

BOARD OF MAYOR AND ALDERMEN

April 21, 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, Garrity, Smith, Ouellette

Absent: Alderman Murphy

Mayor Guinta stated we have two presentations this evening but before we do that I want to welcome back Alderman Thibault for this evenings activities.

Welcome back Alderman. It is great to see you.

Discussion regarding the City's Health Insurance Provider.

Ms. Jane Gile, Human Resources Director, stated good evening members of the Board of Mayor and Aldermen. As you know in December 2008 the Board voted to put the City's health plan out to bid. At the time of the vote the City was halfway through its three year contract with CIGNA, our current healthcare administrator. At the beginning of March of this year, WBS the City's health consultant, solicited bids from seven administrators. A health plan administrative review committee similar to the group that reviewed the healthcare proposals in 2007 was established. The Committee included Alderman Ted Gatsas, Finance Director Bill Sanders, Benefits Coordinator Jane LaPerle and myself. WBS was represented on the committee by Tom DeLacey, Dave Larrivee, Maureen Grande

and was assisted by Michelle Jukoski. Of the proposals that City has received, five submitted full quotes and one issued a pharmacy only proposal. Four had strong financial and administrative offerings. In the last month, the committee has been busy and has undergone an exhaustive review of the proposals received. WBS provided the committee with extensive comparative analysis of the proposals relative to administrator fees, network, discounts and access, medical and pharmaceutical discounts, reinsurance, disease management programs, retiree health plans and performance and/or discount guarantees. WBS uncovered every stone to make sure that the administrator comparisons were accurate reflections of costs, benefits and programs, both qualitatively and quantitatively. The review team was able to narrow down the final selection to two administrators – CIGNA and Anthem. WBS worked aggressively with both administrators to substantially lower their administrative fees. Last Friday, decision making teams from both CIGNA and Anthem met with the committee to present themselves and their final and best offers. CEO's from both companies participated making their pitch to the City for its health plan administration. They fielded questions from the committee and added insight in what they could offer the City of Manchester. Based on its findings, the committee today finalized its recommendation that the City of Manchester enter into a three year contract with CIGNA healthcare to administer the City of Manchester's self-insured plan. AS a result of this process, the City will save a little over \$560,000 in hard fixed costs over the next three years, notwithstanding the significant reduction in premium costs – 44.91% for retirees over 65 who subscribe to the CIGNA Medicaid Advantage plan. You have received a packet tonight from me, which contains an executive summary from WBS that includes financial comparisons of the two plans – both CIGNA and Anthem and also there is a memo from me on behalf of the committee that further illustrates the process, the intensive process of the review and the criteria from which we evaluated the proposals. Tom DeLacey and Dave Larrivee from WBS are here tonight and Tom, if you could come up and present a brief summary of the whys

behind our decision and some of the key determinants that made CIGNA our choice. I am going to turn it over to Tom and Dave is also seated at the table.

Alderman O'Neil asked Your Honor, are we being asked to act on this tonight?

Mayor Guinta asked is the committee asking us for an action this evening?

Ms. Gile answered yes. We would like to recommend that the City renew the contract with CIGNA for a three year period.

Alderman O'Neil stated I am very uncomfortable with getting a handout tonight and getting a presentation and being asked to act on something. We did this last time and it got us into some trouble.

Alderman O'Neil moved to table this item.

Mayor Guinta asked prior to hearing the...

Alderman O'Neil interjected why do I want to hear a presentation when I haven't even read the thing? I got a memo handed to me five minutes ago.

Mayor Guinta stated a motion to table is non-debatable.

Alderman Pinard duly seconded the motion to table.

Alderman Lopez asked what is the timeframe on this? Can someone answer that?

Ms. Gile replied I would be happy to. When we began this RFP process, we developed a timeline with our health consultant and the timeline, which was approved by the committee targeted April 21, this meeting of the Board of Mayor and Aldermen, as the target date for making a decision regarding our health plan. As you know, health insurance renewal and all of the activities that go with the open enrollment begin next month and in order to make sure that the transition is smooth we had targeted this date as the date that the presentation would come before you. If it is the Board's decision to table it and do whatever, we are okay with that. However, we are in a time crunch. We do have our consultants here tonight but it is up to you as to how you want to proceed.

Alderman Shea stated I don't mind hearing the presentation. That would be informative but I am in favor of waiting until the next meeting possibly to take a vote on it. The more information we receive the better judgment we will be able to make.

Mayor Guinta called for a vote on the motion to table. Alderman O'Neil requested a roll call vote. Aldermen O'Neil, Lopez, DeVries, Garrity, Smith, Ouellette, M. Roy, Osborne, and Pinard voted yea. Aldermen Shea, Gatsas, Sullivan, and J. Roy voted nay. The motion carried.

Mayor Guinta stated I apologize gentlemen for making you come down here. We will try to reschedule when the Aldermen are ready to hear your presentation.

Alderman Lopez stated may I suggest...we have a special meeting on April 27 and maybe we could take up this issue at that time. That should give us plenty of time to review the document.

Mayor Guinta asked could we try to schedule a...I don't know my schedule off the top of my head so could we discuss that tomorrow?

Alderman Lopez answered that is fine.

Presentation by Bernice Lopez, U.S. Census Bureau, giving an overview of Census 2010 operations.

Ms. Bernice Lopez, U.S. Census Bureau, stated good evening Board and Mayor. The Mayor and I spoke a couple of months ago so he is on board. Thank you Alderman Lopez for having me here tonight and I will be brief. I am just here to introduce the Census 2010 to the City of Manchester. We are one year out until Census Day officially, which is April 1, 2010. I just want to invite all of the local government officials to join in the efforts to start promoting Census 2010 to their constituents and encouraging them to respond to their questionnaire once it is received. Now we all know that there are three primary goals to the U.S. Census Bureau. The results are used to determine the number of Congressional seats for each state, to shape legislative districts and local government districts, as well as the allocation of \$300 billion in federal funding to our local communities. I am the partnership specialist concentrating in the State of New Hampshire, helping it to get a most accurate count, and I am part of the Partnership and Data Services Program for the census, which means that I am the most local visible contact reaching out on a very local level throughout the communities in the State of New Hampshire. I am also concentrating on the hardest-to-count populations, which over time tend to be renters, immigrants, non-English speaking people and people of lower education. Through all of this we have put together a robust communications campaign with the help of local community-based organizations, face based communities, non-profits, and municipalities to promote the 2010 census and encourage response. Here in the City of Manchester with the help of

Latinos on the Move of New England, we are able to tap into their network and really concentrate on targeting the Spanish speaking community, as well as Southern New Hampshire Services, which has been a great help in promoting and distributing information to the people that they serve. Now we have major census activities throughout the state. We started with job recruitment. So far, we have hired 750 people throughout the state, 250 in the County of Hillsborough, to start a specific address canvassing operation, which started on Monday, April 20. It ends the first week of July. You will be seeing people in your local areas canvassing homes so that we get a most accurate database come next year to mail out the questionnaires. We are also in the process of group validations, which are shelters, universities and nursing homes. The questionnaire will be mailed out in March 2010, mid-March, and it consists of ten questions. It will not be a long form like previous ones. It is basic questions as in head of household, how many people live in the house, home, age, sex. We have left the long questionnaire for the American Community Survey, which should have detailed income and how do you get to work, as well as it really captures how America looks and lives. Now throughout the City of Manchester we will have questionnaire assistance centers. One will be located at the library and the other one will be located at the International Institute of Manchester because they serve the refugee population and we need a lot of help with that population. We are also going to have Be Counted sites, especially in today's time because of the foreclosures. We are going to have a lot of multi-families living in one unit so whoever feels that they haven't gotten a questionnaire can go to a local Be Counted site like a library to pick up a questionnaire and leave it there so that they can be counted. In 2000, the City of Manchester had a 69% mail-back response rate. The highest city in the state was Nashua with 76% and the lowest were Laconia and Claremont at 58%. So we really want to help Manchester get a most accurate count. It benefits us because of its growth and diversity. Through that, the Mayor's Office, as well as the Community Development Department, are beginning to form a complete count

committee, which is a representative of someone from the faith based community and someone from the education system to really strategize and promote this.

