

BOARD OF MAYOR AND ALDERMEN

July 7, 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, DeVries, Garrity, Smith, Ouellette

Absent: Alderman Shea

Messrs: D. Duhammel, B. Grady, D. Preece, P. Goucher, R. Duval, T. Clark,
L. LaFreniere, S. Wickens

Mayor Guinta stated I have two quick items before I address item three. First, I would like to acknowledge and welcome to the first meeting as the Deputy City Clerk, Kathie Gardner. Thank you very much. Her position became approved as of July 1st. Congratulations. Secondly, I have a Mayor's commendation if Robert Grady, Don Duhammel, and Alderman Mark Roy would please come forward. I was notified through Alderman Mark Roy, as well as Don Duhammel, of a good deed that was occurring in Ward 1 of our City. There was a suggestion that we make accommodation for this gentleman based on what he had been doing for the City. I thought it was a reasonable request especially after I found out what the gentleman was doing for the City. I thought that Mr. Duhammel could introduce himself and tell us a few things about his request to Alderman Mark Roy and myself.

Mr. Don Duhammel stated I live off North River Road. Just about every day, if you drive down North River Road, you'll see a guy picking up garbage. He's being doing this for several years. Stark Park and River Road are exceptionally clean thanks to Bob. I went over to Alderman Roy and told him that Bob had been doing this for free and it was about time he got something for his work. He's doing a heck of a job.

Mayor Guinta stated I very much appreciate this being brought to my attention and when I heard about Mr. Grady taking his time each and every day, not just to exercise and take care of himself, but also taking the extra time to take care of the City, I think it's worthy of accommodation from myself on behalf of the City. First, we hope that you are going to continue.

Mr. Bob Grady stated this isn't the kind of job that you could pay me to do.

Mayor Guinta stated I'm glad to hear you're going to do it for nothing. I did want to present this commendation. It says, "To Mr. Grady, for your commitment to making Manchester a cleaner and safer place. Your friends and neighbors recognize that when you go on your daily walk, you go out of your way to pick up trash and other refuse along our roads and streets. Despite some of the personal challenges that you and your family have had, you've dedicated yourself to the betterment of Manchester. Thank you for your service and keep up the great work. Thank you very much and congratulations.

Mr. Grady stated thank you very much. It's like I said, it's the type of job you would never take as a paying position, but you do it for nothing. I'd like to thank the Mayor and Aldermen. I appreciate what you people are doing. You have a job that is sometimes nearly impossible and I think you really do a wonderful job. Thank you very much. I appreciate it.

3. Presentation by the Joint Sustainability Committee.

Mr. David Preece, Southern New Hampshire Planning Commission, stated it gives me great pleasure to be with you tonight to talk about a new initiative that, with the support of the Mayor and his staff, we are hoping to get your encouragement in support of. This new initiative is between the businesses of Manchester as well as with the City. We're calling it the Sustainability Committee. The objective of this Committee is to promote sustainable practices within the City's operation and maintenance and encourage businesses and residents to stay. To give you some background, in 2007 Mayor Guinta took it upon himself to sign the Cool City's pledge and also the EPA Energy Challenge, committed to reduce energy consumption in the buildings in Manchester. We acknowledge and applaud his efforts on that. At the same time in 2007, members of the Greater Manchester Chamber of Commerce decided to take action themselves and form the Green Committee to promote green sustainable practices among the businesses in Manchester. We felt like this initiative, a Sustainable Committee, would bring together the efforts that the City is doing with the Chamber of Commerce to see if we can accomplish some common goals and objectives. The City had representatives who are on this Committee and I would like to acknowledge them: David Bouchane, Tim Clougherty, Carl Prank, Pam Goucher, and Jay Minkarah. We're also hoping tonight, or sometime in the near future, that you also appoint someone from the Board of Aldermen to sit on this Committee because I think it is very important. Also, we have some very distinguished members from the Chamber of Commerce who have also agreed to serve on this Committee: Barry Bransinger, Bob Duval, Nick Lassos, and Mike Skelton, who is the Vice-President of the Chamber. With that, I would like to turn the time over to Pam Goucher who will talk about the City's goals and objectives.

Ms. Pam Goucher, Economic Development, stated the City Planning Department got involved in this in two ways. I think the Board probably remembers when Alderman Sullivan submitted a letter to the Board of Mayor and Aldermen requesting that a Green

Committee be set up. On that particular evening, the Board turned that over to the Planning Department to look at organizing a Green Committee. It seemed like a reasonable idea that we should pursue because we had already begun, as a department, to look at ways that we could start modifying some of our Ordinances and regulations that would promote a more sustainable and green City. Shortly after that meeting, I was approached by Barry Bransinger and Bob Duval on behalf of the Chamber to see if we could work on something as a joint venture as David mentioned. It seems to make a lot of sense. Instead of having multiple committees looking at similar things, we wanted to see if there was a way to integrate the two and make sure that we had similar goals. Part of our charge in our department was to start looking at our regulations, our subdivision site plan regulations, ordinances, and building codes and seeing if we might come up with some ways that we could encourage a more sustainable City, more green buildings and also looking at reusing buildings. When you talk about building new green buildings, you also need to keep in mind that we have a huge existing stock in the City of Manchester and if we can renovate some of these and save on raw materials, that's an admirable goal. We need to look at those sorts of things and that's what we're hoping to do with the rest of the Board members and hopefully we'll be able to bring some information back to not only this Board, but to the Planning Board over the next few months.

Mr. Bob Duval stated when I mentioned the Chamber's Green Committee or the Sustainable Committee a common reaction that I hear is what does all this green and sustainable stuff mean. Simply put, being green means you support economic prosperity, quality of life and a cleaner environment. It means you carefully consider the long term effects of your present actions on future costs and on the environment. It doesn't mean you have to spend a lot of money. In fact, it means you will be saving money. If a city or a business can make investments that save resources and reduce waste, they can provide better services for less money. It is that simple. If, at the same time, we are preserving a cleaner and healthier place for our children to grow up, well then there is only one question remaining: How do you get started? It is the purpose of this Committee to help

find some of those answers. If there is one bright spot on the economic horizon, it is in green jobs. Economic development is taking place in the goods and services that are bringing energy and resource savings to business and government enterprises. The future of Manchester depends on our success at attracting and encouraging green buildings, green industry and green practices. Many in both the public and private sectors are already doing great work on sustainability, but these efforts so far have not been coordinated. By bringing everyone together, learning from one another, combining the best ideas, educating the community, and promoting responsible policies and practices, this committee hopes to make this City a healthier and more attractive place for future generations. On behalf of the Greater Manchester Chamber of Commerce and the Sustainability Committee, we wish to thank you for your support and your encouragement this evening.

Mayor Guinta stated thank you very much for being here. I think it is a worthy cause and initiative for the City to partner in. I think anytime we can look at ways to save resources and save energy, whether it is for public buildings or otherwise, I think we should always find ways to make that happen. I was particularly encouraged with the enthusiasm of the group and some of the ideas that are on the horizon for our City. Thank you very much for being here this evening.

Alderman Lopez asked when will some documentation or a mission statement will be ready so the Board of Mayor and Aldermen completely understand your charge?

Ms. Goucher replied we have another meeting of the Committee in just a couple weeks and I think at that time we'll be able to put a more complete and concise mission statement together that we can distribute to this Board, from the perspective of looking at our regulations. I already have our newest planner who has been on board for five days doing some research and pulling some material together so I can present to the Planning Board at our business meeting later this month. We are trying to move forward with some

of the ideas that we have discussed. I think Bob and David are nodding in agreement that we should be able to pull something together by the end of this month in terms of what you are looking for.

Alderman Lopez asked do you foresee that you might want to work with the Lands and Building Committee?

Ms. Goucher replied I see no reason why we shouldn't. I mentioned Planning Board because I see the subdivisions and site plan regulations needing a major overhaul. We're looking at that now with an eye towards how we can better incorporate green buildings, zero scaping, and sustainability. They would be looking at that, but certainly we would bring all of those ideas back to this Board. If there are any changes to the zoning ordinances as a result of our master plan, which ties in very nicely because we have major chapters in our master plan on sustainability, walk-ability, green streets, and alternative transportation, we would bring it before the Board. It is all basically coming together right now with various committees and various people looking at these things. I do think we'll get something to you soon, Alderman.

Mayor Guinta stated thank you very much. We will certainly consider your suggestion of aldermanic participation on the committee.

4. Discussion relative to the proposed Tax Cap.

Alderman Garrity stated I wasn't at the non-public session. I would just like to briefly have Tom Clark give me the reason why we are bringing the tax cap petition to court for a ruling. I wasn't at the non-public session. I apologize. Can you just give me justification for it?

Mr. Tom Clark, City Solicitor, asked the justification for the appeal? Justification for what?

Alderman Garrity stated why it is going back to court for ruling.

Mr. Clark stated there were always questions of whether or not the tax cap met the legal challenges that it should. The Attorney General, the Secretary of State and the Department of Revenue Administration had signed off on it earlier and required this Board to place it on the ballot. At that time, the City of Concord was challenging virtually the identical tax cap language. When I talked to various Aldermen, I suggested that at that point we sit back and see where Concord goes with this case. The Concord case has been decided. The case has not been appealed to the Supreme Court. The judge at the Merrimack County Superior Court found that the tax cap did not conform to the laws of the State of New Hampshire and could not go on the ballot. At that point it was determined that we should meet with our client, the City of Manchester, to give them the opportunity as to whether or not they wish to challenge that same tax cap down here.

Alderman Garrity stated I would assume that the necessary signatures met the requirement, right? Is that correct, Mr. Clark?

Mr. Clark replied there is no challenge on the number of signatures. The challenge is whether or not the tax cap itself is lawful.

Alderman Garrity asked you said that this tax cap petition is identical to the one that was in Concord?

Mr. Clark replied I said virtually.

Alderman Garrity asked what is different from this one than the one that was in Concord?

Mr. Clark replied Concord has a town manager whereas Manchester has a mayor.

Alderman Sullivan stated unfortunately, I was ill during the last meeting so I wasn't present. My question goes to whether or not there was a vote taken to instruct the City's legal department to move forward on this issue.

Mr. Clark stated it is a well settled principle of the law that the client is entitled to meet out of the public eye with their attorney to receive legal advice and to give instructions to their attorney. That policy is also what is recognized under the Right-to-Know Law which states that when you are meeting with legal counsel it is not a meeting per se. The requirements of the Right-to-Know Law do not apply when you are receiving legal advice or giving instructions to your attorney.

