

BOARD OF MAYOR AND ALDERMEN

November 12, 2008

7:30 PM

Mayor Guinta called the meeting to order.

The Clerk called the roll.

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

Mayor Guinta stated yesterday was Veterans Day and we celebrated it in the City. I want to thank Alderman Lopez for his work to again have a successful Veterans Day parade honoring our veterans. It is a great opportunity for people to come out and enjoy the City. I did proclaim yesterday Veterans Day in the City and I do want to read the proclamation for the benefit of the Board as well as the public.

A PROCLAMATION

WHEREAS, On Veterans Day, we pay tribute to the service and sacrifice of the men and women who have bravely donned a United States Armed Forces uniform; and

WHEREAS, from the Revolutionary War days of General John Stark to today's conflicts in the Middle East, Manchester's bravest and finest among us have served in defense of our country; and

WHEREAS, our city is forever in debt to our veterans for their commitment to country and for putting our nation above their own wants and needs; and

WHEREAS, throughout our city, we recognize the importance veterans have played in our city's history, which include streets, parks, schools and many other entities named after them; and

WHEREAS, from the moment a person enlists into the Armed Forces, they are forever woven into the fabric of our society as great men and women whose love of country serves as the backbone of our freedoms.

NOW, THEREFORE, I, Frank C. Guinta, Mayor of the City of Manchester, New Hampshire, do hereby proclaim **November 11, 2008**, to be **Veterans Day** in the city. I urge all citizens and community organizations to join in the observance and recognize the commitment and sacrifice our veterans have made for Manchester, New Hampshire and for the United States of America.

Given on this eleventh day of November, in the year of Our Lord two thousand and eight, and the independence of the United States of America, two hundred and thirty-two years.

Mayor Guinta stated I want to thank again everybody who participated in the parade. I had an opportunity to march with Alderman Lopez. It was a fairly warm day and we enjoyed the walk together. Many people came out to honor our veterans. To those members of our Board who are veterans, I thank you for your service as well.

3. Presentation by representatives from the Manchester-Boston Regional Airport regarding storm water management.

Mr. Mark Brewer, Director of the Manchester-Boston Regional Airport, stated while we're waiting for the computer to boot up we'll get started. We'll just go with the paper copies which I believe all of the Board of Mayor and Aldermen have received. We are here this evening at the request of Alderman Sullivan. We are here to discuss aircraft deicing at the Manchester-Boston Regional Airport and the subsequent run off of deicing fluid. With me tonight are two individuals who can present the history of both the regulatory and the infrastructure improvements at the Airport. They will also discuss the current and the anticipated future changes to both state and federal regulations regarding this issue. With me tonight are Mr. Richard Fixler, the Assistant Airport Director for planning and engineering, who also oversees our environmental component at the Airport, and Mr. Glen Smart, principal with Smart Associates, who is also our environmental consultant who deals with us on all things related to deicing. On the second sheet of the handout you will notice the agenda and you will see that we plan on discussing aircraft deicing in general, the current regulations and permits that we have with the state and the federal government, the monitoring action - what the airport actually does to make sure that we maintain compliance with these permits. The storm water line that leads to the Merrimack River was installed in 2006 at a cost of \$3 million; we will talk a little about that. We will talk about the anticipated new regulations both on the state side and the federal side and where we intend to go with future steps. The presentation tonight is intended to be on a high level as with any regulatory set of rules. It can get very technical very quickly; our goal is to give you a high level overview. Before I turn the mike over to Mr. Fixler to go through the presentation, there are a couple of points that I want to make to the Board. One, this is a highly regulated part of the aviation

industry; there are both state and federal regulations associated with this. Second, the airport is committed to meeting our obligations for the state and federal, both current and future regulations related to deicing fluids. Third, we will talk about it in the presentation, but there are new federal regulations called effluent limitations guidelines that have yet to be developed. It may mean minimal infrastructure changes, or probably more likely than not, major infrastructure improvements at the airport necessary to meet these new anticipated federal guidelines. Just wanted for the Board of Mayor and Aldermen our commitment from the Airport to do what we need to do, even if it means spending millions of dollars in addition to the millions that have already been spent to be able to meet these requirements. This is not a Manchester-Boston Regional Airport issue; this is a national issue. Every northern tier airport is facing these same kinds of issues dealing with deicing chemicals. I will now turn it over to Mr. Fixler to walk us through the presentation.

Mr. Richard Fixler, Assistant Airport Director, stated thank you Mark and good evening. I am going to start by talking a little about aircraft deicing. Aircraft deicing is an important safety issue for the safe operation of aircraft, passenger aircraft especially. The aircraft deicing fluid that is primarily used is propylene glycol-based. Propylene glycol is non toxic. You can find that in many food additive and detergents and so forth. As Mark said, aircraft deicing and storm water are highly regulated. It is very important to note that deicing is the responsibility of the airlines not the airport. Our responsibility is to manage the storm water from the airport. As part of that management, we limit deicing to designated areas on the airfield, so that we have the ability to channel the storm water with deicing fluids to certain areas. Airports are one of the most highly regulated entities. Manchester-Boston Regional Airport, as well as all airports, must comply with safety, operational and environmental regulations from the FAA, the US Environmental Protection Agency, the US Army Corps of

Engineers, and for Manchester, the New Hampshire Department of Environmental Services. The regulatory authority for storm water management comes from the United States EPA. We are permitted under a national pollutant discharge elimination system, storm water, multi-sector, general permit for storm water discharges associated with industrial activities. The airport falls under Sector-S which is Air Transportation Facilities. The airport filed notice of intent forms with the EPA which provided permits from 1995 to 2000 and then a second permit from 2000 to present time. Currently there is a new multi-sector general permit which I will talk about in a few minutes, which was just issued by the EPA on September 29th of this year. The requirements of the 1995 to 2000 permits...as I said, we still fall under the 2000 permit...the primary one is to maintain a storm water pollution prevention plan. That storm water pollution prevention plan included a facility description, a map showing all of the outfalls and inventory of potential sources. We have to implement storm water management controls and best management practices, keep records of spills that exceed reportable quantities and certify that storm water operations will not adversely impact federal threatened or endangered species or historically significant resources. We also have to conduct quarterly visual monitoring. We have eighteen outfalls at the airport. We have to conduct annual comprehensive evaluations at Airport and co-permittee facilities. We conduct annual SWPPP training for the Airport staff and tenant personnel. We have to track annual usage of glycol, urea, potassium acetate and sand. We perform routine monthly inspections during deicing operations. The airport agreed with the New Hampshire Department of Environmental Services (NHDES) to monitor storm water in 2003 due to complaints received by NHDES. Those complaints revolved around some odor and foaming in Little Cohas Brook. The monitoring was base on class B New Hampshire surface water quality standards. What we found was that the general standards for foam and odor were not met but all of the other standards, dissolved oxygen and ammonia standards, were met. There are actually no standards for

propylene glycol and biological oxygen demand or BOD with the state. Based on the odor and foaming issues, in the summer of 2004 the airport proactively installed a \$30,000 odor control system. This system had been used with some success at other airports. What we found with our installation was it did not perform to expectations. It really did not have any measurable impact on reducing odors at the Airport, so we discontinued the use after one deicing season. In February of 2005 NHDES reported their assessment of the water quality in Little Cohas Brook. With that report came some recommendations. They wanted the airport to evaluate storm water management alternatives, to develop recommendations for future storm water management and to develop recommendations for long term monitoring. The Airport in response to that contracted with VHB/Weston Solutions to analyze alternatives for storm water management. We developed a scope of work and submitted it to the NHDES for their approval and we completed the report in June of 2005. What that report primarily focused on were alternatives that involved storage in either rental tanks or above ground tanks that we would install with discharge of the storm water to the Manchester Waste Water Treatment Plant (WWTP) and alternate sites or to the river. The report was fairly extensive; it looked at numerous other alternatives such as source reduction. This included operator training, equipment modification, procedure modification and new technology such as infrared deicing. It also looked at isolation of storm water and to do that there were dedicating deicing facilities, glycol recovery vehicles, holding tanks and detention ponds. We also looked at limited disposal to surface waters discharged again to the Manchester WWTP and on site glycol concentration and treatment. We also looked at hauling away the storm water in tank wagons. This part of the report is pretty critical to understand. At that point we had the study that we had done with recommendations but there were some unknowns that were pretty critical. This again, keep in mind, this was 2005. We were expecting a new multi-sector general permit from the EPA to be issued in 2005. We also knew that the EPA

