REVISED AGENDA

BOARD OF MAYOR AND ALDERMEN

May 19, 2009
Mayor and all Aldermen

7:30 PM
Aldermanic Chambers
City Hall (3rd Floor)

1. Mayor Guinta calls the meeting to order.

2. The Clerk calls the roll.

3. Discussion regarding the 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. **A motion would be in order to take item #26 off the table.**

CONSENT AGENDA

4. 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.

Ratify and Confirm Poll Conducted

A. Ratify and confirm poll conducted of the Board of Mayor and Aldermen on May 8, 2009 authorizing the Finance Officer to transfer all but $100.00 of the designated World War II funds over to Intown Manchester Inc.

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

B. Sidewalk Petitions:
98 Liberty Street
710 Fairfield Street
141 Forest Street

225 North Bend Drive
175 Riverbank Road
747 Harvard Street
759 Harvard Street

Information to be Received and Filed

C. Communication from Nancy DiMartino Dest of the American Cancer Society thanking the City for their $500.00 donation.

D. Comcast franchise fee payment for the first quarter of 2009.

E. Approved minutes from the Commission meeting held April 1, 2009, March 2009 Financial Report, and March 2009 Ridership Report submitted by Carey Roessel, Executive Director MTA.

F. Communication from the Manchester East Cobras inviting participation and/or sponsorship for their 1st Annual "Let Them Play" Open.

REFERRALS TO COMMITTEES

COMMITTEE ON FINANCE

G. Resolutions:

"Amending the FY2009 Community Improvement Program, authorizing and appropriating funds in the amount of Seven Hundred Twenty Nine Dollars ($729) for the FY2009 CIP 210109 Homeless Healthcare Program."

"Amending the FY2009 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Twenty Three Thousand Seven Hundred Ninety Two Dollars ($123,792) for the FY2009 CIP 214509 Homeless Health Care – American Recovery & Reinvestment Act Program."

"Amending the FY2009 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Fifty Four Thousand Two Hundred Sixteen Dollars and Thirty Five Cents ($154,216.35) for the FY2009 CIP 214609 Neighborhood Pride Youth Employment Program."

"Amending the FY2009 Community Improvement Program, authorizing and appropriating funds in the amount of Two Thousand Four Hundred Seventy Eight Dollars ($2,478) for the FY2009 CIP 412109 NH Clique Campaign Program."

"Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Eighty Three Thousand Five Hundred Sixteen Dollars and Thirty Cents ($83,516.30) for the FY2007 CIP 510907 Parks Improvement Project."

"Amending the FY2009 Community Improvement Program, authorizing and appropriating funds in the amount of Fifteen Thousand Dollars ($15,000) for the FY 2009 CIP 612709 Economic Development Impact Study."

"Amending the FY2009 Community Improvement Program, authorizing and appropriating funds in the amount of Seventeen Thousand Four Hundred Twenty Five Dollars ($17,425) for the FY2009 CIP 714009 Household Hazardous Waste Collection Project."

"Authorizing the Finances Officer to effect a transfer of Twenty Five Thousand Dollars ($25,000) from Contingency to the Manchester Police Department for Drugs and Guns Initiative."

"Authorizing the Finance Officer to effect a transfer of Twenty Five Thousand Dollars ($25,000) from CIP #610409 Dilapidated Building Demolition to Contingency."

"Authorizing the Finance Officer to effect a transfer of One Hundred Seventy Thousand Five Hundred Twenty Seven Dollars and Seventy Six cents ($170,527.76) from CIP 810608 Community Development Initiatives (deleted), CIP 511306 Crystal Lake Master Plan/Design (deleted), and CIP 711407 Sign Inspection and Maintenance (added) to Contingency."

H. Bond Resolution:

"Authorizing Additional Bonds, Notes or Lease Purchases in the amount of Two Million Five Hundred Seventy Thousand Dollars ($2,570,000) for 714109 Manchester Water Works Capital Improvement Project."

REPORTS OF COMMITTEES

COMMITTEE ON COMMUNITY IMPROVEMENT

I. Recommending that the request from Leon LaFreniere, Director of Planning and Community Development, for acceptance of funds in the amount of $154,216.35 for CIP #214609 Neighborhood Pride Youth Employment Program be approved.
(Unanimous vote)

J. Recommending that a request for sewer abatement for 19 Streamside Drive be granted and approved in the amount of $207.36 as recommended by EPD.
(Unanimous vote)

K. Recommending that the request to retain a former police cruiser slated for replacement, as an addition to their vehicle complement, be approved.
(Unanimous vote)

L. Recommending that the Highway Department be authorized to move forward with the design services for a new public works facility.
(Unanimous vote with the exception of Alderman Gatsas and Alderman Garrity who voted in opposition.)

M. Recommending that the Mayor be authorized to enter into an agreement with the State of New Hampshire Department of Health and Human Services to accept funding in the amount of $479,000 to be used to implement Public Health Emergency Preparedness Planning and Response Services.
(Unanimous vote conducted via phone poll on May 13, 2009, with the exception of Alderman Gatsas who could not be reached.)