Alderman Sullivan stated but as you know, counselor, the Right-to-Know Law also specifically specifies that when you are meeting with legal counsel, because it is not a meeting, no action can be taken by the governing body of a municipality. My question is, are we as a Board taking action by instructing a department to pursue a specific course of legal action outside of the public view? It sounds to me like a decision was made without a public vote and I don't think that is appropriate.

Mr. Clark stated in my opinion, I disagree with you. I believe it is completely appropriate for a client to meet with his attorney and give him instructions outside of the public eye.

Alderman DeVries stated I am having trouble hearing you, Attorney Clark.

Mayor Guinta stated essentially what he stated is that he respectfully disagrees with the Alderman in that a client, being the City of Manchester, can meet with its legal counsel and make confidential decisions relative to legal issues facing the City.

Mr. Clark stated if that were not the case, it would put the City and any municipality at a complete disadvantage in any litigation because they would have to take public votes, where the other side does not have to.

Alderman Sullivan stated Your Honor, I am not talking about any confidential strategy session. What I am talking about is a vote by this Board to move forward on litigation that will have a profound impact on the City in the coming years, one way or another. Now, regardless of the merits of a tax cap, and I have serious doubts about them from a financial standpoint, I am very uncomfortable with the idea of conducting City business behind closed doors, using the legal privilege as a shield. I do not believe that it appropriately applies in this case. I think this is seen as a hot button issue that people would rather not go on record as talking about and I think it is extremely inappropriate for us to move these sorts of votes behind closed doors. I would like to see a public vote one way or another on whether or not we as a City support this course of action.

Mayor Guinta stated if that is the case there would be two suggestions: Either a vote to support the action or rescind the action, if this Board wanted a public vote.

Mr. Clark stated Your Honor, just to be clear. The tax cap appeal has been filed in court. There will be a hearing scheduled probably next week, a preliminary hearing. If this Board deems that it does not want to go forward, the appropriate motion would be to instruct me to withdraw the appeal.

Alderman Lopez stated first of all, I resent the argument behind close doors. I think we go into executive session as a Board on many occasions and as Committees sometimes we have to go into executive session for risk management and for taxi cabs. We were in recess for a Committee tonight to go in for a problem. I think there are certain occasions when our City Solicitor to advise us on legal issues so I think those are appropriate. I resent the closed doors action that has been spoken.

Alderman O'Neil stated clarification...I don't believe we took a vote that night. I am not sure what the correct terminology is, but we use it during negotiations.

Mr. Clark stated there was no vote. The Board gave me a consensus to move forward with the appeal. It is the same way you do it when you recess to meet with the negotiator. You instruct the person to move forward.

Alderman O'Neil stated right, thank you.

Alderman Garrity asked Mr. Clark, you said the appropriate motion would be to rescind the appeal?

Mr. Clark replied to instruct me to withdraw the appeal if that is what you wish.

Alderman Garrity moved to instruct the City Solicitor to withdraw the appeal. The motion was duly seconded by Alderman Pinard.

Alderman DeVries asked Attorney Clark, I also was not at the non-public session, but I think we are all getting up to speed...

Mr. Clark interjected let's be clear. It wasn't a non-public session. You recessed to meet with legal counsel. We were not having a meeting.

Mayor Guinta stated it was a recess to meet with legal counsel.

Alderman DeVries stated in any case, for us now to instruct you not to go forward with the review by the court due to the decision that was found, in your words unconstitutional, because it is virtually identical to the verbiage used in the Concord decision...so if we instruct you not to go forward with that, we then will have something that you, in your words, are calling unconstitutional on the ballot potentially?

Mr. Clark stated I didn't call it unconstitutional.

Alderman DeVries stated I am trying to remember your words.

Mr. Clark stated I believe it is not in conformance with the laws of the State of New Hampshire.

Alderman DeVries stated not in conformance with the laws of the State of New Hampshire. So we would be putting a ballot question out that is not legal?

Mr. Clark stated you would be allowing a question to go to the ballot without finding out whether it was right. We believe that it does not meet the requirements.

Alderman DeVries stated in your opinion, we have not withdrawn this item from being on the ballot. We are just validating whether the question as worded as ordered to the ballot is legal?

Mr. Clark stated that is correct.

Alderman DeVries stated thank you.

Alderman Garrity stated thank you, Your Honor. It is not my intention to talk about this for two hours tonight. We have been talking about it for two years. I believe that all the necessary documents were in place. The necessary signatures were in place. I think it is only right that this does go on the ballot. It was agreed by this Board to send it to the November ballot. That was agreed upon ten months ago. We have been talking about this for two years. Everybody knows how they are going to vote on this particular motion. We can sit around and talk about it for two hours but we have been talking about it for two years so I would like to move to question. I would ask for a roll call vote, too.

Alderman Lopez stated thank you, Your Honor. I appreciate you recognizing me. As a Board of Mayor and Aldermen, we swear to uphold the laws of the City Charter and the State. Secondly, it is on the ballot for November. Third, we have legal advice from our counsel and all he is doing is finding out whether or not the court has stated if it is constitutional and follows the laws of the State of New Hampshire. It has been found unconstitutional at another location, but in a different county. There is no way we can take it off the ballot because we stood and we said it was going on the ballot. It is on the ballot. If the legal people come back and say it is unconstitutional at the hearing that the City Solicitor is going to, that is a different situation. Different circumstances have developed during this whole process. Just a side note, some people say where is the information, hearings and all that? Where is the information and hearings from the other side that were supposed to be set up? They said they would set up meetings. It is a two way street. I didn't know that the court at the time was going to say something different than what we have now. It is on the ballot. Until the court tells us that it is unconstitutional, I don't know what the problem is here. We have legal authority moving forward and I think we ought to just vote no on this period and let the court decide. It is still on the ballot until such time that the court tells us differently.

Alderman Gatsas stated Tom, can you tell me if the question was put on the ballot in Concord to allow the people to vote and then the constitutionality was in question once it passed?

Mr. Clark stated if I recall correctly...I would have to go back and take a look at the facts. I believe that they were not going to put it on the ballot. I don't know if they did take a vote to put it on the ballot and then challenged it at the same time.

Alderman Gatsas stated I think at least this Alderman's consensus is that the people always should have an opportunity to vote on whatever comes forward. I think at that point, if it is challenged on a constitutionality basis certainly this Board has that privilege, but I think the people in this City should have the opportunity to vote. I don't think it should ever be taken away from them and it should be allowed to be voted on. Then if this Board votes to have the challenge taken up on constitutionality basis, that is fine, but I think that the people should have the opportunity to vote.

Alderman O'Neil stated number one, we should only put a legal question on the ballot. There has been a court ruling that says it is illegal at least in one city. Secondly, I understand some Aldermen were missing the night of the meeting. Other Aldermen chose to leave early and not participate in the discussion. In the discussion that went on, if I recall, only one Alderman had a problem with the Solicitor proceeding so I have a problem with where this whole thing is going tonight. That is not my fault that some chose to leave early.

Alderman Gatsas stated I agree Alderman, there was only one Alderman that....

Alderman O'Neil interjected I understand that some Aldermen were missing that evening all together, but that is why everyone has to stay and sit through the meeting. Only one Alderman spoke in opposition to the Solicitor's Office proceeding that night.

Mayor Guinta stated and one Mayor, just for the record.

Alderman Sullivan asked parliamentary question...would this be the first time that an actual vote of the Board has been taken on whether or not to move forward?

Mayor Guinta replied yes.

Alderman Sullivan asked is this despite the fact that...I am reading from our Solicitor's counterpart in Nashua that even though a quorum may exist at a non-meeting, the body, meaning the Aldermen, cannot take binding action because that would run counter to the terms as well as the spirit and the intent of the Right-to-Know Law?

Alderman Ouellette asked Tom, if we vote this down, is this vote taking away anybody's right to vote on this question?

Mr. Clark replied the Board cannot take the question off the ballot. That would be the court's decision.

Alderman Ouellette asked so your answer is no?

Mr. Clark replied correct.

A roll call vote was taken on the motion to instruct the City Solicitor to withdraw the appeal. Aldermen Garrity, Gatsas, Sullivan, Osborne and Pinard voted yea.

Aldermen Smith, Ouellette, M. Roy, J. Roy, O'Neil, Lopez and DeVries voted nay.

Alderman Shea was absent. The motion failed.

On motion of Alderman DeVries, duly seconded by Alderman Lopez, it was voted to move this item to a public hearing.

Alderman M. Roy stated just to make a comment to make sure the message isn't lost, we're looking to have this at our next meeting, August 18th? I want to make it clear that this isn't being delayed.

CONSENT AGENDA

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

Ratify and Confirm Polls Conducted

- A.** Ratify and confirm phone poll of the Board of Aldermen conducted June 8, 2009 accepting the report of the Committee on Public Safety, Health and Traffic approving the request from Girls Incorporated for the use of parking spaces at Theodore Park (Head Street) on the evening of June 12, 2009 from the hours of 5:00 P.M. to 8:00 P.M.
- B.** Ratify and confirm phone poll of the Board of Mayor and Aldermen conducted June 24, 2009 accepting the report of the Committee on Community Improvement recommending that the contract for the Seal Tanning and Granite Street Lots be extended from June 30, 2009 to September 30, 2009, increasing the deposit from \$228,000 to \$266,000.
- C.** Ratify and confirm phone poll of the Board of Mayor and Aldermen conducted June 24, 2009 accepting the report of the Committee on Community Improvement recommending that the Public Works Director be authorized to enter into a contract with the State for renovations to the Manchester Transportation Center obligating the City to provide 20% towards the improvements.

- D.** Ratify and confirm phone poll of the Board of Mayor and Aldermen conducted June 24, 2009 accepting the report of the Committee on Community Improvement recommending that the Mayor be authorized to resubmit a revised substantial amendment to the City's Annual Action Plan so as to designate the use of the CDBG-Recovery Act (stimulus) funds to the following two purposes:

\$250,000 for Neighborhood Revitalization – the reconstruction of Manchester Street sidewalks (Elm Street to Chestnut Street) with various streetscape improvements

\$250,831 for Housing Initiatives – for continued operation of the Housing Rehabilitation Program.

The Committee further recommends that \$250,000 of CDBG funds from CIP #610410 Neighborhood Revitalization be transferred out and allocated to the Manchester Boys and Girls Club for assistance with their ongoing expansion project.

