

BOARD OF MAYOR AND ALDERMEN

December 16, 2008

7:30 PM

Mayor Guinta called the meeting to order.

The Clerk called the roll. Fourteen Aldermen were present.

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

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; subject to funding availability

- A. Sidewalk petitions:
42 Calvert Circle

Approve under supervision of the Department of Highways

- B. Pole petitions:
#11-1230 1 pole at 60 Gurtner Street
#11-1226 1 pole at 23 Penny Lane
#11-1229 1 pole at Londonderry Turnpike

Information to be Received and Filed

- C. Approved minutes from the Commission meetings held October 20, 2008 and October 28, 2008, October 2008 Financial Report, and October 2008 Ridership Report submitted by Carey Roessel, Executive Director MTA.

REFERRALS TO COMMITTEES

COMMITTEE ON FINANCE

E. Bond Resolutions:

“Authorizing Bonds, Notes or Lease Purchases in the amount of Five Hundred Fifty Thousand Dollars (\$550,000) for the acquisition of motorized vehicles through the 2009 CIP 910309, Motorized & Electronic Equipment Replacement (MEER) Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Two Million Seven Hundred Twenty Five Thousand Dollars (\$2,725,000) for the acquisition of motorized vehicles through the 2009 CIP 810309, Motorized & Electronic Equipment Replacement (MEER) Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Two Million Seven Hundred Twenty Five Thousand Dollars (\$2,725,000) for the acquisition of motorized vehicles through the 2009 CIP 810309, Motorized & Electronic Equipment Replacement (MEER) Project.”

F. Resolutions:

“Amending the FY 2009 Community Improvement Program, authorizing and appropriating funds in the amount of Six Million Dollars (\$6,000,000) for the FY 2009 CIP 810309 Motorized & Electronic Equipment Replacement (MEER).”

“Rescinding authorization on unissued Bonds, Notes or Lease Purchases for the purchase of Fire Department and Highway Department vehicles.”

REPORTS OF COMMITTEES

COMMITTEE ON COMMUNITY IMPROVEMENT

G. Report from Mayor’s Housing Task Force

COMMITTEE ON LANDS AND BUILDINGS

H. Recommending that approval for MHRA to begin capital repairs and improvements at 2-4 Bethel Court be granted.

I. Recommending that the communication from Dick Anagnost, Trustee of Intown Manchester, regarding lighting suggestions for Granite Street be referred to the Committee on Community Improvement for recommendation.

J. Recommending that communication from Phil Greazzo, Manchester Dog Park Association, regarding open space on Bass Island for a city dog park be referred to the Parks, Recreation and Cemetery Department for recommendation.

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

- D.** Communication from Alderman Pinard recognizing the staff at MCTV for their 2008 Honorable Mention Award from the Hometown Video Festival Awards.

On motion by Alderman Pinard, duly seconded by Alderman O'Neil, it was voted to receive and file this item.

- 5.** Confirmation of nomination made by Mayor Guinta.

Retirement Board

Richard Molan, term to expire December 1, 2008.

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

- 6.** Nominations to be presented by Mayor Guinta.

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

Senior Services Commission

C. Arthur Soucy to succeed himself, term to expire January 1, 2012.

Water Commission

Bernard Garrity Jr. to succeed C. Arthur Soucy due to a term limit, term to expire January 1, 2012.

On motion of Alderman O'Neil, duly seconded by Alderman Osborne, it was voted to suspend the rules for the nomination of C. Arthur Soucy to the Senior Services Commission. There being none opposed, the motion carried.

- 7.** Confirmation of nomination made by Mayor Guinta.

Central Business Service District Board

Max Pruna to succeed Ron Dupont as a district member, term to expire May 1, 2011.

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

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

Mayor Guinta called the meeting back to order.

10. Report of Committee on Finance

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

“Amending the FY 2009 Community Improvement Program, authorizing and appropriating funds in the amount of Six Million Dollars (\$6,000,000) for the FY 2009 CIP 810309 Motorized & Electronic Equipment Replacement (MEER).”

“Rescinding authorization on unissued Bonds, Notes or Lease Purchases for the purchase of Fire Department and Highway Department vehicles.”

ought to pass and be Enrolled.

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

11. Report of Committee on Administration/Information Systems

The Committee on Administration/Information Systems respectfully advises, after due and careful consideration, that it has referred portions of the potential merger of the Planning & Community Development Department and the Building Department related to human resources, including position grades and responsibilities identified in the proposed organizational chart, to the Committee on Human Resources/Insurance for a review and recommendation.

On motion of Alderman Garrity, duly seconded by Alderman O’Neil, it was voted to accept this report and adopt its recommendations.

12. Reports of Committee on Human Resources/Insurance

The Committee on Human Resources/Insurance respectfully recommends, after due and careful consideration, that the request of the Fire Department for reorganization thereby eliminating one Deputy Chief position to be replaced with one District Chief, eliminating one Fire Captain position to be replaced that with one Lieutenant position and eliminating two Firefighter positions and replacing them with two Lieutenant positions, be approved.

*Alderman DeVries moved to accept this report and adopt its recommendation.
The motion was duly seconded by Alderman Pinard.*

Alderman Lopez stated I just want to make sure that the authority is given to promote these positions, once it is approved here tonight. Is that the intent?

Mayor Guinta replied yes, I have already met with the Chief, and that has already been agreed to.

Alderman Lopez replied thank you very much.

Alderman M. Roy stated I just want to take that one step forward, because Alderman Lopez used the word promote. It is also to fill the vacant positions, is that correct?

Mayor Guinta replied the Chief and I met. He came forward. I don't know if it's every single vacant position. I think it is just pertaining to this recommendation.