N. Recommending that $10,000 be taken out of CIP project #650300 - Hackett Hill and put in an FY2009 project #612809 - Veteran's Memorial.
(Unanimous vote)

O. Recommending that $250,000 in CDBG stimulus funds be used towards the FY2010 Boys and Girls Club loan request.
(Unanimous vote)

P. Recommending that $250,831 in CDBG stimulus funds be used for phase I site improvements to Blodgett Park.
(Unanimous vote)

Q. Recommending that the proposed FY2010 CIP Appropriating Resolution be amended as follows:

Amend Page 2, paragraph 4 of the resolution by *replacing $2,957,457* in Federal Community Development Block grant funds with *$3,052,021*;

Amend Tables as follows:

TABLE 1 – FEDERAL, STATE, OTHER FUNDS

No Change in total of Table 1 of $56,387,690

TABLE 2 – COMMUNITY DEVELOPMENT BLOCK GRANT, EMERGENCY SHELTER GRANT & HOME FUNDS.

Add:
611910 – HOME/CHDO Projects - $13,450
610410 – Housing Initiatives - $216 ESG funds and $80,898 HOME funds

Increase Table 2 from $2,957,457 to $3,052,021

TABLE 3 – CITY CASH

Add:
Office of Youth Services
213810 – Fire Safe Project - $10,010

Remove:
411910 – Portable Radio Replacement - $910
412010 – SCBA Replacement - $910
510310 – Operations - $910
510910 – Annual Parks Improvement Program - $910
510710 – Fun in the Sun/Special Sports - $910
511010 – Hazard Tree Removal - $910
511110 – Rockingham Recreational Trail - $910
710910 – MER - $910
711510 – Highway UST Repairs/Updates - $910
(Required by State)
711610 – Municipal/School Facilities - $910
(Maintenance Cash Program)
810110 – MIS Equipment - $910

No Change in total of Table 3 of $3,004,600

TABLE 4 – GENERAL OBLIGATION BONDS

No Bond Allocation Authorized this year

TABLE 5 – PROJECTS FINANCED THROUGH ENTERPRISES, FEES, AND OTHER DEDICATED SOURCES

No Change in total of Table 5 of $21,583,021

TOTAL CIP: ***$84,027,332***
(Unanimous vote)

COMMITTEE ON BILLS ON SECOND READING

R. Recommending that Ordinance Amendment:

"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."

ought to pass.
(Unanimous vote.)

S. Recommending that Ordinance Amendment:

"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."

ought to pass.
(Unanimous vote.)

T. Recommending that Ordinance Amendments:

"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."

ought to pass.
(Unanimous vote.)

U. Recommending that 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."

ought to pass.
(Unanimous vote with Alderman Murphy abstaining.)

COMMITTEE ON JOINT SCHOOL BUILDINGS

V. Recommending that $40,000 from the Highland Goffs Falls open classroom project and $12,000 from the MST parking project be transferred and used for the construction projects at the Manchester School of Technology subject to the approval of the City Solicitor.
(Unanimous vote with the exception of Alderman Sullivan abstaining and Alderman J. Roy who was absent.)

W. Advising that they have approved *Change Order #'s* 135, 30, and 171, for the Manchester School of Technology construction project, and is forwarding same to the Board for informational purposes.
(Unanimous vote with the exception of Alderman Sullivan abstaining and Alderman J. Roy who was absent.)

X. Advising after due and careful consideration, that the discussion regarding the West High School library has been received and filed.
(Unanimous vote with the exception of Alderman Sullivan abstaining and Alderman J. Roy who was absent.)

COMMITTEE ON PUBLIC SAFETY, HEALTH AND TRAFFIC

Y. Recommending that the request of the Manchester District Court for free parking for four custodial employees at metered spaces on Chestnut or Amherst Streets from 4:30 P.M. to 8:00 P.M. and from May 2009 through December 2009 be approved.
(Unanimous vote conducted via phone poll on May 11, 2009, with the exception of Alderman J. Roy who was unavailable.)

LADIES AND GENTLEMEN, HAVING READ THE CONSENT AGENDA, A MOTION WOULD BE IN ORDER THAT THE CONSENT AGENDA BE APPROVED.

5. Communication from Michael E. Dupre, Jr. advising the Board of his resignation from the Conservation Commission.
Ladies and Gentlemen, what is your pleasure?

6. Nomination(s) to be presented by Mayor Guinta, if available.
Ladies and Gentlemen, what is your pleasure?

7. Confirmations to be presented by Mayor Guinta:
Conservation Commission
Richard H. Olson as an alternate member, term to expire August 1, 2009.

Heritage Commission
Michael Gaumont as an alternate member, term to expire January 1, 2012.

8. A motion is in order to recess the meeting to allow the Committee on Finance to meet.

9. Mayor Guinta calls the meeting back to order.

10. Report(s) of the Committee on Finance, if available.
Ladies and Gentlemen, what is your pleasure?

11. Report(s) of the Committee on Lands and Buildings, if available.
Ladies and Gentlemen, what is your pleasure?

12. Report(s) of the Committee on Accounts, Enrollment & Revenue Administration, if available.
Ladies and Gentlemen, what is your pleasure?

