion Alderman O'Neil called for a roll call.

Alderman O'Neil asked for clarification, is this November 4th?

Mayor Guinta responded this is November 4th, it's...

Alderman O'Neil interjected the rest of it doesn't matter, Your Honor, the answer is no.

Mayor Guinta stated it's November 4th with twelve Ward meetings.

Alderman O'Neil stated Your Honor, the answer is no. You're going to need your breath a little later.

Mayor Guinta stated I've got plenty of it. I want to answer your question. It's the November 4th ballot with twelve informational meetings in the Wards and at least a minimum of two informational meetings here in the Chamber.

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

Alderman Lopez stated the only comment I would make is whatever the date would be, the second part of his motion would be more welcome to have two meetings in any Ward any day of the week. It had nothing to do with having meetings during the week.

Alderman Pinard asked seeing that we have two local TV channels that are available to any of us, why can't the Mayor's office make some kind of arrangements with both channels to somebody from your staff or the City Solicitor's staff or whatever staff to be on there maybe a couple of times a week, or maybe both stations, because an awful lot of people watch those channels. This is a recommendation of mine. We want to get everything out to the people, so why don't we use the tools that we have in front of us? Thank you, Your Honor.

Mayor Guinta stated I would agree. I would invite them to film all of those meetings that would occur, including anyone else who wants to speak on the subject. It's 6:20 p.m. Since we're going to be here for a while, I'll call a one hour recess for dinner and we'll come back at 7:20 p.m.

Mayor Guinta stated I'm calling this meeting out of recess and into order. Is there a question, comment or a motion?

Alderman Pinard moved to put this item on the November 4th ballot. The motion was duly seconded by Alderman Domaingue. Alderman O'Neil called for a roll call vote.

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

Alderman M. Roy requested another one hour recess.

Mayor Guinta stated I think we can debate the issue for a little bit longer before we request a recess when we've been out of recess for 30 seconds. Does anybody want to continue to try to convince me why this should be pushed beyond the November ballot?

Alderman Pinard stated Your Honor, can I say some thing again? I just made a phone call to two of my friends, and believe me, they're kind of ashamed of this Board of Aldermen that can come up to a very important decision. This is time that we serve the public, but looking at what's happening here, we're not serving the public, some of us. We're serving ourselves. *Again, I'd like to make a motion to put this on the ballot on November 4th. The motion was duly seconded by Alderman Garrity. Alderman O'Neil called for a roll call vote.*

Alderman M. Roy stated with all due respect to my colleague, it is very clear that eight people in this room feel that they are representing their constituents by voting the way they want and six people feel that they're voting their way because of what they believe. Everyone in this room is trying to represent what they believe is correct. If not, we wouldn't have had six of the exact same votes. And with all due respect, everyone here is fighting for what they believe is right. I commend everyone in this room for their resolve. One side thinks that November 4th is correct; one side feels November 4th is incorrect. I'm very proud that everyone is staying where they are because it shows the resolve of how willing people are about what they believe. Alderman Pinard, for every reason that you just said that you're not voting to do it at another time are the exact same reasons that I'm voting to not do it on November 4th.

Alderman Pinard stated my reason is what I said before: phone calls at my house, senior citizens that are being overlooked. There are thousands of people that wanted to sign that petition that didn't know how to do it. I think that somebody is letting some of the voters of this community down, and I don't think it's fair. I think everybody should look at themselves in the face because you said you think you're doing the right thing. Personally, I don't think so. You are not representing your people the way you should.

Alderman Garrity stated I don't ever question my colleagues' votes, their particular votes. I certainly respect their votes, but let's not kid ourselves. We are breaking state law by not doing this. It's pretty cut and dried. It has to go to the next election, a general election, not a primary election. So let's not kid ourselves. Over 4,000 people signed that petition. Let's respect their...

Alderman Pinard stated Your Honor, let's continue the roll call please.

Alderman O'Neil stated for my colleague Alderman Garrity, I'm not sure what law we're in violation of. If we don't act by Monday or Tuesday...I think Tuesday is the deadline we may be in violation of a law. But I'm not sure what law...and I'd like that explained to me if we're in violation of a law tonight, sitting here. I don't believe we are.

Mayor Guinta stated the law does state that we have seven days to place this on the next general election.

Alderman O'Neil asked from?

Mayor Guinta responded from the date of the public hearing.

Alderman O'Neil stated that's why I believe that's Tuesday, Your Honor. I'm not being disrespectful of my colleague from Ward 9; I'm just curious if I'm missing something.

Mayor Guinta stated I would state very clearly that we are breaking the spirit of the law. The spirit of the law, the intent of the law, is when a group of individuals move for a referendum and obtain the requisite number of votes, the expectation is that it goes to the next regular election. I certainly believe the spirit of the law is being violated. I think it's disappointing that on Monday maybe there will be eight votes to put this on a ballot or January or February or March or April or May or June or July or August or September, or October or November when we're all on the ballot. Maybe that should happen.

Alderman Gatsas asked how about a motion, Your Honor? I was going to make that and see if my colleagues would agree to that. That was the motion I was going to make, Your Honor.

Mayor Guinta stated maybe voters should come on election day to re-elect all of us and vote on this issue at the same time, because it's not supposed to be about us. It's supposed to be about the issue at hand. And I suspect there will be a big turnout for that election. But again, I believe that the spirit of the law is being violated at the very least. I do. I think everybody knows, I think the public knows that there is a group that wants this and they want to control spending and there is a group that doesn't want to control spending. That's what it's coming down to. And you have a better opportunity unfortunately of having this initiative defeated in a special election when voter turnout is depressed. And I don't think that is American and I don't think that is the democratic process. Again, if you're opposed to this, come out and vote. But you've got to give people the opportunity to vote in the first place. If you're opposed to it, come out and vote, and advocate

for others to come out and vote the way you feel is appropriate. But everyone, regardless of their position should have an opportunity to vote. That's what I think is being violated. And I think it's disingenuous.

Alderman Shea stated point of clarification, Your Honor: My understanding is that if people vote on November 4th, this will not be implemented until when?

Mayor Guinta responded 2011.

Alderman Shea asked that's how long from now? Three budgets? Two budgets?

Mayor Guinta stated the fiscal year 2011.

Alderman Shea stated so basically it's not going to impact the 2010 budget.

Mayor Guinta stated it's not going to impact the next budget. It would impact two budgets from now. But for me that's not the issue, Alderman.

Alderman Shea stated I'm just wondering so people listening will understand that it's not going to be...in other words, if some people think that if they vote for a cap on November 4th, November 5th there is going to be a cap. I don't think they realize. Some people are under the misconception that if it isn't voted November 4th then it won't be implemented in 2010. And that's not the case. I just want that clarified.