Alderman M. Roy asked the ones in this proposal can be filled?

Mayor Guinta replied it is all but one, right?

Mr. James Burkush, Fire Chief, stated that was our discussion. We discussed that we were going to wait to hire.

Alderman M. Roy asked you will be waiting on the new hires, but as far as these promotions you will be able to fill them?

Mr. Burkush replied that is correct.

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

The Committee on Human Resources/Insurance respectfully recommends, after due and careful consideration, that the request of the Police Department for organizational restructuring thereby eliminating one full-time Deputy Chief position, to be replaced with one Lieutenant position and one Sergeant position, be approved.

*Alderman Ouellette moved to accept this report and adopt its recommendations.
The motion was duly seconded by Alderman Murphy.*

Alderman Lopez stated I have the same question. Is he authorized to promote?

Mayor Guinta replied yes.

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

The Committee on Human Resources/Insurance respectfully recommends, after due and careful consideration, that the request of the Parks, Recreation and Cemetery Department to eliminate three seasonal cemetery positions to be replaced with one full-time Recreation Maintenance Worker I (grade 13) and two Recreation Maintenance Worker I (Temporary-grade 10) positions, be approved.

On motion of Alderman Osborne, duly seconded by Alderman J. Roy, it was voted to accept this report and adopt its recommendations.

13. Report of the Special Committee on Energy Contracts and Related Activities

The Special Committee on Energy Contracts and Related Activities respectfully recommends, after due and careful consideration, that a request by the Highway Department, to enter into a supply contract relative to petroleum based products, thereby authorizing them to lock into a rate they deem appropriate, be approved.

The Committee further notes that the purchasing team shall consist of the City's Energy Consultant, the Highway Department, the Finance Department, and the City Solicitor.

Alderman O'Neil asked will this be the second contract that we've entered into with this firm?

Mr. Tim Clougherty, Facilities Division, replied correct.

Mayor Guinta asked is this the second contract we entered into? It is not a contract with the firm is it?

Mr. Clougherty stated this is for purchasing for FY2010 petroleum based products, just giving us the authorization to go out there and solicit proposals...

Alderman O'Neil interjected this has nothing to do with... I notice the gentlemen from the energy committee...I did not catch all of the meeting.

Mr. Clougherty replied he is advising us on marketing conditions.

Alderman O'Neil asked we do not have a contract with him on this?

Mayor Guinta replied no. There is no new contract, just the existing contract.

Mr. Clougherty stated correct, it is the same contract.

On motion of Alderman Pinard, duly seconded by Alderman Shea, it was voted to accept this report and adopt its recommendations.

14. Reports of the Special Committee on Joint School Buildings

The Committee on Joint School Buildings respectfully advises, after due and careful consideration, that they have accepted the update on the Design/Build Project as presented by the Deputy Public Works Director and is referring same to the Board for informational purposes.

On motion of Alderman M. Roy, duly seconded by Alderman Sullivan, it was voted to accept this report and adopt its recommendations.

The Committee on Joint School Buildings respectfully advises, after due and careful consideration, that they have approved a change order for the Manchester School of Technology related to enclosing the areas above the automobile technician rooms within the cinderblock walls, in order to reduce emissions and achieve greater noise attenuation and is referring same to the Board for informational purposes.

On motion of Alderman DeVries, duly seconded by Alderman J. Roy, it was voted to accept this report and adopt its recommendations.

15. Report of the Committee on Lands & Buildings

The Committee on Lands and Buildings respectfully recommends, after due and careful consideration, that a request of the Economic Development Director for approval of amendments to the purchase and sales agreement between the City and 1848 Associates for the Granite Street Lot, the Seal Tanning Lot and Phillippe Cote Street, be approved.

*On motion of **Alderman Osborne**, duly seconded by **Alderman M. Roy**, it was voted to accept this report and adopt its recommendations. **Alderman Gatsas** and **Alderman O'Neil** were duly recorded as voting in opposition.*

- 16.** Communication from Sharon Wickens, Assistant Treasury Director, requesting that the Board accept \$20,000 from the Samuel P. Hunt Foundation which represents the final payment towards the Hands Across the Merrimack project.

***Alderman M. Roy** moved to accept \$20,000, from the Samuel P. Hunt Foundation, for the final payment towards Hands Across the Merrimack. The motion was duly seconded by **Alderman Murphy**.*

Alderman M. Roy stated thank you, Your Honor. Our package came with a number of conditions, which were agreed upon when we accepted the first dollars from the foundation. I want to confirm that. I believe in our correspondence they were waiting for a letter accepting that this would be for an endowment.

Mayor Guinta asked I am sorry, who is waiting for a letter?

Alderman M. Roy replied the trustees of the Samuel P. Hunt Foundation.

Mayor Guinta stated I am not aware that they are still waiting for it.

Ms. Sharon Wickens, Assistant Treasury Director, stated I believe they are waiting for a letter. I was going to wait for Board approval. I can furnish you a copy after that.

Alderman M. Roy asked you are comfortable, Sharon, that all conditions have been met?

Ms. Wickens replied the conditions that I think they are referring to are that the \$20,000 is only for the maintenance and ongoing care of the bridge. This money has been segregated for that purpose.

Alderman M. Roy replied thank you.

Alderman Lopez asked Sharon, the \$20,000 is the entire amount in there for maintenance, just \$20,000, or is there more money in there?

Ms. Wickens replied there is only \$20,000 for the maintenance. The additional monies that they had given, I believe, went toward the sculpture that is going.... The \$20,000 is for maintenance and is in a total separate account.

Alderman Shea asked who is taking care of that particular situation now? Is there some department that is responsible? There is a lot of graffiti, from what I've been told.

