

BOARD OF MAYOR AND ALDERMEN

January 6, 2009

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 petition:

33 Skyline Drive

Information to be Received and Filed

B. Communication from John Peters, Manchester resident, submitting a copy of an editorial letter to the *Manchester Union Leader* and the *Manchester Express* regarding the request for a city dog park.

- D. Communication from Pamela Goucher, Interim Planning Director, submitting an update on the Shoreland Protection Act exemption request.

REFERRALS TO COMMITTEES

COMMITTEE ON HUMAN RESOURCES/INSURANCE

- E. Communication from Attorney Vincent A. Wenners, Jr. requesting the Board to reconsider an August 5, 2008 action to receive and file a communication regarding a Water Works employee.

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

- C. Communication from Kevin Sheppard, Public Works Director, advising the Board of their maintenance responsibilities for the Hands Across the Merrimack Bridge.

Alderman Shea stated thank you, Your Honor. That has to do with a communication from Kevin Sheppard, Public Works Director, advising the Board of their maintenance responsibilities for Hands Across the Merrimack Bridge. No one has objections to that, Your Honor. I would like to mention that the School Department has a School Safety Committee. I have received notification, as well as Alderman O'Neil, from constituents in my ward, whose grandchildren and children attend Hallsville School. Their concern has to do with the safety problems around the school when there is excessive snow. I have discussed this with Kevin Sheppard of course, and Kevin has assured both myself and others that the responsibility for plowing has to do with streets and roads. They do all they can to help out around the schools. I did point out to Kevin that there are four schools that are on main streets. There may be more, but some of these schools are Hallsville, Wilson, Beech, and Bakersville. When the School Safety Committee

does meet, there should be a representative from the Highway Department that would be at the meetings. That would be very helpful and assuring to the parents as well as the school faculties. Also, I think that the Highway Department and the School Department have worked closely together, and I think they have to, because school conditions sometimes are not always know by everyone. As this letter points out, some of the children do have to walk in some serious conditions, when there is a lot of snow and ice. Pointing this out, I think, Your Honor, there is a problem that has to be addressed. The School Safety Committee can address that. I think, in all respects the Highway Department is doing a very good job cooperating with the schools. I do think that if there is way of prioritizing the removal of snow from busy intersections where schools are located...and that doesn't only pertain to the four elementary schools I've mentioned, but Central High School and West High School.

Alderman Shea moved to receive and file this item. The motion was duly seconded by Alderman Garrity.

Alderman Smith stated thank you, Your Honor. This brings up a good question. If the City is going to plow Hands Across the Merrimack, how are the approaches going to be plowed, when the Parks and Recreation does not plow them? How will you get access to the bridge?

Mr. Kevin Sheppard, Public Works Director, stated our intent would be to take care of that trail from South Main Street over to the MerchantsAuto.com stadium, to the parking lot, so people could get from South Main through to the east side.

Alderman Smith replied thank you. Do you think that the plows will do any damage to the wooden deck?

Mr. Sheppard replied we went down there today. There was no snow on the bridge because there was so much wind over the past week.

Alderman Smith replied okay, I'll see you in the spring time.

Alderman Gatsas asked was anyone walking on it?

Mr. Sheppard replied I wasn't there, I'm sorry.

Alderman DeVries stated I would like to defer a question to the Ward Alderman. Has anyone answered the question of why we need this plowed in the winter? Why can't this become passive recreation, cross-country skiing, and snowshoeing, like our other bike and pedestrian trails? It is not in my Ward, so I am not familiar with winter utilization. Maybe Alderman Smith or Alderman Sullivan can answer my question.

Alderman Smith replied my recommendation would be not to plow it at all, to leave it as is. I think damage will be done to the bridge. That's my personal opinion.

Alderman DeVries asked if snow accumulates on it, it is going to damage the bridge?

Alderman Smith replied I think plowing and snow removal...you've got to put the snow some place; you can't leave it on the bridge.

Alderman Lopez stated thank you, Your Honor. Why don't we just let the Highway director take care of it until a problem arises?

Mayor Guinta stated thank you, it sounds good to me.

Alderman DeVries asked is the motion instructing Highway to plow it or telling them to leave it alone unless someone indicates they need to have it plowed? I'm just not clear what the directive to Highway is.

Mayor Guinta replied the motion was to receive and file. There also was a request that the Safety Committee address a priority list. It also sounds like we would also leave up to Mr. Sheppard, the responsibility and decision making, regarding the bridge.

Alderman DeVries stated I think it's important that we express... nobody has contacted me and indicated that they are upset that we are not plowing the bridge. If they haven't contacted Alderman Smith or Alderman Sullivan, as the Aldermen on each side of the bridge, I wouldn't want the impression to Highway be that we have an expectation that this be maintained in the winter. I would be more comfortable when we say thank you very much. We know if it's brought to our attention and there's a need...I know the Conservation Commission members don't want to see it plowed. I am hoping we have given him that impression. Thank you.

Alderman Gatsas stated thank you, Your Honor. I am wondering if it wouldn't be the right thing to do to ask Mr. Sheppard to put together a budget for maintaining Hands Across the Merrimack, because my understanding was it wasn't supposed to cost the taxpayers any money. It sounds like right now it's starting to cost the taxpayers money. He should at least bring forward a budget to this Board to tell us what a twelve-month maintenance and refurbishing budget would look like.