- E.** Ratify and confirm phone poll of the Board of Mayor and Aldermen conducted June 26, 2009 accepting the report of the Committee on Human Resources recommending that the City of Manchester renew their contract with High Mark Life for Individual Stop Loss coverage at the current \$200,000 level for the period of July 1, 2009 through June 30, 2010 at an annual premium of \$482,150.

Accept BMA Minutes

- F.** Minutes of meetings held on April 28, 2008 (one meeting), April 29, 2008 (one meeting), and May 6, 2008 (two meetings).

Approve under supervision of the Department of Highways

- G.** Pole petitions:

#12-0281 55 South Main Street
#12-0286 Conant Street

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

H. Sidewalk Petitions:

210 Youville Street
254 Myrtle Street
137 Theresa Court
357 Pearl Street
99 Robert Hall Road
148 Red Coat Lane

Information to be Received and Filed

- I.** Monthly Bulletin from the City of Manchester Health Department for June 2009.
- J.** Approved minutes from the Commission meeting held April 28, 2009, April 2009 Financial Report, and April 2009 Ridership Report submitted by Carey Roessel, Executive Director MTA.
- K.** Communication from John Trisciani, Chair, informing the Board of Carey Roessel's resignation from his position with the MTA and further naming Evan Rosset as the Interim Executive Director.
- L.** Communication from Ansel Sanborn, CTAP Project Manager, regarding the CTAP Phase 2 Collaborative Grant Application.

REFERRAL TO COMMITTEE

COMMITTEE ON FINANCE

M. Resolutions:

“Amending the FY 2009 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Thousand Eight Hundred Fifteen Dollars (\$20,815) for the FY2009 CIP 210109 Homeless Healthcare Program.”

Rescinding authorization on unissued Bonds, Notes or Lease Purchases in the amount of One Million Dollars (\$1,000,000) for the 2009 CIP 810209 Strategic Planning for Facilities, Police, Fire and Highway.”

“Amending the FY2009 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Four Hundred Thousand Dollars (\$400,000) for the FY2009 CIP 810609 Police Vehicles Acquisition Project.”

“Amending the FY2009 Community Improvement Program, authorizing and appropriating funds in the amount of Five Thousand Dollars (\$5,000) for the FY2009 CIP 710809 Chronic Drain Project.”

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of One Thousand One Hundred Twenty Five Dollars (\$1,125) for the FY 2010 CIP 412110 OHRV Wheeled Vehicle Contracts.”

“Amending the FY2010 Community Improvement Program, authorizing and appropriating funds in the amount of Eight Thousand Dollars (\$8,000) for the FY2010 CIP 511210 Veterans Park Summer Movie Series.”

“Amending the FY2009 Community Improvement Program authorizing and appropriating funds in the amount of One Hundred Twenty Five Thousand Dollars (\$125,000) for the FY2009 CIP 611709 Housing Initiatives Program.”

“Amending the FY2010 Community Improvement Program, authorizing and appropriating funds in the amount of Seven Million Seven Hundred Forty Thousand Dollars (\$7,740,000) for the FY2010 CIP 612210 Neighborhood Stabilization Project.”

“Amending the FY2010 Community Improvement Program, authorizing and appropriating funds in the amount of Four Hundred Ten Thousand Dollars (\$410,000) for the FY2010 CIP 712510 ARRA Drinking Water Green Project.”

“Amending the FY2009 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000) for the FY2009 CIP 612809 Veterans Park Memorial Project.”

N. Bond Resolutions:

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Hundred Thousand (\$100,000) for the 2009 CIP 810209, Strategic Planning for Facilities.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Four Hundred Thousand Dollars (\$400,000) for the 2009 CIP 810609, Police Vehicles Acquisition Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Three Hundred Thousand Dollars (\$300,000) for the 2010 CIP 712310, Victory Garage/Elevator Replacement.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Ninety Nine Thousand Dollars (\$99,000) for the 2010 CIP 511110, Rockingham Recreation Trail.”

REPORTS OF COMMITTEE

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

- P.** Recommending that the appeal of a denial of a Taxicab Driver’s License be denied.
(Unanimous vote with the exception of Alderman Murphy and Alderman Pinard who were absent)
- Q.** Recommending that the project providing web access to maps and documents that the Highway Department currently has on file be approved.
(Unanimous vote with the exception of Alderman Murphy and Alderman Pinard who were absent)
- R.** Recommending that CIGNA HealthCare be permitted to hang a 60-foot banner across Elm Street (at Elm and Amherst Streets) marking the official Start Line of the 17th Annual CIGNA/Elliot Corporate 5K Road Race.
(Unanimous vote with the exception of Alderman Murphy and Alderman Pinard who were absent)
- S.** Recommending that the request from Jonathan Hallet of Jonathan’s Quick Eats, LLC to operate his business twenty-four hours a day, seven days a week, be denied.
(Unanimous vote with the exception of Alderman Murphy and Alderman Pinard who were absent)

- T.** Recommending that the request from Jennie Angell, Director of Information Services, for a Special Revenue account to be set up for revenue generated by the GIS system be approved.
(Unanimous vote with the exception of Alderman Murphy and Alderman Pinard who were absent)
- U.** Recommending that the communication from Alderman Lopez requesting reorganization of the Assessor's Office has been received and filed.
(Unanimous vote with the exception of Alderman Murphy and Alderman Pinard who were absent)

COMMITTEE ON COMMUNITY IMPROVEMENT

- W.** Recommending that a request for sewer abatement for 1602 Elm Street be granted and approved in the amount of \$1,620 as recommended by EPD.
(Unanimous vote)
- X.** Recommending that the request from Leon LaFreniere, Director of Planning & Community Development, to accept funds in the amount of \$20,815 from the Department of Health and Human Services be approved and for such purpose an amending resolution and budget authorization has been submitted.
(Unanimous vote)
- Y.** Recommending that the request from Leon LaFreniere, Director of Planning & Community Development, to accept funds in the amount of \$1,125 from the State of New Hampshire Department of Fish and Game be approved and for such purpose an amending resolution and budget authorization has been submitted.
(Unanimous vote)
- Z.** Recommending that the request from Leon LaFreniere, Director of Planning & Community Development, to accept funds in the amount of \$125,000 from the Affordable Trust Funds be approved and for such purpose an amending resolution and budget authorization has been submitted.
(Unanimous vote)

- AA.** Recommending that the request from Leon LaFreniere, Director of Planning & Community Development, providing for the receipt of \$7,740,000 of HUD Neighborhood Stabilization Program funds be approved and for such purpose an amending resolution and budget authorization has been submitted.
(Unanimous vote)
- BB.** Recommending that the request from Leon LaFreniere, Director of Planning & Community Development, to accept funds in the amount of \$410,000 from priority funding under the American Recovery and Reinvestment Plan of 2009 be approved and for such purpose an amending resolution and budget authorization has been submitted.
(Unanimous vote)
- CC.** Recommending that the request from Stephanie Lewry, Executive Director of Intown Manchester, for the use of funds in the amount of \$664.82 from the FY2009 Christmas Account to pay for the PSNH bill for the Christmas lights be approved.
(Unanimous vote)
- DD.** Recommending that the request from Bruce Thomas, Engineering Manager, to accept funds in the amount of \$5,000 from the owner of 223 Lexington Avenues towards the installation of a drainage system be approved.
(Unanimous vote)
- EE.** Recommending that the request from Bruce Thomas, Engineering Manager, to transfer funds in the amount of \$174,100 from CIP project #713107 Granite Street Reconstruction Project to CIP project #711507 Annual Bridge Rehabilitation be approved.
(Unanimous vote)
- FF.** Recommending that the request from Matthew Normand, City Clerk, for permission to apply for the Cogswell Benevolent Trust Grant be approved.
(Unanimous vote)
- GG.** Recommending that the request from James Burkush, Fire Chief, for permission to apply for the 2009 Fire Station Construction Grant with the Town of Hooksett be approved.
(Unanimous vote)

- HH.** Recommending that the communication from Leon LaFreniere, Director of Planning & Community Development, regarding the application for the Lead Hazard Control Grant funds be accepted.
(Unanimous vote)
- II.** Advising that the communication from Ronald Robidas, Security Manager/ADA Coordinator, regarding CIP expenditure for ADA training has been received and filed.
(Unanimous vote)
- JJ.** Advising that the communication from Leon LaFreniere, Director of Planning & Community Development, requesting on behalf of the Highway Department additional funds in the amount of \$21,000 for Traffic Signal Improvements has been received and filed.
(Unanimous vote)
- KK.** Advising that the report of the Committee on Joint School Buildings recommending that the Committee look for funding for the School District Life Safety Projects has been received and filed.
(Unanimous vote)
- LL.** Advising that the report of the Committee on Joint School Buildings recommending that the Committee on Community Improvement look for funding for the Life Safety (MFD) projects at the Smyth Road, Jewett Street, Gossler, Bakersville, Hallsville and Wilson Street schools has been received and filed.
(Unanimous vote)
- MM.** Advising that the report from the Mayor's Housing Task Force has been received and filed.
(Unanimous vote)
- NN.** Recommending that the request from Brandy Stanley, Parking Manager, seeking the establishment of a new CIP account with funding in the amount of \$150,000, in accordance with the recently approved agreement for the purchase of the parcel at 2 Line Drive, be approved subject to the transfer of deed.
(Unanimous vote)

- OO.** Recommending that the request from Bruce Thomas, Engineering Manager, to utilize the remaining funds in the amount of \$35,110 from CIP project #713206 – So Willow Street/South Maple Street Intersection Improvements to pay for a portion of the remaining local share of the Candia Road Project be approved.
(Unanimous vote)
- PP.** Recommending that a request for acceptance and expenditure of funds in the amount of \$244,309 from the State of New Hampshire for the 711609 Storm Drain Infrastructure Project be approved, and for such purpose a resolution and budget authorization have been submitted.
(Unanimous vote conducted via phone poll July 1, 2009, with the exception of Alderman O'Neil who could not be reached.)

COMMITTEE ON JOINT SCHOOL BUILDINGS

- RR.** Advising that they have approved *Change Order #'s* 188, 126, 187, and 194, for the Manchester School of Technology construction project, and is forwarding same to the Board for informational purposes.
(Unanimous vote with the exception of School Committeeman Gelinas who was absent.)

