

## BOARD OF MAYOR AND ALDERMEN

May 19, 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, Murphy

Messrs: J. Gile, T. DeLacey, T. Clougherty, W. Sanders,

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.

*On motion of Alderman Lopez, duly seconded by Alderman Smith, it was voted to take item #26 off 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 the Board on September 8, 2008; Tabled 09/16/2008. Communication submitted on 05/13/09 from NH Fisher Cats Legal Counsel attached.)*

**Alderman Lopez** stated all the Aldermen received correspondence that we have been waiting for from the Fisher Cats in reference to triple play and a proposed transaction for 2 Line Drive parcel as so written in the document.

*On motion of **Alderman Lopez**, duly seconded by **Alderman Smith**, it was voted to accept the proposal as written.*

**Mayor Guinta** stated without objection, I would like to go out of order to take items 23 and 27 together.

*On motion of **Alderman Gatsas**, duly seconded by **Alderman Osborne**, it was voted to take item 27 off the table.*

- 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.)*
- 23.** Communication from Jane Gile, Human Resources Director, regarding health insurance for retirees.

**Ms. Jane Gile**, Human Resources Director, stated this information that is coming forward tonight, we are acting on a directive from the Board given on May 5, 2009 which directed our health consultant to write a letter on the City's behalf to Cigna and their Medicare Advantage program to submit a proposal for retirees who are over 65 for both the School District and the City. In your packets are various articles of material that you will find. Two of these are letters, one from our health consultant and one from Cigna, affirming Cigna's decision to offer the Cigna Medicare Advantage program for 18 months for City employees from July 1, 2009 to December 31, 2010. Cigna is also offering the same program to School District retirees over 65 years old for 17 months. Also included in your

Board packet are the rates, the plan design and the summary of the benefits for this program. Workplace Benefits Solutions (WBS) is here tonight. They are available to answer any outstanding questions that you might have regarding the program or any other questions that you might have about the Cigna Advantage program that would be offered to retirees over 65 years of age. Dave Larrivee and Tom DeLacey are in the audience.

*Alderman Osborne moved to accept the offer from WBS. Alderman Smith duly seconded the motion.*

**Alderman Lopez** stated I would like to have Tom DeLacey answer a question for me. I am in favor of this. In reference to the retirees, they are going to save approximately \$300 a month, correct?

**Mr. Tom DeLacey**, WBS, replied that is correct. They will save \$315 a month for the next 18 months.

**Alderman DeVries** stated as you know, for many on this Board, the concern was to make sure the retirees did not see a significant step down in their insurance coverage. I appreciate the extensive materials that have been forwarded to us. Let's get a couple things on the record just to further assist those that may be trying to listen at home and understand what we are doing. For our seniors, that are or may be Medicare eligible, the new plan is going to be replacing their existing Medicare A as well as combine a Medicare B and D plan so they will have one card and one plan called Medicare Advantage. Is that correct?

**Mr. DeLacey** replied that is correct.

**Alderman DeVries** asked it is your understanding and my understanding better now, that if we have very ill, chronically ill, individuals that use a lot of health insurance and take a lot of different medications, they will see a significant difference in the coverage that they have today in the coverage that they will have under this plan?

**Mr. DeLacey** replied no, this plan is a very rich benefit, in that they have 100% coverage for pretty much everything with co-pays for prescription drugs. They won't see any reduction in their coverage. I think they will actually see some enhancements in the way that medical management is delivered, the way information is given to the members when they have a major surgery or coming out of surgery and so on.

**Alderman DeVries** stated I have also had some conversations with the HR Department and I hope that they will continue to work with our retiree population because in order for the consistency of coverage to exist, there are some precautions that our retirees with have to take. They have to make sure that each and every time, if I understand it correctly, they see a physician, that physician participates in Medicare. If not there is zero coverage, if I understand it.

**Mr. DeLacey** stated that is correct. As they would now, they need to make sure the provider is a Medicare accepting position. They would also want to make sure that they are accepting the Cigna Medicare Advantage Plan.

**Alderman DeVries** asked do they have to be sure to clarify both steps of that?

**Mr. DeLacey** replied yes.

**Alderman DeVries** stated I certainly hope that on top of our conversation this evening sir, that as our consultant working with our HR Director and the insurance carrier, we will be sure that ample information is sent out to our retiree group and realize that they may not read the first thing that comes out. It may take something a little bolder or maybe a little brighter in color to catch their attention, especially those that live out of state that don't have the opportunity to read the local paper or see this on television. We need to do some outreach and educating so that we don't start receiving phone calls asking questions when they are billed. We don't want that to occur.

**Mr. DeLacey** stated correct, and that won't occur but I would say that communication with this program is very intensive because it is different. It is a group of people that may be more concerned about their healthcare coverage. There is an extensive education program that goes along with both the written materials, availability of meetings to have employees come in and talk with representatives with the company about this program so the communication is very important. One thing that I would like the Board to know is when we originally looked at this we thought we would have a decision prior to May 1<sup>st</sup>. The implementation for this product is roughly 60 days and the Board should be aware that people we have will be in the system, they will have a letter from Cigna and CMS stating that they are in the Cigna Advantage plan but they most likely will not have cards prior to July 1<sup>st</sup>. This is because we are looking at this and it is May 19<sup>th</sup>. We are going to be a couple weeks behind so I want everybody to be aware of that. That will also be a part of the communication plan to retirees to let them know that they can use that letter and bring it to the physician. There is a number that the physician can call to verify coverage but they won't have a physical ID card in hand until probably the second week in July.

**Alderman DeVries** asked how will that work for mail order prescriptions or other prescription filling that our retirees may already utilize?