Mayor Guinta stated alright, we will do that.

Alderman Ouellette stated Your Honor, to go along with that, I think part of the confusion is what do we want the bridge or path to be in the winter time? Do we want it to be a cross country snowshoe recreational path or do we want it used the way it is all year long as a pedestrian path? If the department heads could get together, or the powers that be who maintain that could tell us what they think the feasibility of the use in the winter time for it. That would help Kevin Sheppard to determine how much money it is going to cost.

Mayor Guinta stated the letter from Kevin gives us two options. Is it fair to say that you have already assessed it and given us our options and we have to make a decision? We can either plow it or not plow it. If it is plowed, it is used for pedestrian use; if it's not plowed it's passive recreation.

Alderman Shea stated thank you, Your Honor. I'd like to get my two cents in again. I have no objections to the plowing of Hands Across the Merrimack. I just want the priorities of the Highway Department to focus on the school children, because they are the ones that are most impaired. They are the people that are least able to prevent accidents from occurring around schools. I have no objections to them doing whatever they want to do, but making sure that the school children are protected. That should be and must be our main priority; I think that is extremely important, that we realize that.

Mayor Guinta stated the motion here is to receive and file item C which does not articulate the position regarding plowing or not plowing the bridge. I'll take that motion and I'll take another motion on whether to plow or not to plow.

Alderman O'Neil stated I will move that we don't put the resources into plowing, unless for some reason, at the discretion of the Public Works Director, there is some structural issue with the bridge.

Mayor Guinta stated we have to receive and file motion first. Let's vote on that, and then I will take Alderman O'Neil's motion.

Mayor Guinta called for a vote on the motion to receive and file item C regarding the maintenance of the Hands Across the Merrimack Bridge. There being none opposed, the motion carried.

On motion of Alderman O'Neil, duly seconded by Alderman Osborne, it was voted not to plow Hands Across the Merrimack Bridge unless structural issues arise. This will be at the discretion of the Public Works Director.

4. Nominations to be presented by Mayor Guinta.

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

Senior Service Commission

James F. Eddinger to succeed Jeffrey Bolduc, due to term limit, term to expire January 1, 2012.

Water Commission

Phillip Sapienza to succeed Patrick J. Jordan, due to resignation, as the labor representative, term to expire January 1, 2011.

These nominations will carry over to the next meeting of the Board pursuant to Rule 20 of the Board of Mayor and Aldermen.

5. Confirmation of nomination made by Mayor Guinta.

Water Commission

Bernard Garrity, term to expire January 1, 2012

On motion of Alderman Garrity, duly seconded by Alderman O'Neil, it was voted to confirm this nomination as presented.

Mayor Guinta stated thank you very much and congratulations, Commissioner.

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

Mayor Guinta called the regular meeting back to order.

8. **Report of Committee on Finance.**

There are no reports from the Committee on Finance.

9. **Report of the Committee on Lands & Buildings.**

The Committee on Lands and Buildings respectfully recommends, after due and careful consideration, that a final payment of \$98,644.11, to the Manchester Housing and Redevelopment Authority (MHRA), for administrative costs, be approved.

The Committee further recommends that the payment be made from Jac Pac proceeds, totaling \$331,122.95, currently held by MHRA, on behalf of the City.

Alderman Osborne moved to accept this report and adopt its recommendation.

The motion was duly seconded by Alderman Smith.

Alderman M. Roy stated thank you. At last night's Lands and Buildings meeting, there were some requests for additional paperwork, one of which Jay Minkarah delivered to the Board this evening, discussing a differential. I don't know if this

should be looked into by the Finance Department, or who this should go to, but it seems there's a differential of \$142,740 regarding freezer equipment. What I would like to see is that money separated out and put it into an escrow account until someone investigates that and sees who's right and who's wrong and whose money it is.

Alderman J. Roy stated thank you, Your Honor. I have a question for Mr. Edwards. I believe yesterday in the committee we were told that we got \$50,000, or something like that, for the sale of the freezers when they took them out, which is included in the \$331,122.95. My point is, the developer was going to get \$142,000 for those and we only got \$50,000. Can you explain to me why?

Mr. Ken Edwards, Manchester Housing and Redevelopment Authority Director, stated I can explain. The paperwork that we submitted this afternoon, along with copies of the directive that we have from the City, indicate the City accepted a proposal to sell the equipment for \$50,000. We talked with Irwin Muscat about his opinion on the value of the equipment. He felt it was worth more than that, but he gave me the names of a couple of dealers to contact. I did that, and their indication, after I sent them pictures of all of the equipment in question, was that \$50,000 was a reasonable price for the removal and reinstallation of that equipment in another facility. We also had talked with Associated Grocers, and a large freezer warehouse in Londonderry. As far as we can determine, that was an equitable deal.

Alderman J. Roy stated thank you.

Alderman M. Roy stated Ken, last night I made a request for the HUD One statements. Did you bring those?

Mr. Edwards replied yes, you should have received a package.