COMMITTEE ON PUBLIC SAFETY, HEALTH & TRAFFIC

- SS.** Advising that the Communication from Bruce Willey of the Kiwanis Club of Manchester, requesting permission to replace and add road signs, has been received and filed.
(Unanimous vote)
- TT.** Advising that the summary of Manual on Uniform Traffic Control Devices submitted by James Hoben, Traffic Division, has been received and filed.
(Unanimous vote)
- UU.** Recommending that the request from Cruising Downtown for the use of parking spaces on Elm Street and all connecting side streets bound by Bridge Street, Chestnut Street, Lake Avenue and Canal Street, from the hours of 6:00 A.M. to 6:00 P.M. on Saturday, September 12, 2009 at no charge, be approved.
(Unanimous vote)

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

- O.** Communication from Pamela Goucher, Deputy Director of Planning & Zoning, regarding the rezoning request for South Mammoth Road.

Alderman DeVries stated thank you Your Honor. Item O is regarding a rezoning proposal that is going to be directed to a public hearing, but that is not the reason I pulled it off the table. Included in the package is a letter from Pam Goucher indicating that there is an ongoing study with the master plan that is also taking a look at the best use of that end of the City, not this particular parcel, but the entire area. This abuts the Londonderry town line. It is my understanding that there is an industrial park that has already been master planned in Londonderry. For those who are not familiar, across the street is the Yard Restaurant. I wanted to bring to my fellow Board member's attention the letter coming from Pam Goucher, indicating that if we move too quickly on the rezoning, we may hinder the efforts of the master plan. I think that it makes sense for us to go forward with a public hearing with the caveat that if the public hearing comes back with the recommendation for a vote for this Board, that we table this plan to wait for the master plan opinion for this parcel. I don't know if Pam wanted to come forward to give the Board a timeline if she knows it for the master plan. Do you think that might be in the next six to eight weeks or sooner?

Ms. Pam Goucher replied yes. We had a meeting of the Steering Committee about the master plan two weeks ago and we took up the issue of land use in particular, one of more of the significant sections that has to get worked on a master plan. We are continuing that discussion tomorrow night. We have a Steering Committee meeting at 5:30 PM. I expect that we will discuss that area in particular. I also was at Southern New

Hampshire Planning Commission today because we are discussing the impact of the Airport access road as it goes through Merrimack, Bedford, Manchester, and Londonderry. While that road is being developed, even though not all of that is abutted up against our border, the airport access road, as well as where it ties into Londonderry and Manchester, may impact how the development around the border goes. As I said, it's not that we don't think it is reasonable to move forward to a public hearing, but in the next few weeks I think the Steering Committee will have a better handle on what it wants to suggest for land use in that area. I think the Planning Board will have an opportunity to comment also. Probably within the next month or so we'll have a firmer idea of how we feel about that portion of the City.

Alderman DeVries asked the abutter notifications, those that would be informed with this potential rezoning, have they already received a notice?

Ms. Goucher replied no, I believe the City Clerk has 14 days prior to the public hearing. I'd have to defer to Matt on that.

City Clerk Matt Normand replied it is 14 days prior to the public hearing. Once the Board takes action on this item we would set a date for a public hearing.

Alderman DeVries asked what is the distance for notification? There's a set of power lines that separates the majority of this parcel from the abutting single family homes. Do you know the statute off hand?

Ms. Goucher replied I don't recall. The applicant prepares the abutters list and provides it to the City Clerk. I don't generally study that, but I would think they would have included the people on the other side of the power line. I know state statute says that we don't have to notify someone on the other side of a highway or the Merrimack River. I'm not sure with power lines. I would certainly suggest, if those property owners are not on

the abutters notification list, that the City Clerk may want to send it out because it was this Board that determined that the notification was basically a courtesy. I don't think the state statute requires them to notify abutters for rezoning of land. I think this Board decided this was appropriate a few years back. They could certainly do that if that's your suggestion and I would say that would make sense.

Alderman DeVries stated I certainly think the single family homes are the ones who will have the greatest opinion, even though there is a very nice buffer with the power lines and an extensive right of way. There is RSM diagonally across the street and I don't know that they would feel aggrieved by having more RSM. Thank you for the information. It looks like I might have a walk up Lucas Road.

Alderman Lopez I respect Alderman DeVries comments, but we've had five or six rezonings and we keep hearing about the master plan. I know that they are working hard because you see them on TV and I'm not criticizing any one of them. We have to get this done. It's about a year old. Can you give us a time line of when this will be done? There are a lot of people who want to develop things and we keep running into these problems and we keep putting off rezoning.

Ms. Goucher replied our agenda tomorrow evening will be wrapping up the last of the sections, which includes the land use. It also has what we call the roll out schedule, which is to get the draft of the master plan online and out there for people to comment on. We also need to get it to the Planning Board because it is their instrument to do business. It sets the stage for any changes to the zoning ordinance. Anything that we do in the master plan, if it's not consistent with the current zoning ordinance, needs to have changes made to the zoning ordinances so it reflects the vision of the master plan for the City.

Alderman Lopez asked can you put a date on it?

Ms. Goucher replied I probably will after tomorrow evening, but I would say we're looking at a September timeframe.

Alderman Gatsas stated I believe there is something on our agenda that is looking to move our next meeting date to August 18th. That would give you some where in the vicinity of six or seven weeks. This will come up for hearing on the 18th. I would assume by then there should be definite answers.

Ms. Goucher replied I think if you're asking what the general direction is by the Steering Committee and the Planning Board, how they feel about that part of the City, you probably are correct. Is that the date the Clerk's Office is going to set this hearing?

Alderman Gatsas replied I would assume so. The public hearing is normally the same night as the Aldermanic meeting. Or is it a different night?

City Clerk Normand replied we would look to try to coordinate that with a night that the Board is already going to be here. So the 18th would be the night.

Alderman Gatsas asked are those decisions going to be completed by the 18th?

Ms. Goucher replied I can't answer for the whole committee, but we can certainly strive to get those answers as best we can of the Steering Committee and the Planning Board so you have some information.

Alderman Gatsas stated I'm sure you have been working hard because obviously as you scan the channels you see the committee working, but I agree with Alderman Lopez that development can't stop if we're going to increase the tax base, but we certainly should do it with both eyes open. I think that certainly by the 18th we should have some direction about what direction we are headed in.

Alderman O'Neil stated this would save us a little bit, if I could bring up this item, while Pam is sitting here. It's new business, but I would like to bring it up now. We've been out pushing these neighborhood developments and two weeks ago, and no disrespect to Alderman Pinard, but the Planning Board voted it down nine to zero. The left hand is doing one thing and the right is doing anything.

Mayor Guinta stated I did read your note and I do understand the frustration that some may have on this Board.

Alderman O'Neil stated Planning staff was out working with the owners on this thing.

Mayor Guinta stated they are always working with owners on projects.

Alderman O'Neil stated I know, but we send a conflicting message to developers. We sit down and work with them but when we send something to the Planning Board we can't get something approved. If they came in cold and weren't working with staff I wouldn't have a problem. They have been working with staff for a year on this.

Mayor Guinta stated ultimately, that Board has a right to...

Alderman O'Neil stated we're saying one thing and acting another way.

Mayor Guinta stated I think whether it's this Board, staff or both it is encouraging neighborhood development. We've never taken a formal vote on that project. Secondly, even if we are encouraging it, I think it's reasonable and responsible to at least to get comments from that particular neighborhood.

Alderman O'Neil stated I'm not disagreeing with that, but if we don't have the will to see these types of projects...Kelley Street is another one of these...if we don't have the will to see these things through then we shouldn't be pushing them.

Mayor Guinta stated Kelley Street you have 100% support for and this one I think is in the same category.

Alderman O'Neil stated I don't want to start a war with anyone here tonight. I'm just saying that we say one thing and do another. Staff didn't come out with a recommendation on it. I'll save it. You all have a copy of my letter and I won't bring it up under new business. I agree that we have conflicting issues going on with the master plan. We say one thing, then do another.

Mayor Guinta stated I think, to try to address both issues, it is very reasonable to say let's get the master plan done. I think that's Pam's intent here, but let's get it done. I don't want to see developers delayed. It is costly to developers if we have to wait two, three, four months for something. I don't know much about this request, but it seems like it's a reasonable request. That being said, I do think that we can probably fine tune how we bring neighborhoods into this process so we can get a feel for what the opposition might be and see if there is a better way to communicate so we can achieve both the neighborhood developments, while respecting what the neighbors and neighborhoods are trying to achieve as well. With this particular issue, can we move forward with it?

Alderman DeVries stated Your Honor, I know that Alderman Roy had comments that he wanted to make. I don't mean to interrupt, but I'd love to make the motion that we refer this to public hearing so we can continue the conversation.

Alderman J. Roy stated I have to defend some of the most competent and hard working individuals that I have ever had the privilege of being on a committee with and that includes the staff. They did not have a recommendation for us that night because that was the first time we had discussed it and they were waiting to see where we were going with the whole thing. With that being said, to make this story short, when you get a vote of nine to zero on that Board, it isn't even close. If you want a Board that is going to rubber stamp everything for you, find some other people because they are not going to come in here and use their precious time to do that. The reality was that that was too much for the site. They wanted to have a sit-down restaurant, a drive through restaurant, a drive through bank, a residential area, and a parking lot. It just didn't work. It was obvious by the vote of nine to zero. I understand what you are saying about having a community and neighborhood emphasis on development, but that wasn't what they were looking for.

Alderman O'Neil asked can I respond to that? My bone is not with the Planning Board, but this project worked with staff and then staff had no recommendation. Staff pushed forward to do this neighborhood development concept and then there was no recommendation. I don't have a bone.

Alderman J. Roy stated they don't come out with a recommendation until we've discussed it and then they come out with a recommendation. We hadn't discussed it yet. We hadn't even closed the public hearing at that point.

Mayor Guinta stated is there a motion that we are moving this to a public hearing?

QQ. Recommending that the following ordinance amendments:

“Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by amending Section 70.54 Permit Parking in Lieu of Coin Deposit thereby creating a new Canal Street Lot.”

“Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by amending Section 70.57 Parking Rates thereby establishing event parking and hourly rates for the Canal Street Lot.”

ought to pass.

The Committee further notes that the Parking Manager is not authorized to issue monthly parking permits before reporting back to the Committee.
(*Unanimous vote*)

Alderman Gatsas stated that is in discussions with Boston Express, the idea that we would allow them to do the leasing of the spaces for commuters. They could then turn over their funds to the City so I just want to make sure, before we do anything, and we had a meeting with them to make it clear that the City is looking for bus transportation. We want to make sure we maintain it and we want to make sure we are offering it. I get very nervous that people are going to move out of the garage at \$90 per month even though they are not taking the bus and move into this lot for \$50 per month. That was one item of discussion that I just want to make sure that whatever conversations we have, go through the Economic Development Office so that they can communicate with the bus companies.