was developing the effluent limitation guidelines that Mark mentioned earlier. Neither of those things happened at that time. Also, in discussions with the Manchester WWTP, we learned that they were undergoing a study that would determine capacity in their plant. They couldn't tell us at that point in time whether they could take any of our storm water. We also knew at the time that there might be some emerging technologies that could influence our decision. Based on the fact that we really didn't have a clear understanding of what requirements we would have to meet, lacking the new storm water multi-sector general permit and lacking the effluent limitation guidelines, we had meetings and discussions with the EPA and the NHDES, and at that point in time we decided to construct a \$3 million storm water line which was constructed in 2006. We obtained all of the required permits, wetlands permit, permit from EPA to relocating the storm water outlet, and so forth. What this storm water line accomplished was it eliminated the storm water from going into the Little Cohas Brook. I will show you a little plan later which will make it clearer. It also did not introduce any additional storm water or spent deicing fluids to the river. It also provided a conduit for future-treated effluent if needed. I can show you where that line was constructed. The terminal is in this area. It is a little hard to make out. The terminal ramp is here. Most of the deicing takes place in this area and also along the FedEx ramp and UPS ramp. It goes to the detention pond. Prior to constructing the storm water line, it would go from the detention pond straight down to the Little Cohas Brook and into the brook it would go right into the Merrimack River. The storm water line that was constructed came from the detention pond. It's depicted by this white line here, and it runs down to the river and discharges essentially in the same area as the brook. What that allows us to do is take the storm water out of the brook and bring it directly to the river.

Mr. Brewer stated in the interest of time, I think that gives you a good history as to where we are at currently. There are some new state regulations that have just come out that are being analyzed, and there are some new federal effluent guidelines that should be out hopefully next year that may require some additional changes. In response to Alderman Sullivan's request we wanted to at least bring you up to date as to where we are now and understand there will be changes in the future.

Alderman Sullivan asked the source reduction techniques that you mentioned, were any of those actually implemented?

Mr. Fixler replied what we did was, we've spoken with the airlines. Again, we don't do the deicing. It's done by the airlines. We try to encourage them to update their equipment. There is newer technology equipment out there and some of the airlines do utilize it. FedEx, and I believe Southwest, if I am not mistaken, utilizes some of the new deicing technology which has reduced the amount of glycol being used.

Alderman Sullivan stated some of those source point techniques have been implemented by the airlines.

Mr. Fixler replied yes.

Alderman Sullivan asked the biological oxygen demand, that's not something that is governed by state or federal law?

Mr. Glen Smart, Smart Associates, replied BOD is an indicator of how the oxygen will be used by the stream so the state actually regulates dissolved oxygen. It varies depending upon temperature. The colder the water, the more oxygen it can hold. It is no less than five parts per million but a least 75% saturation, and that figure varies. So the state regulates dissolved oxygen but not the amount of BOD you can put into the water. We did a study of the river and found no violations of dissolved oxygen anywhere in Little Cohas Brook and we discharge there.

Alderman Sullivan stated it is monitored indirectly is what you are saying and there doesn't seem to be a problem there. My final question would be the upcoming changes that you are anticipating from the EPA, how is that going to affect what you are actually doing on the ground in terms of infrastructure? What do you anticipate the changes that may have to be implemented in terms of construction and cost?

Mr. Brewer replied we won't know that until we read what the new effluent limitation guidelines are. What we are expecting most likely is a requirement to collect a certain percentage of the glycol that is sprayed and then process it before it is allowed to go into the river. What that percentage is or what the ELG requirements are will dramatically impact what infrastructure changes may be necessary.

Alderman Sullivan asked do you have a rough timeline of when those standards are going to come down?

Mr. Brewer replied we where told two years ago that it would have been out by now. We were told earlier this summer that it would be out by November, and we

where just recently told that they were waiting for the new administration to come in. Because it is federal regulations we have to have Obama's input into it before any new regulations are put out.

Alderman Sullivan stated I guess all I can ask is when you hear something let us know as well.

Mr. Brewer replied we will be glad to work with Betsi DeVries and the Airport Special Committee on any processes we use.

Alderman Sullivan stated thank you, we appreciate that.

Alderman O'Neil asked everything is done in compliance with all of the federal and state regulatory agencies and you are in regular communications with them?

Mr. Brewer replied yes.

Alderman O'Neil stated as we sit here tonight, Little Cohas Brook is in better condition than it once was. It is now protected. Is that correct?

Mr. Brewer replied yes, that is correct.

Alderman O'Neil stated you deserve a thank you for that because that was one of the primary goals, to protect Little Cohas Brook, so thank you very much for that.

Alderman DeVries stated thank you, Your Honor. Alderman O'Neil, that was exactly one of the comments I was about to make. It was a dramatic improvement in Little Cohas and it didn't take too long for that brook to change colors and improve. The odor issues are probably what I hear more of as an Alderman, and

though I do believe we have certainly, for a majority of the neighbors to the Airport, improved their odor issues, it does seem that we have created some new ones down on the Merrimack River. I would like to know the outflow of the Little Cohas into the Merrimack. Is the pipe designed to be below the water level year round?

Mr. Fixler replied it is designed to be below the water level most of the year, not totally. As you know, the level in the river varies greatly. It was extremely expensive to try to get it down below the low water level. We picked a good average and we tried to get below that.

Alderman DeVries asked is that one of the items that is monitored in the quarterly report that you do, the quarterly visual, the level of that pipe, whether it is above water or below?

Mr. Fixler replied no.

Alderman DeVries asked is that something that can be added? It sounds like with the quarterly visual you are actually looking... maybe you could explain that to me.

Mr. Smart replied we can certainly add that to our list. We have people who go out and literally take a mason jar full of water and look for odor, color, suspended material, and we could certainly add that on. In our report we detail if there is any color in the water, any foam, any odor. It is subjective. It is one person's smell versus somebody else's. We can certainly add that. I might add that under the new permit it is still up in the air whether it is actually going to be quarterly sampling or four times during an established deicing period. We are still trying to get that clarified by EPA. All the other sectors have to do their quarterly visual

monitoring. The EPA has told the airports that they have to designate a time when they are going to be using deicing compounds. You actually have to go out during deicing events, so going out during a snow storm or a rain storm and actually do the quarterly visually monitoring now four times a year during deicing period which would be September to April.

Alderman DeVries stated I am now receiving odor complaints from the neighborhood along the Merrimack River, and they don't seem to be during the winter season when I would have expected them to be.

Mr. Smart replied there is some residual odor. The problem is that what you are smelling is a breakdown product of the glycol and the human nose is very susceptible to that. It is down in the order of two parts per million. You could probably pick it up before we could pick it up with a device, a sensor; it doesn't take a whole lot for the smell to reach the human nose. The upbeat part is that it is part of the breakdown so you are not getting as much BOD because the material is breaking down as it travels through the pipe.

Alderman DeVries asked have you had... because I know there were specific complaints lodged at that particular outflow. Have you developed any kind of response to EPA on those complaints? Are they still monitoring that phase?

Mr. Brewer replied my understanding, Alderman, is that in 2007 the state received four complaints from two people. We received one anonymous complaint in 2008. I am not aware of any other complaints beyond that. Our understanding is that the number of complaints has greatly reduced since we put that storm water line in.

Alderman DeVries stated there is no doubt the number of complaints has been greatly reduced because the neighborhoods have been reduced dramatically. There are far fewer people who are in the vicinity of that. I am sure they thank you for that effort. I am just trying to find out since this now appears to have shifted from DES to EPA for complaints... I am not sure why... DES doesn't seem to want to follow this as they did in 2003?

Mr. Brewer replied DES will still remain involved in the ultimate solution. When we come up with an ultimate plan based on the new effluent limitation guidelines and the monitoring that we have to do under the new permit, the EPA and DES will be involved in that. That solution will take care of the odor to the extent that it can be taken care of, understanding what Glen just said and the foaming.

Alderman DeVries stated I think it would be helpful if we ask for those visual reports. Do you think it's possible that those be forwarded on to the Airport Committee so that we can maybe have a procedure to follow and work with the constituents? I am sure people at home are listening to this, so if they actively engaged in calling me, I'll let you know. Thank you for the presentation.

4. Update on FY09 Budget Forecast and Tax Rate.

Mayor Guinta stated unless anyone has any questions on the FY09 forecast, I can move on to the Consent Agenda.