**Mr. DeLacey** replied in the communication materials and in the meetings we will advise those who can fill that maintenance prescription to fill it beforehand. If a prescription is going to run out, unfortunately, on July 5<sup>th</sup>, we would advise those people to go in and get a 30 day supply under their current plan so that they have the supply of their medications prior to July 1<sup>st</sup>. In the event that someone needs a medication, they will be able to call Cigna and Cigna can verify their eligibility with the pharmacy and make sure the payment is made.

**Alderman DeVries** stated there are a couple of other items I would like to cover just for basics of the plan. With Medicare, if you go off of certain levels of coverage, I believe it is plan B, and come back in there is a 10% surcharge for each year. Are our retirees going to have any issues if at some future date we move back into a more traditional Medicare coverage as a City? Will they be responsible for that 10% surcharge per year?

**Mr. DeLacey** replied no, they are able to go from the traditional Medicare to a Medicare advantage plan. If it is the City's will, 18 months from now to go back to a traditional Medicare with a wrap policy like you have now, they will be able go back to regular Medicare with the wrap plan and not incur a penalty.

**Alderman DeVries** stated we also have some retirees, though there are not too many of them that never paid into the social security system. It was part of the old group two system, Fire and Police mainly, so they have no Medicare benefit when they hit 65. Some will have already hit 65 and we have some pre 65 that are not eligible. You were just explaining to me a method that you believe we could assure those individuals that today have been assure by both Cigna and Anthem

before that they would have continued coverage under their pre 65 plan for the City once they became Medicare eligible. Will you continue to investigate that and assure that his group is not left behind as well?

**Mr. DeLacey** replied yes, we will certainly continue to investigate that. Our conversation a little bit earlier was the first time that I was made aware of that. If you have a self funded plan, if you want to set your eligibility standards for that I think any carrier would honor that. I am comfortable that Anthem will honor it, as they have in the past. We will work with the reinsurance carriers to make sure that they are comfortable with that as well.

**Alderman DeVries** stated the final piece that I would like to get straight is within the coverage. I don't need you to go into the specifics of this because we have already talked about what some of the changes are, but it is very clear for prescriptions that there is only reimbursement for the Medicare formulary, not what previous was known to us as a commercial formulary. Is it your understanding that that changes in coverage is not going to leave our retirees with a huge, uncovered prescription plan?

**Mr. DeLacey** responded Medicare Advantage plans use the Medicare formulary which is a little bit more restrictive than a normal commercial formulary. Carriers have some flexibility here. Cigna actually expands the formulary that they use so it is very much like their normal formulary that you would get on a commercial account for a non-Medicare account. The difference is though, with Medicare, you will have certain drugs that require a prior authorization before they are filled or may require step therapy. You have some of that right now and Anthem would be doing that in your Medicare program. What step therapy is, real quickly, instead of using the most expensive drug in a particular category we would have you start with a less expensive drug. If that is not effective then move to that more

expensive drug. There are studies on the effectiveness of these drugs and so on so Medicare set certain parameters around that but it is pretty similar to the Cigna formulary overall. The biggest difference you will probably see is prescription vitamins are not covered in the Medicare advantage plan. There are buy ups for some of those categories of drugs, things like birth control are not covered in a Medicare advantage plan, which I think obviously makes sense. It will be very similar.

**Alderman DeVries** stated that was my easier example to use.

**Alderman J. Roy** asked what is the rate that our retirees are paying for the single and two person plans?

**Mr. DeLacey** replied the rate that they today, I think is about \$575 or so and it is going up to \$656.

**Alderman J. Roy** stated that doesn't match the number that I have on my paper here.

**Mr. DeLacey** stated the rate they are paying right now is \$575.90. It is going to \$656.45 on July 1<sup>st</sup>.

**Alderman J. Roy** asked is that for a two person plan?

**Mr. DeLacey** replied that is for a single plan. A two person plan is \$1,151.80 right now. It will go to \$1,312. With the Medicare Advantage plan through Cigna it is \$341 and \$682.12.

**Alderman O'Neil** stated Tom, I want to make sure I am correct; we have actually two different groups of retirees in the City. We have retirees between the ages of 45 and 65 and then 65 years and above. Correct?

**Mr. DeLacey** replied yes.

**Alderman O'Neil** asked this has nothing to do with the 45 years to 65 years?

**Mr. DeLacey** replied right, this is just the Medicare eligible. The 65 years old plus.

**Alderman O'Neil** stated I think unfortunately Cigna sent out that letter to many in that group and it had nothing to do with them.

**Mr. DeLacey** asked what letter are you referring to?

**Alderman O'Neil** replied Cigna sent out a letter to all retirees in the City. Those retirees, the 45 to 65 year olds, they will still have two options of either an HMO or a POS correct?

**Mr. DeLacey** replied right, they will have the active plan.

**Alderman O'Neil** stated okay, I go to Dr. DeLacey now. I am 65 years old and above. For some reason Dr. DeLacey, because this is not a network system, can just decide tomorrow that he is not going to participate, correct?

**Mr. DeLacey** replied that is correct.

**Alderman O'Neil** stated I think our retirees need to know that. Because it is not a network system, the physicians can opt out of it at any time.

**Mr. DeLacey** stated absolutely, the program is non-network. It is based off of Medicare providers. You go to a Medicare provider who, for instance, accepts assignment, accepts the Cigna program and Cigna pays them the same thing that Medicare would have paid them or any other Medicare Advantage program.

**Alderman O'Neil** stated still confirm that this particular private fee for services goes away January 2011 that is why these dates follow the way they do.

**Mr. DeLacey** stated in January 2011...sort of for the issue that you were getting to... The federal government has required that all private fee for service plans 'build a network' and I think there gets to be some confusion around what a network is. We think of a network like an HMO network or a PPO network. What they are really trying to do is say to the carriers that we want you to have an agreement with that provider that if they accept Medicare, they are also accepting your plan and they couldn't one day accept it and the next day not. Cigna did a study on the actual claims submitted by City of Manchester members and found 95% of those providers are also accepting the Medicare Advantage plan. What the Feds really want to do is take out that guess work of somebody being in the network one day or accepting the private fee for service plan and the next day not be in the private fee for service plan. That is what is happening in 2011.

