

BOARD OF MAYOR AND ALDERMEN

March 3, 2009

7:30 PM

Mayor Guinta called the meeting to order.

The Clerk called the roll.

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

Absent: Alderman Garrity

Mayor Guinta stated with us this evening is Chief Justice John Broderick of the Supreme Court and Chief Justice of the Superior Court, Robert Lynn. We appreciate you being here and we understand that you would like to talk with us a little bit about the renovation project at Hillsborough Superior Court North, so I would be happy to turn it over to you.

Mr. John Broderick, Chief Justice, stated Chief Justice Lynn and I are happy to be here tonight. I know you have a busy agenda although I must confess that I enjoyed the last hour. Chief Justice Lynn and I are here to talk to you very briefly and obviously to take questions, but more importantly to let you know what is going on and to let you know that we are available for questions in the future as well. Sitting with us tonight is Mike Connor who is the Director of Administrative Services and Stephen Lorentzen who is the Director of the Bureau of Court Facilities. Let me tell you very briefly what is happening if you don't know. The Hillsborough County Superior Court has been up and running here since 1968, I believe. I have heard a lot cases in that building and I am fond of it. Since it opened, it has had sprayed on asbestos containing fire proofing on the structural

steel above suspended ceilings. That has been known for decades. The state has been watching it and doing air tests over that time period but it reached a point where the state wanted to take out half of the asbestos in one cycle and the other half in the next cycle and the Legislature appropriated the money to do that. The problem is that the air handling system above the ceiling, the air plumbing, will not allow that. Once you start removing some of it, you contaminate the entire building. So it was decided after some months that the best strategy would be to abate all of it. Senator D'Alessandro chaired a group and Senator Gatsas was instrumental in that group as well. We met for several months and finally, with the leadership of Commissioner Hogdon of Administrative Services, it was decided to go to the Legislature and the Governor and ask them if they would appropriate \$17 million to essentially gut the inside of that building. That is what is required to abate it. So the shell that you see would remain. The inside would be gutted and a new court house, somewhat smaller in square footage but capable of being expanded, would exist inside that shell. This December, the plan is to move all of the staff from that court house and Chief Justice Lynn has been extraordinarily involved in this effort, and move them to Hillsborough South in Nashua. We are going to have to shoe horn them in there for 18 months. The divorce cases that are handled there now will go to the Manchester District Court and that will be open for business in that area starting this December. So the so-called Family Division will be moved to Manchester District Court. The state has appropriated \$2.5 million. That work is ongoing. It is 11,000 square feet and it should be completed by the end of this calendar year. Now I think it is the right decision. Obviously it is inconvenient for a lot of folks, specifically the staff who work in the building. It is an enormous inconvenience for 18 months. It is an inconvenience for the lawyers in the City. It is an inconvenience for the clients. It is an inconvenience for the county attorney, the public defender, the police, and the list goes on. We are working as a Committee being chaired by Judge Groff, a Superior Court judge, to try to work through some of those problems and to accommodate those interests, but at the end of the day there are going to be disappointed people because you can't solve all of those problems without inconvenience. We are doing our best to

minimize them. I think the City of Manchester when it finally opens again for business in 2011 after 18 months of closure, it will be a fabulous state-of-the-art, up to the minute court house, which the City deserves obviously. Let me just say briefly that there were some alternatives looked at so we wouldn't have to do this and none of them panned out. One of the ideas was to maybe swap that building for a parking area here on South Elm Street and if the appraisals on the two were comparable we could have kept everyone working in Manchester and then one day 18 months from now, turn it into a new building and turn that building over to the City. That didn't work for a number of reasons. We looked to go to 1000 Elm Street for the duration. That was a prisoner issue. There was a problem in that building. We looked to go to Goffstown out by the county jail and that never panned out. We looked at the mill buildings in Manchester and it was too expensive for the state to renovate them for the 18 months. It didn't make much sense to do that. So I can assure you that the problem was looked at through a lot of different lenses. There were no easy answers. The good news, I think, for the City of Manchester is when we get on the other side of this hurdle you will have one of the nicest court houses in the State of New Hampshire. It will have the same shell and that may be good news or bad news but it will be the same exterior but a brand new court house and I think it will be established for a time in the world that all of us are living in. I don't know if Chief Justice Lynn would like to add any comments but if you have any questions we would be happy to answer them now or later. I will just mention one thing. There is a website, the judicial branch website, that has an icon on it that will tell you what is going on. We publish memos of these committee meetings dealing with the relocation effort so at any given time if you are in the judicial branch website you can click on the icon and find out what is happening. If you have questions, concerns, or comments, by all means you are free to call me, Chief Justice Lynn or Administrative Services or Judge Groff for that matter. I will turn it over to Chief Justice Lynn if he has any comments.