CONSENT AGENDA

Mayor Guinta advised if you desire to remove any of the following items

from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Approve under supervision of the Department of Highways

A. Pole petitions:

#11-1218 1 pole 76 Taylor Street
#11-1219 1 pole 555 Valley Street
#11-1222 1 pole 1200 Union Street

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

B. Sidewalk petitions:

635 Maple Street & 180/182 Prospect Street

Information to be Received and Filed

- C. Communication from Matthew Normand, Deputy City Clerk, expressing recognition and appreciation to the election officials and staff for their tremendous commitment and dedication to making the Presidential Election of 2008 a success in Manchester.
- D. Communication from Georgie Reagan, Mayors' Assistant for the Arts, regarding financial donations to the Manchester Art Fund.
(Note: Report previously forwarded to the Mayor and all Aldermen on October 28, 2008)
- E. Approved minutes from the Commissioners meeting held September 30, 2008, September 2008 Financial Report, and September 2008 Ridership Report submitted by Carey Roessel, Executive Director of the Manchester Transit Authority.

- F. Communication from Bryan Christiansen from Comcast with notification of the franchise fee payment for the third quarter of 2008, along with a detailed accounting sheet.

- H. Communication from Howard McCarthy, regarding a request for a hearing concerning a procedural change in reciting the Pledge of Allegiance at City meetings.

REFERRALS TO COMMITTEES

COMMITTEE ON FINANCE

I. Resolutions:

“Authorizing the Finance Office to effect a transfer of Thirty Eight Thousand One Hundred Seventy Three Dollars and Seventy Two Cents (\$38,173.72) for the FY2007 CIP 712107 Municipal Facility Improvements.”

“Amending the FY2003, FY2005, and FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Thirty Eight Thousand One Hundred Seventy Three Dollars and Seventy Two Cents (\$38,173.72) for the FY2007 CIP 712107 Municipal Facility Improvements.”

“Amending the FY2009 Community Improvement Program, authorizing and appropriating funds in the amount of Two Thousand Dollars (\$2,000) for the FY2009 CIP 713609 Highway Department Employee Memorial Project.”

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

6. Communication from Carol Johnson advising the Board of her retirement as City Clerk.

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

7. Communication from Nury Marquez advising the Board of her resignation from the Manchester Police Commission.

Alderman Gatsas interjected, Your Honor, I apologize. I was in the back when you went through the Consent Agenda. I don't think anyone pulled anything off. I was going to pull off G so we could have some discussion about it. If not we can

always bring it up under new business if you don't want to discuss it under the Consent Agenda. I apologize; I was talking to the City Solicitor about his tax rate setting.

Mayor Guinta replied let me get through item 7 and I will be happy to address it.

Alderman Gatsas replied I appreciate it, thank you.

On motion of Alderman DeVries, duly seconded by Alderman Shea, it was voted to accept Nury Marquez's resignation from the Manchester Police Commission with regret.

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

Mayor Guinta stated there will be no nominations this evening. Without objection from the Board, we will take up item G.

G. Communication from Bryan Christiansen from Comcast with notification of certain price increases for cable services and equipment starting in December 2008.

Alderman Gatsas stated I guess my question is when you look at item G it talks about notification of certain price increases for cable service and equipment starting in December of 2008. I've gotten a few calls, and I don't know if any of my colleagues have, about the increase and what are we going to do about the increase. I think we all remember, as soon as this increase goes into effect that there is an increase that we send to MCTV and MCAM. I don't think that the Board's position when we did those contracts was that we were going to see 5% to 6% increases a year that we would be sending to somebody without having them justify cost. I think that it is important that right now in the times that we are in financially that this Board needs to take a look and maybe revamp that contract or

send a memo because I know there is a shortfall from what we set. I do not think... and I don't know what that increase is but 3% on \$200,000 is about \$6,000 a quarter.

Mayor Guinta stated I would agree with your sentiments and comments, and I would entertain a motion to refer that particular issue to the appropriate committee and come back with a recommendation.

Alderman Gatsas asked the Committee on Administration?

On motion of Alderman O'Neil, duly seconded by Alderman M. Roy, it was voted to refer this item to the Committee on Administration.

Alderman Shea stated sometimes people who have their rates increased tend to blame either the Aldermen or the Mayor or someone else. Since this is not a regulated kind of operation they can raise their fees at their pleasure. The general public should know that it is not the Aldermen that are raising the fees. It is the company, Comcast, that is raising the fees at their own discretion. I think until regulation goes into effect we are going to continually see increases. Obviously, whatever profit they are making - and they do not realize a profit because of expenditures - they are going to pass it on to us, the consumers. Thank you, Your Honor.

Alderman Lopez stated thank you, Your Honor. Before we go into Finance, I just want to report back to the full Board of Mayor and Aldermen. The Commercial Assessor Selection Committee: Alderman Shea, Alderman Smith, Alderman Gatsas, Alderman J. Roy and I, recommends Michael Hurley for the position of Commercial Assessor. The Committee requests the Board to suspend

the rules to confirm the appointment of Michael Hurley to the position at our next meeting, which is today. Mr. Hurley commences employment on November 17, 2008 at pay grade 24, step 12 at \$84,712.11. Mr. Hurley is in the audience and on behalf of the Committee I would like to move that.

Alderman Lopez moved to confirm the appointment of Michael Hurley to the position of Commercial Assessor. Alderman Garrity duly seconded the motion.

Alderman Gatsas asked Alderman Lopez, can you refresh my memory? Is that the pay grade the Committee came up with?

Alderman Lopez replied yes it is, and it has been confirmed by the Director.

Ms. Jane Gile, Human Resources Director, stated that was the recommendation of the Committee.

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

Mayor Guinta stated Mr. Hurley, congratulations.

Mr. Hurley stated I want to thank you all for the appointment. It is much appreciated; this is something since I worked here in 2006 on the revaluation that I looked forward to. I look forward to meeting you all individually in the office in the future. Thank you.

Mayor Guinta stated thank you very much; we are glad to have you on board.

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

Mayor Guinta called the regular meeting back to order.

11. Report of Committee on Finance

The Committee on Finance recommends after due and careful consideration the following Resolutions:

“Authorizing the Finance Office to effect a transfer of Thirty Eight Thousand One Hundred Seventy Three Dollars and Seventy Two Cents (\$38,173.72) for the FY2007 CIP 712107 Municipal Facility Improvements.”

“Amending the FY2003, FY2005, and FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Thirty Eight Thousand One Hundred Seventy Three Dollars and Seventy Two Cents (\$38,173.72) for the FY2007 CIP 712107 Municipal Facility Improvements.”

“Amending the FY2009 Community Improvement Program, authorizing and appropriating funds in the amount of Two Thousand Dollars (\$2,000) for the FY2009 CIP 713609 Highway Department Employee Memorial Project.”

ought to pass and be Enrolled

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

Mayor Guinta stated as we move on to item 12; I would like, without objection, to have item 25 removed from the table.

25. The Special Committee on Energy Contracts and Related Activities respectfully recommends, after due and careful consideration, that the Highway Department be authorized to enter into a contract with Competitive Energy Services, Inc. and proceed with the proposed energy purchasing plan as presented to the Committee.

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

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

12. **Reports of the Special Committee on Energy Contracts and Related Activities**

Alderman Lopez made a motion to approve the recommendations of the Special Committee on Energy Contracts and Related Activities. Alderman Shea duly seconded the motion.

Alderman O'Neil asked I haven't seen the contract and how could we get out of it if it is not serving the purpose?

Alderman Lopez stated the Committee on Energy met again because there was some confusion at the last meeting. We cleared up the issue and tonight if you go through your packet, you will get answers to a lot of questions. Tim is here. Why don't you come up because I'm sure they're going to ask you some questions. We looked at the contract and the City Solicitor looked at the contract and one of the most important things that Tim brought up to us is that if there is no savings, we do not execute a contract and pay for a consultant, nothing. We continue to buy

electricity and natural gas as we always have done. As you can see from the ... if the City Clerk wants to read the motion from the Committee.

Mayor Guinta stated the Clerk can read that into record, and also it should be noted that the contracts were sent out to the Board Friday, November 7th.

The Special Committee on Energy Contracts and Related Activities respectfully recommends, after due and careful consideration, that the Highway Department be authorized to enter into a contract with Competitive Energy Services, Inc. and proceed with the proposed energy purchasing plan as presented to the Committee.

The Committee further recommends that the Highway Department be authorized to enter into contracts with energy suppliers as they deem appropriate.

Alderman Lopez stated just to follow up, Alderman O'Neil, you might have another chance. There was a discussion during the Committee about \$45,000, and I'm sure some of the Aldermen picked it up, and I would like to have Tim explain how that works.

Mr. Tim Clougherty, Facilities Division, stated there was a question. The contract with Competitive Energy Services calls for a minimum and maximum amount that they would be compensated should we move forward with the contract. It is also tied to a certain amount per kilowatt hour and per dekatherm, which is for natural gas. It was verified that unless we move forward with a contract that would guarantee energy savings, and those savings would be in excess of the \$45,000 or the \$55,000, we would not be paying our consultant anything, unless we move forward with the contract, and at that time our savings would be guaranteed to be in excess of the amounts that we would be paying such consultant. At the end of the day the City would be netting a savings.