Thank you for having me here.

Alderman Lopez asked how many people do you hire so that people can apply?

Ms. Lopez answered right now we are not recruiting for jobs. We finished the recruitment for this current phase, which is address canvassing but we will be opening up the lines. You can go to the census website and there is also a toll-free number that you can call. That will start in the fall of this year and that will be for listers so for group validations as well as the people knocking on doors to survey you.

Alderman Pinard asked will these people be properly identified with some sort of I. D. because of the news of all of these people going door-to-door? I think that proper identification of the individual doing census work...I know that I would be worried and I do ask, as an Alderman in my ward, if I see strange people I am not afraid to ask them what they are doing there.

Ms. Lopez answered absolutely. The crews out in the neighborhoods will have an I. D. with their name and they will have a suitcase with a huge U.S. Department of Commerce emblem and every single car will have a U.S. Census tag that says official business. Now the Office of Homeland Security has sent information to all of the local police stations throughout the nation and I have also been working with municipalities to post flyers so that they are alerted and ready to respond to anyone that calls.

Alderman Sullivan stated I represent a downtown heavily urbanized ward. A lot of folks live in secure buildings and in multi-family apartment buildings and are not easy to get to. What steps is the U.S. Census Bureau going to be taking to make sure that those folks are actually reached and included in the count?

Ms. Lopez answered we started our address list development in working with the local City Clerk's Office so we added every single address for every single dwelling into our master database. For this specific operation for address canvassing, each lister will have a GPS handheld computer that dictates this is 50 Main Street, for example. There will be a courtesy knock but you are not expected to survey them, only verify the address. For the enumeration time, we will be getting inside and working hopefully with the landlords. That is another reason why we want a complete count committee because we need people in the local community to sort of give a heads up to operations.

Alderman Sullivan responded that is what I was driving at. The landlords and the people who own these multi-unit buildings I hope will be included in the process so that they will work cooperatively. I think it is in everybody's best interest but I just want to make sure that there is that open line of communication between the folks that own the properties and the Census Bureau to make sure that people don't fall through the cracks because they live in a building that has a secure front door and they were blocked from that access.

Ms. Lopez replied absolutely and we also hire people within their neighborhoods. Within your zip code that is the radius that you get. So if I am an enumerator in my town I sort of know what building I can easily get into or how to work that.

Alderman M. Roy stated thank you Ms. Lopez for being here. This may or may not be a question that you can answer or want to answer. What is the Census Bureau's definition of homelessness and how are those people accounted for?

Ms. Lopez answered someone is considered homeless who is not in a household on April 1 or when the person gets the questionnaire. We will have groups of people going under bridges or wherever there is mostly identified large groups of homeless people but that is a separate category and not considered people in shelters or people in domestic violence homes. In the fall of this year we are going to start outreach to specific homeless areas throughout the State of New Hampshire.

Alderman M. Roy asked when you look at some of our multi-families where families are doubling and in some cases tripling out, is there a cross-check method for that if someone puts down two occupants and it is not?

Ms. Lopez answered there is a quality control. There is a bar code on every single form that you fill out and after it is uploaded in the database there is a quality control mechanism that they will go after and that is to avoid duplication.

Alderman Gatsas asked can you tell me how you count homeless people?

Ms. Lopez answered physically one by one. If we hear of a population of homeless people under a bridge we are going to go in there and count them physically one by one. We don't get any demographics on that population like age or where they have lived before.

Alderman Gatsas asked if there is more than one family living in an apartment is one of those families considered homeless?

Ms. Lopez responded no. If there is one family...when you get the questionnaire the first question is head of household so in this case because of the foreclosures you are going to see multiple families uniting in one unit. That is the purpose of having a Be Counted site. So we would say if you didn't get a form you can go to this Be Counted site, which may be the library or the International Institute of Manchester and fill out the form that represents you and your family. That will obviously be with the help of cable access and flyers in the neighborhood promoting that awareness so that people know although I am living with my cousin I want to be counted and I can go to the library and fill out the form so I can be properly represented.

Alderman Gatsas stated it sounds like you have been doing this for awhile.

Ms. Lopez responded only three months.

Alderman Gatsas stated so if I asked you for a number you probably couldn't give it to me.

Ms. Lopez replied no.

Alderman Gatsas stated I will wait until after to ask you how many students you think we have in the City of Manchester that are considered homeless.

Alderman M. Roy asked is that an appropriate question for Tim Soucy of the Health Department?

Mayor Guinta answered he doesn't know the number but we will get the number. Thank you. We appreciate you coming here.

CONSENT AGENDA

Mayor Guinta advises if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

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

A. Sidewalk Petitions:

27 Apple Hill Court
748 Beech Street

Approve under supervision of the Department of Highways

B. Pole petitions:

#11-1237 1 pole located on Hanover Street
#11-1240 1 pole located on Island Pond Road
#12-0270 1 pole located at 52 Debloice Street

Information to be Received and Filed

- C.** Approved minutes from the Commission meeting held February 24, 2009, February 2009 Financial Report, and February 2009 Ridership Report submitted by Carey Roessel, Executive Director MTA.
- D.** Communication from Bryan Christiansen, Comcast, regarding Service Changes.
- E.** Communication from Charlene Courtemanche, Chamber of Commerce, submitting a report of the year-end statistics for the Manchester Information Center.

- F.** Monthly Bulletin from the City of Manchester Health Department for April 2009.
- G.** Communication from Jay Minkarah regarding Wall Street Tower.
- J.** Manchester Solid Waste Report forwarded by the Special Committee on Solid Waste Activities.

REFERRAL TO COMMITTEE

COMMITTEE ON FINANCE

K. Resolutions:

“Amending the FY2007 and 2009 Community Improvement Program, authorizing and appropriating funds in the amount of One Million Two Hundred Thirty-Nine Thousand Six Hundred Twenty-Four Dollars (\$1,239,624) for the FY2009 CIP 711109 Annual Bridge Rehabilitation Program/Design Nazaire Biron Bridge.”

“Authorizing the Finance Officer to effect a transfer of One Million Two Hundred Thirty-Nine Thousand Six Hundred Twenty-Four Dollars (\$1,239,624) for the 2009 CIP 711109 Annual Bridge Rehabilitation Program/Design and Construction Nazaire Biron Bridge.”

“Amending the FY2009 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Fifty Thousand (\$150,000) for the FY2009 CIP 713709, Intersection Improvement Project.”

“Rescinding a Resolution “Authorizing Bonds, Notes or Lease Purchases in the amount of One Hundred Fifty Thousand Dollars (\$150,000) for 2009 CIP 712009, Elm Street Mast Arm Replacement Project.”

L. Bond Resolution:

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Hundred Fifty Thousand Dollars (\$150,000) for the 2009 CIP 713709, Intersection Improvement Project.”