Alderman M. Roy stated I received just one letter from Jay Minkarah.

Mr. Edwards stated we delivered our package, as requested, to the City Clerk's office this afternoon.

Alderman Smith stated I do have one package and it's self-explanatory. It says what you communicated to the consultant on behalf of Junket Equipment Division, submitting an offer to purchase equipment located on 163 Hancock Street, the total price being \$50,000.

Alderman M. Roy stated I mean the HUD One statements, the federal...

Mr. Edwards stated we did supply them to the City Clerk's Office. I have my copy.

Alderman M. Roy asked was it one package that was delivered?

Alderman Smith replied I just got one. It was left on my desk before CIP.

Acting City Clerk Matt Normand stated the information came in an envelope addressed to Alderman Smith, I think is what he's trying to say.

Alderman M. Roy stated if I can just look at this at your convenience, Alderman, that would be great.

Alderman Gatsas stated thank you, Your Honor. Just for clarification, the sheet that you gave us last night in Lands and Buildings talked about a sale price of \$3 million. The two HUD statements talk about \$3.6 million.

Mr. Edwards stated you asked for copies of the settlement statements that transferred the property from Tyson to us, then from us to Rivers Edge. You have two sets of documents. We purchased the property for \$3 million and we sold it for \$3.6 million.

Alderman Gatsas stated if we sold it for \$3.6 million, and I don't have the documentation in front of me from last night. It totaled expenditures of \$3.4 million.

Mr. Edwards stated the additional money beyond the \$3 million that we spent to acquire the property were the carrying expenses throughout the time that we held the property, the utilities, the security and all of the other items.

Alderman Gatsas asked do you have that document in front of you that you gave us last night in Lands and Buildings?

Mr. Edwards responded yes.

Alderman Gatsas asked what is the sale price at the top say?

Mr. Edwards responded \$3 million.

Alderman Gatsas asked is there a reason that the other \$600,000 fell through a crack somewhere?

Mr. Edwards replied no. What you dealt with last night at Lands and Buildings was the original budget for the project, which was acquisition at \$3 million and about \$500,000 worth of expected expenses. What we showed you was the actual expenses totaling \$3,490,000 and the payments received from the City to date which is \$98,644.11. That's the balance owed to the authority.

Alderman Gatsas asked the \$3.6 million from closing, the City has already gotten?

Mr. Edwards stated yes, minus \$100,000. We held \$100,000 and transferred the rest. We anticipated getting reimbursement based on what you see.

Alderman Gatsas asked so the document that you showed us last night was a surplus of \$331,000?

Mr. Edwards replied that is a different account. That \$331,000 is a result of all of the interim uses for the property during the time that we held it. That includes the parking revenue from CMC, freezer equipment, and the lease with Keyspan.

Alderman Gatsas stated correct. The additional \$100,000 that you held, is that in a different account?

Mr. Edwards replied correct, that will come back to the City. .

Alderman Gatsas stated the number that you showed us last night was \$331,000 less \$98,000.

Mr. Edwards replied correct.

Alderman Gatsas stated it would be \$230,000 roughly, plus an additional \$100,000 coming back to the City.

Mr. Edwards replied correct.

Alderman Gatsas stated if we told you to turn over the \$231,000 and deduct the \$98,000 from the \$100,000 that you already have, that bookkeeping measure for Mr. Sanders may be a little clearer. However you get your \$98,000 as long as you get it.

Mr. Edwards replied absolutely. However the City would like us to do it is fine with us.

Alderman Gatsas stated I think the additional motion that was made by Alderman M. Roy was for the balance to come back to the City, not to go to the infrastructure of Hackett Hill.

Mayor Guinta asked are you speaking about last night or ...

Alderman Gatsas replied I think it was last night's motion, but I don't know if it's in this motion that we have before us, if we have to do it tonight or some other way.

Mayor Guinta asked is there a motion on the floor right now?

Alderman J. Roy replied there is a motion to accept. What I asked for is to pay them \$98,644.11 and this will come out of the account from the Jac Pac proceeds of \$331,122.95. Then we asked that the rest of that money left over in that account be sent back to the City, approximately \$230,000.

Alderman Gatsas interjected plus the \$100,000.

Alderman Smith stated I suggested that, but there was a difference of opinion from Ward 1 at the time because he wanted to put it in infrastructure at Hackett Hill. That's where we left it at this time.

Alderman Lopez stated thank you. Back to Alderman Gatsas' question, the \$331,000 will come back to us, and take the \$98,000 out of the \$100,000. Is that good accounting Mr. Sanders? I think that was the question.

Mr. Sanders replied actually I would prefer that he sent the \$100,000 that was held back from the sale directly to the City and that the \$98,000 comes out of this special account of \$331,000. This would be clearer.

Mayor Guinta asked there is no motion on the floor yet, correct?

Alderman Gatsas stated I would like to make that motion.

Acting City Clerk Normand stated you have a motion by Alderman Osborne, seconded by Alderman Smith to accept the report. That's where we are.

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

***Alderman Gatsas** moved that the balance of \$331,000, after the deduction of \$98,000, be sent back to the City, along with the \$100,000 that was held in the sale price of the property. The motion was duly seconded by **Alderman Shea**.*

Alderman Lopez stated this money will go into the special revenue account. Is that correct Mr. Sanders?