Alderman O'Neil asked what is the duration of the contract?

Mr. Clougherty replied it is an annual contract and I believe we have the right for three extensions and we also have a 30-day cancellation clause.

Alderman O'Neil stated so after a year if we are not pleased with the direction it is going...

Mr. Clougherty replied that is correct.

Mayor Guinta stated or thirty days.

Alderman Gatsas asked are we entering into this contract before the PUC sets a rate for Public Service?

Mr. Clougherty replied we are.

Alderman Gatsas asked what happens if that rate is not ten and change?

Mr. Clougherty replied as of this afternoon we were getting quotes for electricity for an eleven-month period at 9.06 cents per kilowatt hour. Currently we are paying PSNH 9.57 cents per kilowatt hour. Under a best case scenario, which I would presume would be the PUC denies PSNH any increase whatsoever, we would be saving about a half a cent per kilowatt hour, which would equate to over \$150,000 in savings alone.

Alderman Gatsas asked what happens if that rate moves tomorrow? You are not going to sign a contract tonight I assume.

Mr. Clougherty replied it could move tomorrow. It could move up or it could move down. It's volatile, as you are aware.

Alderman Gatsas replied right, because the rate we were looking at was equating to a savings of \$332,000.

Mr. Clougherty replied we are going to get a different price tomorrow. It might not be .0906. It might be .0904 or it might be .0957.

Mayor Guinta called for a vote on the motion to approve the recommendations of the Special Committee on Energy Contracts and Related Activities. There being none opposed, the motion carried.

Alderman M. Roy stated Tim, just a minor detail on this contract: Concord Environmental Services is referred to as CES in most of our contracts, Competitive Energy. Is there a way we can refer to them in their full name being second in the door with the CES, so that correspondence stays fairly clear?

Mr. Clougherty replied certainly.

13. Reports of Committee on Human Resources/Insurance

The Committee on Human Resources/Insurance respectfully recommends after due and careful consideration that the following Ordinance:

“Amending Section 33.026 (Housing Inspector) of the Code of Ordinances of the City of Manchester.”

be approved.

Alderman Shea moved to approve this Ordinance. Alderman O'Neil duly seconded the motion.

Alderman O'Neil asked for Jane or for Leon, with this change do we allow employees to come in and get certified or do they have to be certified at the time of employment?

Mr. Leon LaFreniere, Building Department Director, replied because of the specialized nature of this certification and the fact that there is not a large pool of potential employees out there that have it, we typically require that they have certification within six months.

Alderman O'Neil asked and is that practical?

Mr. LaFreniere responded yes, that is readily achievable.

Alderman O'Neil asked everyone is given a chance to apply for the certification?

Mr. LaFreniere responded yes.

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

The Committee on Human Resources/Insurance respectfully recommends, after due and careful consideration, that the request from the City Library to replace one full-time Library Clerk II position with two part-time Library Clerk I positions, be approved.

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

Alderman Lopez stated I did want to have one item of discussion regarding the Committee on Human Resources. I know, Your Honor, there is no report from Human Resources in reference to this subject. I do want to bring this up. It is tabled in Human Resources and I respect that. I think we have a dilemma. The dilemma that we have is between the Parking Division...Brandy is trying to accomplish a job and the Traffic Department not being able to provide the job. It has to do with a job change in order for her to stripe some lines on the street. I understand through conversation that it would cost her \$15,000 if the Highway Department does this job, rather than just change the job description. I think this has to be done for the safety aspect of it, in changing this job description. I just want the Board to understand that there is a dilemma here. I know that it is tabled because we have a minority report and it was tabled, and I appreciate that. That is the policy. We are not going to solve problems if we don't either get the Highway Department to do it at a cost of \$15,000 or change the job description of the two individuals over there so they will stripe it and we save, correct me if I'm wrong, I think it will cost \$6,000 if they do it and we save money. So there is something wrong here.

Mayor Guinta asked did you say this is in Human Resources on the table?

Alderman Lopez replied it is in Human Resources on the table. I don't know when the Human Resources Committee is going to meet next, but I think all of the people are going to have to be there to solve this particular problem because she has a job to do.

Mayor Guinta stated maybe we can ask the Human Resources Committee to take a look at it at the next meeting.

Alderman Lopez asked when would the next meeting be?

Alderman Shea responded next month.

Mayor Guinta stated we have a problem because it's in Committee.

Alderman Shea stated there was a discussion about whether or not we should hire that person. They are going to save money and people were objecting because we are going to raise the classification at a time that isn't appropriate.

Mayor Guinta stated I understand, but the process we have is we do have a committee structure. If it is in Committee...

Alderman Lopez interjected well then, pull it out of Committee.

Mayor Guinta stated honestly, it is tabled in Committee.

Alderman Shea stated first it was voted down, then we filed a minority report and then it was tabled. So basically, who is on first? Nobody.

Alderman Lopez made a motion to pull this item out of Committee. Alderman Shea duly seconded the motion.

Mayor Guinta asked before I accept that, can we even do that?

Alderman Lopez stated it's the will of the Board.

Alderman M. Roy stated I know about a minute's worth of this conversation but it is regarding striping on the streets, is that correct? I know we stop paving shortly. What is the deadline on painting? Can this sit until December?

Mayor Guinta asked what area are we even talking about? This is why it should be done in Committee.

Alderman Lopez stated if you can't solve it in Committee, then it's up to this full Board to solve it, and that's the only reason I am saying to pull it out of Committee, and get this thing solved between the Highway Department...because if we're going to save \$15,000, we're going to save \$15,000.

Mayor Guinta stated I don't disagree with the savings, but with respect to the committee process, it is in Committee. We need to... I understand that some people on the Board are saying it hasn't been resolved yet in Committee, but we have a committee process for a reason.

Alderman Lopez stated Your Honor, it was a maneuver, to be plain about it. It is up to this Board to solve it and I made a motion to bring it out of Committee and solve the problem right now between the two departments.

Alderman Garrity asked was that like the maneuver that just came out of CIP?

Alderman Lopez stated it could be, but I told you about that.

Alderman Garrity stated there is no minority report in front of us because it is in table in Committee.

Alderman Lopez stated I am bringing this up...

Mayor Guinta interjected I allowed the Alderman to bring it up because I wasn't sure what he was referencing. We've had a conversation and I am going to ask the Solicitor...

Alderman Shea interjected let's go through the facts. It was voted three to two; that was the majority, and we filed a minority report and then there was a motion to table it.

Mayor Guinta stated I understand.

Alderman Shea stated what we wanted to do was present it to the full Board tonight but we were obviously outmaneuvered, which is part of the process.

Mayor Guinta stated to be honest I would have appreciated if an Alderman is asking for something to be considered by this Board, I would respectfully ask the member to submit it for proper review on the agenda. We set up an agenda, and I am more than willing to allow anything that should be on the agenda to come forward on the agenda. When we bring up new business, half of the people don't even know what is being referenced. It is rarely shared with me and I am being asked at a moment's notice to make a decision. Yet we have an agenda that comes out every two weeks. I put an agenda together and I would ask people to use the agenda process and the committee process. That's the process that we have agreed to as a body.

Alderman Lopez stated I realize that, Your Honor, but we have the right to bring it up under New Business. I can bring it up under New Business if you desire.

Mayor Guinta stated New Business is getting out of hand too. New Business is becoming an hour long process, and again, we have a committee structure. I would ask that if you have issues, use the committee structure which this Board has all adopted.

Alderman Lopez stated I realize that Your Honor, but we also know parliamentary procedure and how things are maneuvered pretty well.

Mayor Guinta stated from time to time when there are parliamentary issues, there are emergency issues, I am more than willing to exercise those. I do personally believe that the public should have the right to at least view these. That's why we have a committee process set up. It's open; it's transparent. If there is an emergency that we have to address as a Board, I am more than willing to entertain that. I really would prefer that we do this in a transparent way and have it go through the committee process. If we disagree, then file a letter to the Board. At least give people notification that it is going to be considered or asked to be considered. I think that is fair to the colleagues.

Alderman Lopez stated my last comment, Your Honor... This whole Board is the governing body. I have the right to make the motion, and if I want to take the issue up with this Board and they want to turn me down, that is fine. This is an important issue of saving \$15,000 that I don't think can wait. This is an Enterprise system that we put into place in order to for Manchester to have the right traffic patterns, or put lines in the City. The Highway Department, by taking the classification of these two employees and just adding that one job description, we save \$15,000. I don't think it is asking...