M. Appropriating Resolution:

“Resolution ‘Approving the Community Improvement Program for 2010, Raising and Appropriating Monies Therefore, and Authorizing Implementation of said program’.”

REPORTS OF COMMITTEES

COMMITTEE ON COMMUNITY IMPROVEMENT

- N.** Recommending that a request for sewer abatement for 499 Riverdale Avenue be granted and approved in the amount of \$224.10 as recommended by EPD.
(Unanimous vote)
- O.** Recommending that a request for sewer abatement for 287-289 Lowell Street be denied as recommended by EPD
- P.** Recommending that a request for sewer abatement for 1-7 Hartshorn Way be denied as recommended by EPD.
(Unanimous vote)
- Q.** Recommending that a request from Martin Boldin, Director of Office of Youth Services, for a contract amendment to a grant for Alcohol and Other Drug Prevention Services be approved.
(Unanimous vote)
- R.** Recommending that the petition to release and discharge from public servitude a portion of Gaines Street be approved.
(Unanimous vote)
- S.** Recommending that the request from Mark Brewer, Airport Director, for acquisition of a new Canine vehicle to be added to the Airport fleet be approved.
(Unanimous vote)
- T.** Recommending that the request from Bruce Thomas, Engineering Manager, to complete work as part of the City's Chronic Drain Program as funding becomes available be approved.
(Unanimous vote)
- U.** Recommending that the recommendation from Leon LaFreniere, Director of Planning and Community Development, for Central Business District Revitalization Reserve Funds to be used for a summer movie series in Veterans Park be approved.
(Unanimous vote)

- V.** Recommending that the request from Carey Roessel, MTA, for funding for the MTA Downtown Circulator Project be approved.
(Unanimous vote)
- W.** Advising that the update on the Neighborhood Stabilization Program submitted by Sam Maranto has been received and filed.
(Unanimous vote)
- X.** Recommending that the request from Leon LaFreniere, Director of Planning and Community Development, of an Anti-Displacement and Relocation Plan pertaining to activities funded with NSP monies be approved.
(Unanimous vote)
- Y.** Advising that the communication from James Burkush, Fire Chief, requesting that \$8,022.04 be taken out of CIP #411304 to purchase two Self Contained Breathing Apparatus (SCBA) units has been received and filed.
(Unanimous vote)
- Z.** Advising that the update from staff regarding potential opportunities for collaboration with the State of New Hampshire in connection with the impending move of the Manchester District Court has been received and filed.
(Unanimous vote)
- BB.** Recommending that the communication from Fred Rusczek, Executive Director of Child Health Services, requesting reconsideration of the Mayor's 12% budget cut of FY2009 CIP allocations to his agency has been received and filed.

The Committee has requested that a recommendation for FY2010 come from Fred Rusczek.
(Unanimous vote)

- DD.** Recommending that no further expenditures be made against CIP cash projects 510807 - Park Improvement program and 650300 - Hackett Hill Development.

The Committee notes that the current unencumbered balance of these two projects totals \$252,531.69.
(Unanimous vote)

- EE.** Recommending that the request from Kevin Sheppard, Public Works Director, to modify the budget authorization for CIP project 712009 - Elm Street Mast Arm Replacement, be approved.
(*Unanimous vote*)

PUBLIC SAFETY, HEALTH & TRAFFIC

- FF.** Recommending that regulations for standing, stopping, parking and operation of vehicles be adopted as noted and those inconsistent therewith be repealed.
(*Unanimous vote*)

- GG.** Recommending that the requests for the use of Arms Parking Lot, Pearl Street Parking Lot and Merrimack Street be approved.
(*Unanimous vote*)

- II.** Advising that it has approved ordinances:

“Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by repealing section 70.81 Penalty For Other Violations and replacing in its entirety a new section 70.81 Penalty For Other Violations and Judicial Review.”

“Amending Chapter 38: Code Enforcement of the Code of Ordinances of the City of Manchester by amending Section 38.05 Service of Citation to add an additional method of service for all citations.”

and recommends same be referred to the Committee on Bills on Second Reading for technical review.
(*Unanimous vote*)

- JJ.** Advising that it has approved ordinances:

“Amending Chapter 70 Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by amending section 70.78 Penalty and establishing a new increased penalty schedule.”

“Amending Chapter 71 Snow Emergency Regulations of the Code of Ordinances of the City of Manchester by amending Section 71.99 Penalty and establishing an increased penalty schedule.”

and recommends same be referred to the Committee on Bills on Second Reading for technical review. (*Unanimous vote*)

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

- KK.** Recommending that the request from Chuck DePrima, Acting Director of Parks, Recreation & Cemetery Department, for the Fair permit fee to be waived for the City's Independence Day Celebration be approved.
(Unanimous vote)
- LL.** Recommending that the request from Mike Vecchiarelli for the Fair permit fee to be waived for the annual Manchester Earth Day Celebration be approved.
(Unanimous vote)
- MM.** Recommending that the Stationery Savings Report submitted by Mindy Salamone-Abood, Purchasing Agent, be accepted.
(Unanimous vote)
- NN.** Recommending that the following ordinance amendment:
- “Amending Section 97.34 Encumbrances Prohibited of the Code of Ordinances of the City of Manchester by extending the dates of operation for downtown sidewalk encumbrances and allowing the City Clerk to permit portable signage placed within the public right-of-way.”
- be approved and recommends same be referred to the Committee on Bills on Second Reading for technical review.
(Unanimous vote)
- OO.** Advising that the communication from the Manchester taxi industry has been referred to the City Clerk's office with a recommendation to come back to the Committee.
(Unanimous vote)
- PP.** Advising that the cell phone policy submitted by Jennie Angell, Director of Information Systems, has been approved for the Information Systems Department.
(Unanimous vote with the exception of Alderman Garrity who voted in opposition.)
- QQ.** Advising that the discussion relating to the merger of the Planning and Community Development Department and the Building Department has been received and filed.
(Unanimous vote)

SPECIAL COMMITTEE ON SOLID WASTE ACTIVITIES

RR. Advising that the City Solicitor has updated the Committee that Corcoran Environmental Services has filed Chapter 11 in U.S. Bankruptcy in the District of Maine; they intend to maintain contact with all parties; and will continue to monitor the situation.

(Unanimous vote)

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

Information to be Received and Filed

H. Listing of solid waste violations forwarded by the Special Committee on Solid Waste Activities.

Alderman Shea stated I just want to commend the Highway Department because if you look at the solid waste violations report, I have circled the wards that have the most problems in the City and the Alderman in Ward 7 has quite a problem and certainly I appreciate their work in my ward. I don't want to cite others but obviously there are three or four other wards. I really want to commend the Highway Department, Brad Moore, and the other people who are looking after the violations because this is an important part of our City in terms of diseases and other types of things that are spread by solid waste violations. Again, I just want to compliment the Highway Department for that. I do appreciate it as do my constituents.

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

- I. Report of properties serviced by the Highway Department forwarded by the Special Committee on Solid Waste Activities.

Alderman M. Roy stated much like Alderman Shea I wanted to take item I off so that it wasn't received and filed without giving it the credit that it is due. The Highway Department physically went out and monitored our trash pick-up on trash day so we could have a customer list that was accurate and well thought out. I would like to draw your attention to the 3,495 commercial locations and the 1,319 ten plus units that are listed there. They are all receiving trash pick-up and I think it is only prudent that as City leaders we look at who our customer base is and how they are going to be treated in the long run and the effect that it has on the budget.