**Alderman O'Neil** asked is it your professional opinion that could affect the rates then, the fact that there is a network being created of some sort?

**Mr. DeLacey** replied I don't think the network will affect the rates. Essentially what you are doing is saying, we are going to pay you the same Medicare rates now, we just want to have a contract with you that says you are going to accept it moving forward. What can affect the rates is what the federal government does with Medicare reimbursement and so on.

**Alderman O'Neil** asked so right now, you don't think the rates will change in 18 months?

**Mr. DeLacey** replied in 18 months, I expect the rates will change. The network piece isn't going to drive the change in rates. Utilization is going to drive the change in rates and Medicare reimbursement is going to drive a change in rates and national health care is going to drive the change in rates.

**Alderman O'Neil** stated I just happened to see this letter tonight regarding the Medicare Access Plus program, that says, "If members do experience disruptions, Cigna will assist the members in reaching out to their provider for further education or will find a doctor in the member's geography that will accept the plan". I just want to make it clear that the retirees need to understand that this is not a network and there could be some issues with it.

**Mr. DeLacey** stated absolutely. It is not to say that every Medicare doctor accepts this plan. About 95% of them do.

**Alderman O'Neil** stated I am not sure you guys were here the night we talked about this and I think Alderman Jim Roy brought it up; for our 45 to 65 year old retirees they have options. Are you familiar if any of your municipal clients provide options for the 65 and above retirees?

**Mr. DeLacey** replied I do not know of any that do. I know that the City of Concord offers a plan and the City of Nashua and Nashua School District offer a plan. BAE and Sprague Electric offer plans as well. I don't know as they offer an option.

**Alderman O'Neil** stated Your Honor, somehow I don't recall the discussion, maybe it was about the School District. We have no authority to say what the School District is going to do or commit the School District to anything, do we?

**Mayor Guinta** stated I don't believe that we do. I think that is a decision that they would make.

**Alderman O'Neil** stated I don't know why that is all mixed in here. I guess we would some how included that in the motion but we have no jurisdiction over that.

**Mayor Guinta** stated as far as I understand, if they choose not to opt in, then they choose not to opt in.

**Alderman O'Neil** asked so for clarification, all we are talking about are the City retirees?

**Mayor Guinta** responded as I understand it, yes.

**Alderman Gatsas** stated I certainly want to thank WBS for again coming in and answering most of the same questions but maybe in a different form. I certainly want to thank Cigna for coming forward and offering the retirees a single plan \$5,670 worth of savings and for couples \$11,340 worth of savings. Certainly extend that to the School District. I think the motion was that they would come in and present that to the School District and they could offer it to their over 65 year

old retirees. I would hope that the School District, knowing somewhat what their numbers are, would come in because the savings to those retirees is comparable. This shouldn't be a difficult task and I certainly want to thank Anthem, who I guess has had conversation about allowing this to happen at this time. Certainly everybody has worked together and it is important that we understand that the seniors are the beneficiaries of us working together because they get to save an awful lot of money and some of those dollars probably can pay for a tax bill or two. Certainly I would say that the School District should look at it and I think you have had conversations with the superintendent.

**Mr. DeLacey** stated I have, yes.

**Alderman Gatsas** stated certainly they would hopefully move that forward so that the seniors there can enjoy the same savings that we are extending to the seniors in the City. Thank you.

**Alderman O'Neil** stated my late mother was a retiree from the City. She passed away in September and I have to be honest, what I know about everything she went through the last five months of her life with hospital stays, doctors and all that, I don't know that I could recommend to her that she be on this private fee for service. To me there is a huge risk with it. I don't know if she could have lost her home because of it. I don't know. I have great concerns. I am going to vote for this tonight but I have great concerns with this private fee for service. I don't think it is the fix for everything.

**Alderman DeVries** stated I have questions regarding what we are doing contractually this evening with this motion.

**Alderman Gatsas** stated I think it is clear. We are talking about an 18 month contract. It is very clear what it is.

**Alderman DeVries** stated I would love to hear from the consultant.

**Mayor Guinta** asked is it an 18 month contract?

**Mr. DeLacey** replied yes, it is an 18 month contract.

**Alderman DeVries** stated thank you, Your Honor. That is not exactly the question that I had to ask but thank you. I understand that this is an 18 month contract. I have heard that this cannot be terminated. Is that correct?

**Mr. DeLacey** replied the contract has not been written. I do not have contract language but I certainly know that that would be the hope of Cigna that this is not terminated and the coverage put elsewhere.

**Alderman DeVries** asked is it your understanding that that is the agreement that we are entering into this evening that there could be no termination clause built into it?

**Alderman Gatsas** stated I think this Board should vote that.

**Alderman DeVries** stated I didn't hear the consultants answer.

**Mr. DeLacey** replied I don't know that Cigna's quote says that it has to be for 18 months. I know that that is their preference and expectation. There is someone from Cigna here if you would like to ask them.

**Alderman DeVries** stated my concern is to address the issue that Alderman O'Neil just brought up. This could be a very good deal for our retirees but should there be something that we are not anticipating today that is brought to our attention and we have complaints that are generated on lack of services. I would want to know as an elected official that I haven't locked myself into something where this is rather unique and novel and we are taking a stretch here to try to save the retirees dollars, which is a good thing as long it becomes a savings to them. However that needs to be worded, if there is a total dissatisfaction, if we need to go back to a traditional Medcomp provider, which wouldn't be Medicare Advantage Plan, I would not be comfortable saying that there was no opt out provision at all to the contract.