Mayor Guinta stated Jay did let me know that he wasn't going to be able to be here tonight. He is going down to Boston for a business trip. He has an early morning meeting, but I would concur with the sentiment.

Alderman Lopez stated just a question for the Alderman. You mentioned Economic Development. Are you asking for Brandy to work with the Economic Development Office?

Alderman Gatsas replied right now I believe that she is the lead in the City for the parking or transit revitalization. I think that has to be hand in hand with the parking that kitty-cornered it. If we are going to try to get commuters to leave from Manchester from that location, that parking lot has to be available to those people. I'm not saying that we shouldn't be using it at night to rent for events at the arena or baseball stadium, but that would be secondary to what we have. Again, off of what QQ is, Your Honor...the other night there was an event in the City. The fireworks were here. As I walked through the crowd I heard an awful lot of complaints from people saying that the parking on a Sunday night was activated. I guess the reason why it was activated was because there was a Fisher Cats game. Normally, we don't have parking on Sunday nights. I would think that we should sit down and look at how many Sundays conflict with other events. We have Labor Day coming. I would think Christmas and Thanksgiving would be days we're not charging people to come downtown, especially when there are fireworks. A lot of people are from out of town. I'm not sure if they had someone giving out tickets, but they had someone walking around with their vests so people were certainly feeding the meters, thinking there was a liability of getting a ticket. I would think that trying to open the welcome mat from the City of Manchester and letting people come in from other communities and letting vendors make money is an important issue. In Public Safety they can come up with some ideas on how to do that to make sure we don't conflict with events that are happening.

Alderman O'Neil asked Your Honor, can we get some kind of report at some point if that did happen?

Alderman Lopez stated I think the Alderman from Ward 2 is correct. We probably haven't received any guidance in reference to the fireworks. It should have been free parking, let's face that. If we never addressed that when making policy, I think Brandy needs to come before the Traffic Committee and think of these particular holidays that

are happening in the City of Manchester. Regardless of whether there is an event, if the City is putting on a function, then I think we have to suspend the rules and not have people out there charging for parking. I think that is a good point. If Brandy could bring something forward to the Traffic Committee.

Alderman Gatsas stated I think we need to move this forward. I don't think it really has anything to do with this, but we need to have the discussion.

On motion of Alderman Gatsas, duly seconded by Alderman Lopez, it was voted to pass the ordinance amendments.

- V. Recommending that the taxi rates be raised to \$.40 per one-sixth of a mile, as proposed by Kevin Kincaid, Business Licensing & Compliance.

The Committee further recommends that the taxi rates be reviewed every six months.

(Unanimous vote with the exception of Alderman Murphy and Alderman Pinard who were absent)

Alderman O'Neil stated Your Honor, after staff spending a lot of time on this during a very difficult budget process, I'd like to recommend, I thought we were ready to put this to rest with a recommendation of the full Board, but the cab drivers have a difference of opinion on this. The cab companies tell us one things and the next week write us a letter saying something completely opposite from the meeting. The only right thing to do out of fairness to the people who ride the taxis in the City is to send this whole thing back to committee. We have a lot of work to do on this. We made our best effort at trying to get this thing right. I don't know if Mr. Normand would like to back me up on that. It's been very frustrating. The owners are all over the place and drivers are all over the place. In the meantime, we need to make sure we protect the users who use the cab service. Revert it back to the lower rate until we can figure this out.

Alderman J. Roy stated I agree with you. Why are we regulating taxis? We don't regulate plumbers, we don't regulate electricians. They figure out what they can charge the public and still be hired. Maybe we ought to do that with the taxis, too.

Alderman O'Neil stated I think it's a consumer protection. Otherwise there would be no way to protect who is paying what.

Alderman J. Roy stated but we don't regulate plumbers and electricians.

On motion of Alderman O'Neil, duly seconded by Alderman Osborne, it was voted to send this item back to committee.

Alderman O'Neil stated we did work hard on this. Staff spent a lot of time on research and we thought we were coming out with a recommendation that the Board would be able to support unanimously, but everybody is all over the place on this.

6. Communication from Douglas Kruse advising the Board of his resignation from the Board of School Committee.

On motion of Alderman DeVries, duly seconded by Alderman Ouellette, it was voted to accept the resignation with regret.

Alderman DeVries asked Your Honor, would this be the appropriate time to name an individual or to bring forth a name to replace our Ward 8 Board of School Committee representative? Being handed out to you tonight is a cover letter, as well as a resume, for Thomas Katsiantonis. Many individuals already know Mr. Katsiantonis is a state representative representing Ward 8. He had previously run for the School Board seat in Ward 8. He owns a small business in Ward 8 as well as his residence. Tom also has a small child about to enter into the school system so he has a very vested interest in the

quality of schools in Manchester. Tom has been very active in Ward 8 in youth sports, as well as other volunteer activities. He does fundraising and is active in the Greek Orthodox Church that he is a member of. I think he will make a fine School Board member. I have been asked by my fellow Aldermen to have this particular nomination hold over until our next meeting to give everyone the opportunity to reach out to Tom and have conversations and ask any questions that might have. I think Mr. Katsiantonis is familiar with the process and looking forward to those phone calls. I would indicate to you to give him a couple weeks. I think he has had to leave town. He indicated to me that he is filing for the election to the School Board seat in advance through an affidavit because he knew he was going to be out of town. Give him a few weeks before you reach out, if you would.

Alderman Gatsas asked you said something about an affidavit?

Alderman DeVries replied you probably should address that. I'm not as familiar with the process.

Mayor Guinta asked he filed an affidavit to run for School Board?

City Clerk Normand replied I believe she is referring to a declaration of candidacy form that Tom Katsiantonis is going to fill out before he goes on vacation.

Mayor Guinta asked basically, you're saying that he is going to be gone during the filing period?

City Clerk Normand replied I'm not sure if he'll return prior to the end of the period.

Mayor Guinta stated he'll be gone during the filing period so he issued a declaration with an affidavit.

Alderman DeVries stated he'll be appointed as well as running for election. He'll be on the ballot.

Mayor Guinta asked that's an acceptable form of filing?

City Clerk Normand replied all candidates will have to fill out a declaration of candidacy to be placed on the ballot.

7. Communication from Daniel Wihby advising the Board of his resignation from the Board of Registrars.

On motion of Alderman M. Roy, duly seconded by Alderman O'Neil, it was voted to accept this resignation with regret.

8. Nominations presented by Mayor Guinta:

J. Andrew Manning to succeed Keith Murphy due to a resignation, as a member of the Parks, Recreation and Cemetery Commission, term to expire July 7, 2012;

Edward O'Brien to succeed himself as a member of the Conservation Commission, term to expire August 1, 2012;

Michael Skelton to succeed himself as a member of the Conservation Commission, term to expire August 1, 2012;

Jane Beaulieu to succeed herself as a member of the Conservation Commission, term to expire August 1, 2012;

James O'Shaughnessey to succeed himself as a member of the Conservation Commission, term to expire August 1, 2012;

Richard Olson to succeed himself as a member of the Conservation Commission, term to expire August 1, 2012;

Susan Duprey to succeed Jay Taylor (term limit) as a member of the Manchester Development Corporation Board of Directors, term to expire March 11, 2012;

Keith Hirschman to succeed Phil Hebert (term limit) as a member of the Safety Review Board, term to expire March 15, 2012;

Bethany Plumton to succeed Thomas O'Neil (term limit) as a member of the Safety Review Board, term to expire March 15, 2012; and

Edward Mosca to succeed Daniel Wihby due to a resignation, as a member of the Board of Registrars, term to expire May 1, 2011.

Alderman M. Roy stated if we could waive rules on 2, 3, 4, 5, and 6 succeeding themselves and have the rest layover until our next meeting...

On motion of Alderman M. Roy, duly seconded by Alderman Osborne, it was voted to approve the self succeeding nominations and lay over the new nominations.

Alderman O'Neil asked do you have to live in the City to serve on MDC?

Mayor Guinta replied there are certain positions that are open to the Greater Manchester area.

Alderman O'Neil asked non-Manchester residents?

Mayor Guinta replied yes, to non-residents.

Alderman DeVries stated I wanted to introduce Attorney Manning who you just nominated to become a member of Parks and Recreation. I encourage everyone to reach out. Andrew Manning is not my constituent. That pleasure falls to Ward 7. I certainly have worked with him on several occasions on the Crystal Lake Preservation Association. You've been very active on the master plan with Parks and Receptions and

anybody who has questions on his expertise or desire to serve on this Committee, I would encourage you to reach out during this layover period.

Alderman Lopez stated I would assume the balance of the Parks reaches the specifications. Is that correct? As a labor person and a ...

Mayor Guinta replied yes, that's correct.

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

Mayor Guinta called the meeting back to order.

12. Report of the Committee on Finance

The Committee on Finance respectfully recommends, after due and careful consideration, that Resolutions:

“Amending the FY2009 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Thousand Eight Hundred Fifteen Dollars (\$20,815) for the FY2009 CIP 210109 Homeless Healthcare Program.”

“Rescinding authorization on unissued Bonds, Notes or Lease Purchases in the amount of One Million Dollars (\$1,000,000) for the 2009 CIP 810209 Strategic Planning for Facilities, Police, Fire and Highway.”

“Amending the FY2009 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Four Hundred Thousand Dollars (\$400,000) for the FY2009 CIP 810609 Police Vehicles Acquisition Project.”

“Amending the FY2009 Community Improvement Program, authorizing and appropriating funds in the amount of Five Thousand Dollars (\$5,000) for the FY2009 CIP 710809 Chronic Drain Project.”

“Amending the FY2010 Community Improvement Program, authorizing and appropriating funds in the amount of One Thousand One Hundred Twenty Five Dollars (\$1,125) for the FY 2010 CIP 412110 OHRV Wheeled Vehicle Contracts.”

“Amending the FY2010 Community Improvement Program, authorizing and appropriating funds in the amount of Eight Thousand Dollars (\$8,000) for the FY2010 CIP 511210 Veterans Park Summer Movie Series.”

“Amending the FY2009 Community Improvement Program authorizing and appropriating funds in the amount of One Hundred Twenty Five Thousand Dollars (\$125,000) for the FY2009 CIP 611709 Housing Initiatives Program.”

“Amending the FY2010 Community Improvement Program, authorizing and appropriating funds in the amount of Seven Million Seven Hundred Forty Thousand Dollars (\$7,740,000) for the FY2010 CIP 612210 Neighborhood Stabilization Project.”