Alderman M. Roy moved to receive and file. Alderman Shea duly seconded the motion. Mayor Guinta called for a vote. There being none opposed, the motion carried.

Report of the Committee on Community Improvement

- AA. Recommending that the request for acceptance of ESG funds in the amount of \$766,545 and CDBG funds in the amount of \$500,831 be approved. The Committee further recommends that the request for ESG funds to be used for the City's Ten-Year Strategy to end homelessness and the CDBG funds to be allocated to the Neighborhood Revitalization Project be approved.

Alderman DeVries asked Leon LaFreniere, please come forward and speak to this. It looks like this may be the first round of stimulus dollars that I am actually

familiar with here in Manchester. Could you please elaborate on what will be accomplished and how much we are receiving?

Mr. Leon LaFreniere, Director of Planning & Community Development, stated in the case of these funds the first number that is identified is \$766,545 that are Homeless Prevention and Rapid Recovery funds as part of the stimulus, as you mentioned. Those funds are to be used for security deposits, rental assistance and like programs to address homeless issues. We anticipate that those funds will be used to supplement programs currently underway as well as some additional programs that are applying through some agencies that we currently support such as The Way Home and so forth. The second batch of funding that is referenced in this item is \$500,831 in CDBG and recovery funds that are to be allocated to neighborhood revitalization efforts. In the case of those funds, we are still awaiting the rules from HUD so we don't have a clear definition of our limitations on what we will be able to use those funds for. We anticipate, based on information received thus far, that those funds will be available for revitalization efforts, job creation, street improvement and housing rehab programs that we currently have been funding as part of the CIP program using CDBG funds. These will be additional funds that will be available for that purpose.

Alderman DeVries stated thank you very much for the report. I would like to go back briefly, and I understand that you may not have a lot of detail on this, but would you be familiar with the first round of ESG dollars, the \$766,545? Is that something...because it talks about being used for rental assistance and other...is that going to help us eliminate that multi-year waiting list that we have for people waiting to get into different forms of housing?

Mr. LaFreniere responded that may be a possible effect. However, these funds cannot be used, as we understand it, to create additional housing opportunities. That is somewhat different than we understood the potential use for the funding would be when we were first notified that Manchester would be receiving these funds. We had hoped that these funds could be used for exactly that purpose in creating additional housing opportunities and relieving some of the demand for housing opportunities at that level that currently do not exist in the City but the information continues to come in from Washington on this. We are getting information almost on a daily basis but it appears that we can only use this money to deal with immediate homeless issues such as security deposit and rental assistant at this point.

Alderman DeVries asked so the money would go towards the growing vacancy rate that we are seeing with private landlords?

Mr. LaFreniere answered yes.

Alderman DeVries stated so that not only gives a home but also stimulates that landlord that now has a tenant.

Mr. LaFreniere responded potentially it would go towards providing rental assistance for eligible families that need housing.

On motion of Alderman DeVries, duly seconded by Alderman Pinard, it was voted to accept the report of the Committee on Community Improvement.

CC. Recommending that \$100,000 of open encumbrances be paid by MHRA for CIP cash project 650300 - Hackett Hill Development.

The Committee notes that it has required that MHRA provide documentation for the remainder of open encumbrances for CIP #650300 totaling \$67,592.65.

Alderman Lopez asked can I have Jay Minkarah come forward please. While he is on his way up here, my colleague, Alderman Smith and I both sit on the Manchester Housing and Redevelopment Corporation and I see that he voted in opposition. I want to make sure that the final decision that is made here tonight, that we are not interfering with anything that the Manchester Housing & Redevelopment Corporation or Economic Development is doing with this particular project.

Mr. Jay Minkarah, Economic Development Director, answered not at this time. I think the intent is to have MHRA as well as our office come to the next scheduled CIP meeting on this topic to update the Board and outline what remains outstanding under our contract and what obligations still remain. Certainly we do need to move forward and reach some conclusion as to what to do with these funds. Right now MHRA is aware that they should avoid incurring any additional costs but obviously we do need to reach some resolution so we can move forward.

Alderman Lopez stated hopefully that will be soon. One other comment while you are up here but I just want to go on record...I know you gave a letter and I should have pulled the item off but have we received all of our money for Wall Street Tower?

Mr. Minkarah responded yes we have.

Alderman Lopez moved to accept the report of the Committee on Community Improvement and adopt its recommendation.

Alderman Gatsas stated just for clarification we didn't receive all of our money. We received the negotiated amount. The other \$19 million is gone.

Alderman Lopez stated just for clarification the Board of Mayor and Aldermen negotiated that amount.

Alderman Smith duly seconded the motion. Mayor Guinta called for a vote. There being none opposed, the motion carried.

Report of the Committee on Public Safety, Health & Traffic

HH. Advising that it has approved ordinance:

“Amending Chapter 70 Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by amending Section 70.36 Stopping, Standing and Parking by establishing a fine for the fraudulent use of walking disability placards or plates.”

and recommends same be referred to the Committee on Bills on Second Reading for technical review.

Alderman Sullivan asked could Brandy Stanley to come forward to discuss this? This is the change in the traffic ordinances dealing with improper use of a handicapped tag. Brandy, could you just explain where we are headed with this and some of the enforcement guidance that we discussed earlier?

Ms. Brandy Stanley, Parking Manager, stated this ordinance is an addition to Section 70.36 and it adds a provision for us to issue a \$500 fine to people who are abusing handicap placards, walking disabled placards or accessible parking spaces. This has been a big problem statewide and since May 2007 we have collected abuse handicap placards out on the street. I now have over 120 of them sitting in my desk drawer. This is a fairly large problem and the state law and the City ordinances don't contain any real meaningful ways to address that so Manchester is kind of picking this up. What we imagine is that this ordinance may find its way into state law or to other places. Basically when we were discussing this with the Traffic Committee there was some concern that this ordinance would be a little too harsh...

Alderman Sullivan interjected Draconian I think is the word that came up.

Ms. Stanley stated one of the reasons we put this forward is because we do have a very comprehensive internal review process for the existing ordinances and the existing fines that we issue and in order to possibly make some of the Aldermen feel a little bit more comfortable with the process that we go through we are obviously not after the 90 year old woman who forgot to get her placard renewed or forgot to hang it up. Those are not the people we are trying to get to. The people that we are trying to get to are someone who has a total of eight valid placards, six of which have been reported lost or stolen, doesn't seem to have any in their possession and actually comes in to dispute a parking ticket with one that has actually been reported lost. Those are the kind of people that we want to use this ordinance on, and what I gave to the City Clerk earlier was a list of guidelines that we typically use when we go through an internal review process with existing ordinances and also what we would do with this proposed ordinance.

Alderman O'Neil stated as we talked about in Committee, I think all of the members cautioned the PCO's that they can't make any mistakes with this. If a mistake is made it is going to be changed back so they have to make sure that they get it right and not embarrass the person. We are not on a witch hunt here. We just need to be very cautious with this.

Alderman Gatsas stated certainly parking in a handicapped spot I think is probably one of the worst things you can do for a parking violation. What is the largest violation you have currently that the department gives out and what is it for?

Ms. Stanley responded it is a \$250 fine for parking in a handicapped spot without a placard or an invalid placard.

Alderman Gatsas replied how many of those violations were issued by the Parking Department?

Ms. Stanley responded all of them as far as I am aware. I don't know that for a fact but I am pretty sure that that is not the focus of the Police Department.