Mr. Sanders replied yes, that is correct.

Alderman Lopez replied thank you.

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

Alderman Gatsas asked Mr. Sanders, can this Board designate that that money be put into contingency in this budget cycle, before it goes into a special account?

Mr. Sanders replied I just need to check the Resolution for a moment. I believe it would require a vote of at least ten of the Alderman at a minimum to do that.

Mayor Guinta stated we just voted to send it into a special account. We can transfer it out of there with a vote of ten any time. Is there a further motion?

Alderman Gatsas stated I think, Your Honor, obviously, with the constraints you're under, I would rather see that money in that account.

Mayor Guinta asked what did you say?

Alderman Gatsas replied with the constraints that you are under.

Mayor Guinta stated oh, that I am under. I appreciate your concern.

Alderman Gatsas moved to have the \$231,000 be moved into the contingency account. The motion was duly seconded by Alderman Smith.

Alderman Lopez stated I would only say that we can do that at any time, Alderman. If we continue to put money in contingency, then people are going to come after us for money to take out of contingency.

Alderman Gatsas stated I hear you Alderman, but I think especially with only six storms left in Mr. Sheppard's account, that there may be...I think it's easier left there. I don't think anyone is going to looking to prod their fingers through it in the next five or six months, knowing the financial conditions are that we are in right now.

Mayor Guinta stated we just did enact a spending freeze.

Alderman Lopez stated I just wanted to bring that point out. You are going to have the money either way. It will be in a special revenue account; if we want it out of there we will take it out.

Alderman Gatsas stated but I think it's over and above the amount for the transaction of the Jac Pac. Most of that is money that comes from the rental of the parking lot. I think there was some \$225,000, along with the equipment. I don't think it's interfering with the Jac Pac property sale. This is additional revenues that were coming in form the residual of that property.

Alderman Lopez stated just one last question. I am comfortable if the Finance Officer is comfortable in doing something like that at this time. I think that we backed up before and said appropriations and stuff like that, so would you comment on that?

Mr. Sanders responded yes, I did want to comment on that. Once again, we can only spend money that has been appropriated by the Board of Mayor and Alderman. If we want to take this \$330,000 and not put it in the special revenue account, then I think it should just be revenue of the general fund. I don't believe you can put it into contingency. The money is not appropriated to be spent. To keep all options open, if you put it in a special revenue account, we could always come back to it later.

Alderman Lopez stated that would be my suggestion.

Alderman Gatsas stated if we leave it in the revenue of the City, then we are not looking to take money out of special accounts, to reduce the rainy day fund.

Mr. Sanders stated that is true. If you put the money as revenue, it would just naturally offset the deficit.

Alderman Lopez stated may I ask for a friendly amendment at this time, to put it in a special revenue account. We can always do that.

Alderman Gatsas stated that's not what he said. We have to leave it in as revenue to the City.

Alderman O'Neil stated just for clarification....Bill, what is your recommendation? If we want to use snow removal, as an example, Kevin is at 50% of the snow removal budget today, and we felt that in the middle or the end of February, we might need that money. Where is the best place for that money to be?

Mr. Sanders replied it will have to come out of the existing contingency fund that we have, or it will have to come out of savings in other departments that we can transfer to it.

Alderman O'Neil asked if it went into the special revenue, we could not with a vote of ten, use it for that?

Mr. Sanders replied no, you still couldn't because it hadn't been appropriated.

Alderman Gatsas stated but if this is a revenue coming into the City...

Alderman DeVries stated thank you, Your Honor. One question for Mr. Sanders: I just want a clarification of the action we're taking. We are actually dedicating this with ten votes, into revenues for this year. The net effect would eventually be hopefully to reduce the amount of money we draw off of our rainy day fund because it will reduce the shortfall of revenues, correct?

Mr. Sanders replied yes, actually the ordinance dictates that with the sales of assets, the funds have to go into the special revenue account. It doesn't appear to provide a mechanism for the Board of Mayor and Aldermen altering how the money goes in. If it's a sale of a government asset, it has to go to the special revenue account. What the Aldermen have the ability to by ten votes is to decide whether it will be spent on economic development or on a different activity. That's what the ten votes do. You can take it out and do something else with it. After this conversation, I think it has to go into the special revenue account. The Aldermen could decide by ten votes, tonight or five months from now, to take it out of the special revenue account and just let it run through revenue to offset the deficit.

Mayor Guinta stated we just sent it to the revenue account. This is the proceeds of a sale?

Mr. Sanders replied I believe it is, yes. It's totally related to the disposal of the Jac Pac site.

Alderman J. Roy stated thank you, Your Honor. That was my question to you Mr. Sanders. These are actually proceeds that we got from renting out parking spaces. It's not the sale of that asset. Would it have to be considered the sale of the asset, seeing that it's proceeds from rental?

Mr. Sanders replied I am told there could be a difference of opinion, but I will just read what the document says. 'Examples of one time revenues included but are not limited to, proceeds from sales of government asset, sale of tax deeded properties, development fees, shared revenues from economic development projects, settlement proceeds and insurance proceeds.'