Mayor Guinta stated I appreciate the clarification. We're in current fiscal year 2009. It would come into effect fiscal year 2011. And the issue for me as well is that because it's so important, because it's so vital to supporters and people who oppose it, have the highest number of people possible to voice their opinion. And

obviously history shows that that is general election day. I can't think of, at least in modern history, any special election day that had higher turnout than a general election day.

Alderman J. Roy stated with all due respect, I disagree with your theory that we're violating the spirit of the law. As I said before, the law states that you can't have it less than 60 days, which means that they don't want anybody to rush the judgment. In my opinion, and you have your opinion and you are welcome to it, and I appreciate that, we certainly aren't violating the spirit of the law. You did say that we had two groups here – ones that wanted to control spending and ones that didn't want to control spending. I'm not voting the way I'm voting because I don't want to control spending. I want to control spending. Everyone of us here does. That's why we got together this year, across the aisle, and we passed the budget that we did, including you, Mayor. Some of the other things I've been hearing as I've been sitting here listening...every one of us and Alderman Garrity is right. You never question the vote of your colleagues. Every one of us here respects the public. Every one of us is here to represent our public. Every one of us here is serving our public. Every one of us here feels strongly about this issue and that's why we're sitting here at this hour and we're prepared to go until midnight because of the belief we have that what we're doing is right. So, please, we can have this discussion, but don't try to insinuate that I'm against controlling spending, that I'm not respecting the public, because I am.

Mayor Guinta stated Alderman Roy, I will amend my comment. And I would also propose an alternative and to you, specifically. If this truly is about educating the public, and giving the public to have a comprehensive understanding of an issue, the motion that Alderman Sullivan made I think addresses that issue. But if it doesn't, I'll double it. I'll do two meetings in every Ward and no less than four meetings here to insure that everyone has an opportunity over the course of the

next two months to consider the issue. You're saying that you want the voters to vote for this issue. But I think you're also concerned about information and knowledge.

Alderman J. Roy stated absolutely. I appreciate what you said. I remember what Alderman Ouellette said and I agree with him. You're compressing this into too lean of a time. That's my opinion. I may be wrong, but that's what I believe. What I will also say is that while we can't do it tonight, I think it's interesting that we may put that on the November ballot when my name is going to be on the ballot because I've got no problem standing up and saying what I believe. People can vote on me up or down and have their way, and that's fine. I wouldn't be opposed to that at all. We can't do that tonight, but that's food for thought for future nights.

Alderman DeVries stated Your Honor, I thank you for staying with us tonight, because we do feel very strongly about this, and we want to make sure that we have the opportunity to continue to talk about this tonight, whether it's until midnight, until six o'clock tomorrow morning or till midnight the next night, we will hang by this. I will hang by this because I do not want one of my constituents to come up to me and to tell me, after we find out that with the revaluation language in this particular tax cap proposal, which is new, has not been tested. We can't even get an answer as to what that is going to mean. And if we find out the next time we go out for a revaluation, which is not that far off, and if our properties are still devalued the way that they are today, we are going to have a major adjustment, 25% of our budget could have to be cut. That means police are going to go home, firefighters might have to go home. That means major adjustments across the board. So until I have the answers that I can go out face to face, I'm not going to support this today. We need time for this to be properly studied. This is the most important decision we have made in this City, bar none.

So to malign us is not the thing to be doing tonight. Stand by us and stand up as our Mayor and tell us that you are concerned for the City of Manchester with the same level of care and love that I have for this City. Because if this language, which is the first time it's going to be implemented, makes a major correction to the City of Manchester, a loss of services, a loss of public safety, we all have to answer to all of our constituents.

Mayor Guinta stated I appreciate your comments. I think people in this City have a pretty good idea of the dedication and care I have for, not just the office I hold but for the City I represent. If revaluations in this City...by the way, I think we can get that answer, the analysis to your question certainly over the course of two months and probably over the course of a week, and then disseminate it to people. But if revaluation changes in this City, and it declines, the tax cap doesn't affect cutting. The tax cap doesn't allow you to go over a certain ceiling of increases. So if you have to cut \$10 million because the revenue is not coming in, this cap doesn't affect that. And if there is a policy...

Alderman DeVries interjected Your Honor, I understand that your opinion might be that. The letter that was handed out to us by the Finance Officer wasn't as clear to that question. Maybe he should be answering that question, Your Honor.

Mayor Guinta stated he can certainly answer if he so chooses but I'll finish my answer first. The provision of the tax cap again, has an out, where it can be overridden. There is an opportunity for elected officials to make decisions about overriding it. And of course, like every decision we make, we then have to justify that to our constituents. That's no different than any decision we've always made. Every time a budget comes out, we've got to justify our decisions. This is nothing more than a guideline and a tool from which this body and future elected bodies would work if it passed. And the concerns that you're raising I do believe, and it's

my opinion, but I do believe can be answered sufficiently so people can make intelligent decisions.

Alderman DeVries stated I would only note, because one of the studies I did within the course of the last couple of days was looking at some other states. There are not too many cities for me to look at. It's very unusual to have a tax cap implemented city by city. But we have seen it in other states. So I've looked at some of the other states. I didn't have to go back too far or too far away looking at the state of Massachusetts. In the state of Massachusetts they've had a tax cap and it extremely well for them until they hit tough times in the state of Massachusetts when the economy started to go south and the state could no longer...because in Massachusetts they get a lot of state funding for education and other things, much more so than New Hampshire. So as long as the state could send the money along to the cities and towns, it wasn't that bad. And as soon as the revenues became problematic, they've had severe cuts. They've had to shut down in town after town...and I've got the report...fire stations were closing, police officers laid off, libraries closed. Same thing in Colorado. I took a look at that. And they've gone back and they've adjusted it. The point is this language is new, it's not tested; I can't go to another state; I can't go to another city to see how it is going to impact. It's brand new. We haven't had it for three years, Your Honor. This is new language. We just got it in our hands two weeks ago. What is the rush to judgment on this? Do we want to be the test case? And what if it comes out wrong?