Alderman Gatsas asked is it one, is it two, is it a hundred, is it five hundred? How many violations have been issued with a \$250 fine?

Ms. Stanley answered we usually issue about four a day so if you do the math there are 250 working days times four violations a day.

Mayor Guinta asked there are that many?

Ms. Stanley answered yes that is why we are proposing this ordinance. The scale of abuse is actually rather daunting.

Alderman Gatsas asked is that number in your revenue figures? \$250,000 for handicapped violations? That is what that is. 1,000 tickets at \$250 is \$250,000. Is that in your revenues?

Ms. Stanley answered yes it is.

Mayor Guinta asked is the amended number in your revenue?

Ms. Stanley asked do you mean with this ordinance? No because we don't know...we don't anticipate actually issuing a lot of these tickets because...

Mayor Guinta interjected you think the number of violations will go down as a result of this?

Ms. Stanley replied I don't necessarily believe so. It is our hope that that will happen but I don't know.

Alderman Gatsas asked do you issue summonses for violations in private parking lots, let's say at Hannaford?

Ms. Stanley answered yes.

Alderman Gatsas asked you have that authority?

Ms. Stanley answered yes we do. Fire lanes and handicapped parking we can enforce on private property.

Alderman Smith stated I have gotten a few tickets. I am disabled but I don't have a van but I have to get out on the left hand side and I need three or four feet so when I park out there in a van accessible spot, I have gotten tickets and the City Clerk will verify it. How do I not get a ticket? I have handicapped plates but I have to drive and I don't need a wheelchair van but I need...if I park in a regular parking spot and if somebody is close to me I can't get out of my car. I need three or four feet. Is there any special thing I can do because I don't have a van but I need to get out of the car and I have gotten a couple of tickets and the City Clerk has taken care of them for me thank God.

Ms. Stanley asked did you get tickets for parking in the van accessible spot?

Alderman Smith answered yes even though I had handicapped plates on.

Ms. Stanley responded I am disappointed to hear that because that is not actually a requirement. Any accessible space is available for anyone regardless of whether or not they have a lift van to park in.

Alderman Smith replied okay thank you.

Alderman DeVries asked do you have any idea of the collection rate for the \$250,000? Is that mostly written off?

Ms. Stanley answered I would say 20-25% is written off because if someone comes in and they forgot to hang their placard and they don't have any other tickets on their record usually we will void it. If someone comes in because they displayed an expired placard and they didn't realize that they had to get it renewed, which is a very common mistake on the part of placard holders because

the placard says “permanent” on it and they read that word and don’t necessarily pay attention to the fact that it has to be renewed every five years, typically we void those as well. In a lot of cases the parking tickets turn into an educational opportunity because there is such a lack of education on the part of the people who actually have the placards.

Alderman DeVries asked so do you do an automatic outreach to an individual who has had this type of significant violation but also significant penalty. Do you automatically send them the rules of the road, if you would, so that they can determine whether or not they actually were in violation or invite that conversation and that education to occur?

Ms. Stanley answered no we don’t. That is...I would say probably at least 50% of the tickets we write get appealed so we do catch a lot of them but unfortunately because we don’t have any electronic way to exchange registered owner information with the DMV we don’t have any identification on most of the license plates that we write a ticket on.

Alderman DeVries stated that is an issue because that has never passed in the Legislature.

Alderman M. Roy asked Brandy, you mentioned that you have how many placards in your possession?

Ms. Stanley answered I have about 127.

Alderman M. Roy asked out of that 127 how many do you think if this ordinance was passed when you came to Manchester would have been given \$500 tickets? 10%, 20%, 50%?

Ms. Stanley answered closer to 5% or 10%.

Alderman M. Roy stated so 6.3 people. I mean we are not...we are talking about an effective tool to get people into your office so that you can educate them as to why and how they should be obeying the law and of the 127, 121 would have walked away with no fee. Is that an accurate statement?

Ms. Stanley replied no. Now that you put it into numbers it is probably higher than that. Since November of last year I have actually kept records of conditions where we had problems and there are probably 15 or 20 of them that would be in my opinion eligible for this fine because they were very clearly using someone's placard who was deceased or someone's placard that was reported lost or stolen or completed fabricated placards – I have about six of those in my desk. Those are the types of candidates that would be the people we would write these tickets to.

Alderman Sullivan stated Brandy, just to try and sum this up, this fine wouldn't impact the people who accidentally leave Grandma's parking tag on their mirror. It wouldn't affect someone who forgot to renew their tag and it expired two days ago. It wouldn't affect those people but it would affect the most egregious offenders, the ones who are committing fraud and lying. Those are the people that this is designed to negatively impact correct?

Ms. Stanley answered correct.

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

Alderman M. Roy duly seconded the motion.

Alderman Sullivan requested a roll call vote.

Mayor Guinta stated I don't think I heard any opposition.

Alderman Sullivan stated that is not what I heard earlier.

Alderman Gatsas stated you have opposition, Your Honor. That is an excessive fine. We should not be looking to make revenues in this City with people making mistakes. That is a \$250 fine. What is the next highest fine you have besides that?

Ms. Stanley asked after \$250?

Alderman Gatsas answered no before \$250.

Ms. Stanley stated \$100.

Mayor Guinta called for the roll call vote. Aldermen Sullivan, J. Roy, Osborne, Pinard, O'Neil, Lopez, Shea, DeVries, Garrity, Smith, Ouellette, and M. Roy voted yea. Alderman Gatsas voted nay. The motion carried.

- 6.** Communication from Michael Poisson advising the Board of his resignation from the Conservation Commission and the Planning Board.

On motion of Alderman M. Roy, duly seconded by Alderman Shea, it was voted to accept the resignation with regret.

7. Nominations:

Personnel Appeals Board

Sibohan Tautkus to succeed herself, term to expire March 1, 2012.

Board of Registrars

Kathleen Payne to succeed herself, term to expire May 1, 2012.

Heritage Commission

Cathryn Vaughn to succeed herself, term to expire January 1, 2012.

Conservation Committee

Edward O'Brien to succeed Michael S. Poisson (resignation), term to expire August 1, 2009.

Stephen Hebert to succeed Edward O'Brien as an alternate member, term to expire August 1, 2009.

Safety Review Board

Kevin Phelan to succeed Stephen Hebert, term to expire March 15, 2012.

Zoning Board of Adjustment

Michael Dupre to succeed Cynthia Gaffney as an alternate member, term to expire March 1, 2012

Alderman M. Roy asked is Ed O'Brien currently an alternate on the Conservation Commission?

Mayor Guinta answered yes.

On motion of Alderman M. Roy, duly seconded by Alderman O'Neil, it was voted to suspend the rules and confirm the nominations of Siobhan Tautkus, Kathleen Payne, Cathryn Vaughn, and Edward O'Brien as presented.

Mayor Guinta stated I also have an appointment of Pierre Boissonneault as an ex-officio member of the Planning Board, which is effective immediately.

Alderman Lopez stated I passed out a resume for Pete Escalera who is presently serving on the MTA Board. His term is expiring in May and I am asking the Board to suspend the rules and reappoint him to the MTA.

On motion of Alderman Lopez, duly seconded by Alderman O'Neil, it was voted to suspend the rules and confirm the nomination of Pete Escalera to succeed himself as a member of the Manchester Transit Authority Commission.

8. Confirmation of nominations made by Mayor Guinta:

Planning Board

Donna Daneke as an alternate member, term to expire May 1, 2011.