**Mr. DeLacey** stated I would tell you, as your consultant, that our goals are aligned. We want to make sure that the retirees are protected and have a quality plan. There are about 11 million people in these plans right now so it is not something that was just created where there really isn't any history of these plans. We would assume that service levels would be high. They have been. My business partner has just informed me that Cigna believes that this is an 18 month contract.

**Alderman DeVries** asked what does that mean?

**Mr. DeLacey** replied that means that you are in the contract for 18 months.

**Alderman DeVries** stated whether we have satisfaction or not, I don't think anybody wants to go through this again immediately but if that is the way that we are writing our plans maybe our other health insurance plan should be written the same way, that it is a three year guarantee.

**Mayor Guinta** stated if there is a particular issue that you have, you can vote against it. Anyone can vote against it or you can vote in favor of it. I think we have discussed it.

**Alderman O'Neil** asked our previous contract with Cigna we could get out of, correct?

**Mayor Guinta** replied yes.

**Alderman O'Neil** asked our current or soon to be contract with Anthem we can get out of?

**Mayor Guinta** replied I assume we can. Is there an early termination provision?

**Ms. Gile** replied we haven't finalized that contract yet with Anthem.

**Alderman O'Neil** stated my understanding with just about every contract we enter into we can get out of. I don't know why this would be any different.

**Mayor Guinta** stated there is always a way to get out of a contract. I don't anticipate any problems with this. If there are issues and problems with it, we have a consultant here; we have our HR Director here who is responsible and charged with...

**Alderman Gatsas** interjected Your Honor, with all due respect, Cigna came back to this Board and extended a deal to the seniors. With all due respect, it should be an 18 month, no-cut contract. Obviously if there is a problem with the service then we should step up as a Board and I will be the first one to step up. With all

due respect, they came back in here with an 18 month contract. Let's honor it and let's move on.

*Alderman Gatsas requested a roll call vote on the motion.*

**Alderman DeVries** stated I would appeal to the Board. We cannot initiate an 18 month contract that we cannot opt out of. That is inappropriate.

**Mayor Guinta** stated then you have every right to vote against it.

**Alderman DeVries** stated I would appeal to the Board that we separate the question...

**Mayor Guinta** interjected excuse me, Alderman, please. If you have a particular issue you have a vote, yea or nay. We would like to move. There has been a roll call requested....

**Alderman DeVries** interjected Your Honor, that is not appropriate. We have never entered into a contract that didn't allow us some sort of opt out provision. Let me ask the consultant, is that highly unusual or do you enter into your contracts with your other clients that way?

**Mayor Guinta** stated with all due respect to the Board member, the question has been called...

**Alderman Lopez** interjected I have a roll call vote over here.

**Mayor Guinta** stated the question has been moved and we have a roll call requested.

**Alderman O'Neil** asked Your Honor, why doesn't the consultant answer the question?

**Alderman M. Roy** stated a statement was made and I have a question of the statement, Your Honor. It is a very simple question. Until a minute ago I was voting for this. My question is, Alderman Gatsas just made a statement, if we don't like it we can get out of it. I just want to know how. That is it. The consultant can answer; Alderman Gatsas can answer it....

**Alderman Gatsas** interjected I can answer it. Obviously, if it is based on service, because that is why we got out of the last contract with Cigna, it was based on service and people complained. So if with this plan people complain, I will be the first one to lead the charge to get out of the contract.

**Alderman M. Roy** stated Your Honor, and again we can engage in conversation but we had the clause that allowed us to have that conversation and the consultant is shaking his head yes. If the clause isn't there and it is in every other contract, then we wouldn't have the ability to do what we did months ago. Is that accurate?

**Mayor Guinta** stated you can get out of a contract based on breach of service.

**Alderman M. Roy** asked is that accurate?

**Mr. DeLacey** stated it would be my opinion that any contract that you get into that doesn't allow for you to get out, if there is essentially a breach of contract, lack of service, claims not being paid, so on and so forth, that you should have the ability to get out of it. I think Cigna would be, I should not necessarily be speaking for Cigna, but they should be comfortable with that in that if service is not there then

that is one thing. If it is a situation of the Board deciding that Anthem is now able to offer that product so we will get out of the Cigna contract and move to an Anthem contract, I think that is not acceptable and I think that is what they are trying to avoid.

**Alderman M. Roy** stated I will be the first to agree with you but using the phrase an 18 month, no-cut contract to me is wrong for any company.

**Alderman DeVries** stated that is exactly why...

**Mayor Guinta** interjected there is a roll call request. If we could, please begin the roll call.

*A roll call vote was taken. Aldermen Lopez, Shea, Garrity, Smith, Ouellette, Murphy, M. Roy, Gatsas, Sullivan, J. Roy, Osborne, Pinard, O'Neil voted yea. Alderman DeVries abstained. The motion passed.*

### **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.

### **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.
- F.** Communication from the Manchester East Cobras inviting participation and/or sponsorship for their 1<sup>st</sup> Annual “Let Them Play” Open.

**REFERRALS TO COMMITTEES**

**COMMITTEE ON FINANCE**

- 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)*
- 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)*

#### **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**

**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.)*

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

- 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.

**Alderman Gatsas** stated thank you, Your Honor. I happened to be listening to Charlie Sherman's show this morning and I heard that the Chairman of the MTA and the Executive Director were on there and that they received \$408,000 of stimulus dollars to do various things at the Airport. I do not see them here and I certainly would like them to come before the budget process and bring us an itemized budget that they have to see what they are doing with that \$408,000 and whether it is a...