Mayor Guinta interjected I am not disagreeing with the idea or notion to save \$15,000. I just would ask that we follow the proper procedure.

Alderman Gatsas stated thank you, Your Honor. I think certainly I believe whoever told us it was a \$15,000 saving, but I think that's only a one-time savings; it's not annualized. So you are going to do striping to save the department \$15,000... I guess you need to explain... I guess I would defer to the Mayor. For some department to come up and say that it is going to cost another department more money to do it, I don't see that documentation in here. Is it your understanding that it's a \$15,000 savings? I don't see the documentation here other than your verbal. There was never anything presented in Committee.

Mayor Guinta stated this is why we have a committee process. These things should be hashed out in Committee. I don't think it's fair for 15 people to make a decision based on some private conversations. I think there needs to be proper documentation and review at a committee level. If there is a recommendation out of Committee that requires a minority report, any member of this Board has a right and a responsibility to make a written dissent and bring it to the Board's attention. That's all I'm asking.

Alderman Lopez stated this wasn't a private conversation. That was reported to the Committee, the \$15,000.

Mayor Guinta stated Alderman Gatsas is asking for written documentation and none has been presented. What I am asking is if everyone is going to vote, he is talking about a one-time savings versus an annualized savings. That is important to know as this decision is made, which is why it should be hashed out at the committee level.

Alderman Garrity stated the reason for my vote in Committee is that we are talking about a two pay grade salary increase for striping downtown and there could be snow on the ground next week and we probably couldn't stripe until spring. This is New England and it might be snowing next week until March or April.

Mr. Tom Arnold, Deputy City Solicitor, stated Your Honor, rule fourteen of the Board...on written petition to the City Clerk by the Mayor or by any three members of the Board any subject previously referred to at Committee shall be brought forward and placed on the agenda at the next regularly scheduled meeting of the Board.

Mayor Guinta stated so it can be brought up but there is a process and a procedure.

Alderman Lopez stated I will yield to the procedures but I would ask the Human Resources Committee to have a meeting as soon as possible, not next year.

Mayor Guinta stated thank you; I appreciate it.

Alderman Gatsas asked kind of like the Riverfront, Mr. Chairman?

Alderman Lopez replied we have no problems.

Alderman M. Roy stated I never got an answer. Is this something that ends at a certain date? Brandy or Tim, give me a date when you stop striping for the year.

Mr. Clougherty replied when it snows.

14. Communication from Alderman Lopez regarding the reorganization of the Assessor's Office

Mayor Guinta asked Alderman Lopez, are you referring this to Administration?

Alderman Lopez stated yes, Your Honor. This is in reference to reorganization of the Assessor's office. I have had some conversations and want to give an opportunity to David Cornell to present something for reorganization of the Assessor's office now that he has another assessor.

On motion by Alderman Lopez, duly seconded by Alderman Smith, it was voted to refer this item to the Committee on Administration.

15. Communication from David Mara, Chief of Police requesting approval of the Board of Mayor and Aldermen to accept a donation of \$16,500.00 towards the purchase of two K9 dogs and K9 training equipment for the Manchester Police Departments Canine Unit.

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

16. Communication from Sharon Y. Wickens, Assistant Director of Treasury, regarding funds received from the Estate of Livingston Chase to be used to benefit Livingston Park.

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

Alderman Gatsas stated I got a couple of calls, Chuck, in regards to the track, that it is lifting up on one side and it needs to be looked at before it totally deteriorates on the people that are walking out on the track. I don't happen to be

one of those people walking, but I did get some calls from people that were walking. If you can just look at the track, maybe this is a good time to fix that.

17. Communication from Pamela H. Goucher, Interim Planning Director, and Leon L. LaFreniere, Building Commissioner, regarding the potential merger of the Planning and Community Development Department and the Building Department.

On motion of Alderman Murphy, duly seconded by Alderman Garrity, it was voted to refer this item to the Committee on Administration.

Alderman Lopez asked is there a time limit on this so that we know...

Mayor Guinta injected before the end of the year.

Alderman Lopez asked can we have it at the next Board meeting or within a reasonable amount of time with the holidays coming up and everything?

Alderman O'Neil stated I think the end of the year is pretty aggressive, to be honest with you. We have had simpler reorganizations that have taken longer than that.

Alderman Lopez stated this is going to take effect January 1st, I presume.

Alderman O'Neil asked who came up with January 1st?

Alderman Lopez responded I did.

Alderman O'Neil stated this is the first that I've heard about this, Alderman.

Alderman Lopez asked what are you going to do, wait until the middle of the budget season to decide what is going to happen here or what? We should put a date on this.

Alderman O'Neil stated we have the holidays coming up. I am not going to support that it has to be done by January 1st.

Mayor Guinta stated I will leave it to the Committee to make that decision. We will ask the Committee to work on it as quickly as they can.

Alderman Lopez made a motion to have a report back by January. Alderman Shea duly seconded the motion.

Alderman O'Neil interjected it may not be complete, Your Honor, but the Committee will give a report. That is unrealistic, to be honest with you.

Alderman J. Roy stated after talking to the two department heads, I think they are pretty confident that they can move this along pretty quickly. It may not be January 1st but I would have to guess that it would be sometime in January when they would be ready to move forward with this whole thing. I think that it is not all that unrealistic that it will happen by the first of the year. These plans are dynamic and they are going to change. I appreciate what you are saying, Alderman O'Neil, but I think after talking to the two department heads it is a distinct possibility.

Mayor Guinta stated to the Alderman's defense you have three weeks that are not usable between now and the end of the year. You are talking about three weeks potentially.

Alderman Gatsas stated we can't start dictating to committees what we are going to do and how fast we are going to do things. We can't even get information from departments when we ask them to do something to report to us, and they are getting paid an awful lot of money to respond to this Board.

A roll call vote was requested by Alderman Gatsas.

Aldermen Gatsas, Sullivan, O'Neil, DeVries, Garrity, Ouellette, Murphy, and M. Roy voted nay. Aldermen, J. Roy, Osborne, Pinard, Lopez, Shea, and Smith voted yea. *The motion failed.*

18. Communication from Joan A. Porter, Tax Collector, regarding RSA 261:74-d, relating to increasing fees that a Municipal Agent can charge for vehicle registrations to recover local production and administrative costs. This new process will allow constituents the opportunity to complete vehicle registration at City Hall.

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

Alderman M. Roy stated the registration of vehicles over 8,000 pounds get referred directly to the DMV. Is that correct?

Ms. Joan Porter, Tax Collector, replied they do right now. Once we start the new program we can do vehicles over 8,000 pounds. I am not sure what the upper limit is. There is an upper limit where we can't do them but we can do over 8,000 pounds once we go on the new program.

Alderman M. Roy asked once we are on the new program is there an updated revenue number that you will be looking at? Are you foreseeing any increase?

Ms. Porter responded we definitely will see an increase because right now what we do is issue decals as Municipal Agents, so we can do a renewal and we also can do a transfer as long as the owners don't change. But we can't issue new plates right now. So we will see all of the new registrations that are done in the City who are looking for a new plate. Right now we have to send them all to DMV. A lot of times those people are doing one or two renewals and a new registration. All of those have to be done at DMV because they have to go down there anyway. We know there will be an increase in revenue because there are more transactions that we can do. If the fee is going up to three dollars, that will also increase the revenues. However, as I mentioned in the letter, the expenses are also going to be increased because of the new program.

Alderman M. Roy stated I appreciate the letter because it does clarify what the increase is for. I am looking at the new captures, the un-captured revenue. I fell into that situation, and I ended up having to go to DMV. I realize it is a loss to the City because I would have much rather paid a fee and not driven to South Willow Street. Could you give us an idea, not tonight but down the road, of what you think the new captures will be?

Ms. Porter replied absolutely.

Mayor Guinta stated let's do item 19, as that relates to item 18.

19. Communication from Joan A. Porter, Tax Collector, requesting authorization to close the Tax office for two consecutive mornings and one full day for motor vehicle training.

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

Ms. Porter asked can I have clarification on one thing? We increased the fee to three dollars for the Municipal Agency; can we do that effective with December renewals? We are going to be sending the new notices out; it just makes it clearer as long as we know when the start date is.

On motion of Alderman M. Roy, duly seconded by Alderman J. Roy, it was voted to make the fee increase for the Municipal Agency effective with December renewals.