On motion of Alderman Sullivan, duly seconded by Alderman Pinard, it was voted to confirm the nomination of Donna Daneke as an alternate member of the Planning Board, term to expire May 1, 2011.

Alderman Sullivan stated I have had the pleasure of working with Donna on the Heritage Commission and I think she will do an outstanding job on the Planning Board. My question is are those incompatible positions and are we going to need someone to fill her seat on the Heritage Commission?

Mayor Guinta answered no.

9. Legislative Update presented by Mayor Guinta.

Alderman O'Neil asked can you give a quick overview of any of the retirement issues. I am still very worried about any significant changes that might have a huge cost to the City of Manchester.

Mayor Guinta answered I don't have any additional information beyond what...I know that they have gone through crossover and are being followed by the members of both departments but I don't have any additional information beyond what is included in the update.

Alderman O'Neil asked at some point is that something that this Board should be taking a vote on – the various retirement bills?

Mayor Guinta replied I certainly think if this Board wants to make a statement about it I have no objection.

Alderman O'Neil stated I think we heard last night some various numbers. One was 48 police officers and 87 firefighters. That would put us in a huge, huge, huge financial hole if it is something that forced them all to retire ahead of any change in the law. I know our delegation is doing their best with it but we need to send a strong message. It could cause some real problems here in the City. We think we have problems now, well we would really have problems with that.

Alderman Gatsas stated I don't see either one of those bills on the update.

Mayor Guinta replied they are on the last page of the legislative update.

Alderman O'Neil stated maybe it is something that we can discuss at our next meeting.

Mayor Guinta asked Mark, do you know when the hearing dates are?

Mr. Mark Laliberte, Mayor's Assistant, answered no.

Mayor Guinta asked can you try to find out tonight?

Mr. Laliberte answered yes.

Mayor Guinta stated if we need to address it this evening, if we can get some information we will, and if not we can try to have a more formal discussion prior to the next meeting.

10. Reports of the Committee on Bills on Second Reading

A report of the Committee on Bills on Second Reading was presented respectfully recommending, after due and careful consideration, that Ordinance Amendment

“Amending Chapter 70: Motor Vehicles and Traffic Code of the Code of Ordinances of the City of Manchester Section 70.54 Permit Parking in Lieu of Coin Deposit and Parking Districts by adding Plaza Drive to District 27; add District 30 Granite Street Lot; and correct clerical errors.”

ought to pass.

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

A report of the Committee on Bills on Second Reading was presented respectfully recommending, after due and careful consideration, that Ordinance Amendment:

”Amending the Zoning Ordinance of the City of Manchester by deleting the references to “Building Department” or “Planning Department” and replacing all with the name “Planning and Community Development Department.”

ought to pass.

Alderman O’Neil stated I am not nitpicking here but isn’t the all encompassing department Community Development? I am just curious why Leon is not the Director of Community Development & Planning or just Community Development. I am not nitpicking.

Mayor Guinta stated it is Director of Planning & Community Development.

Alderman O’Neil asked isn’t it really the Department of Community Development? I thought that is what we formed.

Mayor Guinta answered no, it was Planning & Community Development.

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

Alderman J. Roy duly seconded the motion.

Alderman Lopez stated I am asking this question on behalf of Ms. Paris. Tom Arnold and I have had some discussion on this but for the record in reference to 15.01 the Powers and Duties of the Building Commissioner in the Zoning Regulation under Paragraph 3-1 should that not be changed to read Director of Planning & Community Development or is what is in the present zoning

regulation sufficient? The reason this is being brought up is that she is very concerned that we could get ourselves in legal trouble if we don't define the Planning & Community Development Director. Could you respond please Mr. Arnold?

Mr. Thomas Arnold, Deputy City Solicitor, answered I believe that the ordinance, Section 3.03, Definition of Terms, Commissioner is deleted in its entirety. I don't believe that we need a formal definition for the term Director of Planning & Community Development because that is a position in the City of Manchester and I think the ordinance by naming that position is clear as to the individual that it intends.

Alderman Lopez asked so without a clear definition in the Zoning Ordinance you are saying that the Director of Planning & Community Development is sufficient?

Mr. Arnold replied the Zoning Ordinance will refer, with this amendment, to the Director of Planning & Community Development.

Mayor Guinta called for a vote on the motion. *The motion carried with Alderman Osborne being duly recorded in opposition.*

A report of the Committee on Bills on Second Reading was presented respectfully recommending, after due and careful consideration, that Rezoning Ordinance Amendment:

“Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Residential Two Family District (R-2), including portions of two lots, Tax Map TPK 1, Lot 61 (3 Master Street) and Tax Map TPK1, Lot 69 (800 Second Street). The intent being that the entirety of these two lots would be in the B-2 District.:

be referred to a public hearing with a date to be determined by the City Clerk.

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

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

Mayor Guinta called the meeting back to order.

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

“Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by repealing section 70.81 Penalty For Other Violations and replacing in its entirety a new section 70.81 Penalty For Other Violations and Judicial Review.”

“Amending Chapter 38: Code Enforcement of the Code of Ordinances of the City of Manchester by amending Section 38.05 Service of Citation to add an additional method of service for all citations.”

ought to pass and be Enrolled.

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

15. Ordinances:

“Amending 70.54 Permit Parking in Lieu of Coin Deposit and Parking Districts of the Code of Ordinances of the City of Manchester by adding Plaza Drive to District 27; adding District 30 Granite Street Lot; and correcting clerical errors.”

“Amending the Zoning Ordinance of the City of Manchester by deleting the references to “Building Department” of “Planning Department” and replacing all with the name “Planning and Community Development Department”.”

“Amending the Zoning Ordinance of the City of Manchester by deleting the references to “Building Commissioner” and “Planning Director” and replacing both with “Director of Planning and Community Development Department”.”

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

These Ordinances having had their second reading, on motion of Alderman J. Roy, duly seconded by Alderman Ouellette, were passed to be Enrolled.

On motion of Alderman Sullivan, duly seconded by Alderman Pinard, it was voted to recess the meeting to allow the Committee on Accounts, Enrollment and Revenue Administration to meet.

Mayor Guinta called the meeting back to order.

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

A report of the Committee on Accounts, Enrollment and Revenue Administration was presented respectfully recommending, after due and careful consideration, that Ordinances:

“Amending Chapter 70“Amending Chapter 70: Motor Vehicles and Traffic Code of the Code of Ordinances of the City of Manchester Section 70.54 Permit Parking in Lieu of Coin Deposit and Parking Districts by adding Plaza Drive to District 27; add District 30 Granite Street Lot; and correct clerical errors.”

“Amending the Zoning Ordinance of the City of Manchester by deleting the references to “Building Department” of “Planning Department” and replacing all with the name “Planning and Community Development Department”.”

“Amending the Zoning Ordinance of the City of Manchester by deleting the references to “Building Commissioner” and “Planning Director” and replacing both with “Director of Planning and Community Development Department”.”

ought to pass and be Enrolled.

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

19. Warrant to be committed to the Tax Collector for collection under the Hand and Seal of the Board of Mayor and Aldermen for the collection of sewer charges.

On motion of Alderman Pinard, duly seconded by Alderman J. Roy, it was voted to commit the Warrant to the Tax Collector in the amount of \$224,188.15.

20. Communication from William Sanders, Finance Officer, submitting and updated budget forecast for FY2009, if available.

Alderman Gatsas asked so Mr. Sanders I assume that the Planning & Community Development minus \$400,000 is...