Mayor Guinta stated it is in the special account now. There is a motion on the floor to transfer it to contingency.

Alderman M. Roy stated I disagree with Mr. Sanders. I believe the \$100,000 is sale and proceeds that should end up in the Economic Development one-time fund, but the remaining \$232,000 is the same as when we receive parking revenue from our parking garages. This was revenue received by the City. I don't believe, if we put it in a revenue account, that we'll need ten votes, come end of the year, to move it within our budget, but I do believe if it's in the one-time revenue account, to move it to contingency, we need ten votes. It does make a difference as to how this money gets accounted for, at this time. I think this is a very important difference of opinion.

Mayor Guinta asked what is the Solicitor saying? Does it fall into this category, yes or no?

Mr. Tom Arnold, Deputy City Solicitor replied I couldn't answer that yes or no. I think you could interpret it either way. The Finance Officer read you the pertinent language from the special revenue account Ordinance. You could certainly say that essentially the lease proceeds for the parking for Catholic Medical Center (CMC) are not one time revenues and directed elsewhere. I think the sale proceeds from the sale of the property is clearly one-time revenue, that goes into the special reserve account.

Alderman Lopez stated I am going to ask for a roll call vote. I am going to be voting no, at this time, to put it in revenue. Let them sort out all the legal questions and bring it back to the Board on the 20th, if there is a change. At this time, I'm voting no. It goes to special revenue.

Alderman M. Roy asked Tom, if this gets put into the one-time revenue account, then it needs to be spent for economic development, correct? Isn't that what you and the Finance Officer have ruled in the past.

Mr. Arnold replied if you give me a second, I will find the appropriate language...

Mayor Guinta interjected ten votes allows you to spend it on anything.

Mr. Arnold stated yes, on anything.

Alderman Shea asked was there a second to Alderman Gatsas' motion?

Mayor Guinta was there? I thought there was.

Alderman Shea stated I will second it.

*A roll call vote was requested by **Alderman Lopez**.*

Acting City Clerk Normand stated so that I am clear, this is to move \$232,478.84 into contingency.

Mayor Guinta replied correct.

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

Alderman J. Roy stated point of order. This was supposed to go to revenue not contingency, I thought.

Mayor Guinta replied it's already in the special revenue account. The first motion put it into the special account. The current motion is moving it from that account to contingency.

Alderman M. Roy stated there is still a question. I don't know if Jay Minkarah wants to answer it. Regarding the discrepancy, last night it was \$50,000 and today, it's \$142,000. Is anyone, on the City's behalf, going to look into this?

Mr. Minkarah replied yes I will.

Alderman Smith stated thank you for the privilege. I just would like to thank Ken Edwards. We've put him through the mill for three months and he has done an excellent job. On behalf of MRA, and for the City of Manchester, I would like thank him publicly for all of his work in the last three months. Thank you very much, Ken.

Alderman Lopez asked on that correspondence, shouldn't MHA be handling this, since they're the ones that negotiated the bid?

Mayor Guinta replied the letter signed by Mr. Minkarah to the Board was due to a request that was made at Committee. I think if we want someone from the City giving us a recommendation, it should be Mr. Minkarah. We certainly can receive an opinion from MHRA. I have no objection to that.

Alderman Lopez stated I would think so. They have the legal people over there and they're the ones that made the transaction. I don't know what Mr. Minkarah is doing.

Mayor Guinta stated I will ask MHRA to give us their opinion in writing on that particular subject matter.

10. Report of the Committee on Community Improvement.

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that extensions of the following CIP projects, that we discussed in Finance be approved.

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

11. Report of the Committee on Accounts, Enrollment and Revenue Administration.

There are no reports from the Committee on Accounts, Enrollment and Revenue Administration.

12. 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 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.”

“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.”

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

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

TABLED ITEMS

- 13.** 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.

NEW BUSINESS

Alderman Lopez stated thank you, Your Honor. Some discussion was made earlier this evening in reference to snow being removed from the sidewalks. I would like to address this so that the full Board understands where all of this came from. Months ago, because of the situation downtown in previous years, we sat down with Intown. Alderman Peter Sullivan was also there. We contacted him. He showed up at a meeting with the Highway Department. We talked about how people could do a better job. Discussions from that point on were between the Parking Division Manager and the Highway Department Director. I want to assure you Aldermen that at no time did Alderman Peter Sullivan, who can speak for himself, or myself commit any funds whatsoever to do anything. I want to assure the Board of Mayor and Aldermen another thing, that an individual was calling everyone around. And I'm glad some of the Aldermen ended up talking to Kevin Sheppard. When I left the second meeting, I said to Kevin and the people at that meeting, which was Intown, the Parking Manager, the president of Intown, Kevin Sheppard and one other person, two things. I said to make sure the union people understand this and have their agreement on board with the Highway Director, number one. Secondly, I said to make sure after everything was

finalized, that you take it before Alderman Shea's Committee. I think some communication lapsed between parties. Unfortunately, it was blown out of proportion. I just want to assure everyone on this Board that that is what happened. There are people in the audience that can verify what happened. That is why I asked Brandy and Kevin if they would put a policy together as to what their policies are, and that's what they provided tonight. When snow removal is needed downtown, who is going to do it, and who is responsible for what, unless this Board, after it goes through Committee, directs otherwise. That's what I want to bring up to the Mayor and Board of Aldermen, so there is no misunderstanding.