Mayor Guinta responded I don't view us as the test case. I view us, at least the people who are asking this to be placed on the ballot, as leaders who are forging in their own way to try to solve what they perceive as a problem, or at the very least an issue, which is spending. We have dialogue and debate almost every month about spending in this City. I'm very proud of the fact that a group of people in

our City are so committed to an issue to the point that you get 4,000 individuals who want the rest of the public to weigh in. And I think there are two separate issues here. There is an issue of educating, having information disseminated to the public, which has to happen regardless of whether this goes on the ballot now or later. But the primary issue is that it has to go on the ballot in the first place. And the intent of the law is for it to be placed on the next general election, and I'm not sure why people feel that the voters won't obtain the information and understand the information and decipher the information and then make an informed vote. The suggestion that's coming to me is that the people of our City won't be able to make an informed vote. People make decisions each and every day, for their households, for their families, for their businesses, for elections. I have enough faith in the people of the City that they will make an informed decision. And maybe they'll say we don't want the tax cap. They may say that. I don't know what the outcome of the vote is going to be. I just feel very strongly that they should have the opportunity to vote on it and I feel very strongly that the highest number of people should have an opportunity to vote on it. And I think because those two things are in November, or should be in November, if what is impeding us as a group to place it on the ballot is education, then let's commit to solving that issue and providing all of the information possible, necessary, for people to make an informed decision. If this goes on the ballot, let's say in September, you're going to have a low period where people aren't even going to be focused on it. And then they'll get focused on it as the election draws closer. Well, the election is about two months away. People are focused on this election. I think people right now in Manchester are focused on this issue. Look at the various groups we've had represented at this evening's meeting. I'm sure most people in this room think the MEA can get their information out to their members and let their members decide if this is something they want to vote for. I think people in the City will attend events throughout the City. I think they'll watch the different media outlets. They'll watch the cable access shows and they'll make an informed

decision. But it is incumbent upon us to make sure the information is provided, and I think it's very simple to provide this information and then let people make their own decisions. I happen to personally believe that can be done in a two month period, because I think for three reasons. First of all, I happen to believe that voters in this City and this state are very well informed and in tune. We talk about - we have the first in nation primary. And others talk about it and how it impacts our country. Media, national media personalities, talk about the intelligence of New Hampshire voters. The late Tim Russert, I was fortunate enough to have a conversation with him when he was here for the primaries. He talked to me about the level of intelligence people have in New Hampshire when it comes to these types of issues. So why are we assuming that all of a sudden we don't have the level of intelligence that's required to make a...It is technical. There's no question. This is some technical stuff. But I think we get that information to the public and they make their decisions.

Alderman Osborne stated okay, I haven't said too much here this evening. Basically what we have here, it is what it is and it's going to be what it's going to be. I think the big thing here is when is it going to be? Other than that I think by having all these meetings with different Wards and everything, it's nice to do, but I don't think that's the total answer, and I don't think all the information that comes in is going to be good or bad. Some of it is going to be good and some is going to be bad. Basically I think the main thing is the people are going to want what they want regardless of what comes through for answers. So they're going to want to go out there and vote regardless of what kind of answers come into the Chamber here, and I think it's a matter of getting it over with. I commend them the way they feel and I can side with it, but it's very hard to educate everybody and it takes a long time and really I think we should get out there and get this over with if possible. By holding off it's not going to change a thing. At the end it's going to come to us and it's going to have to get on the ballot one way or the

other. It is a good idea to have at least most of the people to get out there and vote in a general election because there are more voters out there in a general election. I've ran many times and I've been at the polls many times, and I know what a special election is because I've ran in one. And you get a very, very low turnout in a special election. The same with the primary. Your primaries are very, low also which...they should go out for a primary. I realize that, because it's just as important as the election because they say oops, gee, what happened to you? Well, I lost in the primary because you didn't get out to vote. So, I think an election is the best time to vote and why we have to put it off like this...I can understand their plight 100%. We have to get it over with sooner or later; it's going to come to us and it's going to bite us in the face in the long run. So I think it's better – my own opinion – to get this over with. I would never go against a referendum question. In all my times as an Alderman I never, never went against a referendum question, regardless of what it's for. Let the people talk; let the people speak. It's hard to make everybody happy, but at least you get the majority out there that's going to put their best effort into it. You can't know everything. It's impossible. So the only way to do it is to go out there and actually to get this over with and if it does come in as a winner, we'll find out in the end whether it was good or whether it was bad. The only way we're going to find out is to implement it. There's no other way of finding out. You can guess at this for the rest of your life. That's not going to happen. The main thing is, let's get it over with. Thank you.

Mayor Guinta asked any other comments before I take the vote?

Alderman O'Neil asked can you remind us what the motion is?

Deputy City Clerk Normand stated the motion by Alderman Pinard, seconded by Alderman Garrity, was to send the charter amendment to the November ballot.

Alderman O'Neil stated and I did request a roll call.

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

Mayor Guinta stated well, the vote hasn't changed.

Alderman Garrity asked Your Honor, can I make a comment? I'd just like to comment about some of the comments that have been made here tonight about, what happens if our valuations go in the tank? With our without the tax cap, if our tax base goes in the tank, we have to make major adjustments anyway. Unless we want to keep spending the same and passing a potential tax hike onto people of 20 or 30%. If our tax base goes in the tank we have to make adjustments, so I don't see how a tax cap would affect that.

Mayor Guinta stated I also think that, because there is a provision to override it, it gives you the opportunity, not just this Board but future boards, to discuss if and when it's appropriate to override the cap. And it provides for increases in spending in taxes, but it caps it. And it gives us an opportunity to hear what the people of our City would like in terms of fiscal discipline and fiscal policy. I also think it gives you the opportunity...and we've heard a lot from other communities that it forces innovation and ingenuity and creativity. I don't think any member of this Board would do anything to harm this City. We worked diligently over this budget, and the two budgets prior to that. And again, we had a lot of interesting discussions and dialogues, sometimes as I mentioned, heated, because there is a lot of passion around budgeting and spending and where you invest and how you invest. But I have faith in elected officials that ultimately, whether you agree or

disagree with their positions, at least in our City, that we hope we arrive at a reasonable conclusion and solution to issues. And I honestly don't think a tax cap would preclude us from doing that. In some circumstances, with the budgets that I've proposed, you actually have more wiggle room than I was offering you in my budget recommendations.

Alderman O'Neil asked you don't want to go down that avenue, do you?

Mayor Guinta responded yes, I do.

Alderman O'Neil stated you talked about how tax caps have forced innovation and ingenuity. Alderman Jim Roy was sharing with me a story of a tax cap in...I want to say it was Chelsea, MA, but it may have been in another community. They laid off 75 firefighters. Who gets laid off? The youngest, healthiest firefighters. Their workers compensation went through the roof. Their ISO rating went through the roof. The taxpayers ended up paying. Tax caps do have negative effects on communities. Was I right that Chelsea was the example that you shared with me the other night, Alderman Roy?