Mr. William Sanders, Finance Officer, interjected it is substantially all building permits. About \$350,000 of the \$400,000 shortfall is building permits. The remainder is various revenue items in the Planning Department other than building permits.

Alderman Gatsas asked so if the building permits come in for a project like Jac Pac then we will have a positive number there?

Mr. Sanders answered I would prefer Mr. LaFreniere answer that question.

Mr. LaFreniere stated in making the projections for the Finance Director we have stayed in contact with all of the large development projects that we have in the pipeline, if you will. We are still counting on in the revenue projection we have provided, Phase I of the River's Edge Project in that number because the developer indicated that he will be applying for permits prior to the close of our physical year. That represents approximately \$650,000 of the \$1 million that was credited to the revenue line item in the FY09 budget.

Alderman Gatsas asked so did he tell you he wasn't going to pull the balance?

Mr. LaFreniere answered he told us that he would not pull the balance in FY09. He anticipates that that would come in in FY2010.

Alderman Gatsas asked when did he tell you that?

Mr. LaFreniere replied we have been communicating with him on a number of occasions. The last time was probably about three weeks ago.

Alderman M. Roy stated Leon, if I read between the lines of what you just said, you have already counted into your projection \$650,000.

Mr. LaFreniere responded approximately, yes.

Alderman M. Roy asked so if those do not come in this year, your revenue goes...

Mr. LaFreniere interjected it will be less.

Alderman Mark Roy stated instead of being a \$400,000 deficit you are a \$1,050,000 deficit.

Mr. LaFreniere responded probably not quite that high but it will be significantly higher.

Alderman M. Roy asked so the thought process of permitting Phase I you have already accounted for that and you are still going to be \$400,000 in the hole?

Mr. LaFreniere answered that is correct.

Mayor Guinta stated I do want to make mention and first of all thank the department heads for working as hard as they have to try to close the gap. This is very good news to this point. Let's try to continue to close the gap but I very much thank you and appreciate your willingness to try to address some of the challenges we have been having. This effort clearly shows that you are dedicated to not only good service but the taxpayers and I for one appreciate it. Thank you very much.

Alderman O'Neil asked can I have Joan Porter come up please? It has been a constant over the years that Joan has been pretty consistent in predicting revenues. I just want to see with the spring time if she is getting any new feel. I believe Joan that most of this is attributed to auto registrations – all of it probably is. It seems to be a pretty consistent number and there doesn't seem to be much movement. Do you know any large rental companies or large commercial fleets that traditionally do an April, May or June registration?

Ms. Joan Porter, Tax Collector, responded we do have a lot of rental agencies or leasing agencies in April and May. The Airport is getting back to us with a report. There has been one rental company that has been holding out on their numbers.

Alderman O'Neil asked are you able to track at all new car registrations versus putting used cars in a one to five or five to ten year category? Are you able to track that at all? I have heard comments from some auto dealers that although their new car sales are poor, they have actually had some movement on used cars. I am guessing they would be newer used cars.

Ms. Porter answered they are. A lot of people got rid of the SUV's or heavier vehicles and went to a smaller car.

Alderman O'Neil asked so you don't expect anything is going to change drastically?

Ms. Porter answered I don't see any indication that we are doing anything drastic unfortunately.

Alderman Gatsas asked Joan, the \$1.1 million, do you project that out until June or are you saying that maybe some of the revenues are going to reduce that from April and May car rental registrations?

Ms. Porter answered we are assuming that it is going to remain kind of constant as it is going now and it will be about \$1 million that we are short.

Alderman Gatsas asked just a ballpark number, \$1 million reflects about how many cars?

Ms. Porter responded I don't know.

Alderman Gatsas asked could you get me that number and get back to me?

Ms. Porter answered sure.

Alderman Shea stated I have a question about the one time accounts. Bill, how much is in the one time account now with the \$1.6 million we got from Wall Street and the other monies?

Mr. Sanders answered there is about \$6.5 million in the Special Revenue account, which includes Wall Street Tower.

Alderman Shea asked do we expect any more from Mr. Kamen before the end of the year?

Mr. Sanders replied if the Seal Tanning and Granite Street Lot closes before June 30, I believe the proceeds number is about \$1.5 million.

Alderman Shea asked so that would bring us up to about what?

Mr. Sanders answered about \$8 million if I am doing my math correctly.

Alderman Shea asked what about the \$1.6 million that the Mayor put into the vehicles that we took out when we had the \$6 million? Does that count towards the one time account or is that already in there?

Mr. Sanders replied I haven't reduced the one time account for what the Mayor has proposed and won't until it is approved by the Aldermen. So it is still in the one time account. The Mayor has proposed to use \$2,550,000 for vehicle purchases.

Alderman DeVries stated I have a question for Bill Sanders. Another item that you brought up at the Accounts meeting this afternoon was with the insurance fund balance. You are projecting if I recall an increase of about 13% utilization or \$1.5 million. Could you reflect on how that will affect the reserve?

Mr. Sanders responded in reviewing the March results I had mentioned that health claims costs through the end of March were tracking above the budget for this year by about 12%. If that played out through the end of the year and we will have to see because health care costs move around as you know, but if that continued through the end of June it would result in an over budget situation in the health care line item of about \$800,000. There is a special health insurance reserve account separate from the special revenue account that has about \$1.5 million and that overage would be charged to that special account.

Alderman DeVries asked will there be any need for us to change any of the assumptions in the Mayor's budget projection to recoup that in the next budget year?

Mr. Sanders answered I do think that is something that should be looked at by the Aldermen at the appropriation time; yes.

On motion of Alderman Shea, duly seconded by Alderman O'Neil, it was voted to accept the communication from the Finance Officer.

Resolutions: (A motion is in order to read by titles only.)

“Amending the FY2007 and 2009 Community Improvement Program, authorizing and appropriating funds in the amount of One Million Two Hundred Thirty-Nine Thousand Six Hundred Twenty-Four Dollars (\$1,239,624) for the FY2009 CIP 711109 Annual Bridge Rehabilitation Program/Design Nazaire Biron Bridge.”

“Authorizing the Finance Officer to effect a transfer of One Million Two Hundred Thirty-Nine Thousand Six Hundred Twenty-Four Dollars (\$1,239,624) for the 2009 CIP 711109 Annual Bridge Rehabilitation Program/Design and Construction Nazaire Biron Bridge.”

“Amending the FY2009 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Fifty Thousand (\$150,000) for the FY2009 CIP 713709, Intersection Improvement Project.”

“Rescinding a Resolution “Authorizing Bonds, Notes or Lease Purchases in the amount of One Hundred Fifty Thousand Dollars (\$150,000) for 2009 CIP 712009, Elm Street Mast Arm Replacement Project.”

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

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

Ordinances:

“Amending 70.54 Permit Parking in Lieu of Coin Deposit and Parking Districts of the Code of Ordinances of the City of Manchester by adding Plaza Drive to District 27; adding District 30 Granite Street Lot; and correcting clerical errors.”

“Amending the Zoning Ordinance of the City of Manchester by deleting the references to “Building Department” of “Planning Department” and replacing all with the name “Planning and Community Development Department”.”

“Amending the Zoning Ordinance of the City of Manchester by deleting the references to “Building Commissioner” and “Planning Director” and replacing both with “Director of Planning and Community Development Department”.”

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

These ordinances having had their final reading, on motion of Alderman Pinard, duly seconded by Alderman Ouellette, it was voted that they be Ordained.