“Amending the FY2010 Community Improvement Program, authorizing and appropriating funds in the amount of Four Hundred Ten Thousand Dollars (\$410,000) for the FY2010 CIP 712510 ARRA Drinking Water Green Project.”

“Amending the FY2009 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000) for the FY2009 CIP 612809 Veterans Park Memorial Project.”

“Amending the FY2009 Community Improvement Program, authorizing and appropriating funds in the amount of Two Hundred Twenty Four Thousand Three Hundred Ninety Dollars (\$244,390) for the FY2009 CIP 711609 Storm Drain Infrastructure.”

ought to pass and be Enrolled.

On motion of Alderman Lopez, duly seconded by Alderman Osborne, it was voted that these Resolutions ought to pass and be Enrolled.

On motion of Alderman Sullivan, duly seconded by Alderman J. Roy, it was voted to recess the meeting to allow the Committee on Public Safety, Health and Traffic to meet.

Mayor Guinta called the meeting back to order.

15. Report of the Committee on Public Safety, Health and Traffic

The Committee on Public Safety, Health and Traffic respectfully recommends, after due and careful consideration that:

ordinance amendments to Ordinance 70.54 and 70.57 adding metered parking at 1155 Elm Street
be approved.

On motion of Alderman J. Roy, duly seconded by Alderman Sullivan, it was voted to approve the ordinance amendment.

City Clerk Normand stated Your Honor, I think the intent of the parking manager is to try to have these ordinances suspended tonight.

On motion of Alderman O'Neil, duly seconded by Alderman Sullivan, it was voted to place the ordinances on their third and final reading.

On motion of Alderman Sullivan, duly seconded by Alderman Pinard, it was voted to that the ordinances be ordained.

16. Report of the Committee on Administration/Information Systems

The Committee on Administration/Information Systems respectfully recommends, after due and careful consideration:

that the request from Jennie Angell, Director of Information Services, to submit grant applications pursuant to the American Recovery and Reinvestment Act (ARRA) as identified in the attached document

be approved.

On motion of Alderman M. Roy, duly seconded by Alderman Osborne, it was voted to approve the grant application request.

18. Reports of the Committee on Lands and Buildings

The Committee on Committee on Lands and Buildings respectfully recommends, after due and careful consideration:

that the ATM lease agreements submitted by Members First Credit Union for the City Hall Complex and the Manchester Police Station

be approved.

On motion of Alderman Osborne, duly seconded by Alderman DeVries, it was voted to approve the lease agreement with Members First Credit Union.

The Committee on Lands and Buildings respectfully recommends, after due and careful consideration:

that the amended purchase and sales agreement submitted by the Highway Department to purchase a tract of land adjacent to their current property on Maple and Valley Streets

be approved subject to the review and approval of the City Solicitor.

On motion of Alderman Osborne, duly seconded by Alderman Smith, it was voted to approve the purchase and sales agreement.

19. Report of the Committee on Human Resources

The Committee on Committee on Human Resources respectfully recommends, after due and careful consideration, that the request for reclassification of the following:

School Nurse I, Class Code 7060 from Grade 16 to Grade 17
School Nurse II, Class Code 7065 from Grade 17 to Grade 18
Certified School Nurse, Class Code 7067 from Grade 18 to Grade 18A

be approved and further recommending that the related ordinances be ordained.

On motion of Alderman Pinard, duly seconded by Alderman Osborne, it was voted to approve the reclassification of school nurses and be ordain the ordinances.

20. Petition for Demolition and Removal of Hazardous Building at 323-325 Concord Street.

On motion of Alderman M. Roy, duly seconded by Alderman J. Roy, it was voted to approve the petition for demolition and removal of a hazardous building.

Alderman M. Roy stated this property is in distress and I've spoken to the Alderman of that Ward. What I would like to do to run concurrently is to have this Board instruct the City Solicitor's Office to work with Economic Development to see if we can come to an expedited settlement, possibly with the mortgage company and the owner, and then pursue that and report back to us at the next committee meeting on August 18th. This would run parallel to what the Building Department's efforts are.

Alderman Smith asked I thought the Safety Committee was responsible for everybody and I thought that they would like to have the building down in 30 days? I don't think it would be down in 30 days if this transpires.

Alderman M. Roy replied I'd like this to run concurrently. The Building Department is getting the marching order to take the building down and I'd like the Solicitor's Office to not have to wait the 30 days to then start a process of working with the owner or the mortgage company to pursue the piece of land and get it cleaned up for the neighborhood.

Alderman Smith stated I thought that they were working with the owner and they got no response from him.

Alderman M. Roy stated that's why I'm asking the Solicitor and the Economic Development Department to look into the mortgage company, which is Green Point Mortgage Funding out of Columbus, Georgia. I want it to run concurrently. I don't want to slow anything down. I'd like the Building Department to go full steam and start working with the Solicitor sooner rather than later.

Alderman Smith stated as far as I'm concerned, I think this should be down within the month.

Mr. Tom Clark, City Solicitor, asked are we being asked to pursue the purchase of the property? Do we know if there has been an appraisal and/or a title search done?

Alderman M. Roy replied I'm looking for investigation, Your Honor, so that those answers may come back to us at our next Board meeting. If Green Point Mortgage Funding is willing to discuss a short sale and the owner is willing to write it off before he goes to foreclosure, we can be proactive instead of reactive.

Mayor Guinta asked are you looking for the City to buy this eventually?

Alderman M. Roy replied or settle with the mortgage company with a damaged building on the property.

Mayor Guinta asked right now, part of your motion is essentially to have the Solicitor's Office look into...

Alderman M. Roy interjected fact finding.

Mayor Guinta stated I don't have a problem with fact finding. I may have a problem with purchasing.

Alderman Gatsas stated I hear where you are with purchase, but I guess my question is, if we're not looking to purchase, how do we demolish it? Is there value on the property now and is someone going to come back and say you took it down and it was worth \$30,000 as a frame and we could have revamped it? Is there someone here from Planning? Leon, I guess my question is that obviously we are going to tear it down and there will be a cost for that. What if the owner comes back and says that the shell was worth \$50,000 and you took it down and he wants his money or the mortgage company?

Mr. Leon LaFreniere, Planning Director, replied what we are asking for permission to do, Alderman, is to go through the statutory process whereby the building is determined to be a hazardous and dilapidated building and therefore a liability to the City. This is a standard process by which we go into properties where there is an unresponsive owner and remove those properties. We would then place a lien on the property for our expenses, which the owner or any successor would have to deal with before they could take the property. This is what we typically do when we take down properties with

significant value. This is a property with severe damage that is a liability to the owner as well as to the City at this point.

Mayor Guinta asked isn't this property on the Fire Department's list?

Alderman Gatsas asked does the cost of demolition move into the first position in front of the mortgage?

Alderman M. Roy replied it's part of the lien.

Alderman Gatsas stated it could be a lien behind \$200,000.

Mr. LaFreniere stated it has the same status as a tax lien.

Alderman Gatsas asked it would be before the mortgage?

Mr. LaFreniere replied I believe so. I would refer it to the Solicitor.

Mayor Guinta stated the Solicitor said yes.

Mr. Clark stated it equates to a tax lien. It's a lien on the property that goes into the first position.

Alderman Gatsas asked could you give me a timeline of how this works. Obviously there is a process.

Mr. Clark replied there is. Unfortunately, I would be misleading the Board if I said that this was a process that we could fully exercise within 30 days. First, we have to go before the court and make our case. The owner has an opportunity during the process to respond,

file any objection and if he does not, then the court will issue an order that will allow us to go in and abate the hazard. Once they issue the order, the owner has an additional period of time where he can file an appeal. This will take approximately six weeks to two months from start to finish.

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

On motion of Alderman Pinard, duly seconded by Alderman Osborne, it was voted to approve the warrant to be committed to the Tax Collector.

22. Communication from Alderman Lopez requesting favorable consideration to moving the August 4, 2009 Board meeting to the third Tuesday of the month, August 18, 2009, to coincide with the World War II Memorial Dedication Week.

On motion of Alderman Garrity, duly seconded by Alderman Smith, it was voted to approve the rescheduling of the meeting.

Alderman Lopez stated I would like if each Alderman could provide me a name of a WWII veteran from your ward. If you don't have a veteran that you know, see me afterward and I'll find you one.

23. Communication from William Sanders, Finance Officer, regarding payments to MCTV/MCAM.

Mayor Guinta stated I want to quickly read a letter that I've authored. "Dear Members of the Board: Upon the passage of the FY2010 Budget, I was contacted by representatives from MCAM offering to operate both MCAM and MCTV for the amount budgeted by this Board. I also understand that MCTV is planning to submit a similar proposal. In order to evaluate which proposal best meets the needs of the people of Manchester, I think it prudent to appoint a special committee to review all proposals that

relate to the operation of public access television as currently provided by the respective entities. I am therefore appointing such a committee which shall consist of the following members: two Aldermen whom I would ask Chairman Lopez to appoint, two School Board members and I would ask that Vice Chairman Labanaris make those two appointments, Superintendent Brennan and Finance Officer Sanders. The Committee is tasked with soliciting proposals from both MCTV and MCAM, evaluating those proposals, and making a recommendation to both the Board of Mayor and Aldermen and the Board of School Committee. It is my intention to convene a joint meeting of the Boards upon the conclusion of the Committee's work. Obviously, we would ask that this be done as quickly and as swiftly as possible. We still have the issue of payments. If you do want to make a motion of a short term solution motion, I would entertain it, but my expectation is that we've got to get this resolved rather quickly.

Alderman Lopez stated I think the question becomes in the 2010 budget about MCTV...I don't know how much money they have left to pay people or do whatever, but maybe the City Solicitor could help me along this line. Should we give them a partial payment?

Mr. Clark replied currently under the contract the payment is due this Friday in the amount of \$579,000 plus or minus a few dollars. For this idea to move forward, I would suggest this Board contact the School Board, either through a motion or ask the Mayor to do it and ask them to hold off on that payment until this process moves forward. If they need money right away, they can let the Mayor know as Tom mentioned and a telephone poll could be taken.

Mayor Guinta stated I can either speak with Tom personally in the morning or the Board can take a vote. Either way.

Alderman Lopez stated I think it's important to make sure...I know the contract for MCTV versus the contract for MCAM...everybody knows the same terminology that the people are using in the contract. The finance people can correct me, but we pay MCAM in October and the first week in July. This is a new item that is being presented. You indicated, Your Honor, that a proposal from MCTV and MCAM...