Mayor Guinta replied Highway.

Alderman Shea stated so basically from now on, that's the City's responsibility for everything that is included in that particular operation. In other words, this group, Hands Across the Merrimack, divested themselves of this \$20,000 for future involvement with this particular...

Mayor Guinta interjected I could not speak to their financial position at the moment. I could get that information for you. I do know that this particular money was requested by Hands Across the Merrimack. The Hunt Foundation agreed and is sending it to us because the City is responsible for the care and maintenance including snow removal. That is now being done by the Highway Department. Do you want me to get an update for you on the Hands Across the Merrimack as to their financial status?

Alderman Shea replied I don't want to put anybody to any extra work.

Mayor Guinta stated I am happy to provide it.

Alderman Shea stated basically, I don't think that I should involve people. I am just making a point. At this stage now, this is the City's responsibility for all operations for that. Thank you, Your Honor.

Alderman Gatsas asked did I understand that the maintenance is going to be at the feet of the taxpayers of the City?

Mayor Guinta replied well, there is a maintenance fund that has been set up. We could find out if this is the only amount in that account so far. We are accepting the \$20,000 for maintenance and right now the City is responsible for maintenance and snow removal like any other piece of infrastructure in the City.

Alderman Gatsas stated I'm not to sure that twelve Aldermen... there are probably two of us that recognize it, but I don't know if the other twelve recognize it. Now it's going to be the taxpayers that will be paying for the maintenance of this bridge, snow removal, and graffiti removal. That wasn't what I think everybody understood.

Alderman Shea stated that is called unintended consequences.

Alderman Osborne asked Your Honor, whatever happened to the \$500,000 in regards to painting the bridge? Whatever became of that?

Mayor Guinta responded I would have to ask Hands Across the Merrimack to provide an update. I would be more than happy to get them to provide written status of that particular issue.

Alderman Osborne replied thank you.

Alderman Sullivan stated thank you, Your Honor. This is a follow up on what Alderman Gatsas was just asking. This should be directed to Sharon. The \$20,000 that we will be receiving, is that money intended to be drawn down directly for maintenance cost, or is it going to be invested in some kind of trust fund that would generate interest? You will not be able generate a whole lot interest on \$20,000. What is the plan for going forward here?

Ms. Wickens replied \$20,000 is sitting in an escrow account that is interest bearing. It is not in a trust fund; it is strictly in escrow. I would assume there would be some kind of approval process for the request to draw so that we could understand that it's for the ongoing maintenance of the bridge.

Alderman Smith stated thank you, Your Honor. I would like to have Tim Clougherty come up. I understand that the bridge will be closed during the winter because it is a wooden deck. I brought this up about a month or two ago, and I think the same situation occurs, because it is a wooden deck.

Mr. Clougherty replied I can't speak to the issue directly. I know that Denise and Kevin were looking into it. There are also some complications as to whether the Riverwalk on the adjacent sides of the bridge were even going to have snow removed. If the Riverwalk wasn't going to have snow removed, then obviously there will be some complications with removing snow from the bridge.

Alderman Lopez stated thank you, Your Honor. Is Parks & Recreation involved in any way or is this strictly Highway?

Mr. Clougherty asked as far as snow removal....

Alderman Lopez interjected snow removal, the Riverwalk, the bridge.

Mr. Clougherty replied certainly Parks & Recreation is involved with the Riverwalk but not the bridge.

Alderman Lopez asked the Riverwalk but not the bridge?

Mr. Clougherty replied I don't believe so.

Alderman Lopez stated I would say before the Highway closes that bridge they should bring back why they're going to close it. I mean, a lot of money went into that bridge to build it. A lot of people do use it. It is a walking bridge, and many people walk back and forth and sit there and watch the traffic. I would ask that it be scrutinized before we close it, and make sure that the Aldermen, in my viewpoint, have the final say so, in Lands and Buildings.

Mr. Clougherty stated I haven't personally heard of any discussions about closing it. I know that Mr. Sheppard has been in discussions with our engineer relative to what type of apparatus could be used to remove snow from the bridge. I just don't personally have that information. I would be happy to report back at the next meeting with that.

Alderman Lopez stated just one comment in reference to the \$20,000 in maintenance. It was always intended from conversation at previous meetings from the chairman and other people who came before us...when Frank Thomas outlined how they were going to build the bridge that the committee tried to raise enough money. Whether they retained the \$500,000, I'm not too sure. The Mayor can find that out. We always had the intent of that bridge belonging to the City. It is like everything else, like the Senior Center. We raised \$500,000 and it still belongs to the City. So we don't go down that route. It is a City bridge, which is the point I want to make.

Alderman DeVries thank you, Your Honor. Mr. Clougherty, wouldn't the City have removed the graffiti on that bridge whether it was a walking bridge or not, under our graffiti removal?

Mr. Clougherty stated I believe we would have.

Alderman DeVries stated I guess the other point I would like you to consider...and I assume you might be reporting back to Lands and Buildings, or maybe working with the Parks department. I have some recollection of maybe five years ago there were issues with the walking trail, the Rails to Trails, being open in the winter because there is eagle roosting taking place. I don't know if that is still an issue. It seems that some of our Conversation Commission members, at least at that point in time, had concerns and had brought it to, I believe, Lands and Buildings, where I was serving on at the time. They didn't want to have the Rails to Trails on the east side of the river opened up during the winter. I think the discussion was to have some kind of signage to alert people to try to limit the activities. This is just something else that should be looked at and coordinated. I don't know if eagles are still in the area or not; there has been a lot of construction. At one point, eagles were roosting, not nesting but roosting in that area and fishing on the west side of the Merrimack.