Alderman J. Roy responded it was Chelsea and it was because of the two and a half. There was a fixed cap, which this one isn't. But that's exactly what happened. All of the young employees...it wasn't just Fire, it was Police and Highway and everything else. The older individuals has to pick up the slack, even on the Highway trucks, throwing the cans, and older people get hurt easier as I can attest to in the fire department. The injury rate went up, workers compensation went up. I'm not saying that's what's going to happen here. All I'm saying is that's a case you'd have to look at. Just to make it clear, that isn't why I feel like I do tonight about when this should be voted on, but that is something that needs to

be looked at. When we decide when we're going to have the vote that is something that needs to be looked at.

Mayor Guinta stated I don't disagree. All the different caps, how they're structured, how they're worded can have impacts. This cap obviously, just from what I hear from Alderman Roy, is structured very differently. I don't know if that one had a provision to allow an override of it or not. The issue here, again, is that we're not supposed to be making this decision on behalf of the voters of the City. The voters of the City are supposed to be making the decision. And I feel that we're not allowing them the opportunity in a timely fashion to make that decision. And again, we have differences of opinion on this issue, but I think two months after the dialogue and debate this summer, and the discussion that we had going back to 2005, is ample time for people to be familiar, at the very least, with the issue, and to obtain the required information to make an informed decision this November. I'm fairly certain that there is going to be more than enough organizations disseminating information about this issue because it seems to be very important to several organizations, but most importantly it's important to the people who asked us to put it on the ballot. I don't want to keep everybody here all night, but I feel very strongly that the right thing to do is to place it on the November ballot. Obviously people disagree with me, but when you look at the law, you look at the intent of the law, the spirit of the law, this should be on the ballot. If 51% or more say no, guess what? But we give people the opportunity to either support it or oppose it. We have ballot initiatives all across the country. There is always a group of people or voters who don't support those initiatives. But they always get the right to express that opinion. I don't feel that we're acting in the best interest of the voting populace when we're picking a date that has a suppressed vote. Again, I try to be very forthright and honest with people about my positions and people know that I'm a limited spending type of guy. People know that I support the cap. But I hope people also know that it's equally

important for me that everyone, whether you agree or disagree, have that opportunity to express that opinion. And the only way people in our City can express that opinion is at an election.

Alderman Ouellette stated I understand the passion in the issue. However, I'm not going to say anything new because we've been at this for four hours and I don't think there is anything new to say about it. I think what we're suppressing is we're suppressing the amount of information about the issue and that is my concern, Your Honor. I don't think this was something that I was elected to sit here and just vote on things as my colleague from ward 5 says to get over this.

Mayor Guinta asked who is suppressing information?

Alderman Ouellette stated I am just saying in terms of the amount of time. I am not saying anybody is suppressing the information. I am saying I don't think there will be enough information available after, within the 60 days and that's my point. To get over it, I don't think that we should be looking at issues that deciding whether or not we send this to the November 4th ballot or a different day and I think that it's important to realize that we are not saying there won't be a vote on this. It's going to a ballot; it's just that we have a difference of opinion on when to send it to voters. I respect your position and I know you respect mine on it as well, Your Honor, we just have a philosophical disagreement on the issue and I don't think anyone is going to be changing their mind anytime soon.

Mayor Guinta asked can you at least share with me the wisdom that a September vote, where I think most people would agree with me that the vote turnout will be much, much lower, especially in an odd year election. How does that fit the public? Let's put a number on it; do we think that it will be more than a 20% turn

out? Let's say 30. I'll give you an extra 10%. What is the reasoning to having a smaller group of people to make the decision?

Alderman Ouellette stated 100% of the people have the opportunity to come out and vote. That is our responsibility as citizens. So to say 20% of the people 4% of the people, you don't know. I don't know that answer but you have the opportunity to vote. Whether it's in September or whether it is rushed on the ballot in November. That's the other thing I don't understand, 2011 is when this thing will take effect. What is the rush? Why are we rushing this?

Mayor Guinta stated I don't think it's a rush. It is three years in the making. I don't characterize it as a rush. The reason I think it should be placed on the ballot is because the legal provisions allow for that and the intent of the petitioners was to place it on the November ballot. And that is what they are asking. Whether we like it or not enough signatures were obtained. To me I wouldn't want to be the person saying no to those people that, even though you did everything you were supposed to do, we are going to arbitrarily decide a day that's a year from now? We are talking about September.

Alderman Ouellette stated we are not saying that to the people though Your Honor, I think that's where I have a difference of opinion with you. We are not saying no, you can't have a vote on the issue. We are not saying that.

Mayor Guinta stated you are saying we will give you an opportunity to vote on it but it will probably be in a year from now.

Alderman Ouellette stated that might happen yes. That is what I am saying.

Alderman Lopez stated just for a conversational piece, I think in 2006, 2007, 2008 and even 2009 the Board of Mayor and Aldermen have done a great job on the budget. Let's go back to 2006. The CPI would have been 2.7 and we ended up at 1.8. If we had the tax cap at 2.7 would you indicate that we could go to 2.7 without any problems? In 2007 the cap was 3.4 we had a minus 40.6% because we were very conservative because of what we were spending and worked together in order to come out with a good budget. In 2008 the tax cap was 3.2 and we came out with a minus 1.66%. Some people would say hmm, they have 3.2 why don't they spend some more money and come up with 3.2. Now interesting in 2009, Urban increase was 2.8 and we came in at 3.66 and we don't know what the final number will be until November. We found it very...to increase the school budget from 140 million dollars to 146 million dollars, that's what increased the tax rate. If it was 2.8, the Finance Officer could probably help me out there, 1% is, what 1.7 million dollars.

Mr. Sanders stated yes it would be about 1.2 million dollars Alderman.

Alderman Lopez stated so 1.2 million dollars we would have had to cut the schools again and the quality education we continue to hear, politicians to include myself. We want quality education. This year we have done an excellent job. With 14 Aldermen, the Mayor, and 14 School Board members and we gave them 6 million dollars and we all signed a document to help them get that quality education. I know this is 2011 the future and we can argue the points and have the meetings, I know that's not the issue at the hand but for the future looking down the road, 2011, 2012, 2013 we don't know what the world is going to be like and what's going to happen. Some people, not all of us, are going to be here. There might be different people here saying hey, well, 2.3, 2.4, let's go spend more money on that and then next year it jumps down to 3.2, 2.8 or 1.8 there is just no happy medium. I think the responsible people and this won't affect that it is going

to the ballot that's another issue, responsible people that are elected to make decisions, what's good for the entire community. That's what's very difficult. I want to have the dialogue to make sure but once that vote is taken and changed in the charter, its very, very hard to change again. Unless you have a Charter Commission and it's still very hard to change. We had a Charter Commission in 1997, we had another Charter Commission, they went through the whole thing, and the thing was rejected. To change the charter, remember it's a tight constitution. Just to throw a little example of the constitution, the American Legion has been trying to fight; there is no relationship but just to give you an example, to try to change the Constitution of the United States they have been working for 7 years to try to get an amendment but they always lose by two or three votes. This is not a document we should take very lightly, change very lightly and we should have some time to really think. A comment was made how many people do you think will turn up? I don't know. How many people are going to turn out for any particular election? 17%, 21%? A major issue like this and if it's done properly, I believe you will have a high turnout. When people understand, I don't mean that in a derogatory way, some people will have the answers. A lot of people on the telephone ask me questions I can't even answer. It's so easy to say you are going to get a tax cut. That's the easy simple solution. When you are not going to get a tax cut when it's going to cost the City more money but that's for another day, is another argument. I welcome those ward meetings anytime. Two a week. It doesn't bother me or have one a week here for eight hours and have everybody come in. I just think those are the types of dialogues that we need a longer period of time because everybody is so hyped about the presidential election.