Mayor Guinta stated I do thank you for the clarification. When this came to my attention, I sent an email to the parties at the time that I thought were at least aware or involved, putting a stop to the policy and reiterating that at this time, without any Board or Committee approval, Kevin Sheppard would be responsible for the snow removal policy. I do want to stress that I think if any policy is going to change, it does have to go to Committee, and in most circumstances it has got to go to the full Board for adoption. My concern is that people outside of this process are committing taxpayer money, and that shouldn't happen. If it was an error in judgment or omission of communication, I will accept that as a response to this issue. But it is very clear that the policy-making entity for the City of Manchester is this Board. We do have to follow our committee procedure and we do have to follow the procedures set by the Ordinance that requires us to take votes in public on these matters. I do appreciate people's consideration when I issued the email asking this to cease and desist. I also appreciate people's willingness and interest to try to improve the services that we provide in the City. I think the original intent was to try to make some improvements, and I appreciate that. As Alderman Lopez stated, we do need to go through the committee process and adhere to the Ordinances of the City.

Alderman O'Neil stated thank you, Your Honor. This thing, in all honesty, got missed pretty bad. This wasn't just a couple of meetings. Just recently I was looking on the purchasing web site to see how it was going, and saw that this was actually advertised. The contract was advertised on the web site. This got a little bit away, and I'm not looking to hang anyone, but there is a process in city government, and I don't believe it was followed this time. I am looking at this policy and it says that the policy is currently in place in the cover letter. I have been around here a few years, and I have never seen this policy before. Are we being asked to approve this policy?

Mayor Guinta stated let me just ask. It does state that Alderman Lopez requested that the attached snow removal policy be distributed. Is it your understanding, Alderman Lopez, that this is the current policy for the City of Manchester?

Alderman Lopez replied yes, in talking with both department heads.

Mayor Guinta asked when you say both department heads, you mean Kevin Sheppard and Brandy Stanley? Mr. Sheppard, have you seen this letter? Is it your understanding that this is the current policy for snow removal? Would you prefer some time to review it, before you answer the question?

Mr. Sheppard replied I can speak to the Highway section; I wrote that section. That's our current policy.

Alderman O'Neil stated one of the problems that I have Kevin, just on the Highway section is that snow removal is typically scheduled within two days of the winter storm. You have to manage that based on the amount of snow that falls, so that statement is a little bit out of...

Mr. Sheppard interjected what it says in the first sentence is if time and funding are available. Our snow budget, as you know, is very tight this year.

Alderman O'Neil stated thank you. If we are being asked to adopt this whole policy...I've never seen this before; maybe there are bits and pieces...

Mayor Guinta interjected I don't think we should adopt this tonight.

Alderman O'Neil stated I agree with you. Sent it to Public Safety and Traffic or something.

Mayor Guinta stated I think this letter, as well as this issue in general, should be referred to the appropriate Committee and have a discussion at the committee level about what Alderman Shea brought up earlier regarding privatization...issues that affect not just the downtown. Since this issue has come up, I have heard from many Aldermen about safety issues in their neighborhoods and Wards that they are concerned about. We can have a proper airing in public. We can get a much more appropriate recommendation from Kevin and from other City departments. I think we can update what our policy is, and at that time, if we're looking at any pilot programs, it should be dealt with at that appropriate moment.

Alderman O'Neil stated coming here tonight, I might suggest that if funds are available to have the Parking Enterprise pay for Highway to pick up, not only on Commercial Street and Elm Street; they've picked up on the side streets before. But it's clear, after Mr. Sanders' report, that the funds are not available. I don't know how we could even have been thinking about doing this with...

Mayor Guinta interjected hence the problem.

Alderman O'Neil stated right, I'm surprised by that.

Alderman Osborne asked Kevin, could you come back up please? Now that we're on this snow removal downtown, I had a call today from one of my constituents who has a dwelling and has a resident that lives on the first floor who is in a wheelchair. This woman had to go down to the courthouse on Chestnut Street. She doesn't take the sidewalks because some of those aren't plowed. She goes through the alleys down to Chestnut Street, and she was saying she was stuck for a half hour in front of the Federal Courthouse there. Do we clean these sidewalks completely or is it just a plow that runs through, a V-plow or a snow blower? I'm just talking about the courthouse on Chestnut Street. How is that handled?

Mr. Sheppard replied specifically, I'm not to sure what goes through there. We have three types of plows: V-plow, the blower and one with a blade. Typically, from what I have seen, the sidewalks downtown are plenty wide for a wheelchair. I will check that area. I was not aware of that problem, but I'm surprised to hear that, quite honestly.

Alderman Osborne stated I called it into Mr. Clougherty today.

Mayor Guinta interjected it occurred today?

Alderman Osborne replied I don't know. I didn't get that. It was in the last snowstorm.

Mr. Sheppard stated it may have happened in the middle of a snowstorm and the sidewalk was plowed, and then more snow came down.