Mr. Robert Lynn, Chief Justice, stated the only point that I would emphasize is I think there have been some questions that have come up from time to time about whether or

not it really necessary to do this. That is one of the issues that has been raised by a number of people including some of the staff in Manchester. The argument basically has been that there has been asbestos in that building since 1968 and nobody as far as we know has died of it or developed mesothelioma or anything else, so what is the big deal? The problem is that that is an old building. It has a number of deferred maintenance issues and for the 16 years that I have been a judge this has been put off year after year after year. Frankly it was only because Chief Justice Broderick a couple of years ago really made an issue that finally there was some money appropriated to do something, and as he pointed out, there was the difficulty of not being able to do the abatement in the manner in which we had proposed to do it. Just to give you an example of one of the things that we are concerned about is a situation where we have some problem in the building, something as simple as a water leak or something like that, which because of the abatement and the need to take special precautions to deal with something like that we end up having to close down the building on a snap without any warning or planning and that could very well be the case if we were to have some problem like that. I will give you an example of something that didn't turn out to be of that magnitude but certainly Steve Lorentzen can tell you what we at the state ended up spending, for what would have been a relatively minor problem in a building that didn't have the asbestos issue, a tremendous amount of money for a problem that happened just before Christmas. During the cleaning of the building at night, one of the cleaning personnel cleaned one of the bathrooms and turned the sink on to rinse it out and it got stuck and he didn't notice that and the next morning the Clerk's Office was flooded because it ran all night. Obviously that is something that you wouldn't want to have happen and it would be a problem in any circumstance, but because of the asbestos situation, we had to spend a tremendous amount of money to call people in who can deal with asbestos because above the suspended ceiling is where the asbestos was that got all wet. We had to move things out and people were walking around with masks on and that sort of thing. It cost us a tremendous amount of money for a short period of time. Fortunately we didn't have to close the entire building down but we did have to close down the Clerk's Office part of it

and move things to the other side of the building. If it had been a more significant problem we could have easily have had to shut the court house down with no notice and that is the kind of thing that we don't want to have happen and that is why we really need to do this. We would be happy to answer any questions.

Alderman Lopez stated I have one question that people always ask me. Is it in the plans, do you think, for the citizens of Manchester and the workers to have an office in Manchester where they can relay things to Nashua if you needed documents like divorce decrees and those sorts of things?

Mr. Lynn responded are you talking about getting documents and forms?

Alderman Lopez asked would a citizen have to go to Nashua to get it or would there be a satellite station here in Manchester that they could go to?

Mr. Lynn answered most of the forms that are needed for filing are available on line but for people who don't have access to the internet I think the answer is yes we could certainly make those arrangements to make sure that those forms are available in the Manchester District Court.

Alderman Osborne stated I have a couple of curiosity questions. When you said \$17 million is that just leaving the steel up there? Are you going to be stripping it down to the steel beams if there is steel in there?

Mr. Broderick responded the spray-on asbestos is on the steel beams and decking above the ceiling. It is also behind some of the walls.

Alderman Osborne asked what about the basement? Is there a basement in that building?

Mr. Broderick answered there is a lower level, yes. There is a room in the lower level probably with a ceiling a little lower than this, and it had no suspended ceiling on it. It was a storage room and asbestos was flying off and landing on the file cabinets.

Alderman Osborne stated regarding stripping the steel, that must be costly.

Mr. Broderick responded it is a contaminated site once they start removing it and OSHA rules have to be followed. The only way to clear that building of asbestos is essentially to gut the building.

Alderman Osborne asked wouldn't it be a lot less money to just get rid of the building completely without stripping it and just start from scratch? Less than \$17 million?

Mr. Broderick answered the state did give that some consideration – whether it was cheaper to build another building. I think the ultimate wisdom was we had a good location, which we couldn't replicate and it would be more expensive to build a new building than to retrofit that building. I think because of finances and location it made the most sense to do what we are doing. I think the state has made the right decision.

Alderman Osborne asked what about the blueprint? Does that stay the same because of the beams and the way they are situated? I am sure that would make a difference wouldn't it?

Mr. Broderick answered I don't know because I am not an architect.

Alderman Osborne stated I thought by stripping all of these beams of asbestos and so on that that was quite an expense. I remember being in the Navy and sandblasting the bottom of a ship. I just thought maybe putting up a new building in the same spot rather

than taking the time to strip the beams...because it probably takes a long time to do that too.

Mr. Broderick responded the abatement part of this is probably going to cost several million dollars. Most of the \$17 million is going to be constructing a new court house inside that shell, so most of the money is for the construction.

Alderman Shea stated you indicated when you are going to start the project. How long will it be before it is completed?

Mr. Broderick responded they are starting this December so all of the folks will move to Nashua and 18 months from this December, if it all goes as planned, that building will open again so in the middle of 2011 – say May or June.

Alderman DeVries stated this might be a better question for Chief Justice Lynn. Do any of the concerns that the workers have expressed have to do with the parking scenario? I guess the location has challenging parking as it exists today without the influx of many new employees. I understand, as do many others, that it is difficult for you to offer what your scenarios are going to be until you know what your budget will look like this year but when do you think that you will be able to address in earnest some of the concerns that people have like parking and transportation costs for the employees who are now going to have to make their way down to Nashua?