Mr. Clougherty replied we will certainly take that under advisement and consult with Park and Recreation.

Alderman DeVries replied thank you.

Alderman Gatsas asked do I understand that this is going to Lands and Buildings?

Mayor Guinta replied we are accepting the \$20,000 which is what is in front of us now. I will be asking Hands Across the Merrimack for a status on finances, future fund raising and bridge painting.

Alderman Gatsas asked can I ask the City Clerk's office to get whatever minutes were made public on the bridge, and who was going to paint and maintain it?

Mayor Guinta called for a vote on the motion to accept \$20,000 from the Samuel P. Hunt Foundation for the final payment towards Hands Across the Merrimack. There being none opposed, the motion carried.

17. Communication from Matthew Normand, Acting City Clerk, submitting a request for a Conduct Board Hearing.

Mr. Thomas Arnold, Deputy City Solicitor, stated having examined Mr. Melle's letter and taking a look at the City Charter, the Conduct Board is limited to investigating breaches, or alleged breaches, of the conduct code, as it is contained in the City Charter. Mr. Melle's letter does not make any allegations that would fall into areas of the conduct code, such as financial conflicts of interest or immediate family conflicts of interest. Consequently, I do not think the Conduct Board would have jurisdiction over Mr. Melle's complaints.

Alderman Lopez stated thank you, Your Honor. I couldn't hear a little bit of this. In essence, this does not rise to the level of going to the Conduct Board.

Mayor Guinta stated it does not meet the criteria. Is that what you are saying?

Mr. Arnold stated it does not meet the Conduct Board's jurisdiction.

On motion of Alderman Lopez, duly seconded by Alderman Osborne, it was voted to receive and file this item. Alderman Sullivan abstained.

18. Communication from Pamela Goucher, Interim Director of Planning, submitting a subordination agreement for 194 Spruce Street.

On motion of Alderman Shea, duly seconded by Alderman O'Neil, it was voted to discuss this item.

Alderman Shea stated thank you, Your Honor. I am not sure if anyone is here from the Families in Transition.

Mayor Guinta replied I don't see anybody. Pam, can you speak to this request?

Ms. Pamela Goucher, Interim Planning Director, stated I did try to reach someone from Families in Transition. I know Maureen Beauregard was on vacation last week. We received the letter after the agenda was prepared. This letter will further explain it, if the Board wanted to discuss it. Tom Arnold has some additional information to relay to the Board. Certainly, if this Board wants to hear directly from Families in Transition, it could be tabled and brought up at a subsequent meeting.

Alderman Shea stated I have been discussing this with Attorney Arnold and I would feel more comfortable if they were here. Obviously, my understanding is they want to get the money from this particular residence and use it for something else. In my judgment, that does not fit, unless I know what they are going to do with it.

Ms. Goucher stated my understanding is that the lien is strictly for compliance with the monies which were originally granted for this rehab property. In other words, they had to maintain a property for low to moderate income for twenty years. This would put it in the same position as the first.

Alderman Shea stated I think they have owned it about seventeen years.

Ms. Goucher interjected they have until 2011.

Alderman Shea replied yes they do. What they want to do is get the monies from this particular project, and possibly use that money they get for some other development.

Ms. Goucher stated that is my understanding.

Alderman Osborne moved to table the subordination agreement for 194 Spruce Street. The motion was duly seconded by **Alderman Shea**.

A roll call vote was requested by Alderman DeVries.

Alderman Lopez asked a parliamentary inquiry...

Alderman Gatsas stated we are in a voting mode, Your Honor.

Alderman Lopez asked should we table it here or sent it to Lands and Buildings?

Alderman Gatsas asked why are we having a discussion about it?

Alderman Lopez replied we want to discuss it but the people are not here.

Alderman Osborne stated I would like to have the presence of the people.

Mayor Guinta stated I have no objection to tabling at this level, so Families in Transition can come back. I assume their explanation is fairly succinct.

Ms. Goucher stated there was a letter that came after the agenda was prepared. I know the Board doesn't like to get a letter and discuss it the same day. As I said, it was because the director was on vacation, and this is the best that we could do to get the information. I couldn't reach anybody today to make sure they were going to be here tonight.

Mayor Guinta stated I appreciate you trying. The motion is to table...

Alderman DeVries interjected Your Honor, could we ask the maker of the motion if he might rescind so we can have a little bit more discussion before we have the vote?

Mayor Guinta asked so you want the maker to withdraw?

Alderman Osborne stated I withdraw the motion.

Alderman DeVries stated I appreciate that. Thank you, Your Honor. Do I understand that this loan has been paid in full?

Mrs. Goucher replied yes, that is my understanding.

Alderman DeVries stated but it still have liens against it, which was part of the process when the initial loan was made.

Ms. Goucher replied the lien was placed for compliance, to make sure since they had received the funds for this affordable housing, that the property remain in compliance with affordable housing for the full twenty years.

Alderman DeVries stated they are within two years of the twenty years.

Ms. Goucher stated 2011. I know Mr. Arnold has done a little research on this also, but that is my understanding, 2011.

Alderman DeVries asked do we have any reason to believe that they are looking to break their obligation of renting to lower income?

Ms. Goucher replied no. It is my understanding that they are trying to secure some monies by putting up this property as collateral, so that they can undertake some other projects. As most of you know, Families in Transition is sort of in the business of affordable housing, transitional housing. I would not believe that they have any intent to not honor the full commitment that they made back in 1991 when they originally secured the money.

Alderman DeVries asked one final question if I might? Are you familiar with any time sensitivity? I know interest rates have been somewhat in flux.