13. Legislative Update presented by Mayor Guinta.
Ladies and Gentlemen, what is your pleasure?

14. Mayor Guinta advises that a motion is in order to recess the meeting to allow the City Solicitor to discuss labor negotiations.
Ladies and Gentlemen, what is your pleasure?

15. Ordinances: (**A motion is in order to read by titles only.**)

"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."

"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."

"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 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."

These ordinances having had their second reading by titles only, the question is on passing same to be Enrolled.

16. Mayor Guinta advises that a motion is in order to recess the meeting to allow the Committee on Accounts, Enrollment and Revenue Administration to meet.

17. Mayor Guinta calls the meeting back to order.

18. Report of Committee on Accounts, Enrollment and Revenue Administration, if available.
Ladies and Gentlemen, what is your pleasure?

19. Communication from Sharon Wickens, Assistant Director of Treasury, submitting a request for the Office of Youth Services to allow the Mayor's Youth Advisory Council (MYAC) to accept $1,250.00 of funds raised for future MYAC activities.
Ladies and Gentlemen, what is your pleasure?

20. Report of the Committee on Accounts, Enrollment and Revenue Administration recommending that the abatement and overlay account update submitted by the Board of Assessors be forwarded to the full Board for discussion.
Ladies and Gentlemen, what is your pleasure?

21. Communication from Joan Porter, Tax Collector, regarding HB351 and the implications passage of the bill will have on the City.
Ladies and Gentlemen, what is your pleasure?

22. Petition for Demolition and Removal of Hazardous Building at 77 Oakland Avenue.
Ladies and Gentlemen, what is your pleasure?

23. Communication from Jane Gile, Human Resources Director, regarding health insurance for retirees.
Ladies and Gentlemen, what is your pleasure?

24. Ordinances: (**A motion is in order to read by titles only.**)

> "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."
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"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."

These ordinances having had their final reading by titles only, the question is on passing same to be Ordained.

25. Resolutions:

"Amending the FY2009 Community Improvement Program, authorizing and appropriating funds in the amount of Seven Hundred Twenty Nine Dollars ($729) for the FY2009 CIP 210109 Homeless Healthcare Program."

"Amending the FY2009 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Twenty Three Thousand Seven Hundred Ninety Two Dollars ($123,792) for the FY2009 CIP 214509 Homeless Health Care – American Recovery & Reinvestment Act Program."

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"Authorizing the Finance Officer to effect a transfer of One Hundred Seventy Thousand Five Hundred Twenty Seven Dollars and Seventy Six cents ($170,527.76) from CIP 810608 Community Development Initiatives (deleted), CIP 511306 Crystal Lake Master Plan/Design (deleted), and CIP 711407 Sign Inspection and Maintenance (added) to Contingency."

A motion is in order that the Resolutions ought to pass and be Enrolled.

TABLED ITEMS

A motion is in order to remove any item from the table.

26. 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. Communication submitted on 05/13/09 from NH Fisher Cats Legal Counsel attached.*)

27. Discussion regarding the City's Health Insurance Provider.

(Note: Representatives from WBS Workplace Benefits Solutions will be in attendance; Tabled 4/21/09. The Board has scheduled a Special Meeting to discuss this item on 4/29/09.)

28. Appropriating Resolutions:

"A Resolution appropriating to the Parking Fund the sum of $4,886,940 from Parking for the Fiscal Year 2010."

"A Resolution appropriating the sum of $15,169,079 from Sewer User Rental Charges to the Environmental Protection Division for Fiscal Year 2010."

"A Resolution appropriating the sum of $3,303,000 from Recreation User Charges to the Recreation Division for Fiscal Year 2010."

"A Resolution appropriating to the Manchester Transit Authority the sum of $900,000 for the Fiscal Year 2010."

"A Resolution appropriating to the Manchester School District the sum of $146,100,000 for the Fiscal Year 2010."

"Appropriating all Incremental Meals and Rooms Tax Revenue Received by the City in Fiscal Year 2010 and held in the Civic Center Fund, for the payment of the City's Obligations in Said Fiscal Year under the Financing Agreement."

"A Resolution appropriating to the Manchester Airport Authority the sum of $52,768,681 from Special Airport Revenue Funds for Fiscal Year 2010."

"A Resolution appropriating to the Manchester School Food and Nutrition Services Program the sum of $5,585,500 from School Food and Nutrition Services Revenues for Fiscal Year 2010."

"Amending a Resolution 'Raising Monies and Making Appropriations for the Fiscal Year 2010' to $126,682,940."

"A Resolution appropriating to the Central Business Service District the sum of $258,000 from Central Business Service District Funds for Fiscal Year 2010."

"Resolution 'Approving the Community Improvement Program for 2010, Raising and Appropriating Monies Therefore, and Authorizing Implementation of said program'."

(*Tabled 5/05/09*)

29. NEW BUSINESS
A. Communications
B. Aldermen

30. If there is no further business a motion is in order to adjourn.