Mr. Lynn replied as Chief Justice Broderick mentioned, we have a committee that includes representatives from both Hillsborough North and Hillsborough South and is chaired by Judge Groff who is the Supervisory Judge at Hillsborough South. They actually have been meeting bi-weekly or at least once a month to address many of these issues. We have also met with Mayor Lozeau and her staff and she has been very supportive. She understands that there is a parking issue but apparently there are at least

some possibilities of locations where that parking will be available. It is not as close as right in the parking lot at the court, which even now without Hillsborough North can get pretty crowded sometimes, but we are working on that. When we will have a definitive solution, I cannot as I sit here now tell you for sure. However, out of a whole host of issues that is probably one of the ones at the top of our list because it is a real concern.

Alderman O'Neil asked what information can we get you regarding the parking needs? There seems to be a concern when the courts move to Nashua in getting our police officers down there. What information can we provide? Can someone meet with Chief Mara?

Mr. Broderick answered I think the group we are talking about are on to that issue. It is an important issue for the police, the public defender, and the county attorney. This is a huge inconvenience for a number of folks and we are trying to minimize it, but I think that Mike Connor and Steve Lorentzen from Administrative Services particularly will be engaged in those kinds of issues with the City. I don't know whether the police in Manchester have been in to meet with this group but if they haven't been they will be. We are trying to find out as best we can what the needs are so we can respond to them.

Alderman O'Neil asked would you like Chief Mara to reach out to somebody?

Mr. Broderick answered if you would be so inclined to do it, absolutely. He could speak to Mike Connor at Administrative Services or Steve Lorentzen or Mr. Lynn for that matter. We are trying to work through it.

Alderman Sullivan stated I just want to make one quick comment to the Chief Justice. I just want to say thank you for keeping the Family Division here in Manchester. I know firsthand that there are a lot of folks dealing with domestic situations who really have to act on the spur of the moment and have to act quickly, and for those people to have to

drive to and from Nashua when they are going through a severe family crisis just adds to the already unbearable amount of stress to them. I think it is very commendable what you have done by working with the folks here and in Nashua to keep the family division up and running at the district court.

Mr. Broderick responded thank you. I think you are right on that, by the way.

Alderman Gatsas asked is there any guarantee that you can give that the Manchester police officers who are going down on cases are going to get some sort of priority in the hearings so that they are not stranded there from 10 AM until 5 PM and maybe Nashua, because they are in the south, are going to get more of the priority since we are the redheaded stepchild at the time?

Mr. Broderick responded I think what will happen and I will let Judge Lynn jump in but those clerk officers for Hillsborough South and Hillsborough North will remain intact at that location so however they decide to run the docket...my guess is there will be mornings or days devoted to Hillsborough North at Hillsborough South. I hope that the kind of situation you are describing will not happen. I think they will be very sensitive to that issue and try to integrate the two dockets so that nobody is waiting around all day long.

Alderman Gatsas asked so if the Chief comes back to us and says it looks like we are the redheaded stepchild, if you heard from me you wouldn't be surprised since I asked you this question beforehand?

Mr. Broderick answered no, I think it is a fair concern and we are trying to deal with it. If there are any problems they are all Judge Lynn's fault.

Mr. Lynn stated as the Chief just pointed out, our plan, because this is only going to be for 18 months, is not to meld the two dockets together. We are going to leave them separate. There is one Clerk's Office in Nashua but we are going to divide that up to have a Hillsborough North section and Hillsborough South section. In fact, the plan initially is that the courtrooms on one floor will be devoted to Hillsborough North and the courtrooms on the other floor will be for Hillsborough South. So essentially there should be no reason why it would take...you know in other words there shouldn't be any situation where a Hillsborough North case has to wait until a Hillsborough South case finishes because they are going to be kept separate and we have enough court rooms there. It is going to be tight but we have enough court rooms to be able to do that. So I don't think we will have that kind of situation develop.

Alderman Gatsas stated I just wanted to make sure I brought it forward in case it does happen, and Judge Lynn, you will be at fault. Now in that \$17 million renovation, how many new parking spaces did you create?

Mr. Broderick replied I don't think we have created any. The problem or the oddity is that I think the state owns the building and maybe three feet around the building. We don't even own the little roadway behind the building. So it is an odd site and I will agree with you on that. In an ideal world it wouldn't have been my first choice, nor do I suspect that it would have been the first choice of many folks, but given the fact that we are having trouble in the state, \$17 million out of an \$80 or \$90 million capital budget is a huge deal and much appreciated. It won't be any worse than it is now. I can say that but that is what we are dealing with and that is what we will have to adjust to. I do think when it is done that the City of Manchester will have one of the finest court houses in the State of New Hampshire.

Alderman Gatsas asked it won't be shut down?

Mr. Broderick answered excuse me?

Alderman Gatsas asked it is not one of the ones that is going to be closing?

Mr. Broderick answered no, I hope not.

Mr. Lynn stated one other thing that I would like to point out is that the Legislature passed a change in the venue statute so that once Hillsborough North is shut down for renovation, the venue for criminal cases that occur in the county will return to what it used to be before there was a Nashua court house. In other words, it will be the whole county so we won't have the situation of having to try a case in Nashua but have to pick the jury just from the Manchester area. It will be from the whole county. Our anticipation is that there will be a small amount of cases where a crime was committed before the statute took effect in which case a criminal defendant may demand the right to be tried in the venue that existed at the time of the crime and that would be the northern district of Hillsborough county. We anticipate that by the time this happens that will be a pretty small number of cases but there will be some small body of cases that will have to be tried in Manchester, and to do that we anticipate that we will use the Manchester District Court for that. There is a jury courtroom there that will be used. As I said, we think it will be a small number of cases but there are some that will need to be tried there. We are planning for that and anticipate that we will be able to handle that.