Alderman Osborne stated I just want to know how it is handled. Is there just enough room for the plow? Do you clear the sidewalks totally on the west side of Chestnut Street?

Mr. Sheppard responded no, there are snow banks. As with every other street in the City, there are snow banks.

Alderman Osborne stated thank you.

Alderman Gatsas asked can you state to me why, with 400 miles of streets in the City of Manchester, there are only two streets that you have designated in this procedure manual that would come under the snow removal along Elm Street and the Commercial Street corridors? Why would that be in this snowstorm clean up? I would think that you would be doing it on the 400 miles in the City. Why are those two streets designated as...

Mayor Guinta interjected was this a proposed new plan?

Mr. Sheppard responded this was given to me with the assumption that this was going to be a snow removal policy for the downtown area. This is not a snow removal policy for the City. This is for the downtown area.

Alderman Gatsas asked can you tell me, in the last 40 years in this City, has the snow removal process changed any, other than making it better each year?

Mr. Sheppard stated I hope so.

Alderman Gatsas asked is there a reason we would put a written snowstorm policy in writing that we've never had to worry about before? Commercial Street has been here long before you and so has Elm Street. I don't think anyone here has ever had complaints about snow removal on Elm Street or Commercial Street.

Mr. Sheppard replied oh no, no, no. I beg to differ.

Mayor Guinta stated Alderman Gatsas is referencing the street.

Alderman Gatsas interjected I am saying the street.

Mayor Guinta stated I think there have been issues about sidewalks and things like that, but the street itself...

Alderman Sullivan interjected I think one of the issues... it's not the actual removal of the snow on the street during a storm. It's the accumulated snow that tends to build up during the day or two afterwards. That has been the real problem.

Alderman Gatsas asked you mean on the sidewalks?

Alderman Sullivan replied on the sidewalk and at the intersections where it gets dumped. That's been the big problem, and that was one of the reasons why Alderman Lopez and I and Kevin and Brandy had some brainstorming sessions last summer.

Alderman Gatsas asked can you tell me how many other streets in the City are cleared from the sidewalk to the street that don't have snow banks? I know there are an awful lot of them in some of the Wards that I drive through. Is there a difference of why there should be a preference of any other street being cleared differently than, let's say, Union Street? Because, you clear from the sidewalk to the street there.

Mayor Guinta stated before you answer that I want to make sure that I understand. That paragraph, is that the current policy for the City or was it a proposed policy?

Mr. Sheppard replied that is the current policy for the downtown area.

Mayor Guinta asked when was that written?

Mr. Sheppard replied Ms. Stanley forwarded it to me.

Mayor Guinta stated so this was within the last six months.

Mr. Sheppard stated within the last two weeks.

Mayor Guinta stated so this is not a current policy.

Mr. Sheppard stated that reflects our current policy. It reflects how we operate today.

Alderman Gatsas stated the policy states that it will be cleared from sidewalk to street. Do you remove that snow so there are no snow banks?

Mayor Guinta stated this is why this needs to go to Committee.

Alderman O'Neil stated I asked Kevin this question today. This is without additional funding sources. This whole discussion about downtown pickup has significant impact on the Public Works project. It's \$15,000 to \$20,000 per operation when they go out for twelve hours. Kevin, is that what it is, about twelve hours?

Mr. Sheppard replied yes.

Alderman O'Neil stated it costs between \$15,000 and \$20,000 to do this. We can't take this lightly. This is a big ticket item that unless we find another funding source, comes out of his budget to do.

Mayor Guinta stated I agree with you. That's why I think it needs to go to Committee, and we need to have a proper review of the issue.

Alderman Lopez stated we have a snowstorm coming. Whether it's a policy or a procedure, whatever the case may be, until it goes to Committee, I think they have to have some communication guidelines.

Mayor Guinta stated I instructed all of the parties involved, including Mr. Sheppard, that Mr. Sheppard as the Highway Director is in charge of snow removal. He more than clearly understands that. He has done a fine job in the past and he will do fine tonight and in the immediate future. As it relates to any future policy, we're going to Committee and it will be addressed in Committee.

On motion of Alderman Gatsas, duly seconded by Alderman Pinard, it was voted to send the sidewalk and snow removal policy to the Public Safety, Health and Traffic Committee.

Alderman O'Neil stated Your Honor, this is an issue that this Board generally doesn't get involved with, but I'm going to make a motion tonight. I think this is significantly important. This is a pending item before the Planning Board. It is my recommendation that the BMA support the request of Brady Sullivan to modify the conditions of approval for a previously approved site plan that required the removal of an existing billboard at the Mill West property. Let me explain my reason for that motion, Your Honor. The rehabilitation of the Mill West property is one of the largest and most important economic development projects before us right now. If the conditions remains as they are, the project won't move forward, plain and simple. There is a substantial lost of income to the property. There is also a concern that part of the condition is there are contracts for those billboards. There have been signed agreements with the venders regarding those billboards. This is a significant issue, and I think the failure of the City to advance the Mill West development is critical if we don't get behind it. Typically, we don't get involved with Planning Board issues, but I think it's important. I have only learned fairly recently how important the revenue stream is for these billboards. The Planning Board has the absolute right with the building coming out of the ground. I have no issue with that, but existing conditions...this is significant. I'd like to make that motion for a modification to the site plan approval.