**Alderman O'Neil** interjected clarification, Alderman Gatsas said at the Airport.

**Alderman Gatsas** stated excuse me, not at the Airport. At MTA. I apologize.

**Mayor Guinta** asked Alderman Lopez, can an accommodation be made?

**Alderman Lopez** stated a letter was sent to the MTA Director to provide that information.

**Alderman Gatsas** asked the total budget?

**Alderman Lopez** stated yes.

*On motion of Alderman Gatsas, duly seconded by Alderman Lopez, it was voted to receive and file this item.*

## **REFERRAL TO THE 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.”

**Alderman Smith** stated thank you, Your Honor. We have resolutions authorizing the Finance Officer to effect a transfer \$25,000 from CIP #610409 Dilapidated Building Demolition to Contingency. We also have something later on the agenda that is for 77 Oakland Avenue. I believe it would probably be a wash. I think the cost to demolish that building would be at least \$20,000 or \$25,000. I don't know how you want to handle this.

**Alderman Shea** stated Your Honor, that happens to be in my ward 77 Oakland Avenue. I am all for it.

**Alderman Garrity** stated thank you, Your Honor. The intention of the Committee on Community Improvement was just to put it in that fund with the understanding it may be needed. That is what it is there for.

**Mayor Guinta** stated so we will earmark it in contingency for the same expressed purpose.

**Alderman Smith** stated that is fine.

**Alderman Shea** stated I received as well as Alderman Osborne, numerous complaints about that particular building, which is a very dangerous situation. People are afraid that local youngsters will go into that building again. It has already burned down but there is a lot of debris there. It is a public nuisance and I think when we discuss it later on you will find that it is in the best interest of the city to do that.

*On motion of Alderman Smith, duly seconded by Alderman Garrity, it was voted to refer the Resolutions to the Committee on Finance.*

### **Reports of the Committee on Community Improvement**

- L.** The Committee on Community Improvement respectfully recommends, after due and careful consideration 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.)*

**Alderman DeVries** stated this is the authorization to go forward with the financing of the design services, which at one point we were hoping there might be stimulus dollars. I am not sure what status the stimulus dollars might be, if they

are still available. I don't think they are still available. There is not a whole lot of supporting documentation in our package so what are we committing to?

**Mr. Timothy Clougherty**, Deputy Public Works Director, stated we are basically committing to moving forward with design services for the new Public Works facility on the existing site as it stands. There is funding that currently exists that was started up a few years back. Unfortunately the stimulus funding has not materialized. It would be our intention to work with the consultant to seek any potential grants or other stimulus money or other federal avenues for other monies that may become available for that. Our intention would be to move forward with a contract that would probably bring us to 30% or 40% design. It wouldn't bring the design fully through to 100% and we would be expending only a portion of the monies that are available.

**Alderman DeVries** asked what is that dollar amount?

**Mr. Clougherty** replied we are probably looking at between \$500,000 and \$700,000.

**Alderman DeVries** asked so you are asking us this evening to commit City dollars, \$500,000 to \$700,000?

**Mr. Clougherty** replied those monies are already committed. We were asked by the CIP Committee to provide them with a report, which we did a couple weeks ago and this is merely a report of that Committee. We are also contemplating other potential alternatives for the site, as was requested by the CIP Committee, which would include the potential of housing the Police Department somewhere on the site or in an adjacent area.

**Alderman DeVries** stated I am sorry; just repeat for me again, you said that the likelihood of the rest of the funding materializing is what?

**Mr. Clougherty** replied we have 100% funding for the design right now.

**Alderman DeVries** asked to build the project?

**Mayor Guinta** stated to be determined.

**Mr. Clougherty** replied yes.

**Alderman DeVries** stated the difficulty that I have... the Highway garage is deplorable. It is not a safe place to be working. In this budget year, when we are looking at closing fire stations, laying off 78 teachers as we saw tonight, possibly losing police officers, highway work, basic services, I am just not sure. I understand that it is difficult to redeploy monies that have already been put aside but our CIP Committee is reallocating many project dollars that were previously deployed for projects and finding different uses to try to help fund services. Myself, I just don't think this is the right year to be committing half a million to \$700,000 on design for something we are not sure on. Not when we are sending home City employees to the number that we possibly are. If this came to me after we satisfy our budget concerns and we assure ourselves, if we can, that we are not going to underfund services, I would have a different vote. This evening I cannot support it.

**Alderman O'Neil** stated I think the Committee has agreed to take a nice, steady, slow pace with it. We can keep it moving. One of the things I just read some place, all of a sudden they are finding that there might be money for police stations. We have to have something in order.

**Alderman Garrity** stated Your Honor, this passed three to two in CIP Committee and I am going to oppose it just as I did in CIP Committee for the same reasons that Alderman DeVries is opposed.

**Alderman Lopez** stated I am going to support this but I want it very clear that this money is bond money. I will let the Finance Officer speak to what we can use it for. I don't want the public's impression to be that we can use this for salaries, teachers or anything else.

**Mr. William Sanders**, Finance Officer, stated this money was obtained through the issuance of a 20-year bond approximately two and half years ago. It must be used for capital projects of a life of 20 years or more similar to the building and the design work related to a building.

**Alderman Sullivan** stated I think I got a bit confused during your comments. You said that this is for a design study on the existing site but you also said something about moving forward and looking at alternate locations. Which is it?

**Mr. Clougherty** replied it is both - looking at the existing site and any other potential locations available. We have a parallel study that was funded by the Board last year. It was a strategic plan for Police, Fire and Highway facilities. This study would basically dovetail with that. We would be looking at the needs for the Police at the same time to understand what kind of building requirements they would need and looking at any adjacent real estate in the area for a potential consolidation of those services. We could gain some economies of scale if we were to move forward with both of those projects.