Mayor Guinta stated since there are no further questions, thank you both for coming. We appreciate the status update and obviously if there is anything further you need from the City of Manchester we are here to work with you.

Mr. Broderick responded thank you Mayor and if there are any further questions we would be happy to respond. Thank you for having us.

Presentation by Donald Curry, CIGNA, regarding CIGNA Health Benefit Plan.

Mr. Donald Curry, President & General Manager of CIGNA Healthcare for New England, stated my offices are in Hooksett and with me tonight is my associate Glenn Butkus who manages and is responsible as the account executive for the City of Manchester benefit program. The purpose of our brief discussion, and I know we are running late tonight, is really just to educate from a starting point of knowledge about our commitment to the City, what we do for the City and the working relationship that we have with the Human Resources Department and the efforts we put forth there, with Finance under Bill Sanders and Jane Gile from an HR standpoint. We take great pride in fulfilling our community responsibility here in Manchester with our road race that we have had for at least 17 years now. Of late we have brought in Elliot Health System as well as our partner in that. They are also a customer of ours and we thought from a wellness, fitness and health standpoint the combination of those two parties would be of even more benefit to the City. I think even more important is the output of that, which raises a considerable amount of funds that get funneled back through the charitable organizations here in the City, most notably Easter Seals, Catholic Charities and the Boys & Girls Club. So we are proud of that relationship with the City. What I would like to do is have Glenn spend a few minutes just going over some of the foundations that we acquired the account on to give you a feel for the shift that took place at that point in time and the way that benefit is structured so that there is a clear understanding of that from the Aldermen's perspective. I welcome any comments or discussion and I can be reached at my office in Hooksett. I have a relationship with the Mayor and several of the Aldermen so feel free to contact me should anything arise. With that, I will turn it over to Mr. Butkus.

Mr. Glenn Butkus, CIGNA, stated I have been very pleased to be associated with the City and its healthcare program over the past couple of years. One of the things that is unique about this particular arrangement is that unlike most employers that would in

essence insure their benefits program, the City had actually hired CIGNA Healthcare through the bidding process to administer the healthcare program. Simply put, we process all of the claims and answer all of the questions and help your members with any issues they have but the actual funding of the program is conducted by the City itself. So it is not a situation where the City actually pays CIGNA a premium to administer the program. The City pays us a fee to administer the plan on behalf of the City and to effectively manage their costs. When the program went out to bid a couple of years ago, we were fortunate enough to be awarded that business based on a very competitive administrative fee and certainly our ability to help the City in managing its healthcare expenses. Also, there was a very strong concern on the part of the City to make sure that we maintain a very high level of benefits and provide a high level of service to all of its members. We have worked very hard over the past couple of years to insure that particular arrangement. I wanted to make that point because there have been a lot of questions raised by CIGNA as an insurance company and the premium that is paid to us and again I want to emphasize that it is an administrative arrangement that the City has with CIGNA and not a premium situation.

Mr. Curry stated one of the other things, too, is that during the negotiations we made a pledge to provide equal to or better than products and services. We did do an extensive benefit review with the City line by line, if you will, on those benefits and provided that. We have had very minor instances questioning that and have addressed those issues and have actually provided additional benefits and services around it with seamless access that we provide to your membership through Massachusetts. They do not need a primary care physician, for example, to receive services outside the State of New Hampshire, and we do see considerable access down to what we would call centers of influence or centers of excellence down in the Boston area for children and other facilities that do provide specialized care for people. That is one of the real strong points that we offer to the City. With that, I really don't want to take any more time. I appreciate your time. I wanted you to connect a name with a face tonight. We do hold monthly meetings. The second

Friday of every month we hold meetings with the HR Department and the Finance office. We had our last one on February 20th and the next one is scheduled for March 13th. We discuss every open item that is on the table. We deal with those and close those down before the next meeting so if you have any, that is a very good forum for you to reach into to gain any knowledge of ongoing issues or concerns that may be confronting the membership. We would be happy to take any questions before we close.

Alderman DeVries stated part of the initiative, if I recall, when CIGNA first came on board or made their proposal...and I am not sure when we really became aware of it, but your wellness initiative and the efforts to try to assist the City of Manchester to bring down some of the costs of healthcare. As you indicate, truly it is the City of Manchester who pays the bills and you just try to help us push the paperwork through. Are you able now as you have some history to document any progress that you have made with those wellness initiatives? Can you demonstrate in any way how that is progressing?

Mr. Butkus responded from our perspective it has not gone as well as we would have liked just in terms of getting folks aware of the services that are available to them through our program. For example, one of the benefits we have is a health risk assessment tool that will allow the individual to actually understand their own health and we try to provide access to biometric screenings on site so they can take that information and conduct their own health risk assessment. To date, we have seen only about 22 individuals partake in that particular tool. So it is an ongoing education for us and the City, but we do make an annual stipend available to the City and will continue to try to get out in front of folks to make them aware of it.