Alderman Domaingue stated I agree with Alderman Lopez. It is important to have a dialogue. From my point of view the reason why I ran for office was because I came from the School Board and any of you who have ever watched a

meeting know, it's a pretty frustrating place to be. I came from the School Board and everybody looked at me like I had seven heads when I said I wanted to run for Alderman. I looked at them and I said to me I truly think that on this Board, I have watched this Board for a long time my mother was an Alderman, I have watched this Board since I was really little, I see how you can make a difference on this Board. No matter what your point of view is, no matter where you stand on an issue. If you stand up and you fight what you believe it, regardless of how things end up, you can start a dialogue on a position. We have dialogue every time we meet. We get together twice a month and we have dialogue on issues and we always and the thing that amazes me and impresses me about this Board is that everybody has their own convictions. Everybody represents people that need different things. We come down different ways on every single individual issue. I think that is admirable because it means we are fighting for what we believe in. Things that we tend to get irked the most about and I made this mistake when I suggested meeting tonight. Alderman O'Neil is wasn't convenient for him and it sure wasn't convenient for Alderman Smith but they are here because its important to them and they are here because they understand that when you discuss things of importance, when you want to start a dialogue the key to having that dialogue is to have as many people as possible in the room to have it. So we are sitting here tonight and all of our voices are in this room and the only thing I am thinking as far as the election is concerned, is that when this goes to ballot don't you want as many voices as possible in that room weighing in on the question regardless of how they feel and I understand the argument about informed voting, I am not buying it, but I understand it. I think that there is plenty of time to disseminate the information. It's out there. The fact that we can sit here for four hours and 19 minutes and continue to have this conversation and bring up different facts and figures and site examples of other towns and where it has worked and where its failed and what we have accomplished and what we haven't tells me clear as day that we have the tools at our fingertips to disseminate the information. It may not

be convenient. We may need some more questions answered. I don't know about you but I got elected because I have an ability to chase somebody around a room and to get an answer that I want. I know the rest of you do too. In relatively short speed. I know that we can get these answers. I know that we can share them with the people. I know that we can do it in time for the election. I know it's really not fair and excuse the analogy because it's not going to be a popular one but I feel like pushing it to a special election in my heart is winning by cheating, it just doesn't feel right. Daniel Webster said and I think, I was looking for quotes because we have got some time to kill, I was looking for quotes on sort of voting referendums and the people as well and what not and I came across this one from Daniel Webster, "We must impress upon children the truth that the exercise of the elected franchise is the social duty of the solemn nature as man can be called to perform. That man may not innocently trifle with his vote that every elector is a trustee as well for others as himself and that every measure he supports has an important bearing on the interest of others as well as his own." It is the interest of others that I think that we must look to this evening when we think about putting this on the ballot in an election when the most people can come out and voice their thoughts and their opinions on where this should be regardless of the outcome.

Mayor Guinta recognized Alderman O'Neil and stated that I'm not sure if you want to follow that.

Alderman O'Neil stated it was fabulous and I want to thank Alderman Domaingue. I thought, at first, when she was going to quote Daniel, I thought it might be O'Neil, but thank God she chose not to quote me. I just want to thank her for an actually well thought out response...I don't necessarily agree with everything she said but I looked around the room as she was speaking and she brought some smiles and it made me realize that although we may not agree on this issue, many of us, that we're still going to walk out here and we're still going

to do the people's business. I applaud her for her comments and the tone of her comments. You can quote Daniel O'Neil at some point.

Alderman Domaingue stated thanks.

Alderman Osborne stated Your Honor, this is an easy night. I never had so many times to talk in my life.

Mayor Guinta stated I'll give you as many as you like, Alderman.

Alderman Osborne stated I think the whole thing here is...I guess like you say we could stay here all night long, but my colleagues here are...you know, I've been to a lot of Ward meetings. I've been to a lot of public meetings, etcetera, and etcetera. You know I've been in a special election. I've been into the primary and the elections. We all know this, and I don't like to say it but whether it's ward meetings or public hearings or etcetera, etcetera, you find very, very few people show up. And this is the way it's going to be with this particular thing. If we don't set this November 4th situation, if you run a special election, you're lucky to get 15% of the people out there to vote. I don't care what you're putting up before them. But the people in our own Ward don't come out in a special election to vote for their Alderman in one little Ward, and you get a turnout of 15%, and this is their Alderman, why do you expect all these people to go out for this particular thing in a special election? It's just not going to happen. It's just the way life is. It's nature I guess you'd call it. But basically it all boils down tonight to this: either we want 15% of the people to come out, or we want 20% of the people to come out, or we want 60% of the people to come out. So that's your choice. It's as plain as that. There shouldn't be any more talking or discussion. That's it for me. Thank you very much.

Alderman Garrity stated I will make a motion and I will amend Alderman Sullivan's motion that we not only have Ward meetings but we have weekly work sessions to vent the issue as a Board for the people of Manchester and submit to the November 4, 2008 ballot. **Alderman Sullivan** duly seconded the motion. **Alderman O'Neil** requested a roll call vote.

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

Mayor Guinta stated we've got till midnight so we'll take another hour recess.

Mayor Guinta called the meeting out of recess. Are there any comments, questions, or motions?

Alderman Pinard stated put this on the ballot, again, on November 4, 2008. I just went out and you all have a copy of something that I got from my relative in Colorado Springs. I got it just to show you that other parts of this country have some sort of a tax cap and the reason for that is people of the United States and the city of Manchester and the state of New Hampshire want some sort of a tax relief. And I wish that people who are against it tonight would look at it, try it, maybe you'll like it. That's my motion, Your Honor.

Alderman Pinard moved to put this referendum question on the November ballot. *The motion was duly seconded by Alderman Garrity.*

Alderman Garrity stated again I remind my colleagues, there is an override in this referendum. So with two-thirds we can certainly override it.