Alderman O'Neil moved to support the petitioners' request to modify the conditions of a previously approved site plan on McGregor St. The motion was duly seconded by Alderman Pinard.

Alderman Gatsas stated I certainly agree with my colleague, but just sending a request to Planning doesn't mean that they're going to adhere to what we're asking for. I'm certainly not opposed if my colleague wants to make an ordinance change which would grandfather that situation because I agree. You buy a building, and the billboard shows \$100,000 worth of income when you buy the building and then all of a sudden because it's going to collapse and you take it down to repair it so it doesn't collapse or blow off and hit somebody, and then all of a sudden the Building Department says you can't put it back up. I don't think that's reasonable. I think that's unreasonable. I certainly agree with the Building Department that if you are building a new building, as Alderman O'Neil said, and you wanted to put a billboard on it, I don't think that's right. But I certainly don't think we should be punishing people when they're buying...and it's not like they spent fifty cents on that piece of property. So I think that when you start affecting income streams, that's certainly not the right thing to do. So maybe an ordinance change should happen.

Alderman O'Neil stated I agree with Alderman Gatsas, but I think there are two different issues. The one you are talking about is an Elm Street issue and is not the one pending before the Planning Board. The Planning Board is considering the one on McGregor Street, the big mill building.

Alderman Gatsas stated right, but I think there is another one that says they can't put their signage back up, which is just as bad.

Alderman O'Neil stated correct. That affects an Elm Street case, which I think is a legal action which is...

Mayor Guinta interjected your motion is regarding Mill West.

Alderman O'Neil stated my understanding is that's going before the Planning Board in the next week or two. The Board should ask the Planning Board to consider the previously approved site plan.

Alderman J. Roy stated thank you, Your Honor. That was the point that I was going to bring up. I believe I got some literature in the mail from Planning that this is coming before the Planning Board, not this Thursday, but next Thursday. Is that correct?

Mayor Guinta replied correct.

Alderman J. Roy stated I have to caution. Let the Planning Board do its business. We are sitting here and we are going to tell the Planning Board what to do? Pam, if you want to add in here you can, and if you do not, you can stay back there, it's okay. I may be wrong here, but I believe that when they came to the Planning Board originally to present their plan that these billboards were discussed and this is a deviation from what that plan was. Again, I'll caution that we are going to tell the Planning Board what to do. The Planning Board should be able to do their business without any pressure from this Board.

Alderman O'Neil stated Alderman Roy, I agree with exactly what you said. The Planning Board has their powers under state law. We can't tell them to do anything. All I'm asking is to request that they review this. It has significant financial impact on this project, and the project does not go forward, and that greatly affects City government in Manchester, regarding the tax base. I don't recall seeing it on TV, but it may not have been presented properly. All that I am asking is that we take a vote to support the petitioners' request to keep the existing billboards. My understanding is they are willing to concede the two on the west side of the building. This has to do with the billboards near the highway. It has a

significant impact to the finances of that project. If they lose that revenue, the project doesn't move forward.

Alderman Garrity stated I move the question, Your Honor.

Alderman Osborne asked are these billboards assessed in the tax base? Are they in the tax base?

Mayor Guinta replied they are revenue for the building.

Alderman Osborne stated they are revenue for the building, not revenue for the City.

Mayor Guinta stated it goes to pay the taxes.

Alderman Ouellette stated Your Honor, the building being in my Ward, I'm shocked that I'm hearing about this tonight for the first time. If this was such a pressing issue... as of right now at first glance, I would have to agree with Alderman Jim Roy to let the Planning Board do their work. Right now, I don't have enough information. No one has contacted me in terms of either supporting or denying.

Mayor Guinta stated this is a suggestion of Alderman O'Neil, number one. Number two, this is not telling the Planning Board what to do. Let me be clear; this is not interference. The motion is not interference with the Planning Board. From time to time, Boards of Mayor and Alderman have opined regarding issues. Essentially that's what you're asking this Board to do. It doesn't interfere with their right or responsibility. It doesn't dictate what they do; it's just an opinion voiced by the Board of Mayor and Aldermen.

Alderman Ouellette stated further point, Your Honor. I am not familiar as to why the billboard situation is coming up, or why the ordinance or the Planning Department policies are prohibiting both boards, what the positives against the negatives are. I'm not really up to date on the issue.

Alderman Murphy stated I agree with Alderman Roy and Alderman Ouellette. I do not have the necessary materials in front of me to make any kind of informed decision tonight, but regardless of whether or not we are, quote/unquote, telling them what to do, we are flexing our muscle as a Board and doing something outside of the purview of this Board and clearly within the prevue of the...

Mayor Guinta interjected actually, that's not true. It's just expressing an opinion. Expressing your opinion is not outside the purview of this Board.

Alderman Murphy stated I will be expressing no opinion then.

Mayor Guinta stated that's fine.

*A roll call vote was requested by **Alderman O'Neil**.*

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

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

A True Record. Attest.

City Clerk