**Alderman Sullivan** asked has the previous study been completed?

**Mr. Clougherty** replied no.

**Alderman Shea** stated the reason I supported this was because everyone on the CIP Committee, including people who have discussed this situation tonight, say that it is an unsafe situation existing presently at the Highway Department particularly for people that are repairing different types of machinery as well as vehicles. My support of this was predicated on the fact that in the design, the person making that design will ensure that the first aspect of any new construction will involve that particular operation. I think that you are nodding your head and saying that you are in approval of this. In other words, we keep saying that it is an unsafe situation. God forbid that anyone at the Highway Department was to give up their life. We are dedicating a memorial to people from the Highway Department now, who have given their life for the Highway Department in the line of duty. Basically, to avoid that situation from becoming such a serious problem in our community, we have to move forward in that regard. If we were remiss in not doing that and said lets put it off another year or another year, by the time we get around to doing it, it will be even more unsafe for these people and certainly there may be a tragedy.

***Alderman O'Neil**, moved to accept the report of the Committee. The motion was duly seconded by **Alderman Ouellette**.*

***Alderman Shea** requested a roll call vote. Aldermen Shea, Smith, Ouellette, M. Roy, Gatsas, J. Roy, Osborne, Pinard, O'Neil and Lopez voted yea. Aldermen DeVries, Garrity, Murphy and Sullivan voted nay. The motion passed.*

- Q.** The Committee on Community Improvement respectfully recommends, after due and careful consideration, 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)*

**Alderman J. Roy** stated I wanted to thank the Committee because while I was gone last week, I did send a letter to the CIP Committee about the Juvenile Fire Setter Program, which is very important money well spent, and I wanted to thank them for acting quickly on that and funding it. The funding had been through the County and the County didn't fund it this year.

**Alderman M. Roy** stated thank you, Your Honor. Just to let the Committee know, Alderman Gatsas and I met earlier and the funding he was looking for, for the Campbell Street intersection, is not available through the State so I had asked the Chair to reexamine that at his next Committee meeting.

**Alderman Gatsas** stated just for clarity sake, I know that everybody was concerned with Goldfish Pond and the flooding that happened there in September and I am trying to work through the capital budget process to acquire \$550,000 so that it can be dredged and add more capacity to it so that neighborhood doesn't run into the same problem that they saw in September.

*On motion of Alderman J. Roy, duly seconded by Alderman M. Roy, it was voted to accept the report of the Committee and adopt its recommendations.*

**V. Report of the Committee on Joint School Buildings**

The Committee on Joint School Buildings respectfully recommends, after due and careful consideration, 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.)*

**Alderman M. Roy** stated in this report instead of transferring to the Manchester School of Technology it should have been West High School.

*On motion of Alderman M. Roy, duly seconded Alderman Ouellette, it was voted to accept the amended report of the Committee and adopt its recommendations.*

5. Communication from Michael E. Dupre, Jr. advising the Board of his resignation from the Conservation Commission.

*On motion of Alderman Osborne, duly seconded by Alderman J. Roy, it was voted to accept this resignation with regret.*

6. Nominations presented by Mayor Guinta:

**Mayor Guinta** stated pursuant to 3.14(b) of the City Charter, the following are nominations for your consideration:

Richard H. Girard to succeed Robert Greenwood (term limit) as a member of the Revolving Loan Fund Board, term to expire June 1, 2012;

Lawrence Allard to succeed himself as a member of the Revolving Loan Fund Board, term to expire June 1, 2012;

Michael Simoneau to succeed himself as a member of the Revolving Loan Fund Board, term to expire June 1, 2012;

Donald H. Pomeroy to succeed Michael Poisson (resignation) as an alternate member of the Planning Board, term to expire May 1, 2010;

Warren Jennings to succeed Steve Young (term limit) as a Londonderry resident member of the Airport Authority, term to expire March 1, 2012.

*On motion of Alderman M. Roy, duly seconded by Alderman O'Neil, it was voted to suspend the rules and approve the nominations of Lawrence Allard and Michael Simoneau to succeed themselves. The other nominations will layover till the next meeting, pursuant to Rule 20 of the Board of Mayor and Aldermen.*

7. Confirmations 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.

*On motion of Alderman Osborne, duly seconded by Alderman Pinard, it was voted to confirm the nominations.*

*On motion of Alderman Murphy, 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 regular meeting back to order.

10. **Report of the Committee on Finance**

A report of the Committee on Finance was presented recommending, after due and careful consideration, that 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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“Amending the FY2009 Community Improvement Program, authorizing and appropriating funds in the amount of Fifteen Thousand Dollars (\$15,000) for the FY2009 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.”

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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.”

ought to pass and be Enrolled.

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

#### **11. Reports of the Committee on Lands and Buildings**

The Committee on Lands and Buildings respectfully recommends, after due and careful consideration, that the request from the Boys & Girls Club of Manchester for a parking and sidewalk easement be approved and that the Mayor be authorized to execute such documents as contained herein subject to the review and approval of the City Solicitor.

*(Unanimous vote)*

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

The Committee on Lands and Buildings respectfully recommends, after due and careful consideration, that an agreement for repair and maintenance of the Al Lemire Field at Derryfield Park with Trinity High School be approved as follows:

Trinity High School shall contribute \$40,000 immediately towards repair of the field with the City to contribute an additional \$40,000. Additionally, Trinity High School will begin annual maintenance payments of \$5,000 immediately for a period of ten (10) years. Upon conclusion of this ten (10) year agreement, the City and Trinity High School will meet to renegotiate the financial terms.

The Committee understands that a written agreement will be forthcoming from Trinity High School that will provide for preference scheduling of school activities and formalizes the financial terms. Upon Board approval the Acting Director of Parks, Recreation and Cemetery is authorized to execute such agreement as contained herein subject to the review and approval of the City Solicitor.

*(Unanimous vote)*

**Alderman Gatsas** stated the suggestion that we had in Committee with the leadership of Alderman Smith was that we find an appropriation of the \$40,000 that this Board voted through, put it on the table until such time that Trinity can come forward because the deal has change from what it originally was. They will then have an opportunity to meet with their people and we can take a phone poll to move it forward so that we can get this done for the fall. I guess I would look for suggestions. There must be something in that South Willow Street fund that is left, the roof fund. By now we haven't touched it for two or three months there must be \$40,000 in there that has kind of regenerated itself. If not I would think that there must be some funds somewhere to move this project forward, whether it would be one time funds, because obviously this is a one time project. The one time fund expert is in the audience.