Mayor Guinta interjected MCAM presented me with a proposal on June 16th. I don't know if it was prior to that date or after that date, but the School Board took a vote instructing the superintendant not to further negotiate or discuss this matter with the City. He has felt as though he has had his hands tied. As I understand it, a proposal will be coming forward from MCTV. That has not been provided to me as of this date, but as I understand, it will be presented.

Alderman O'Neil asked when you say proposal, these are strictly regarded to financial or beyond that?

Mayor Guinta replied I haven't seen MCTV's so I can't comment on that. MCAM's essentially had a proposal for the \$500,000 that they wanted to convey to me. I think it is best if both Boards work collectively to work through this without an initial recommendation from me. I'd be happy to provide a recommendation, but I wouldn't do that until I see MCTV's proposal. The fact of the matter is that there is an appropriation. We have to work through it. I think this Board has to work collaboratively with the School District and come up with the best feasible way to continue the service, but of course, at the level it was appropriated.

Alderman Ouellette stated as someone who has lived through the divorce of MCAM and MCTV when it was all under one operation, I can tell you first hand that that was an absolute nightmare of a situation. MCAM, going on its own, has benefitted the City a lot

more as opposed to the way the situation was previously. I know that in terms of MCTV they have had more time to work on educational programming and actually working with students to benefit the School District. I think they have been doing a much better job of covering governmental affairs and government functions. There was a reason why there was a split. It was asked for by MCTV and it was also asked for by the producers of the public access channels. Sitting on the Coordination Committee at the time we had several meetings about that. Producers as well as people from MCTV testified that they wanted to go on their own, so much so that they wanted MCAM to be a 501C3. They were going to raise money in the non-profit status. We have a contract with MCTV and we have a contract with MCAM. Shouldn't we be sitting down asking them how much they can give back like every other department in the City? Absolutely. No question. When I voted on the budget, that was my intent. My intent was certainly not to merge or come up with a committee to merge both channels. In my opinion, I think it is working well. I understand that these are just ideas being floated about and that's great. I don't support them, but dialogue is good, Your Honor. It comes to be a good situation. Having lived through it I think this is the best way to go to keep them separated.

Mayor Guinta stated I don't have a recommendation, number one. Number two, this Board did approve a number. We have to figure out a way to live within that number. I think that the communication has to happen between this Board and the School District because both boards are part of the decision-making process. I think it is a prudent way to move forward. I don't necessarily want to get into the past issues. We have a responsibility and obligation to move forward and provide this service within the confines of the appropriation. That would be the objective and the goal for this Board to ultimately consider. I think the fairest way to do this is to try to get both parties involved. I thought it was reasonable for the Chairman of this Board and the Vice-Chairman of the School Board to identify people who they think would be best suited to name members. If either of those individuals chooses not to, that's fine. I would be happy to name members, but I am certainly inviting the Chair and the Vice-Chair to work with me on that

particular part of this challenge. I don't think we should put any information out to the public until we have information. The goal here is to provide the service to the City of Manchester. I've been saying for months that we have been asking everybody, including MCTV and MCAM, to try to exercise restraint the best that they can. I suspect that both entities will try to do that and we will come within that appropriation that has been voted on by the Board.

Alderman Ouellette stated I just want to repeat, Your Honor, I have no problem with MCTV and MCAM having discussions about ways they can have money and live within the \$500,000 perimeter that we set forward. Understand that we do have a contract with both and we knew that when we passed the budget. More dollars were going to have to be approved. There is a risk and the City Solicitor could correct me if I'm wrong, what if we don't come to an agreement? What then?

Mayor Guinta stated I am confident that it will come to an agreement. I don't expect or anticipate MCTV or MCAM to sue the City on this. I expect them to work with the City. They have conveyed the position that they would like to work with the City. We're at the point now where we are entering that fiscal year 2010 budget and we have to get this item resolved. Let's have everyone at the table trying to figure out what the best mechanism is. Eventually, as the policy-making board we have to take a vote.

Alderman DeVries stated refresh my memory first. In your budget proposal earlier this year, what had you funded for the two agencies?

Mayor Guinta replied if I remember, my proposal was the same number that you adopted, which was \$500,000.

Alderman DeVries stated that was my recollection. Are you saying that you had no plan going into this when you put forward your budget? You just started to work on this now?

Mayor Guinta replied no, that's not what I said.

Alderman DeVries stated okay, you're saying what then?

Mayor Guinta replied you want me to repeat everything I just said?

Alderman DeVries replied no, I'm wondering what your plan is because everything you just said didn't tell me exactly your vision.

Mayor Guinta stated I'd be happy to tell you my plan. My plan was to cooperate with MCTV, MCAM, the BMA and the School District to come up with a reasonable solution to the financial challenge that we are having as a City. I recommended \$500,000. This Board in the budget that was adopted, approved \$500,000. We now have a fiduciary responsibility to work through this challenge. If you would prefer that I put a proposal on the table, I am happy to do it. My preference is to reach out to everybody and try to come up with something that gains the support of both Boards. That's not to say I didn't have a plan or a proposal or an idea.

Alderman DeVries stated Your Honor, I'm just trying to glean the due diligence you have already done. It is my recollection that both of those parties entered into lease agreements for their space. Board members for both of the parties may be somewhat at risk for the space that has been leased. I'm trying to recollect that discussion that came in front of that Board because there was some hesitancy by both parties about entering into long term contracts and putting their personal signatures at risk. I would assume that that is part of the due diligence that you have already done in your review of potential plans. How is that going to be handled?

Mayor Guinta replied I'm not sure what your question is.

Alderman DeVries asked are individual Board members at risk for the long term lease agreements? It sounds like one or the other is not going to be able to fulfill if they are going to merge into one entity.

Mayor Guinta replied as I've said, I think we can work through the financial challenges that are facing both entities based on the number that was adopted. I don't think there is any personal liability to anyone who has signed on behalf of those two entities, if that is what you are asking.

Alderman DeVries asked you're not aware of that?

Mayor Guinta replied I am not aware of any personal liability.

Alderman DeVries asked are you thinking that both entities will go forward in their individual spaces as separate entities and enter into their own fundraising to make up the difference?

Mayor Guinta replied no. What I said earlier is that rather than me bringing forward a separate plan because MCTV has not even presented a plan to me so I don't think it would be fair to MCTV to give a recommendation without hearing from them. I tried to hear from the School District and the School Board voted to stop the superintendent from discussing or negotiating this particular issue with the City of Manchester. We've got to get past that issue.

Alderman DeVries stated I don't know what that means. What does that mean negotiating with the City of Manchester?

Mayor Guinta replied the School Board took a vote at a board meeting in the past couple of months instructing and directing the superintendent to no longer discuss or negotiate this particular issue. It ties my hands when that's the School Board's position. I suspect that position will change now that the budget has been adopted. It would then allow MCTV to bring forward whatever proposal they may have. What I asked several months ago was for MCTV and MCAM to provide proposals and ideas on how to live within the recommended appropriation of \$500,000. Both entities, as far as I know, were in the process of doing that. At some point, the School Board stopped MCTV's portion of that happening because they directed their superintendent to stop discussions or negotiations on the matter.

Alderman DeVries asked is the proposal that you were given on June 16th from MCAM in line with the concept that you had in mind when you proposed this originally in your budget?

Mayor Guinta replied my concept was to save money and part of their proposal is to save money.

Alderman DeVries asked are you planning to share that with us so we can have some idea of what the concept is?

Mayor Guinta replied it is up to MCAM to provide that to the BMA.

Alderman DeVries stated well it's been forwarded to you, correct?

Mayor Guinta replied yes. They asked to meet with me and give me some ideas and proposals that they are considering so I took the meeting.

Alderman DeVries stated sure. Are you now asking us as a body to allow a committee to start reviewing the different proposals that may be coming forward? I think it is only prudent at this point in time that this body starts to see what some of these concepts and proposals might be so we can understand what we are allocating a committee to work on.

Mayor Guinta stated I only made the proposal ten minutes ago so I would be happy...

Alderman DeVries interjected I thought you said MCAM on June 16th forwarded their proposal.

Mayor Guinta asked Alderman, what is your point here?

Alderman DeVries replied I'm asking if you would share MCAM's proposal with us.

Mayor Guinta replied I'll let MCAM do that.

Alderman DeVries stated we should probably put off appointing a committee if we don't...I'm not sure what we're planning a committee for.

Mayor Guinta stated Alderman, I'm not sure what your issue is. I've appointed a committee. I will talk to Chairman Lopez and Vice-Chairman Labanaris about membership. That committee will review any proposal that comes forward for review. I think that is a fair and reasonable way to try to address this issue.

Alderman DeVries stated Your Honor, you asked me what my problem is and I don't think it's a problem. I had felt that the cart had been before the horse on this. The break down of funding going to this organization before anyone came forward, without any kind of plan or proposal about how these organizations were going to service... It just seemed like it was always backwards to me. I didn't support with my vote this particular

budget process because I never had an explanation and I'm continuing to do my due diligence because I have hopes that someone who has this train on the tracks headed in the right direction has a plan. Apparently, I'm hearing that there is not a whole lot of a plan out there. Maybe MCAM or MCTV will include the Aldermen in this process. Thank you, Your Honor.

Alderman Garrity stated it has to be said that this Board voted for this year's budget. Everyone knew it was the \$500,000 so let's see if we can move forward and see if we can work within the \$500,000. The number is the number.

Alderman M. Roy stated looking at the letter from Mr. Sanders and I realize he is not here. I have a question for whoever in Finance could answer it. The payment due July 10th to MCTV, it is my understanding that's contractual. Will that happen even though the appropriation was \$500,000?

Ms. Sharon Wickens, Assistant Treasury Director, replied I think Bill's intent was to write this letter to the Board to get your direction as to what he should do.

Alderman M. Roy asked either this Board has to reiterate that they are going to break the contract and appropriate the \$500,000 or if nothing is done, the payment would go out as stated in the contract?

Ms. Wickens replied that's correct.

Alderman M. Roy stated last year the appropriation was underfunded or overspent by \$137,000. Did we ever vote on that as a Board?

Ms. Wickens asked what was overspent?

Alderman M. Roy replied I believe the total appropriation was \$137,000 less than what was spent with MCTV and MCAM.

Ms. Wickens stated that is correct.

Alderman M. Roy asked did this Board ever vote on that?

Ms. Wickens replied I don't think I know the answer to that.

Alderman Lopez stated no.

Mayor Guinta asked do you want to make a motion to have an initial appropriation?

Alderman M. Roy replied my next question is, can MCAM meet their budgetary obligations without this payment on July 10th? Do we have time to actually form this committee or are we just putting MCTV out, in essence?