Ms. Goucher replied I am not. I know that the letter that I asked to have on this agenda was the result of an email between Families in Transition and Sam Maranto in our office. The ability to follow up last week when we were trying to move this forward was difficult because the director was on vacation. I don't know if this is a time sensitive issue, but it would not be inappropriate for the Board to want to have them come forward.

Alderman DeVries stated certainly Families in Transition has done great work in the City of Manchester in supporting these individuals. Since the loan has been paid in full and close to termination, I guess I just don't understand why we are hesitant to allow them to use this property as collateral towards an effort which is supplanting what would be done by government. This non profit will bring forward more affordable housing projects. I'm just not sure why we are hesitant

to allow this process to go forward, and go forward this evening, so they can take advantage of a market that has moved downwards, financing.

Mayor Guinta stated I am not sure if there is hesitation. I think the motion to table was premature. It appears that they want to take out a mortgage and either renovate, duplicate, or replicate this actual housing project somewhere in the City to benefit low income needs. I certainly support it, in the sense that, as I understand it, they are looking for something in the downtown area to rehab. I think that also fits in the mission of rehabbing existing properties, which is a need.

Alderman Garrity stated I would like to see Families in Transitions in front of me. I have a lot of questions for them. They have been talking about expanding their facility on South Beech Street, which the neighborhood and I are both opposed to. I just want to make sure that they are not using this to ramrod something down in Ward 9 without even reaching the neighborhood, like I've asked for months ago. None of my constituents have told me that they have reached out to them. I would like to see Maureen Beauregard in front of this Board to ask her those questions. I think it is prudent that this Board tables this because a letter was handed to us. It's dated December 11, 2008, but now it's the sixteenth, five days later, and we are having this letter handed to us. It is prudent that we table this item.

Alderman Osborne stated Your Honor, I think there will be a lot of questions in the near future with this anyway. I think they should be here to answer any questions, and not have Ms. Goucher answering all of these questions, for her or him, or whoever. I think they should be here on something like this, and I make a motion to table this again.

Mayor Guinta stated if that's what you want to do, that's fine. They want to take a mortgage out to improve this building, or renovate another location.

Alderman Osborne stated if you go to a bank for a loan, you have to be there.

Alderman Shea stated my understanding, Your Honor, is that they want to use the \$150,000 that they are going to borrow from St. Mary's Bank to develop something else, which I don't object to, but the point of the matter is we should know...We're not talking nickels and dimes here. We are talking about \$150,000. In courtesy, they should appear before the Board and explain to us

what they are planning on doing. We require other people to do that; we should have an explanation. I am not saying I am opposed to this, I'm just saying...

Alderman Osborne interjected neither am I. It's my ward. I would like to see it finished off in the proper way.

Alderman M. Roy stated thank you, Your Honor. One thing I think that we are missing is that this mortgage is a compliance mortgage. There never has been an amount due; there has never been an amount paid. It is to ensure that the property is used as it was intended and designed. This is a great example, in my opinion, of a non profit using seed money twenty years ago to now grow the Families in Transition so that they can have discussions in the proper forums, in other words, throughout the City. This is not going to cost the taxpayer. The mortgage was put on the property to make sure there was long term compliance in the use of those funds. There is no impact to the taxpayer except for the fact that if we let this go forward and take our paper mortgage out of their way, they will be able to reinvest in the City, and do exactly what their mission statement allows them to do. I would move that we move this forward this evening, and not let government stand in the way of the non profits that twenty years ago we struggled to help.

Alderman Garrity interjected Your Honor, we have a motion to attach which is not up for debate.

Mayor Guinta replied actually, the tabling motion has been withdrawn.

Alderman Osborne stated I made another motion to table.

Mayor Guinta replied I have not heard that yet.

Alderman Osborne stated you've heard it now.

Alderman Gatsas stated thank you, Your Honor. I guess that there is a letter in our packet that is pretty clear that there were no City monies involved. The lien is to make sure of compliance, so that low and moderate income individuals in the City can live in this building. We should applaud them for paying off the mortgage early. This is no different than a private individual wanting to take a first mortgage and only asking us to subordinate. We have nothing at risk. Since when do we tell people what they can do with their money? I am confused by...

Mayor Guinta interjected it sounds like the only issue left to resolve is what specific property they are looking to renovate.

Alderman Gatsas asked how we can dictate to them, whether it is a house on Massabesic Street or a house on North Street? There is nothing in here that tells us that we can tell them what they can do with their money. There are no securities here; there is nothing here. I am scratching my head as to why we wouldn't want to do this and why we want them in front of us to tell us what they are going to do with their money? There is no reason for them to tell us what they're going to do with their money.

Alderman Osborne asked Alderman, why is it in front of us then?

Alderman Gatsas replied because we have to subordinate, to say that they can continue to rent to people of low and moderate income for two more years. At the end of two years, they don't need to come to this Board for anything.

Alderman Osborne asked if there are no other Aldermen that would have questions if they were here, it's fine with me.

Alderman O'Neil stated Families in Transition has a successful, proven track record with the City. I am disappointed to hear about the lack of communication with the project down at Ward 9. They will hear from me about that. I agree we should move this forward. I am concerned that the letter is dated December 11th, and today is the 16th. We are just seeing this letter for the first time. I don't know if they dated it December 11th and hand delivered this letter, or if they actually delivered on the eleventh, I don't know. I hate doing business that way, having stuff put before us. But they have a proven track record with us and generally, it has been very successful. Thank you, Your Honor.

Alderman Lopez stated thank you, Your Honor. I would probably invest my money in Families in Transition. They can solve the homeless problem. Let's move it.

Mayor Guinta stated there is a motion on the table...

Acting City Clerk Matt Normand stated Alderman Osborne has offered a tabling motion.

Mayor Guinta stated I thought it was withdrawn.