Mr. Curry stated from the standpoint of basic health need, we provided services that allowed City employees to get their flu shots this year as part of a soft wellness initiative, but to put it in perspective as an employee of CIGNA, both Glenn and I and our spouses can't receive health benefits unless we take a health assessment. So it is an availability of

a record that allows us to predict morbidity or illness and in doing so we can help that individual who has a pre-condition for diabetes or a pre-condition for heart or lung ailments and we can help them engage in healthy practices to avoid that occurrence.

Mr. Butkus stated one comment I would like to make from a disease management perspective is about individuals who have diabetes or asthma. We have actually interacted with over 1,300 members who are part of the City. That is either an employee or a spouse or a child of an employee. That in itself is a very strong outreach and interaction with individuals and we would hope that would continue.

Alderman DeVries stated I understand the initiatives but can you correlate that to any savings? Is there anything tangible that we as policy makers can walk away with?

Mr. Butkus responded from one perspective it has had a tangible result in that we have been able to manage within the budget that we have identified to the City of Manchester. In other words, in terms of what our projects costs were to the City and in terms of expected claims, we have been able to manage that, and that has been a function of what we have been able to accomplish from a disease management and case management perspective.

Mr. Curry stated I would like to get a little more specific but knowing that we are in a public forum and a competitive environment Mr. Sanders does have all of the financial data around our experience and the performance around that experience and I would welcome the opportunity to share any of that privately with the Aldermen.

Mayor Guinta stated thank you for being here. Before we move onto the consent agenda there was an item that I wanted to bring up. There was discussion amongst some of the Aldermen regarding moving the March 17 meeting. There are also some charitable events that evening that I think Aldermen would be expected to attend. So if you so

choose, I would entertain a motion to move the meeting to March 24, which would be the following Tuesday.

Alderman Smith moved to change the date of the next Board of Mayor and Aldermen meeting to Tuesday, March 24th. Alderman Murphy duly seconded the motion. Mayor Guinta called for a vote. The motion carried with Alderman J. Roy being duly recorded in opposition.

Alderman J. Roy stated I would rather see it on the 18th because I am scheduled to be out of town on March 24th.

Mayor Guinta stated it is up to the Board.

Alderman J. Roy responded well I am sure we all do the same thing, which is try to plan our trips around the meetings and when they change at a late date...

Mayor Guinta asked was there a problem with March 18th?

Alderman Murphy stated I have another meeting scheduled for March 18 but I will try to rearrange it if the Board wants to meet on the 18th.

Mayor Guinta stated it is up to the Board. I want to accommodate everybody.

Alderman O'Neil stated the other option could be the night before, which is March 16th.

Mayor Guinta replied there is something I have that I couldn't move.

Alderman Lopez asked who isn't going to be here on March 18th?

Mayor Guinta answered Alderman Jim Roy.

Alderman J. Roy stated no I will be here on the 18th, but I won't be here on the 24th.

Alderman Lopez asked is everyone else okay with the 18th?

Mayor Guinta asked can we rescind the motion?

Acting City Clerk Matt Normand asked did you take a vote?

Mayor Guinta answered we did take a vote.

Acting City Clerk Normand stated then you would have to reconsider the motion.

On motion of Alderman Gatsas, duly seconded by Alderman M. Roy, it was voted to reconsider the motion to move the next Board of Mayor and Aldermen meeting to March 24th.

On motion of Alderman M. Roy, duly seconded by Alderman J. Roy it was voted to move the next Board of Mayor and Aldermen meeting to Wednesday, March 18th.

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.

Accept BMA Minutes

- A. Minutes of meetings held on November 7, 2007 (one meeting), November 20, 2007 (one meeting), December 4, 2007 (three meetings), and December 18, 2007 (four meetings).

Approve under supervision of the Department of Highways

- B. Pole petitions:

#11-1234 Clarke Street
#11-1235 707 Huse Road

Informational to be Received and Filed

- D. Monthly Bulletin from the City of Manchester Health Department for February 2009.
- E. Communication from the Department of Environmental Services updating the Board on the status of wastewater, water supply and solid waste State aid grant programs for State fiscal years 2010 and 2011.

REFERRALS TO COMMITTEES

COMMITTEE ON FINANCE

- F. Resolutions:

“Amending the FY 2009 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Thirty Thousand Thirty Five Dollars (\$130,035) for the FY 2009 CIP 214309 Project Youthreach.”

“Amending the FY 2009 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000) for the FY 2009 CIP 214409 Medical Reserve Corp. NACCHO Program.”