**Alderman Garrity** stated my suggestion would be to move this to CIP. We can find something in CIP.

**Mayor Guinta** asked does it have to be referred to CIP or can we just get this....

**Alderman Garrity** interjected is it time sensitive?

**Mayor Guinta** replied yes, it is time sensitive.

**Alderman Smith** stated it is very time sensitive because they have to put down the sod so that they can utilize the field in the fall. Right now they have to displace the teams that will be using Derryfield park. They have to have an agreement with the Diocese and they will get back to us. That is why we said we would have a phone poll afterwards.

**Alderman Lopez** stated to answer your question, yes, we can take the money out of the one time account. All we need is for the Aldermen to vote for it.

**Alderman O'Neil** stated I have to throw this out to whatever Committee member can answer this: Do we know for sure this \$40,000 is going to be well spent? I am in favor of it but why is the field in the condition it is? Are there drainage problems or any of that stuff?

**Alderman Gatsas** stated I think those are the questions, Alderman, that we used in the Committee to make sure that the drainage is working so that the sprinkler does go on the grass so that it does grow.

**Alderman O'Neil** stated so we are not just putting down sod, we are trying to address the whole thing. So three or four years from now we are not going to be criticized because we are not doing the job. We are committed to making sure this stays maintained?

**Mayor Guinta** stated correct.

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

***Alderman Lopez** moved to amend the report to take \$40,000 out of the one time account for this project. **Alderman Smith** duly seconded the motion.*

*A roll call voted was requested by Alderman DeVries. Alderman DeVries voted nay. Aldermen Garrity, Smith, Ouellette, Murphy, M. Roy, Gatsas, Sullivan, J. Roy, Osborne, Pinard, O'Neil, Lopez and Shea voted yea. The motion passed.*

The Committee on Lands and Buildings respectfully recommends, after due and careful consideration, that a request from John Gimas of Gimas Electric to maintain an existing business sign at 60 Beech Street be approved contingent upon the following:

The Committee notes that lower sign shall be removed immediately. Upon removal, a revocable license to maintain the sign in its present location so long as the current owner retains ownership of the property shall be issued by the Planning & Community Development Department subject to the review and approval of the City Solicitor.

*(Unanimous vote with the exception of Ald. M. Roy who voted in opposition.)*

**Alderman M. Roy** stated this is once again one of those situations where we are giving out a revocable license without actually selling property that could come back and be on our tax base so I would ask the owner of this property if he would like to look forward and work with this Alderman or a Committee of this Board to change it from a revocable to an actual sale of a section of property to make the sign legal I would support that.

*On motion of **Alderman Osborne**, duly seconded by **Alderman Pinard**, it was voted to accept this report and adopt its recommendations. Aldermen Garrity and M. Roy voted in opposition.*

**12. Report of the Committee on Accounts, Enrollment & Revenue Administration.**

The Committee on Accounts, Enrollment and Revenue Administration respectfully advises, after due and careful consideration, that the attached communication from the Finance Officer regarding the budget forecast for FY2009 is being forwarded to the Board for informational purposes.

*(Unanimous vote)*

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

**13.** Legislative Update presented by Mayor Guinta.

**21.** Communication from Joan Porter, Tax Collector, regarding HB351 and the implications passage of the bill will have on the City.

**Mayor Guinta** stated I would like to have items number 13 and 21 taken together without objection. There is a letter from Joan Porter regarding HB351 which ultimately was adopted by the House. The Public and Municipal Affairs Committee in the Senate will consider this on Thursday of this week. Joan wanted to bring this to everyone's attention. I don't know if anyone has any questions or if you want to make any statements regarding it but I wanted to make sure that you had it for informational purposes.

**Alderman DeVries** stated Your Honor, I would think that if the Aldermen so choose they should make their suggestions in a motion that can be presented in letter form to the Committee. I would have to stay abstained to this since I Chair the Public and Municipal Committee. I cannot support that but I would hope that the rest of my Aldermen can see the impact and help generate that letter.

**Alderman Sullivan** asked has the Committee taken action on this yet and if so...

**Alderman DeVries** interjected there is a public hearing scheduled on Thursday morning. If we direct the communication this evening we would be able to have that for the hearing on Thursday.

**Alderman Sullivan** replied understood, thank you.

**Alderman Gatsas** stated I understand that this changes the interest rate...is there anything in the legislation that would be enabling a community to look at a person that is delinquent and if their financial way would not be able to pay a 12% or 18% rate, I don't see anything in this legislation...Would you suggest to Alderman DeVries that there would be enabling legislation so that communities could look at those individuals that come forward and if they are truly hardship cases that we would have the ability to move that interest rate to a position that would be less?

**Ms. Joan Porter**, Tax Collector, responded that is a possibility, although I will say the Assessors have the option of waiving interest, helping people in different situations and bankruptcy court if someone is in bankruptcy does often reduce that interest rate because they can. There are situations where interests has been waived or reduced.

**Alderman Gatsas** asked do you know of any cases where the Assessors have waived interest?

**Ms. Porter** replied yes.

**Alderman Gatsas** asked a few or a lot?

**Ms. Porter** replied I would not say a lot but on a case by case basis if someone comes in and there is a reason.

**Alderman Gatsas** state okay, so the availability is there.

**Ms. Porter** stated it is. The only other concern, if the legislation passes the wording of that effective date is a concern.

**Mayor Guinta** asked is there a motion to move this to the Public and Municipal Affairs Committee?

**Alderman DeVries** asked what do you mean by moving it to the Committee? Are you generating a recommendation?

**Mayor Guinta** stated I thought the motion was to send this letter of concern from Joan Porter for your Committee's review.