Acting City Clerk Normand replied then he offered a second one. I don't know that you've accepted it.

Mayor Guinta stated I haven't accepted that yet. What is the current motion on the table?

Acting City Clerk Normand replied there is no motion at this point.

Alderman Lopez moved to approve the subordination agreement for 194 Spruce Street. The motion was duly seconded by Alderman DeVries. Mayor Guinta called for a vote. The motion carried, with Aldermen Shea, Garrity, and Osborne duly recorded in opposition.

19. Ordinance:

“Amending Sections 33.024, 33.025, & 33.026 (Parking Maintenance Worker) of the Code of Ordinances of the City of Manchester.”

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

On motion of Alderman Ouellette, duly seconded by Alderman DeVries, it was voted that the Ordinance ought to be approved and ordained without referral to committee.

20. Bond Resolution:

“Authorizing Bonds, Notes or Lease Purchases in the amount of Six Million Dollars (\$6,000,000) for the purchase of Fire Department and Highway Department vehicles.”

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

21. Resolutions:

“Rescinding authorization on unissued Bonds, Notes or Lease Purchases for the purchase of Fire Department and Highway Department vehicles.”

“Amending the FY 2009 Community Improvement Program, authorizing and appropriating funds in the amount of Six Million Dollars (\$6,000,000) for the FY 2009 CIP 810309 Motorized & Electronic Equipment Replacement (MEER).”

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

On motion of Alderman O’Neil, duly seconded by Alderman DeVries, it was voted that the Resolution ought to pass and be Enrolled.

Alderman O’Neil stated just a quick question: Is this done now?

Mayor Guinta replied it is done.

Alderman O’Neil asked so the departments can move forward?

Mayor Guinta replied yes.

Alderman O’Neil I just want to say, on behalf of the elected officials, this was a nice job by many of the departments getting together.

Mayor Guinta stated thank you very much.

TABLED ITEMS

- 22.** 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, and 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 In Vehicle Parking Meter contract with ePark Systems, Inc. submitted by Brandy Stanley, Parking Manager, be approved with the stipulation that the contract be for one year with two option years.

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

Alderman Shea stated thank you, Your Honor. I think Brandy is here. My understanding is that this has been worked out with the City Solicitor's office, if I am not mistaken.

Ms. Brandy Stanley, Parking Manager, stated I believe the request at the last meeting was to insert language protecting the City against any loses, monetary or otherwise, relating to a security breach. The contract has been amended and is before you now.

Alderman DeVries stated thank you, Your Honor, and Brandy, thank you very much for the detail that you paid to that. It looks like you have improved the language on the terms. With that, Your Honor, do you have a motion to accept?

Mayor Guinta replied not yet.

***Alderman Shea** moved to approve the Vehicle Parking Meter contract with ePark Systems, Inc. The motion was duly seconded by **Alderman O'Neil**.*

Alderman Gatsas stated thank you, Your Honor. The agreement that we received tonight, is that different than the one that we have in the packet?

Ms. Stanley replied yes. There are two changes. One is on page five, and one is on page six, both of which were requested at the last meeting. The changes were made and that is the new one that you have.

Alderman Gatsas asked is there a reason why the corrected agreement was not in the packet?

Ms. Stanley replied the corrected agreement was forwarded to the City Clerk's office this afternoon.

Alderman Gatsas replied thank you.

Alderman O'Neil asked did this only get done in the last day or two? We are starting to get back in the habit of everyone getting us business the night of the meeting.

Mayor Guinta stated that ends this year. Next year is a whole new year.

Alderman O'Neil asked did everyone hear that? No more handouts the night of meetings.

Mayor Guinta stated including Families in Transition, right?

Alderman Smith replied yes exactly.

Alderman Garrity stated including committee meetings.

Mayor Guinta called for a vote on the motion to approve the Vehicle Parking Meter contract with ePark Systems, Inc. There being none opposed, the motion carried.

Alderman Shea asked Mayor, can you update us as far as what's going on with the terminal?

23. Update from Mayor Guinta relative to the Manchester Transportation Center.

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

Mayor Guinta asked Alderman Gatsas to give an update of the meeting that was held last Friday night.

Alderman Gatsas stated as current as today, I can tell you that the Department of Transportation (DOT) is working to find funds in the 2009 budget that may bring this forward a lot quicker, the same \$160,000. I think that Boston Express has met with City departments at the facility. My understanding is that they are meeting with DOT on Friday to talk about more routes. They are talking about going back to ten routes, seven days a week, with two later routes leaving out of

Boston with the same terms and conditions that we talked about before, with more expanded police service down at the Center, along with the painting and the renovations that we discussed. The City will be looking to pick up the utility side cost. I don't think anything has come to an agreement yet. I think DOT is still working on that. They are talking about ridership increasing to 150 people, I want to say per day or per week; I am not sure.

Mayor Guinta interjected per day.

Alderman Gatsas stated I think it is important to understand that they are talking about bring back ... right now we have six daily routes, and they are talking about going to ten, with two later routes coming out of Boston. That has to be approved by DOT. They are meeting with them on Friday.

Alderman Shea stated thank you, Your Honor. I want to commend Alderman and Senator Gatsas for his work. One of the concerns that I have is we have to get a handle on some options here. I believe that right now, according to my understanding, the utilities are going to cost the City about \$1,200 a month once this particular operation is finalized. That would be close to \$15,000 a year, and if we compound that, in ten years it will be \$150,000. What we have to do is try to work out something for the cost of the utilities. Obviously, even though we are getting \$160,000 and \$40,000, and we are going to upgrade that facility, we still are going to have to maintain the expenditures of whatever the utilities are going to cost us. I think we should have some plan in operation. Obviously, if we are going to pay that much money per month, and compounded over six months, or a year, it will require some kind of appropriation from the City.