20. Communication from William Gorodetzer, Wall Street Limited Partnership, in response to the action taken by the Board on 11/21/2008 requesting payment in the amount of \$5.2 million

Alderman Murphy stated we had substantial discussion on this issue at the last meeting. I certainly know where I stand and I am not interested in working with Wall Street Tower or accepting their proposal, given the fact that they rejected our counter out of hand with little to no, in my opinion, explanation. In other words I am not buying it. I don't know if we need to spend a lot of time discussing this issue if our positions are the same as they were at the last meeting. I will yield to the rest of the members of the Board.

Mayor Guinta stated we can take a motion to receive and file which means if there is any new recommendation coming forward, City staff would have to meet with Wall Street Towers.

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

21. Notice for reconsideration given by Alderman Shea on the motion to revisit options 2 and 3 listed in the Finance Department memo dated October 21, 2008 regarding the continued operation of the Manchester Transportation Center. The options suggested that the Board consider: (Option 2) Deploy MTA staff to the Center and maintain current service levels and (Option 3) Operate the Center as a limited hour comfort station only.

Alderman Shea stated first of all, we don't know what the status of this particular situation is going to be beyond a certain point. The second point I mentioned previously and was criticized publicly in the newspaper. I feel that if people are taking a bus to Boston and are going to be given \$10,000 for waiting within a room and we're taking this out of taxpayers' money then why in the world would we not want to extend the same courtesy to people taking the City buses? I don't think that the City should get involved in a long process whereby we don't know what the beginning and the end are going to be. Until we find out if someone is going to lease this particular facility, we shouldn't be spending taxpayers' money, because God knows we are spending enough of it now. That is why I brought this up for reconsideration.

Alderman Shea moved to receive and file Options 2 and 3. The motion was duly seconded by Alderman Lopez.

Alderman Gatsas stated thank you, Your Honor. I think everyone is in receipt of a letter. Alderman O'Neil had asked me to get a letter from the DOT in regards to the services for downtown. I had a long conversation with Commissioner Campbell. This letter you can see says that the bus routes will be maintained for as long as the subsidy is in place. I also had a conversation with him about the Visitor's Center that we have on Elm Street because I just happened to be down there the day of the marathon looking at it. There is an office; there are bathrooms attached. I asked him if there were any federal dollars so that we could put a glass enclosure on one side, probably I would call it the south side, with a heating

element that people could wait in. There is a window where people could sell the tickets and there are bathrooms. The buses would have an easier advantage to the City. Obviously I don't think it can be done in five days, but certainly if this Board sent me back I could explore the possibility of finding finances to put it at the Visitor's Center, because that does have people in there. Maybe it doesn't have it at the time, so maybe we've got to get somebody in there from 6:00 in the morning till 8:00, until there is somebody in there. But it certainly is a facility that is much closer. The parking garage is across the street so it does not deter anybody from going down to that back spot. It is actually on Elm Street where there is some exposure and people can see what is going on. I think that it is a possibility. I had a conversation very quickly with Mr. Blunt about it. I have not talked to anyone from Greyhound to see if they would come up to that spot but I can't see why they wouldn't. There is certainly easier on and off access for buses coming down Elm Street and then going down Merrimack and back onto the highway. That is just a suggestion and if this Board wants me to pursue it, I certainly will have the conversation with Commissioner Campbell.

Alderman Shea asked would that facility allow City residents to go in there as well as people waiting for buses to Boston and so forth?

Alderman Gatsas replied I don't know why it wouldn't.

Alderman Shea stated that is fine, as long as we treat everyone the same.

Alderman Gatsas stated again, and certainly as you said, we can let them wait outside. That's the facility for people taking the bus. If this is now federal dollars that are coming in, or state dollars, to fix that, I certainly wouldn't want to be in opposition to what you wanted to do with the fairness issue.

Mayor Guinta stated there are two issues here. One is trying to address the current location and this is a potential option for a future solution. Obviously, as you stated, this can't get done inside of a week. We still have your issue to try to address.

Alderman Shea stated the issue that I have is that people who are taking the bus to Boston now can certainly wait for the bus and pay their tickets as they get on the bus as all of us have had to do at certain times. I don't see any reason why we shouldn't keep the option open for leasing that facility. I am not sure, Your Honor, who is going to be paying for that facility to be the way it is. In other words, if we keep it vacant I am assuming it would have to be rented within a certain period of time or else it would depreciate. I can't see spending \$10,000 to keep it open when we don't even know how many people are going to take the bus from downtown. They may have made arrangements. Many of them go over to Londonderry, which is unfortunate, but that is a reality of life. Again, that is what I am thinking about.

Mayor Guinta asked so the motion before us is to eliminate options 2 and 3?

Alderman Shea replied that is correct.

Alderman Gatsas stated I have a question on option 1, Your Honor.

Mayor Guinta responded option 1 is for pick up and drop off, no interior...

Alderman J. Roy interjected I can read option 1; it says, "maintain the use of the site as a pick-up/drop off facility but suspend indoor accommodations on November 17, 2008." My question is if we voted on this last time, is this actually a motion to reconsider?

Mayor Guinta replied yes it is. Alderman Shea served notice at the last meeting that he wanted this issue reconsidered. What he is asking essentially is to rescind the decision at the last Board of Mayor and Aldermen meeting by eliminating option 2 and 3, which would only allow option 1 which is to utilize it as a pick up, drop off.

Alderman O'Neil stated a couple of things, Your Honor, before we talk about the facilities. There seems to be some misinformation out there. I think the letter to Alderman Gatsas from Commissioner Campbell confirms what Commissioner Campbell told me at the Chamber Breakfast. DOT is printing the brochure that is going out shortly that there is still going to be bus service to downtown Manchester. I don't know where this whole thing started that there was not going to be any bus service. I have gotten calls on this issue. That is the first thing. You agree with me that it will be as it is today, correct?

Mayor Guinta replied yes, there was a new schedule that was agreed to. In my option there will be bus service.

Alderman O'Neil asked can you brief me on how the schedule is changed? I am not familiar with that.

Mayor Guinta replied the number of trips was reduced and some of the hours of the trips coming down to Boston or coming back were changed. That schedule was distributed I believe to this Board...

Alderman O'Neil interjected is it possible for someone from staff to get what it was before and what it is now to the Board? I am not sure I have that to be honest with you. Secondly, it is my belief...I won't say I got a lot of phone calls but I

have had some, as well as people coming up to me on the street. This is an issue in the City of Manchester and I think that the public expects there is a facility that they can go to, to take a bus to Boston or wherever they are going. I think it is a pretty important issue.

Alderman Gatsas stated thank you, Your Honor. Wasn't there a directive that somebody was going to come back to us with a plan at the next meeting?

Mayor Guinta stated I think what was voted on was a direction by the Board, if my memory serves me, to operate this facility as essentially a warming station. It was identified to use dollars from one time funds to do it. The only issue that was brought up was a request by Alderman Shea to reconsider. As of today the plan is moving forward by staff to adhere to what the Board instructed them to do two weeks ago.

Alderman Gatsas stated I guess what my question is, Your Honor...

Mayor Guinta interjected I don't recall that someone asked for...

Alderman Gatsas interjected I guess it doesn't make sense...if we can adjust the Visitor's Center, it doesn't make sense to spend \$10,000 on the building down below. If you really wanted to push the situation at the Visitor's Center, there is probably enough space in there, that if you move some of the desks to a forward position so that people could wait...

Mayor Guinta interjected are you talking about the center on Elm Street?

Alderman Gatsas replied I am talking about the corner of Merrimack and Elm.

Mayor Guinta stated I don't know if that has been contemplated by City staff. I don't believe that it has been.

Alderman Gatsas stated I would suggest that they ...

Mayor Guinta interjected where would the buses...

Alderman Gatsas replied in front of Elm Street they would get on and they would go right down Merrimack Street. The buses stop now about twenty feet from it as it is.

Mayor Guinta stated if the bus is coming off Interstate 293...

Alderman Gatsas interjected they are going to come up Granite and they are going to take a left on Elm. They are going to come down to the Visitor's Center, take a left down Merrimack, take another left on Canal and get back up on Granite Street.

Mayor Guinta stated again, that is something that has just been suggested tonight.

Alderman Gatsas stated I realize that, Your Honor. All that I am saying is that there is a possibility that there could be federal dollars available to put an addition on. I don't mean a massive addition. I am talking about an enclosed glass area, because there is a concrete floor already there. If you even looked at it, there may be a possibility of people...bathrooms are there suitable for the public.

Mayor Guinta asked you are saying that it is possible that is can be done by the
17th?

Alderman Gatsas responded if someone took a walk over there... I think you might remember as we were walking down Elm Street to the marathon, I might have disappeared for a while. That had me at a very high curiosity level as we were walking down...

Mayor Guinta interjected that is where you went?

Alderman Gatsas replied that is where I went. I was on an investigative tour.