Amending the FY 2007 Community Improvement Program, authorizing and appropriating funds in the amount of Sixty Four Thousand Dollars (\$64,000) for the FY 2007 CIP 511407 Black Brook Dam Removal (Watershed Restoration) Project

REPORTS OF COMMITTEES

COMMITTEE ON COMMUNITY IMPROVEMENT

- G.** Recommending that a request for the acceptance and expenditure of \$64,000 in funds received from the Gulf of Maine Marine Environment for assistance in the removal of the Black Brook Dam (CIP #511407) program be approved; and for such purpose an amending resolution and budget authorization have been submitted.
(Unanimous vote)
- H.** Recommending that a request for the acceptance and expenditure of \$10,000 in funds received from the National Association of Country and City Health Officials for the implementation of the Medical Reserve Corp. NACCHO program (CIP #214409) be approved; and for such purpose an amending resolution and budget authorization have been submitted.
(Unanimous vote)
- I.** Recommending that a request for the acceptance and expenditure of \$130,035 in funds received from the NH Department of Health and Human Services Divisions for Juvenile Justice Services for Project Youthreach (CIP #214309) be approved; and for such purpose an amending resolution and budget authorization have been submitted.
(Unanimous vote)
- J.** Recommending that a request for Pamela Goucher, Interim Planning Director to accept State funding for the rehabilitation of the Nazaire Biron Bridge be approved.
(Unanimous vote)
- K.** Recommending that \$25,000 from CIP #610409 Dilapidated Building Demolition be moved to contingency.
(Unanimous vote)
- L.** Advising that the report of the Committee on Joint School Buildings, recommending that the Committee looks for funding (\$1,600) for sound proofing the Webster School nurses office has been received and filed.
(Unanimous vote)

**COMMITTEE ON ACCOUNTS, ENROLLMENT & REVENUE
ADMINISTRATION**

- M.** Advising that it has accepted the following Finance Department reports:
- a) Department Legend;
 - b) Open Invoice report over 90 days by fund;
 - c) Open Invoice report over 90 days but less than one year;
 - d) Open Invoice report all invoices for interdepartmental billings only;
 - e) Open Invoice report all invoices due from the School Department only;
 - f) Listing of invoices submitted to City Solicitor for Legal Determination; and
 - g) Accounts Receivable summary.
- and is forwarding same to the Board for informational purposes.
(Unanimous vote)
- N.** Advising that it has accepted the City's Monthly Financial Statements (unaudited) for the seven months ended January 31, 2009 and is forwarding same to the Board for informational purposes.
(Unanimous vote)
- O.** Advising that it has approved travel summary reports from various City departments.
(Unanimous vote)
- P.** Recommending that the 2nd quarter FY2009 Write Off List for the Accounts Receivable module be approved.
(Unanimous vote)

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.

Informational to be Received and Filed

- C.** Communication from Jay Minkarah, Economic Development Director, informing the Board of a \$4,000 grant received from the New Hampshire Department of Resources and Economic Development.

Mayor Guinta stated this item actually needs to be referred to the Committee on Community Improvement.

On motion of Alderman Osborne, duly seconded by Alderman J. Roy, it was voted to refer the item to the Committee on Community Improvement.

6. Nominations presented by Mayor Guinta, pursuant to Section 3.14 b) of the City Charter.

Zoning Board of Adjustment

Brian Desfosses to succeed himself as a member of the Zoning Board of Adjustment, term to expire March 1, 2012.

Cynthia Gaffney, who is on the board, moving up to succeed Steve Freeman due to term limits on the Zoning Board of Adjustment, term to expire March 1, 2012.

Alderman M. Roy asked since both have served valiantly, can we waive the layover?

Mayor Gatsas responded for both? Okay.

On motion of Alderman M. Roy, duly seconded by Alderman Sullivan it was voted to confirm the nominations as presented.

7. Confirmation of nominations made by Mayor Guinta:

Office of Youth Services Advisory Board

Anthony Poore, as a member, term to expire January 1, 2012.

Lisa Michaud, as a member, term to expire January 1, 2012.

On motion of Alderman Shea, duly seconded by Alderman O'Neil, it was voted to confirm the nominations as presented.

8. Legislative Update presented by Mayor Guinta.

Mayor Guinta asked are there any questions or comments on item 8?

Alderman O'Neil stated I just bring up again the retirement legislation because I have had discussions with experienced police officers and firefighters who have indicated to me that if there is any change they will be filing their paperwork the next day. So we need to stay on top of that, and unfortunately I think we take a different opinion from that of the Local Government Center. Your Honor, it could be one of the most critical bills up there, any major change to the retirement system. The impact that it would have on the City of Manchester with the retirement of police officers and firefighters I don't even want to think about.

Mayor Guinta replied Mark is aware of it and I did talk to the Police Chief as a reminder for us to have conversations about anything that relates to police, and I also had that conversation with Chief Burkush.

Alderman O'Neil asked can Mark maybe just send a memo on when some hearings are?

Mayor Guinta asked Mark, can you give a more specific update regarding the retirement bills?

Alderman O'Neil asked Your Honor, are you individually taking any position on them? The Board has not voted to take a position but has the City?

Mayor Guinta answered I think if there is something that impacts the City that is either a delicate issue or one that the City should weigh in on I would likely come to this Board for a particular vote. Smaller items every once in awhile I make a particular position on and I believe I have all of my positions identified, but that one I am not taking a position on at the moment. It is a little too early.

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

Mayor Guinta called the meeting back to order.

11. Report of the Committee on Finance

A report of the Committee on Finance was presented respectfully recommending, after due and careful consideration, that Resolutions:

“Amending the FY2009 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Thirty Thousand Thirty Five Dollars (\$130,035) for the FY2009 CIP 214309 Project Youthreach.”