Mayor Guinta stated it is going to be considered a City building. It would most likely have to be budgeted in our Facilities budget.

Alderman Shea stated right, we have to do something in order to alleviate that. Then we have to try to understand, does this make sense? In other words, if there are going to be 150 people riding the bus, and it's going to be convenient for them, that's all well and good, but we have to weigh that against the other factors in running City government as well. I think your department, as well as maybe Economic Development, as well as other people, have to weigh into this and see what we should do or what would be the best way to approach this.

Mayor Guinta stated I think the good news is that at least for the short term, the CMAC money is going to be dedicated to improving the facility. Boston Express has agreed in the beginning part of 2009 to take over operations of that facility. They understand that the improvements won't be done in January, but it looks as though they're willing to take over operations in January of 2009, with the understanding that those improvements will be made. As you correctly mentioned, there are going to be some operational costs that are borne by the City. I would anticipate including that in the fiscal year 2010 budget. The long term plan, I think, is still to move forward with an alternative location, as we had originally voted, so we can ensure a multi-modal facility in the ten year highway plan being moved up, so the City can maximize that money for an economic development plan.

Alderman Shea asked in the meantime, Your Honor, are we still going to be paying what you have estimated, between \$11,000 and \$15,000?

Mayor Guinta stated hopefully only till January.

Alderman Shea stated only till January, and after January there will be a decision...

Mayor Guinta interjected the staff is working with Boston Express for that transition. I hope to have it done for January. Obviously, there are a couple of details that still need to be worked out. As the details come to me, I will certainly provide them to the Board.

Alderman Shea asked will there be an effort to try to encourage more ridership? Right now, my understanding is there are probably only 50 people riding the bus.

Mayor Guinta stated you will see the ridership go back up. I think Boston Express has realized that it's in their best interest, not just from a service standpoint, but from a customer service standpoint, to have meaningful service out of the City. I think you will see an increase in ridership, once they are operating again out of that facility.

Alderman Shea asked would the City try to encourage that, Your Honor, by some kind of campaigning?

Mayor Guinta replied absolutely.

Alderman DeVries stated thank you, Your Honor. If I could ask Alderman Gatsas...I'm not sure if I heard you address the later evening trips back to the City from Boston. Was that part of the discussion?

Alderman Gatsas replied yes, that is part of the package that they are putting together. They are meeting with the Commissioner of DOT, because he has to approve it. They are in the process of doing that by Friday.

Alderman DeVries stated great, thank you.

NEW BUSINESS

Alderman Lopez stated I hope I get the Board's approval for this. I would ask the City Solicitor to guide us on this. I have had some conversations with Tom Clark and small conversations with Tom Arnold. A lot of people have approached to include some Aldermen. We do not have any particular policy in naming things, such as building and parks. The School Department names things. I don't think they have the authority to do so. That is the conversation I had with Tom Clark. I would like to refer this...who has the authority to name parks and buildings, and some of the procedures that maybe we should follow in the future, to the City Solicitor's office.

On motion of Alderman Lopez, duly seconded by Alderman Sullivan, it was voted to refer this issue to the City Solicitor's office.

Alderman DeVries stated for new business, I am hoping this Board would consider going back out to bid for our health insurance policy. As we head into our very difficult budget season, we need to be mindful of every opportunity to save dollars, in light of the very dramatic increase in our rates. Of course that costs the City dollars as well. The fact that we have the opportunity to go back out to bid, I think we should refer this process, at the very least, to the Human Resources Committee for review of the bids, and instruct the Human Resources Director to initiate that process.

Alderman DeVries moved to refer this issue to the Human Resources Committee. The motion was duly seconded by Alderman Murphy.

Alderman O'Neil asked are you suggesting that it goes to Committee or that we start the process of going back out for bid?

Mayor Guinta stated it was to refer to Committee.

Alderman DeVries stated I think we can initiate the process, and of course I anticipate that the Human Resources Committee would have to be involved in the review.

Mayor Guinta stated I'd feel comfortable if we refer this issue to Human Resources, so that we can get a formal review and recommendation for the full Board's consideration.

Alderman DeVries asked can that be done in a timely manner so we don't miss a window for budget opportunities?

Mayor Guinta stated I think it can be done inside of thirty days.

Alderman O'Neil stated if I may, that is my question: If we are going to take advantage of this, and there are some savings, we would want it to be in effect if possible for July 1. Anything we can do to speed up the process?

Alderman Lopez stated I have had brief conversations about the contract. The Human Resources Director indicates there is provision. I don't know if she has that date and time frame on her hands right now. There is a time frame in the contract that we have, that we have to go out. Am I understanding you correctly?

Ms. Jane Gile, Human Resources Director, asked are you asking if there is a clause in the contract? Yes.

Alderman Lopez replied do you know what that date is?

Ms. Gile replied I believe it is a sixty-day window.

Mayor Guinta stated we have to serve a sixty-day notice.

Ms. Gile stated yes.

Mayor Guinta stated we can do this at anytime; we just have to serve a sixty-day notice.

Alderman Gatsas stated this certainly this discussion has come up. I have had a conversation with the Human Resources Director, that she should talk to Jack Sharry. They can sit down and come up with some sort of idea as to whether there is a cost savings that can be found in it, and whether we go out to a full RFP or not. Certainly, they are capable of answering the questions that can be reported back to this Board, so there's no reason that it should go to the Human Resources Committee. I think the Human Resources Director and the person we pay money to as a consultant should have that and come back to the full Board at the next meeting. There is no reason for it to be a process that Human Resources has to come to a Committee and have that discussion. I think they are capable of looking at what that contract says and whether they think there is a savings out there. Certainly, in the times that we are in, if there is a savings, we should go after it. If it sharpens up the current insurer's pencil, then so be it, and we get to save more money.