TABLED ITEMS

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

(Note: The Board voted to accept and adopt the recommendation of the committee and it was then vetoed by Mayor Guinta. Additional communications have been provided by Pamela H. Goucher, Interim Planning Director and Leon L. LaFreniere, Building Commissioner, and forwarded to Board on September 8, 2008; Retabled 03/10/2009.)

This item remained on the table.

NEW BUSINESS

Mayor Guinta stated Mark did look and there is not a posting yet for either HB532 or HB590 for a date and time. Once they are posted, I will ask Mark to let me know and we can let the Board know and then we can determine if we want to take a position. We will make sure that that is done with ample notice as soon as we are aware of the dates.

Alderman Lopez stated I asked the City Clerk to pass out a letter that I had written to the Board of Mayor and Aldermen for information and I would like to read it into the record.

Back in October 2008, a recommendation for consideration to restructure the Board of Assessors was submitted to the Board of Mayor and Aldermen and then referred to the Committee on Administration. After a lengthy discussion with Committee members, the item was tabled so that additional information could be provided by the Assessors. At least two other Aldermen had additional questions but held off discussing their concerns until the next scheduled meeting.

This past Tuesday, April 14, the item was removed from the table and nearly received and filed without any further discussion. Fortunately, the item was retabled to allow for future discussion when time would permit. I bring this to the attention of the Aldermen for the simple fact that there was a direct attempt by the Board of Assessors to circumvent the committee process. The Assessors requested an Alderman to remove the item from the table and receive and file without discussion on the merits of restructuring the department. This type of behavior deprives the Board of their ability to address some important decisions as we attempt to reduce expenses in our operations.

I find it incredibly irresponsible that a department head would try to prevent the elected officials and policy makers of this City from analyzing the merits of any proposal. I believe that this restructuring would save the taxpayers a significant amount of money (in excess of \$100,000) without eliminating a single job in that department. With the recent retirement of one Assessor, attrition now provides us with an excellent opportunity of decreasing expenses without employee layoffs.

I believe that the Board of Mayor and Aldermen should take steps to ensure that department heads are not permitted to cross the line and interfere with Board directives just as we are not permitted to interfere with the daily operations of any department. It remains their responsibility to follow the Board's directives and provide information in a timely manner so that we may debate the merits of the policy decisions we face. If a department head disagrees with a potential policy, it is up to them to provide the facts to support their position; it is certainly not up to them, however, to halt the process or attempt to manipulate the manner in which we do our job.

I have attached a copy of the March 16, 2009 Committee on Administration meeting.

Alderman Lopez stated I just want to end by saying that there was never any miscommunication to the department head. There was never an opportunity to get rid of a Board of Assessors as the *Union Leader* has reported. There will always be a Board of Assessors. The issue is whether we have three full-time Assessors or we have a part-time Board of Assessors. That will be a decision that this

Board will make and if the decision is to have three full-time Assessors so be it but we have to go through the process.

Alderman O'Neil stated I am actually a little bothered by this letter. This is not a new topic. This whole discussion has come up in the past. I am trying to think of all of the various movements but this is not a new issue. I think the Board has been down this road on whether or not to have it remain three or go to one with a part-time Board of Assessors. I know that in my case I reached out to Mr. Cornell numerous times recently as well as over the years now regarding this issue.

Alderman Lopez and I have a difference of opinion regarding this. I believe there is merit for three Assessors. He doesn't, but to me this is taking a shot at David Cornell who I think is one of the most honorable people in City government and I am bothered by this letter. He didn't go out of his way. I think Aldermen reached out to him. I know I did. I am bothered that this seems to shed a bad light on the Board of Assessors, especially on the Chair. I am bothered by this.

Alderman Lopez stated well let me clarify something. I don't want to get too much involved in saying something and Mr. Arnold you can correct me if shouldn't be using names in reference to this when I say the Board of Assessors. I think in this particular case an Assessor went to an Alderman and asked him to receive and file it. I think in all my conversations from day one since the second Assessor was hired and all of the documentation is in the Committee on Administration...take a vote. Whatever way you want to do it take a vote. Get the right information and don't just receive and file something that this Board has sent to the Committee to have three full-time Assessors at \$315,000 to \$350,000. If that is the direction that the Board of Mayor and Aldermen wants to go in fine but let's give it due process. My only point is that the department head or Assessor should provide the correct information to the Committee before making a judgment on it and not receive and file things from this Board.

Alderman O'Neil replied I believe we went through this whole discussion prior to hiring Mr. Hurley so there isn't any new information. I don't know that any member of the Board has changed their mind.

Mayor Guinta stated any issue can be brought up at any time by an Alderman for review by Committee members and the full Board. I do want to be careful here not to cast a negative light on a department head or department. This is the first opportunity I had to be made aware of this particular concern that is being expressed by Alderman Lopez. A letter has been distributed. Without objection from the Board I would like to have an appropriate recommendation privately from the HR Director to see if there is any action that needs to be taken. Again, the only thing I have here and the only thing I am aware of is this letter.

Alderman O'Neil stated I am bothered by the title – Department Interference.

Mayor Guinta asked so there is no action you are requesting? You just wanted to make a statement and I think the statement has been made. I will certainly be happy to look into this.

Alderman Lopez stated I presented to the letter to the Board to let them know that this could happen to you to. I just want to make sure that department heads understand that we have a process in Committee. If an Alderman on a Committee wants to deep six it and report back to the Board that is fine but we should have a process and make sure that when the Board sends something to a Committee it comes out of Committee with a recommendation not to do it or whatever the case may be.

Alderman Gatsas asked do you mean it shouldn't sit on the table for eight months?

Alderman Lopez answered I agree with that too, Alderman.

Alderman Gatsas asked so a recommendation that has been in Bills on Second Reading should come out on whether department heads should live in the City or not? It has been sitting there for eight months.

Alderman Smith stated I just want to applaud a few department heads. I had some serious problems and they helped me out. First I would like to thank Brian O'Neill from the Airport Authority, Kevin Sheppard from the Highway Department, and also the Traffic Department. I had serious concerns with safety and it was all taken care of and I thank them for their prompt and swift attention.

Alderman Shea stated at the last meeting I brought up the Canal Street Bus Terminal and Jay mentioned that he would have a report ready for tonight. Because you have been waiting all night for this particular moment in the sun, maybe you can come forward and make a recommendation as it were.

Mr. Minkarah stated we have been in contact with all parties – the Facilities Division and Boston Express and agreed on a date of May 3, which will be the last day that we would offer indoor accommodations at the facility until the renovations are complete. The work itself probably won't start until the second or third week of May but we did need to pick a final date. Once renovations are complete and the facility reopens, then it will be operated and managed by Boston Express.

Alderman Gatsas stated I spoke with Deputy Commissioner Sweeney today from the Department of Safety and he said he has had conversations with Chief Mara in regards to an ordinance change to allow the state troopers to come down to the court. I certainly would ask the Deputy Chief if he could speak with Deputy Commissioner Sweeney and get the wording that he needs so we can have an ordinance change to allow them to do it at the state level.

Alderman O'Neil stated I sent something two months ago now at the request of the State Police to the Solicitor's Office. They are waiting for something from the Attorney General. I don't know what the big deal is with this but according to Tom Clark they are waiting for some interpretation from the Attorney General's Office and have been waiting for months. I can get you the date that I sent the e-mail. This has been dragging on for awhile. It came at the request of the State Police and I don't know what the hang-up with it is. Thank you and I will forward you that information.

Alderman Gatsas stated thank you but I already have it.

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

A True Record. Attest.

City Clerk