“Amending the FY2009 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000) for the FY2009 CIP 214409 Medical Reserve Corp. NACCHO Program.

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Sixty Four Thousand Dollars (\$64,000) for the FY2007 CIP 511407 Black Brook Dam Removal (Watershed Restoration) Project.”

ought to pass and be Enrolled.

*On motion of **Alderman Shea**, duly seconded by **Alderman Murphy**, it was voted to accept the report of the Committee on Finance and adopt its recommendations.*

12. Report(s) of the Committee on Lands and Buildings

There were no reports from the Committee on Lands and Buildings.

13. Report(s) of the Committee on Public Safety, Health and Traffic

There were no reports from the Committee on Public Safety, Health and Traffic.

14. Report(s) of the Committee on Human Resources/Insurance

There were no reports of the Committee on Human Resources/Insurance.

- 15.** Communication from Timothy Soucy, Public Health Director, requesting the acceptance of funds in the amount of \$360 for precepting a second year Medical Resident during the month of February.

On motion of Alderman Ouellette, duly seconded by Alderman M. Roy, it was voted to accept funds in the amount of \$360 for precepting a second year Medical Resident during the month of February.

- 16.** Communication from Barbara Vigneault, Senior Services Director, requesting funds in the amount of \$9,784.30 to maintain the current complement of the department.

Alderman Lopez moved to refer the communication to the Finance Officer. Alderman Osborne duly seconded the motion.

Alderman Lopez stated this is just a shortage in her budget and we always send it to the Finance Officer. He will advise us at a later date.

Alderman Gatsas asked so he is not making the decision and giving her the money but just reporting back to us?

Mayor Guinta answered correct. Barbara just wanted to know what was going on so I told her to notify us and that we would refer it to the end of the year so we could deal with it.

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

17. Communication from Jay Minkarah, Economic Development Director, requesting approval to designate ten additional Census tracts in the City as Economic Revitalization Zones.

Alderman Shea stated I would like to ask Mr. Minkarah to elaborate. I read through this and there are certain designations and so forth, but I would like him to make it a little more informative.

Mr. Jay Minkarah, Economic Development Director, stated I will give you a little bit of a background. Economic Revitalization Zones, which were formally known as CROP Zones, are basically special economic development districts that are designated by the state to encourage job creation and additional investment. Essentially what they do is if you are a business that is looking to locate in an ER Zone and develop a new facility that creates jobs or you are making a substantial investment in rehabbing an existing building or expanding an existing building and creating jobs, you qualify for a credit against your state business profits or business enterprise tax. There is a total cap of \$40,000 on the credit. So essentially this is a program that is designed to encourage economic development in certain areas. It affects your business profit tax and your business enterprise tax. It doesn't affect your local taxes in any way. In 2004 the City designated seven Census tracts as CROP Zones or ER Zones. Those were primarily located in the

downtown area. Most of the downtown is in an ER Zone as well as portions of Ward 7 and most of South Willow Street and the area around the Airport including Brown Avenue and the Manchester Air Park. We found in working with a couple of businesses in the City that are actually currently considering an expansion that there are several more Census tracts that qualify to be designated as an ER Zone but weren't previously designated in 2004. So what we are seeking to do is add 10 additional Census tracts to the ER Zone. We have prepared an application to the state. It does have to be approved by the Commissioner of the Department of Economic Development and if approved then this incentive would be available to businesses either looking to locate in the City or businesses that are currently in the City and looking to expand.

Alderman Shea stated that was a perfect explanation. I am all for it.

Alderman Lopez asked why isn't Ward 10 listed?

Mr. Minkarah answered we listed all of the wards we found that qualify. In order to qualify you have to meet certain criteria. More than 51% of the citizens had to be below 80% of the median income or 20% below the poverty level. Ward 10 just didn't meet the criteria.

Alderman DeVries asked Jay, did I understand also that the \$4,000 grant is tied into this somehow?

Mr. Minkarah answered no, it is not. That is a separate grant.

Alderman DeVries stated we didn't really deal with that in the consent agenda.

Mayor Guinta stated it was referred to CIP. It has to be accepted at CIP.

Alderman DeVries stated I wasn't sure. I didn't hear that because it went through so quickly.

Alderman Gatsas asked Jay, can you tell me how many people received credits in the last two years based on the CROP Zones that we had existing?

Mr. Minkarah answered I was only able to identify two. I believe there are more. I am not sure how many in the last two years but the Department of Revenue Administration doesn't release that information. I have asked who has worked with the firm but I am only aware of two that have actually gone through the whole program.

Alderman Gatsas asked how does the DRA know what CROP Zones we have designated?

Mr. Minkarah answered if you are looking to apply for the credit you have to show that you are in an approved CROP Zone so they would know on the basis of the applications that they receive who is located in what district.

Alderman Gatsas asked and we don't grant any assistance to any of these businesses or a business moving into a CROP Zone that may not know a CROP Zone exists?

Mr. Minkarah replied we definitely inform them as best we can. If we are working with them and we know they are in a CROP Zone or looking to go into a CROP Zone we absolutely make them aware of the program but whether they ultimately decide to apply or not...they apply directly to DRED and don't have to apply through us.