Alderman Shea asked why don't we take a roll call to get rid of the ten grand that we were going to spend and use that money in other areas of the City?

Mayor Guinta asked wouldn't we need some written response from Express and Greyhound and the other buses that utilize the space? Wouldn't we prefer to at least have an assurance that this is a proper accommodation for those operators as well as at least some input from staff and MTA before we just... I am not suggesting... I just think it needs a little more discussion and thought. It may turn out to be a perfect idea, but before we make a decision we should probably have some written response from at least MTA, our City staff, as well as the operators who would utilize that as a bus station.

Alderman Shea stated Your Honor, we are not saying that we would change where they meet now. They would continue to go down Granite Street until such time...

Mayor Guinta interjected so you are saying that this is going to be parallel tracks.

Alderman Shea replied yes, you are correct.

Mayor Guinta stated you are still asking for your vote and subsequent to that Alderman Gatsas' idea would be reviewed by the appropriate entities. Okay, that is fair enough.

Alderman DeVries stated thank you, Your Honor. Briefly after we take this vote, assuming that there is still interest on the part of this Board in maintaining after the seventeenth one place for individuals to board their buses, we can then offer a separate motion. The motion would be to drop the continued use and bring forward Alderman Gatsas' idea. If the individuals vote down the continued use of the existing station as a warm location for people, that doesn't leave us anything but looking forward to a few cold weeks and then moving on to what Alderman Gatsas brought forward.

Mayor Guinta replied procedurally we do have to take the proper motion. We have to take a vote on the motion to reconsider. That motion was made by Alderman Shea and seconded by Alderman Lopez.

Alderman Shea requested a roll call vote on the motion.

Aldermen Shea, Smith, Ouellette, Sullivan, Osborne, and Lopez voted yea. Aldermen DeVries, Garrity, Murphy, M. Roy, Gatsas, J. Roy, Pinard, and O'Neil, voted nay. *The motion failed.*

Alderman Smith stated thank you. In regards to Alderman Gatsas' idea, I think that the building is maintained by Parks and Recreation. I'm almost positive it is, if you are talking about where the Visitor's and Welcome Center is, I think it is maintained by Parks and Recreation. I could be wrong...

Mayor Guinta interjected I thought it was the Chamber of Commerce. We would have to bring them into this conversation.

22. Resolutions:

“Authorizing the Finance Office to effect a transfer of Thirty Eight Thousand One Hundred Seventy Three Dollars and Seventy Two Cents (\$38,173.72) for the FY2007 CIP 712107 Municipal Facility Improvements.”

“Amending the FY2003, FY2005, and FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Thirty Eight Thousand One Hundred Seventy Three Dollars and Seventy Two Cents (\$38,173.72) for the FY2007 CIP 712107 Municipal Facility Improvements.”

“Amending the FY2009 Community Improvement Program, authorizing and appropriating funds in the amount of Two Thousand Dollars (\$2,000) for the FY2009 CIP 713609 Highway Department Employee Memorial Project.”

ought to pass and be Enrolled.

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

On motion of Alderman M. Roy duly seconded by Alderman O'Neil, it was voted that the Resolutions ought to pass and be Enrolled.

Alderman Gatsas asked Your Honor, can we send a very clear message to the people out there that may be talking about bus service?

Mayor Guinta stated it still exists and you can go to the current location.

Alderman Gatsas stated you can go in and stay warm.

Alderman Shea stated so I can understand... in other words, the Center is going to be opened beyond the seventeenth and the City is going to finance that. Where is the money going to come from, Your Honor?

Mayor Guinta replied at the last Board meeting the motion passed to take it from the Economic Development fund.

Alderman Shea asked and how long are we going to be doing that, Your Honor? How much a month, so that the public will know how much we are going to spend each month?

Mayor Guinta replied until another solution is found.

Alderman Shea asked how much a month?

Mayor Guinta replied I think the vote was no more than \$10,000 a month.

Alderman Lopez interjected \$10,000 a month.

Alderman Shea asked so we are going to spend \$10,000 until such time as we decide not to spend the \$10,000?

Mayor Guinta replied until such time as an alternative plan is...

Alderman Shea interjected and this is taxpayers' money that we are taking out of taxpayers' pockets. Is that right, Your Honor?

Mayor Guinta replied this is coming from the Economic Development fund and it was voted ...

Alderman Shea interjected and that is money that they are going to be spending. It is \$10,000 to accommodate the people that are coming to that place and the very people that wait for the bus in Manchester can wait in the cold. Thank you, Your Honor.

Alderman Gatsas stated I need to retort to that because the taxpayers take good care of the people who take the buses. I will let you take your vote.

Mayor Guinta asked is there a follow-up from Alderman Gatsas on item 21?

Alderman M. Roy asked while Alderman Gatsas is getting his answer to his question, could we have this schedule forwarded to Information Systems? I know that the bullets on the web page are a little dated and now that the election is over there is not a lot of news out there. If we could possibly have the bus schedule...

Mayor Guinta interjected we will get that taken care of.

Alderman J. Roy stated just to clarify some things. When we discussed the bus station last time, \$10,000 isn't necessarily accurate. Some of that money is going to be spent whether the doors are closed or not. We have to maintain heat in there because the pipes would freeze and everything else. There are certain bills that are going to be standard and have to be paid.

Mayor Guinta replied yes, there are certain bills that have to be paid.

Alderman J. Roy stated the issue came up about who is going to man it. I do remember Alderman Gatsas asking someone. Unfortunately I don't remember who; my memory is not that good. Who was going to be investigating hiring temps, part-timers, instead of the MTA sending some personnel down which would have resulted in the \$10,000 bills or somewhere in that vicinity? I don't know if anyone is here from the MTA tonight. Jay may have some information. That was asked and we haven't gotten a response on it. If we do get some part-time people in there, benefits won't have to be paid and it would not necessarily be \$10,000.

Mayor Guinta stated I will ask City staff to issue a written document to the Board as a status update outlining what they are moving forward with in terms of a plan and the costs associated with that plan so that everybody has it in writing.

Alderman Shea stated can we too get a report as to how many people are using that facility?

Mayor Guinta replied I can have Mr. Minkarah have MTA forward that information to the members of the Board.

Alderman Shea stated that is very important. I would appreciate that.

Alderman Gatsas stated I need to respond to the \$10,000 cost. Just for clarification, Alderman Shea, the taxpayers of this great City subsidize the Manchester Transit Authority to the tune of \$900,000. Let's not forget what the taxpayers supply for people to take buses in Manchester. That is a good thing; that helps a lot of people. That subsidy is \$900,000 not \$10,000 a month.

Alderman Shea stated I should answer that. The people do pay who ride the buses and I think the bus fares subsidize the Manchester Transit workers and so forth. I don't think the people that are riding the buses are riding for free. All that I am saying is that we should treat all people the same.

Alderman Gatsas stated I agree.

TABLED ITEMS

23. Recommendation from the Special Committee on Riverfront Activities receiving unanimous vote that the City purchase a certain .2633 acre parcel of land located at 2 Line Drive under the terms and conditions identified in the attached purchase and sales agreement.

(Note: The Board voted to accept and adopt the recommendation of the committee and it was then vetoed by Mayor Guinta. Additional communications have been provided by Pamela H. Goucher, Interim Planning Director and Leon L. LaFreniere, Building Commissioner, Forwarded to Board on September 8, 2008; Tabled 09/16/2008)

This item remained on the table.

24. The Committee on Public Safety, Health and Traffic respectfully recommends, after due and careful consideration, that the request from Attorney Cheryl LePine Beliveau for the City to eliminate two parking lot spaces on Map 292 Lot 11 be approved subject to the review and approval of the Zoning and Planning Boards.
The Committee further recommends that a revocable license be granted.
(*Note: Tabled 10/21/2008 upon request of the Board for a copy of the revocable license.*)

This item remained on the table.

NEW BUSINESS

Alderman Lopez stated thank you, Your Honor. I passed out a document in reference to the City Clerk's position. In the past when a department head's position became vacant we have appointed the Deputy as acting. Just to name a few: Deputy Finance Office, Planning Director, Parks and Recreation. Tonight we have accepted Carol Johnson's retirement as City Clerk and as Chairman of the Board I recommend that Deputy City Clerk Matt Normand be named Acting City Clerk in accordance with our Ordinances 33.061, temporary assignment in the City Clerk position that is now vacant. Compensation for the Acting City Clerk should be one step above his present rate of pay from \$76,864 grade 23, step 11 to grade 23, step 12 at \$79,170.19, effective upon approval. All communications have been coordinated with Human Resources. After this vote is taken, if it's approved, she'll make the necessary arrangements.