Mayor Guinta stated I also had a quick conversation with the Clerk who indicated in the last state primary in 2004, there were roughly 10,000 voters in that election for Manchester. Two months later there were 47,000 voters. So there seems to me to be a huge difference amongst primary dates and general election dates. I know that you've been considering, if there is not a vote, a vote in favor this evening to have a vote to put this toward the primary next year, but again I would renew my concern that you wouldn't be allowing the highest number of people, whether they support the measure or oppose the measure, to participate. And I think that we've demonstrated over the history of our City and our state and our country, for that matter, that we always encourage people to exercise their right to vote. And the best way for us to do that is to focus when the highest number of people are likely to vote and that obviously would be in a presidential election, which is why I think it's so important as some Aldermen have expressed, to convey information to people. I applaud Alderman Sullivan and Alderman Garrity for their amendments to have Ward meetings, to have meetings here in this Chamber, as well as information meetings and work sessions by the Board of Mayor and Aldermen over the course of the next two months, in hopes of identifying some sort of compromise. The issue I think that has been raised the most significantly by the opposition to this vote this evening is that people won't have enough time to understand or won't have information that's important to make an informed decision. Well if this Board has work sessions every week as has been stated in prior votes, if we have Ward meetings in every Ward as has been stated in prior votes, if we have no less than two hearings in this Chamber as has been stated in previous votes, I think we're giving people more than enough information over a reasonable period of time after lots of deliberation to begin with. And again, I couldn't stress more importantly, having all the people consider this question by voting it either up or down is far better than having a small percentage of people vote this issue up or down.

Alderman Gatsas requested a roll call vote.

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

Mayor Guinta stated it's 9:37 p.m. We've got a few more hours...

Alderman Gatsas interjected Your Honor, with all due respect, we've sat here we've cascaded this thing from the top to the bottom. We've heard you deliberate eloquently with everything that you've tried to do with this situation. I think that if we continue playing this game until midnight, we're going to lose an awful lot of credibility with the people in the City of Manchester. I think they understand what the vote is. It's not going to change. It's not going to happen, and I don't know if anybody is still looking out there. They probably think that we're all a little foolish because we're continuing down a road that's not going to change. There's certainly no question that I voted to put this on from day one. And other people in here from the first vote have said no. We've sat here and we've taken nine votes. We took one the other night, so that's ten. We're somewhere at 4,026 votes short of what people did to get the signatures. Now I don't think it's going to make a bit of difference, Your Honor. We can sit here until midnight if you want. With all due respect, I think the credibility is gone. The people are entrenched in. Nobody is moving. There is one Alderman that was thinking about moving but because his home was picketed, he's entrenched in and he's not moving. So I think it's very clear that either we come back and do this at another time because nobody is going to change. You can make your speeches for the next two and a half hours; you're going to start losing credibility with your people, and we're not going to be able to get anything done for the rest of the year. And right now we have some serious problems in this City. We have people who don't know how

they're going to pay their energy bills; they don't know how they're going to pay their gas bills; and they certainly can't depend on us because of what we're doing in here. Because the Welfare office is going to get flooded, and we as a group had better start thinking about where we're going to find that money to help those people. Because they are the ones that are going to be most concerned about what comes forward. And I don't question that a general election is an important place to have this ballot, and I certainly will look at every one of my colleagues straight in the eye right here in this room. And if we come back on Monday and they try to play the game with the primary, that's a serious problem because next year there might not ever have to be a primary, because if none of the wards are contested and none of the School Board races are contested and if the Mayor's race is not contested, there is no primary. There is no ballot. Nobody is on it. So I would hope if they are genuinely thinking about setting a date, and not a primary date, that they're talking about a general election next November. And I don't have that date. But that's when everybody is going to have to look at each other and decide whether they're doing this as a ploy of if they're truly believing about an election and allowing the people to vote. And I'm sure there are going to be injunctions. And I'm sure the lawyers are going to be playing. And I'm sure the courts are going to be making decisions. But I think it's over. We as a group here have been elected. We've tried to make something work. We have not done it. So let's stop playing the game. Let's leave here before it starts getting heated at 11:00 and we start losing the decorum as we did the other night because nothing is going to change. I can play the abstention game because I believe we're embarrassing ourselves as a group. And we shouldn't be going down this road. We've got bigger things to handle in the next 60 days that are much larger than this. We've got to be looking at ways we can find money to take care of people that need the help. So with that, Your Honor, I don't want to be the one to ask for a recess. I think it should be you showing the leadership. Showing the leadership to stay here till midnight is not leadership as far as I'm concerned. You've done it.

You've tried to fight the battle. I give you all the credit in the world. You've fought a tough fight. It's not changing. So with that, I will leave it up to you to lead us in the right direction as you did with the budget.

Mayor Guinta stated well I'm sticking with the 4,000 people who have asked us to take this vote and to take it to the November election.

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

Mayor Guinta stated Alderman, I'm sure everyone else here has something that they would prefer to be doing. I flew in this afternoon on business. It's quarter to ten. I didn't get to see my family. To me this is more than just is this vote going to be in November or January or September.

Alderman Gatsas interjected Your Honor I think I made pretty clear statement. I looked every one of my colleagues in the eye and if they come back to play that game this business is all about trust. All you have in this business, in the politician's world, is your word. That's all you have. From what I have heard tonight is that they are willing to more this to an election. I have heard that over and over and over. I don't think they need a special election in February. I would hope not because that is a fight I would look to take on and I would stand beside you side by side to fight that fight. Nobody can sit here and say September is the time to have it because there may be no primary so we need to set that date next week. So the best date to set it is the general election next November and then everybody can say what they want to say, learn about the process because nothing is going to change here tonight. So we can either make that motion at 12:01 and I don't care if you recess until then Your Honor but that's when it's going to happen. I will make that motion at 12:01 because 12:00 business is done. So if

we are going to sit here until then and then I will challenge every one of my colleagues to see what they want to do.

Alderman M. Roy stated just so I am clear with not only Alderman Gatsas but my constituents and my viewpoint, I believe this deserves a day. A special day of its own and that is why I have been voting the way I have been so I do disagree and I will continue to fight that fight. This does deserve the merit that it needs; the word snowstorm gets thrown at me when I say that or it's un-American but I believe that sometime at the end of March when its the only thing on a ballot and people can walk in and vote for it. I personally believe that's the right thing.

Alderman Gatsas stated Alderman Roy; I don't think you heard me. I was pretty clear. March is not a date I can settle with and I don't think the voters of Manchester can settle with that. That's not fair to them.

Alderman M. Roy stated and I respect your opinion.