**Alderman DeVries** stated I am not sure that I read the letter as a clear statement of concern. I thought it was rather neutral myself.

**Ms. Porter** stated I hope so; that was the intention.

**Alderman O'Neil** stated wouldn't the intent be to oppose the bill? It seems that is what you are recommending. There are concerns if this becomes law.

**Mayor Guinta** stated what she is saying is that there is a fiscal impact to the City and she wants us to be aware of it.

**Ms. Porter** stated exactly.

**Alderman O'Neil** asked why don't we go on record as being opposed to it?

*On motion of Alderman Garrity, duly seconded by Alderman O'Neil, it was voted to oppose HB351. Alderman DeVries and Alderman Gatsas abstained.*

**15. Ordinances:**

“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.”

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

*On motion of Alderman J. Roy, duly seconded by Alderman Osborne, it was voted that the Ordinances ought to pass and be Enrolled.*

*On motion of Alderman Pinard, duly seconded by Alderman Sullivan, 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 Committee on Accounts, Enrollment and Revenue Administration.**

The Committee on Accounts, Enrollment and Revenue Administration respectfully recommends, after due and careful consideration, that Ordinances:

“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.”

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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.”

*On motion of Alderman M. Roy, duly seconded by Alderman Ouellette, it was voted to accept this report and adopt its recommendations. Alderman Murphy voted in abstention to Ordinance 97.34.*

- 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.

*On motion of **Alderman M. Roy**, duly seconded by **Alderman DeVries**, it was voted to approve the request.*

- 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.

*On motion of **Alderman M. Roy**, duly seconded by **Alderman DeVries**, it was voted to accept.*

- 22.** Petition for Demolition and Removal of Hazardous Building at 77 Oakland Avenue.

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

**Alderman Shea** stated I want to thank Leon LaFreniere for his work in this regard. He really has been on top of this. Leon, thank you very much for this. I know we have conferred with this and I want to thank him for his role as well as the leadership he is showing as head of the new department that we have established. I want to thank him for that.

**24. Ordinances:**

“Amending Chapter 70 Motor Vehicles and Traffic of the Code of Ordinances of the City of 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.”

*On motion of Alderman M. Roy, duly seconded by Alderman J. Roy, it was voted to waive reading of the Ordinances. Alderman Murphy voted in abstention to Ordinance 97.34.*

*These ordinances having had their final reading by titles only, on motion of Alderman M. Roy, duly seconded by Alderman Osborne, it was voted that the Ordinance pass to be Ordained. Alderman Murphy voted in abstention to Ordinance 97.34.*

**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.”

“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.”

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

*On motion of Alderman M. Roy, duly seconded by Alderman J. Roy, it was voted that the Resolutions ought to pass and be Enrolled.*

## **TABLED ITEMS**

### **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)*

## **NEW BUSINESS**

**Alderman O’Neil** stated as we are going into the next budget year, and if this has already happened I have to apologize, we may have to hold some positions vacant as part of the process. Have you authorized anything recently to fill vacancies? Do you have anything pending?

**Mayor Guinta** replied I have and there are some pending. If you would like I can furnish the Board with that list. If we could note that, we will put that list together for the Aldermen, the positions that I have approved and the pending requests.

**Alderman O’Neil** stated even if you have approved them, I would suggest that the departments be very, very cautious until they know what their number is.

**Mayor Guinta** stated I can tell you that most department heads know how cautious I am when it comes to approving those position requests. I appreciate the sentiment.

**Alderman Sullivan** stated I have one quick item of new business. This past weekend I was contacted by Father Joseph Cooper, the Pastor of St. Joseph's Cathedral. He is interested in having Seneca Lane, which is basically the alley way which runs along side of the Cathedral, renamed to Bishop Bradley Lane. This year is the 125<sup>th</sup> Anniversary of the founding of the Diocese of Manchester, and Bishop Bradley was the first Bishop of Manchester as an independent diocese once it was separated from the Archdiocese of Boston. I would ask that this matter be referred to the Committee on Lands and Buildings so that we can move this process forward.

**Alderman M. Roy** stated Tim, could just have Highway give us a history of how it became Seneca Lane so that we don't fall into the same problem we did with the other renaming?

*On motion of Alderman Sullivan, duly seconded by Alderman M. Roy, it was voted to refer to the Committee on Lands and Buildings.*

**Alderman Lopez** stated there is a groundbreaking for the WWII monument on May 25<sup>th</sup> at 3:30 in the afternoon, after the Memorial Day Parade. Everyone is welcome. Everyone received a card on their desk last week just to remind them. I wanted to ask anyone if they are interesting in anyone else coming in, other than MTA. We have a meeting on May 26<sup>th</sup> at 6:00 P.M. That is the only meeting that I know of. If they want to discuss the budget and other areas, then I need to know in order to coordinate with the Mayor and set up the meetings so please let me know if you have not already thought about it. Make sure I get the information; otherwise, we have a meeting on the 26<sup>th</sup> at 6:00 P.M. The last item I have is to wish Scott Brooks a happy birthday.

**Alderman Gatsas** asked at that meeting, is the availability of bringing up budgets and voting on them something we need to put on the agenda so that people are aware of it?

**Alderman Lopez** stated no, the budget is always on the agenda at the present time. It has already lain over for five days so any time this Board decides to approve the budget they can unless the City Solicitor wants to correct me.

**Alderman O'Neil** stated that means that department heads should be at that meeting.

**Mayor Guinta** stated it sounds like they should probably be there if they want to hear alternative proposals. That concludes new business. Department heads can go home.

*On motion of Alderman Shea, duly seconded by Alderman Murphy, it was voted to recess the meeting to allow the City Solicitor to discuss labor negotiations.*

**Mayor Guinta** called the meeting back to order.

*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