Alderman Lopez stated bring it to the next Board meeting.

Mayor Guinta asked bring what to the next Board meeting?

Alderman Lopez responded the Human Resources Director and the consultant.

Mayor Guinta stated let's back up a minute. Your original suggestion, Alderman, was to initiate the process to go out to bid for health insurance, correct? That was your original sort of goal?

Alderman DeVries replied to have the Human Resources Director initiate the process, and have the insurance department review that. But I'm happy to take the friendly amendment to that motion, to have the Human Resources Director initiate the process and report back it back to the full Board at our next meeting.

Mayor Guinta stated essentially what you would do then is serve notice that we are going out to bid. The bid process would start sixty days from the receipt of that letter.

Ms. Gile stated the way I understood it was that I will be speaking with Jack Sharry. Then we would get a bid process out to various carriers. We will receive that information back, and then based on that information that we receive from the carriers, we will make a decision whether or not we would change the current carrier.

Mayor Guinta stated what I would recommend then is a motion instructing the Human Resources Director to initiate the process. I think there are other details that we should consider and discuss and have more formal recommendations, either from myself or from the Human Resources Director, as to other areas of how we proceed. I have no objection to proceeding forward, with respect to a bid process.

Alderman Shea stated thank you, Your Honor. We are both aware of certain background material that I submitted to you. My thoughts would go along the line that Jack Sharry, the Human Resources Director, as well as Ted Gatsas, the head of the Human Resources Committee, meet to discuss certain aspects of this particular matter.

Mayor Guinta stated why don't we just take a motion...

Alderman Shea interjected then they could come back to the Board at a subsequent meeting. I think that there would be sort of agreement on their part, as to whether or not it makes sense to have a bid go out, or what process that would require. In other words, before Jack appears before this Board, I think there should be a meeting between him and...

Mayor Guinta interjected I don't think we need to dictate to the Human Resources Director how exactly she goes through the process. We need to instruct her to begin the process, and allow the Human Resources Director to determine the most appropriate process.

Alderman J. Roy stated thank you, Your Honor. I don't have a problem looking into it, but what I would like to see is that we are talking apples to apples. Last time this process took place in the City, one group came in here and they didn't do what I call stranded cost. I think it was called run out, or whatever it is. We projected a savings of \$1,000,000 to \$1,500,000, and it never developed, because

we are self insured, and we have to pay that run out anyway. I just want to make sure that we don't get duped again.

Mayor Guinta stated that is why I am asking the Human Resources Director to start the process, at which point I would like to meet with her, as well as the Solicitor, put in writing a list of parameters for this Board to review, so that fair comparisons are being made in the future. Those are some of the things I would like to have the time to work out with the Human Resources Director.

On motion of Alderman DeVries, duly seconded by Alderman Shea, it was voted to amend the motion instructing the Human Resources Director to initiate the insurance bidding process.

Alderman O'Neil stated under previous cover, you should have received a memo from me on behalf of the Strategic Facility Planning Committee. All we are looking for is a blessing. We have met four times as a larger group. We've broken into sub-groups, one with Police and one with Fire. At the end of the day, we think we need a little bit of help from a consultant. I'm not talking an architect or an engineer, just someone that is involved with government structure, trends, best management. Bill Sanders uses the term bench marking procedures. There was some money identified. It has changed a little bit with the fleet issue. We think there may be enough within the balance that's left, about \$100,000. This could price out to between \$100,000 and \$150,000. I use the parking study as an example, how we were given a guide and then we implemented it as time moved forward. Alderman Jim Roy and I co-chair the committee. We are looking for a proposal to start an RFP process to bring on a consultant. We're not looking for architects; we're not looking for engineers; we're looking for firms that have experience in government to help us out. Did everybody receive the memo?

Alderman Garrity replied I don't have it, Alderman.

Mayor Guinta asked who would be issuing the RFP?

Alderman O'Neil stated we haven't gotten that far. One of the departments would have to.

Mayor Guinta asked could you include in the motion, assigning this to Finance for the moment?

Alderman O'Neil stated that's fine.

Alderman O'Neil moved to refer this item to the Finance Department to begin an RFP process seeking a consultant for the Strategic Facility Planning Committee. The motion was duly seconded by Alderman J. Roy.

Alderman O'Neil stated I apologize. Everyone was to get the letter.

Alderman Garrity stated I apologize. I probably got it. It's probably sitting on my dining room table. This RFP process is not be costing us anything but that's where we'll get the...

Alderman O'Neil interjected once we get the RFP's back, we will have a better idea. We think, through some discussion, that we have some range of what it may cost. It may be \$100,000 to \$150,000. If they all come back and say it is \$1.5 million, we will go back to the Aldermen.

Alderman Garrity stated I think \$100,000 is too much.

Alderman O'Neil stated we think it's going to help with fire station locations. We think it's going to help us regarding police staffing, which in turn will lead to a proper decision being made as to whether or not a police station gets built, and how big the station should be. We thin we need to confirm the work that's been done today for a public works facility, including a centralized motor vehicle garage. We have a ten year old study that is sitting on a shelf. We didn't do a thing with it.

Mayor Guinta stated this is just the RFP. It is not costing us anything.

Alderman O'Neil stated this is not costing us anything right now. We will have to come back to the Board to get approval for the funds.

Mayor Guinta called for a vote on the motion to refer this item to the Finance Department to begin an RFP process seeking a consultant for the Strategic Facility Planning Committee. 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