Alderman Gatsas stated so let's stay here until midnight.

Alderman M. Roy stated so be it.

Alderman Gatsas moved to send the question to the November 4, 2008 ballot. The motion was duly seconded by Alderman Pinard.

Upon request for roll call of Alderman Gatsas, Alderman Gatsas, Sullivan, Osborne, Pinard, Garrity and Domaingue voted in favor. Alderman J. Roy, O'Neil, Lopez, Shea, DeVries, Smith, Ouellette, and M. Roy voted in opposition. The motion failed.

Mayor Guinta stated that I am recessing this meeting until 11:30 PM.

Mayor Guinta stated I'm calling this meeting out of recess and back to order. Welcome back everybody. For the new participants, it's a pleasure to have you here. Has anybody from the opposing side changed their mind?

Alderman Domaingue stated I haven't changed my mind but let's vote just for fun.

Alderman Domaingue moved to place the spending cap petition on the November 2008 ballot. The motion was duly seconded by Alderman Osborne. Alderman Domaingue requested a roll call vote.

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

Mayor Guinta stated well again I'll reiterate the additional points that I made earlier. I've spent to last recess reviewing the law again, the particular RSA's that are pertinent and germane to this issue. In my opinion after the requisite number of petitions are filed, which in this case the requirement was just under 4,000 and just over 4,000 were submitted, that according to 49-b, we have seven days from the day of the public hearing to issue this to the next municipal general election. I understand the issues that have been conveyed by the opposition of tonight's meeting, but I don't think the vote complies with the statute. I think it does a disservice, not just to our governance but to our state constitution. I'm extremely disappointed that we're at this point. We're ignoring 4,000 people. I've heard repeated issues about insuring that the public has enough information, that they have time to consider this, and my position hasn't changed. We have been

considering this as a community since 2005. This past summer, volunteers, members of our community, who would like to see this placed on the ballot for everyone's consideration, have spent time toward placing this on the ballot on November. I think everybody in this room knew that this issue was expected to be placed on the ballot in November, should the requisite number of signatures been achieved, and that has happened. And I think it's unfortunate that this issue has come down to this vote this many times we've had an opportunity. And at midnight the opportunity to place this on the ballot in November will no longer be available. And I would ask people who are opposing this once again consider and listen to the people, more than 4,000 who have demanded our City place this on the ballot. It's on the ballot in Rochester for this November. It's on the ballot for Somersworth for this November. It's disappointing as the largest City in this state, that this body is I think considering ignoring the will of the people. That's essentially what's going on in my view. Now, I personally believe that the people of our City should have the opportunity to vote on this issue, and I've said it before and I'll say it again, the highest number of people is going to vote in this November election. That's a fact, and I've never heard of an elected official or a political party or a grass roots organization ever try to suppress voter turnout. We've talked in this country about insuring that everybody has an opportunity to vote. Lots of people spend lots of time and money to insure people vote, to insure as many people as possible vote, and we have that opportunity this fall and we're ignoring the opportunity to ask the highest percentage of voters their opinion on what everybody has claimed is an important issue. And I think that it's disappointing to say the least. But it's not good government, and I know despite the fact that we have our disagreements, policy-wise, we all believe in good government. We are all proud of our Wards. We're proud of our constituents. We're here until midnight after eight hours of debating this issue. There is obviously clear interest by people in this City. People are willing to stay here on Friday night until midnight, whether you oppose this issue or support it. I don't

understand why somebody wouldn't want people to have the opportunity to vote. I don't think that's good governance to stand up and say people should not have an opportunity to vote on an important piece of policy. I don't share that view, that people should be suppressed. And effectively, that's what's occurring this evening. I know some of you don't agree with me, and you claim that this is important. You want this election and you want this issue to be heard. But it's very clear to me that the goal here is to find a day where a limited number of people will vote on the issue. It appears to me to be somewhat of a delay tactic. And I think it suggests that voters in Manchester can't understand this issue, and I've contended all night and I'll continue to contend it. Yes, people in our City understand this issue. They understand spending. We hear from so many people all throughout the year about how we spend the people's money. So, I am disappointed, but I stand here proudly tonight, hoping that someone from the opposition would change their mind because it's the right thing to do, because the law requires us essentially to place this on the ballot. And before midnight, before time expires, because I want to make sure people are clear, after midnight, according to the interpretation of our Solicitor, this issue can no longer go on this November's ballot. It seems to be the sole objective of the opposition to insure that this does not go on this November's ballot. I appreciate some of the Aldermen's legitimate and serious contemplation about this issue, and some of you have raised that this evening, in particular Alderman Roy. I would have hoped that tonight would have succeeded in identifying one person who felt the people should be able to have that opportunity to speak to us. This is not a dictatorship. This is supposed to be a democracy. And how we're interpreting this law this evening doesn't say to me that we're doing the good thing or the right thing. It says that we're doing something beyond good governance. It's about trying to change the outcome of a particular question that every body has a right to provide their answer. And if 4,000 people came to me and asked me to put something on the ballot that I personally opposed, I'd still be honored to do it

because it would be following the law, and if I felt it was important enough to oppose that particular measure, I would then do it in the right way, toward that election, for that election, but I wouldn't stop the issue from being debated and voted upon. I feel that's what's happening, and I think that's sad because the people who sit here are good, decent people. I've known you for years. I've served with you; I've worked with you. But I'm disappointed that someone wouldn't stand up tonight and break from the forces that are focusing this issue to a later date. Leadership isn't about doing what a majority of people want you to do. Leadership is about making decisions when you've got a crowd full of people who sit in a room specifically so they can remind you how you're supposed to vote. Opposing that and saying that's wrong is leadership and courage. I thought better of us in this City. We're the largest city in the state. We're the largest city in the region. We should act like it. So before the night ends I'll accept one more motion if someone wants to provide it, and I hope somebody will change their mind.

Alderman Pinard asked is there any court action involved? If there is, how much is that going to cost the taxpayers? Second question, Mr. Sanders, we have a deficit in the City, don't we? Don't we need money to run this City in the coming year? Isn't this cap supposed to be helping to hold the line on spending? Thank you, Your Honor.

Alderman Pinard moved to put this amendment on this year's ballot. He stated somebody somewhere is controlling somebody, and nobody is going to tell me different. *The motion was duly seconded by Alderman Garrity.* **Alderman O'Neil** called for a roll call vote on the motion.

Alderman Pinard stated it's shameful.

Mayor Guinta stated to answer your question, Alderman, I'm not aware of any pending legal action surrounding this action, although it wouldn't surprise me. Certainly this issue has garnered a significant amount of interest. It wouldn't surprise me, given some of the comments I've read in the paper, if there is legal action, should we not honor strict adherence to the law. If this vote is not changed.