Alderman Lopez moved to name Deputy City Clerk Matt Normand as Acting City Clerk with a pay rate increase from grade 23, step 11 to grade 23, step 12. The motion was duly seconded by Alderman Murphy.

Alderman M. Roy stated thank you, Your Honor. Looking at the situation that we have just been through, the fact that this was not done last July when I thought it was done, when the Clerk was on administrative leave... The person doing this job has been doing it since that day, since you made the order, followed by the backup of this Board in very early July. It is disturbing to me that we are now finally doing this. I am not going to ask to change it regarding this position, but I'd like to see us not get into this position again where someone is stepping up to the plate for the City for almost five and a half months with zero compensation. I would like Human Resources to monitor this, that if anyone leaves the City under a similar circumstance or sudden circumstances it should not take five and a half months for this Board to go ahead and make the change.

Alderman Lopez stated just to clarify, Alderman, the deputy takes over in the absence of a department head. This position was not vacant so the deputy was doing his duty, period. That was the job. In this particular situation where it is vacant, that is why this correspondence is here today. I don't believe in our Ordinances...and Jane, we have had some conversations, you can verify it. A deputy takes over in the absence of a department head whether on leave, sick or whatever the case may be. This only applies when there is a vacant position available.

Alderman M. Roy asked may I respond, Your Honor? While I don't disagree with you, the person was not able to come in to do the job whether it is through sickness or anything else and I think this was a special circumstance. That is why I am asking that either through our ordinance process or through Human Resource monitoring that it never goes five and a half months with someone doing a job and not being compensated.

Mayor Guinta stated let's assume this situation is not going to happen again.

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

Mayor Guinta stated I do want to personally acknowledge Mr. Normand and what he has done on behalf of the City and what he has done for the City Clerk's office. I do concur that he has done an exceptional job. I have had quite a bit of contact with the employees in that department also. My congratulations are extended to every member of the staff. People have worked extremely hard over very difficult circumstances and in my opinion the members of that office have made the City proud over the last several months.

Alderman Gatsas stated I know that we had sent that Crosbie Street item to CIP and, Your Honor, you and I had met, and I think Alderman Roy wasn't... he had a prior commitment to be there that evening. We met with those 13 people in that neighborhood. I spoke with Alderman Garrity in regards to it, and I know that they are looking for some sort of relief. The state is not taking the responsibility of saying that it was their fault. They just want to say that it was a flash flood, and I don't think that's playing well because if somebody had been there to reduce the water level, certainly the pumping station that takes care of 13 families in that neighborhood would not have failed. There is a CIP item, 713609, that had \$17,000 in it. That is a partial compensation for what's left and what they've already paid on the pumping station. I would like to make a motion that we take the \$17,000 out of that CIP item and pay...I want to say it's Triple A Pump...for the work that they've done, at least up to the \$17,000. I know it's higher than that and they've paid more.

Mayor Guinta interjected I'm sorry, CIP item number...

Alderman Gatsas stated 713609. We took \$2,000 out of there, Your Honor, I think even this evening, to take care of the Highway employees.

Mayor Guinta stated and that's with the expectation that we will be seeking reimbursement from the state of New Hampshire.

Alderman Gatsas moved to take \$17,000 out of CIP item 713609 to make a payment to Triple A Pump for the work that they have done in relation to the Crosbie Street flooding situation. The motion was duly seconded by Alderman M. Roy.

Alderman O'Neil stated I thought we were going to ask Public Works to talk to Triple A Pump regarding this issue and the bill because they do a lot of business with the City. I thought we discussed this at the last meeting. Secondly, I have a question for Tom Arnold. There are dozens of these private pump stations in the City. Are we setting a precedent now that when something happens at those pump stations we're going to start fronting the money for the repairs?

Mayor Guinta stated I think that this is a unique situation in that...

Alderman O'Neil interjected I agree with that, Your Honor, but what precedent does it set? We've turned down this very request over the years for some of these other private pump stations. I'd like a legal question answered.

Alderman Gatsas asked may I make a clarification on that, Your Honor?

Mayor Guinta responded sure.

Alderman Gatsas stated I think that what they've asked us to do is to take over those stations. These people are not asking us to take over the station.

Alderman O'Neil stated that's understood.

Alderman Gatsas stated nothing that they did...nothing in their power caused it.

Alderman O'Neil stated I live the closest to that neighborhood. It's right down at the bottom of the hill. I have the utmost understanding of what those people went through. But, what does this do with the other private pump stations in the City of Manchester? If Tom Arnold says it's nothing, I'll fully support this.

Mr. Arnold stated it's a tough question to answer. I don't view really any vote of the Board on a particular subject as binding the Board to future action. Insofar as it...by setting a precedent if you mean you've done it once and maybe you will do it again, I guess it is doing that, but as I said, I don't think that any one vote of the Board binds the Board to take similar votes in the future.

Alderman O'Neil stated very good on that. Mr. Clougherty, did you folks talk to Triple A Pump at all?

Mr. Clougherty responded no.

Alderman O'Neil asked can you?

Mr. Clougherty responded sure.

Mayor Guinta stated the issue really isn't with them.

Alderman O'Neil stated it's got to be with someone.

Mayor Guinta stated the issue is that this neighborhood, essentially, feels as though they were promised by the state financial relief. That has not happened. There were statements made by representatives of the state that it was their fault.

Alderman O'Neil stated so this isn't in fact for the pump station.

Mayor Guinta stated it is. What this does is provide that financial relief with the expectation that this City is going to go back to the state and say, you've got to reimburse the City because you've made a promise to these people and you haven't followed through with it. So in that sense, I think it's a unique situation. Your concern is noted, and I think that this is probably the only circumstance where the City would ever consider this kind of appropriation.

Alderman O'Neil stated I still would like to see... Triple A Pump receives a pretty good...does well by the City of Manchester, and I thought City staff was going to go back to talk to them about the bill.

Mr. Clougherty stated I'm not personally privy to any conversations that have happened with Triple A Pump. I will certainly correspond with the director.

Alderman J. Roy stated I agree that this is a very unique circumstance, and I think it's the right thing to do. However, with that said, isn't this the same thing that we just went through with the fire trucks? With all due respect...I'm not trying to upset anybody here...but shouldn't this go through Committee first? I said this last meeting when this very issue came up at the last minute. I think that it should apply to both of these issues.

Alderman Shea asked Your Honor, shouldn't we review it in Committee on November 25th if it's a CIP allocation? We should treat every item the same. I'm in favor of this.

Mayor Guinta stated fine. That's up to the Board. We have a motion.

Alderman Shea asked are you going to accept this, Your Honor, or is it up to the Board?

Mayor Guinta stated there is a motion. One way or another we're going to vote on it.

Alderman Shea stated but I'm just saying, shouldn't this be reviewed in Committee, Your Honor, like the other item? Why are we saying this shouldn't be in Committee and we've said the other part should be in Committee?

Mayor Guinta responded I don't think anybody is saying that. A motion has been made. There is a second to the motion.

Alderman Shea stated come on, Your Honor, if the other item should have been reviewed in Committee, this should be reviewed in Committee. It can wait till the 25th.

Mayor Guinta stated every Alderman has an opportunity to vote.

Alderman Lopez stated it has been brought to my attention... I think that we have to clarify this because I think you're using the wrong CIP number. We need a clarification on that.

Alderman Gatsas stated I can only go by the CIP number that was on the \$2,000.

Ms. Pam Goucher, Interim Planning Director, stated I think that's the new one.

Alderman Gatsas stated okay, whatever the old one is.

Mayor Guinta stated 810707.

Alderman Lopez stated I just wanted to echo Alderman Shea's...

Alderman M. Roy stated unlike the earlier subject, this did come up two weeks ago and it was referred and discussed to come up again this evening, so this is not a new issue, but it is something we have talked about. This bill is hanging over the heads of 13 homeowners. We support a lot of CIP action in individual Wards, and Ward 1 doesn't ask for a lot when it comes to small projects. So, this would be something that would be greatly appreciated by those homeowners.

Alderman Gatsas called for a roll call vote on the motion.

Aldermen Gatsas, O'Neil, Lopez, Garrity, Ouellette and M. Roy voted yea.
Aldermen Sullivan, J. Roy, Osborne, Pinard, Shea, DeVries, Smith and Murphy voted nay. *The motion failed.*

Alderman Garrity moved to refer this item to the CIP Committee meeting on November 25th. The motion was duly seconded by Alderman Murphy.

Alderman Gatsas stated I can only tell you, Your Honor, all the people on Crosbie Street... my suggestion is you come to the next public meeting and voice your opinion.

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

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

A True Record. Attest.



City Clerk