***Alderman M. Roy** moved to approve the designation of ten additional Census tracts in the City as Economic Revitalization Zones. **Alderman Shea** duly seconded the motion. **Mayor Guinta** called for a vote. There being none opposed, the motion carried.*

18. Communication from Sharon Wickens, Assistant Director - Treasury, requesting the acceptance of funds in the amount of \$50 from Howard McCarthy, Resident, for snow removal.

On motion of Alderman Pinard, duly seconded by Alderman Osborne, it was voted to accept funds in the amount of \$50 from Howard McCarthy for snow removal.

19. Communication from Sharon Wickens, Assistant Director - Treasury, requesting the acceptance of funds in the amount of \$526.46 from the Estate of Livingston Chase for Livingston Park improvements.

On motion of Alderman M. Roy, duly seconded by Alderman Gatsas, it was voted to accept funds in the amount of \$526.46 from the Estate of Livingston Chase for Livingston Park improvements.

Mayor Guinta asked did everyone receive the addendum to the agenda – Item 19A regarding the OYS grant? There are two motions that we need. We need to accept the report and we need to refer this to CIP.

- 19A. Communication from Martin Boldin, Director of Office of Youth Services, requesting approval of the contract amendment to a grant for Alcohol and Other Drug Prevention Services.

Alderman Shea moved to approve the contract amendment. Alderman Murphy duly seconded the motion.

Alderman Lopez asked do we have to send this to CIP if we approve it?

Mayor Guinta answered my understanding is that it has to go to CIP.

Acting City Clerk Normand stated you do. In talking to Pam Goucher earlier today, she said it is a state grant so there will have to be a CIP resolution amending the contract.

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

On motion of Alderman M. Roy, duly seconded by Alderman Osborne, it was voted to refer the communication to the Committee on Community Improvement.

20. Resolutions:

“Amending the FY 2009 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Thirty Thousand Thirty Five Dollars (\$130,035) for the FY 2009 CIP 214309 Project Youthreach.”

“Amending the FY 2009 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000) for the FY 2009 CIP 214409 Medical Reserve Corp. NACCHO Program.”

“Amending the FY 2007 Community Improvement Program, authorizing and appropriating funds in the amount of Sixty Four Thousand Dollars (\$64,000) for the FY 2007 CIP 511407 Black Brook Dam Removal (Watershed Restoration) Project”

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

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

TABLED ITEMS

- 21.** 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 DeVries stated regarding the date that we changed our March meeting to, Alderman Gatsas caught that that is probably for the Senate going to be a very long night for us, being the last night before crossover, and we are in session on Wednesday, so it is doubtful that any of us will be able to attend in a timely fashion anyway. Maybe if you keep going until midnight...

Alderman Murphy asked what about the 19th?

Alderman Lopez answered the 19th is the Firemen's Corned Beef & Cabbage Dinner.

Mayor Guinta asked what about Monday, March 16th?

Alderman Murphy answered I absolutely can't make that day. I will be out of state.

Alderman Lopez asked what about March 23rd? Well somebody is going to be missing.

Mayor Guinta asked is Wednesday the dinner?

Alderman J. Roy stated no the 19th is the dinner.

Mayor Guinta asked so what is Wednesday's date? Will that work? I'm sorry that is the crossover and Thursday is the dinner.

Alderman Murphy asked what about Monday, March 23rd? We could go back to the original suggestion of March 24th.

Alderman J. Roy stated I will still be out of state.

Alderman Murphy stated my only request is that it not be held on Monday, March 16th.

Alderman Gatsas asked what about Friday, March 20th?

Alderman Shea stated that is a bad night for me.

Alderman Lopez stated someone is going to be missing.

Mayor Guinta stated I am really just trying to accommodate everybody. We can either pick a date now or put it in Matt's lap to take a phone poll.

Alderman Lopez asked Alderman Jim Roy, are you going to be gone that whole week?

Alderman J. Roy answered yes.

Alderman M. Roy stated in talking with the Clerk, if we don't have a big agenda we can just wait until the first meeting in April.

Mayor Guinta stated let me talk to the Clerk and see what the agenda is looking like and then we can...

Alderman Lopez interjected can we cancel a meeting? Is there anything in the Charter about that?

Alderman M. Roy stated I'll take that back because there are a couple of things on the agenda that we need to deal with before April.

Alderman Murphy asked can we meet on a Saturday?

Alderman Lopez moved to hold the Board of Mayor and Aldermen meeting on March 24th. Alderman Murphy duly seconded the motion.

Mayor Guinta stated first I need a vote for reconsideration.

Alderman Lopez moved to reconsider the previous vote to hold the next Board of Mayor and Aldermen meeting on March 18th. Alderman DeVries duly seconded the motion.

Mayor Guinta called for a vote. The motion carried with Alderman J. Roy being duly recorded in opposition.

Alderman Lopez moved to hold the next Board of Mayor and Aldermen meeting on Tuesday, March 24. Alderman DeVries duly seconded the motion.

Mayor Guinta called for a vote. The motion carried with Aldermen J. Roy and M. Roy duly recorded in opposition.

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

A True Record. Attest.

City Clerk