Alderman Pinard interjected so again 4,000 people are going to be left holding the bag.

Mayor Guinta stated well, it's not just the 4,000 people in my opinion. It's the rest of the people that should have an opportunity to vote on this issue. So there has been a roll call requested by Alderman O'Neil.

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

Alderman Pinard stated and Your Honor, again the Queen City is the laughing stock of the state of New Hampshire.

Mayor Guinta asked any other motions from anybody?

Alderman Sullivan stated I think it's becoming increasingly evident that we're at an impasse and we're not going to break that any time in the next six or seven minutes. I guess there are two parts to my question: The first is, as of 12:01, what action can be taken at that point?

Mayor Guinta responded as I understand it, the deadline to send this to the November ballot is today at midnight because the law in 49-B:5 (IV)(c) requires that it cannot be held less than 60 days prior. I can ask the Solicitor give an opinion as to what can occur after today expires.

Deputy City Solicitor Arnold stated after today expires, I no longer think that you can send it to the November ballot. However, any motion that a member wants to make, whether to adjourn, to reconvene, to recess, is on the table so to speak.

Alderman Sullivan stated I guess at this point I'd ask for an informal, non-binding straw poll of the Board on sending this question to the November 2009 City general election. Would that be an appropriate motion?

Mayor Guinta stated we can't actually vote to send it there because right now by law we can only vote to send it to the next election, which is this coming November.

Alderman Sullivan stated right. That's why I said it's a non-binding poll to get a sense of where the Board is on this, rather than sending this to a special election sometime, March or April, which I know has been mentioned earlier tonight. I think it would be a much more prudent course of action to send this to a large, heavy turnout election such as next fall's elections rather than try to be some point in the...

Mayor Guinta stated I would ask the Solicitor how that question can be phrased for a motion to be accepted.

Mr. Arnold stated I think, Your Honor, that...I'm not trying to predict what the Board will do, but given the majority, what appears to be the majority, that the safe course of action is not to take such a vote till after midnight.

Mayor Guinta asked after midnight can a vote be taken to send this to a...

Deputy City Solicitor Arnold interjected the state statute, as you're aware, merely says in this instance that essentially after tomorrow that it can be sent to a special election not less than 60 days. The statute does not provide an outside limit. However, I think that the Board probably ought to look at the limit set in the statute for the next regular municipal or state biennial election. The outside limit set there is 365 days, and I would look to that for guidance or as a guideline. I'm not saying that over that is prohibited but you would probably be well advised to come as close to that as you can.

Mayor Guinta stated so regular election would essentially preclude the primary. However, you could set the primary date as a special election date.

Deputy City Solicitor Arnold responded that is correct. As I was about to say, I think you would be prudent to not exceed that 365 days by more than is necessary.

Mayor Guinta asked would that be from the date of the public hearing?

Deputy City Solicitor Arnold responded no, from the date that you sent it to the ballot.

Mayor Guinta stated if there was a vote tomorrow. So that would preclude us from putting it on the November ballot next year.

Deputy City Solicitor Arnold responded I'm not saying it would preclude it, Your Honor, because the statute does not contain an outside limit. I would just say that if you look at the 365 days as a guideline, the November election exceeds that by more than the September primary date would.

Alderman Sullivan stated I guess I have a somewhat different interpretation of the statute than...in the interest of not creating anymore havoc than has already been wreaked tonight, I guess I will wait for another two minutes before pursuing this any further. I'll just wait two minutes till we transit the meridian and I'll bring it up then.

Mayor Guinta stated I think the point the Solicitor is making though is that the November 2009 would be outside what he was referring to as a guideline of the 365 days.

Alderman Sullivan stated understood, but the specific statutory provision that we're dealing with is not that same portion of the RSA. There is no back end limitation. I guess I would just have a disagreement in terms of going beyond the four corners of what the statute actually says in instances such as this.

Mayor Guinta stated the other thing we can do is call a meeting or recess this meeting till Monday to get a clearer opinion on that particular issue because we have the seven day requirement which ends this Tuesday evening. Is that correct?

Deputy City Solicitor Arnold stated I believe that is correct, yes.

Mayor Guinta stated we had the public hearing this past Tuesday so we have seven days. We don't have to do it in two minutes tonight. We could wait until Monday or Tuesday. The deadline to issue a date would be Tuesday.

Alderman O'Neil stated I had spoken with the Solicitor several hours ago about this very issue. Tom is very comfortable with his interpretation. He believes Tom Clark would agree with him on it, although it might make some sense to go to Monday and give them a chance just to revisit it one more time, although November 2009 may not be illegal, if somebody challenged it, the court may rule that September is closer to the 365 timeline. So I think it just needs further review.

Mayor Guinta stated well, we still have about a minute to set it for this November if anybody wants to try again.

Alderman Lopez asked what is the official time we're going by? Is it the clock or the City Clerk or the City Solicitor.

Mayor Guinta stated the Clerk has the official time. Correct?

Deputy Clerk Normand responded that the official time right now is 12:01 a.m.

Alderman Garrity moved to recess. The motion was duly seconded by Alderman Sullivan.

Alderman M. Roy stated the other night I talked about decorum and what we do here in the Chambers and I personally would rather close this meeting, I think for both sides and everyone concerned it's been an awful meeting. I would rather close this and have another special meeting on Monday, just as a friendly amendment to my colleague from Ward 9. I'd rather close this meeting and forget it. I think it's been a very contentious evening.

Mayor Guinta stated I don't think it has been a contentious evening. I think we spent eight hours here trying to do the right thing. What happened was we didn't follow the law. That's what happened.

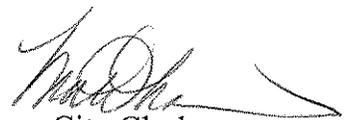
Alderman Lopez stated I believe a move to adjournment would be in order. I believe the City Clerk has a document that's been signed by eight Aldermen but we can take a vote tonight to have a meeting at 5:30 on Monday. It accomplishes the same thing.

Mayor Guinta stated well, there's a motion on the floor to recess. Unless you want to withdraw it, we'll take the vote. If it fails we can stay here.

Alderman Domaingue called for a roll call vote on the motion to recess until 5:00 pm on Monday. Aldermen Domaingue, Gatsas, Sullivan, Osborne, Pinard, and Garrity voted yea. Aldermen M. Roy, J. Roy, O'Neil, Lopez, Shea, DeVries, Smith and Ouellette voted nay. The motion failed.

On motion of Alderman Gatsas, duly seconded by Alderman Garrity, it was voted to adjourn with Alderman Domaingue opposed.

A True Record. Attest.


City Clerk