Mayor Guinta replied no. Are you asking me or are you asking the Solicitor?

Alderman M. Roy replied I'm asking anyone who can answer. Can they meet their pay roll and budgetary obligations?

Mr. Clark replied Alderman, that is why I made the suggestion that the Mayor contact the School District to see if they are willing to forgo immediate payment or whether they need a partial payment at this point while this problem is being negotiated.

Mayor Guinta stated the answer to that question would then potentially require a phone poll.

Mr. Clark replied potentially, yes.

Alderman M. Roy stated I think, like Alderman DeVries, I'm slightly confused. We passed the budget a month ago and the payment goes out by the 10th. It's now the 7th and we're discussing well over a half million dollar appropriation. It's very eleventh hour to me.

Mayor Guinta stated we need to make a decision tonight. I can call Tom tomorrow and see where he is tomorrow. He just got a \$146 million appropriation. My thought is that he can somehow work to include this in that number in the course of the first couple of months until the committee makes a recommendation to this Board when you make a decision. I don't know that for certain, but that's what I can ask him tomorrow. If the answer is yes, we're fine. If the answer is no, I would come back with a phone poll for consideration of this Board.

Alderman Lopez stated in addition to that, I believe that Tom Brennan on the School Board would have the necessary funds to give to MCTV. First of all, I want to put things in perspective. Alderman Smith asked the same question during the budget process and we all knew it was \$500,000. It's not that we're blind and didn't know that we have a contract with MCTV and what that price is. The Mayor also knows what that price is. I think what we said at that time, when Alderman Smith asked me that particular question during the budget process, I said yes, it's only \$500,000 and that will not cover both MCTV and MCAM. MCAM, when you get the contract, gets paid in October. MCTV gets paid in July. At that time, the answer was yes, we're going to try to negotiate and Alderman Ouellette indicated the same thing. We will try to negotiate with MCTV about their contract as well as MCAM. We're not doing anything different. There are a couple options here. We can say we agree with the contract with MCTV and we'll give them \$579,000 this week and that's it. Alderman Roy, you're absolutely correct. There was \$700,000 in deficit last year because we didn't put enough money in. The same thing will happen this year if the agreement is upheld. Whatever course of action is chosen, I hope

nobody would go to court, but contracts are contracts and I'll let the City Solicitor weigh in on that. If by chance in the end, Mayor...you indicated that the School Board directed Tom Brennan not to participate.

Mayor Guinta stated there is a School Board meeting next week. I can only infer the reasoning for that vote, but it was prior to the adoption of the budget. Now that the budget has been adopted, what I'm going to recommend at the School Board meeting on Monday is for the Board to reconsider that action and allow and direct the superintendent to negotiate because it is the School District's best interest to do that.

Alderman Lopez stated I don't make it a point to direct this Board, unless this Board gives me that direction, that's the only way I can do something. I don't want people to walk away and say we didn't know something. We're going to pay MCTV in the end. If that's the case I think the negotiations are in order to appoint. I think we negotiate with the superintendent. Is that correct? The contract is with the schools.

Mayor Guinta replied yes.

Alderman Lopez stated I'm sure the director will have some input on it. MCAM is a different situation. We're in a dilemma. We all knew this. We're going to be in more dilemmas down the road. It's just another problem. Whatever the Board's wishes are I'll comply with them.

Mayor Guinta stated I'll either accept it as a motion or if no one wants to make a motion, I'll plan on calling the superintendent tomorrow and posing this question at which point there may or may not be a phone poll presented to this Board, prior to the 10th.

Alderman Gatsas stated if we're talking about a \$500,000 allocation and we divide that by twelve and divide it by two, we would be in allocation on a monthly basis of \$20,833 to each one of those for the next thirty days so we can negotiate this out and move forward. Whatever that proposal is to come forward, we certainly would look at it. Taking that appropriation that we have in the budget of the \$500,000 and appropriating one month of the \$500,000 and dividing by twelve, dividing by two, is \$20,833 going forward.

Alderman M. Roy stated just to make the numbers match, it is not split equally between the contract, so dividing it by two to get the \$20,800 would be incorrect.

Mayor Guinta stated this is a short term thing.

Alderman M. Roy stated I know it is a short term thing, but again, if one is getting two-thirds and the other is getting one-third, then the appropriation should be two-thirds and one-third because that's how their expenses are done, jobs, people getting paid, their budgets are based on those numbers. If we are going to do short term solutions, let's do correct short term solutions.

Alderman Ouellette stated I was going to say the same thing, Your Honor.

Alderman Gatsas stated I'll correct my motion. \$27, 777.78 will go to MCTV and the remaining balance of the \$500,000 will go to MCAM.

On motion of Alderman Gatsas, duly seconded by Alderman Garrity, it was voted to approve the funding of MCAM and MCTV.

Alderman Lopez asked can we get the number so there will be no mistake?

Alderman Gatsas replied it will be \$13, 888.89.

Alderman Lopez asked what are we doing with this?

Mayor Guinta asked my letter? We're moving forward with it.

Alderman Lopez asked is it the will of the Board to move forward with it?

Alderman O'Neil stated Your Honor, I'll move that we give Alderman Lopez the power. I think that's what he's looking for.

On motion of Alderman O'Neil, duly seconded by Alderman Pinard, it was voted to give Alderman Lopez the authority to form the committee.

24. Communication from Sharon Wickens, Assistant Director of Treasury, requesting authorization to expend funds in the amount of \$303,600 from the EPD Replacement Account to replace of the economizer.

On motion of Alderman Garrity, duly seconded by Alderman O'Neil, it was voted to approve the request to expend funds to replace the economizer.

25. Resolutions:

On motion of Alderman M. Roy, duly seconded by Alderman O'Neil, it was voted to read Resolutions by title only.

“Amending the FY 2009 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Thousand Eight Hundred Fifteen Dollars (\$20,815) for the FY2009 CIP 210109 Homeless Healthcare Program.”

Rescinding authorization on unissued Bonds, Notes or Lease Purchases in the amount of One Million Dollars (\$1,000,000) for the 2009 CIP 810209 Strategic Planning for Facilities, Police, Fire and Highway.”

“Amending the FY2009 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Four Hundred Thousand Dollars (\$400,000) for the FY2009 CIP 810609 Police Vehicles Acquisition Project.”

“Amending the FY2009 Community Improvement Program, authorizing and appropriating funds in the amount of Five Thousand Dollars (\$5,000) for the FY2009 CIP 710809 Chronic Drain Project.”

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of One Thousand One Hundred Twenty Five Dollars (\$1,125) for the FY 2010 CIP 412110 OHRV Wheeled Vehicle Contracts.”

“Amending the FY2010 Community Improvement Program, authorizing and appropriating funds in the amount of Eight Thousand Dollars (\$8,000) for the FY2010 CIP 511210 Veterans Park Summer Movie Series.”

“Amending the FY2009 Community Improvement Program authorizing and appropriating funds in the amount of One Hundred Twenty Five Thousand Dollars (\$125,000) for the FY2009 CIP 611709 Housing Initiatives Program.”

“Amending the FY2010 Community Improvement Program, authorizing and appropriating funds in the amount of Seven Million Seven Hundred Forty Thousand Dollars (\$7,740,000) for the FY2010 CIP 612210 Neighborhood Stabilization Project.”

“Amending the FY2010 Community Improvement Program, authorizing and appropriating funds in the amount of Four Hundred Ten Thousand Dollars (\$410,000) for the FY2010 CIP 712510 ARRA Drinking Water Green Project.”

“Amending the FY2009 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000) for the FY2009 CIP 612809 Veterans Park Memorial Project.”

On motion of Alderman O’Neil, duly seconded by Alderman Osborne, it was voted that the Resolutions ought to pass and be Enrolled.

NEW BUSINESS

Alderman DeVries stated I have a letter I would like to have passed out. It is for the naming of the new playground that is almost completed at Crystal Lake. I am begging the indulgence of the Board to name the playground after Tom Connors, an individual who was the founder and member of the Crystal Lake Preservation Association. You may also know him from summers at Crystal Lake Melody Pines Camp. He was the founder as well as an individual who cared for the lake as well as children as a caretaker and advocate for the environment. He hired school teachers. Tom passed away last spring and I would like the authority to go ahead with the naming. If I could beg the indulgence of the Board, the family hasn't indicated if we are using his formal name, Thomas or Tom on the monument, so it might be slightly different. I don't have that information tonight.

Alderman Lopez stated I don't particularly have any major problem with this, but we did decide that the naming rights would go to Lands and Building.

Mayor Guinta asked when is the next Lands and Building meeting?

City Clerk Normand replied we just had it tonight, Your Honor.

Alderman DeVries stated this is time sensitive. I apologize, but moving our August meeting until the end of August it has created some problems with other meetings, especially for a park that is waiting to be completed.

Mayor Guinta stated I have no problem with this, but in the future let's make sure we adhere to our own rules. If the will of the Board is to move forward, I am happy to do that.

Alderman O'Neil asked will a phone poll to Lands and Building be done with a phone poll of the Board to follow?

Mayor Guinta replied that could be done. I understand that this is time sensitive.

Alderman DeVries stated I'm sorry, I do not quite understand. You're going to delay the formal vote until August 18th?

Mayor Guinta replied no. The phone poll of Lands and Building and then a phone poll of the BMA will be done, as long as everyone is going to participate in these phone polls. You would have your answer...

Alderman O'Neil interjected by the end of the day tomorrow.

Alderman DeVries stated we need to get everything formally ordered. I'm sure it's not going to be an issue. My only comment is rules are meant to be broken and especially when it is something simple for naming.

Mayor Guinta asked do you want a motion asking for a phone poll or can we do the phone poll based on your letter?

Alderman DeVries replied based on the letter is fine.

On motion of Alderman DeVries, duly seconded by Alderman O'Neil, it was voted to approve the name of the new playground.

Alderman Smith stated thank you, Your Honor. I would just like to compliment the Parks and Recreation department. We have a new wonder on the west side, believe it or not. It's the Trailway and it's quite beautiful and I encourage everyone to utilize it. They did a tremendous job and I would like to thank the new business, Dave's Auto. I thank

Dave Ballas for his cooperation in getting the Trailway done. It is a sight to behold. It is along the river and it is one of the most environmentally sensitive areas in the City.

Alderman Ouellette stated due to the fact that we are moving our meeting to August 18th, I wanted to mention this in advance. On August 8th, I want to invite all the members of the Board to National Night Out. Rimmon Heights Neighborhood Watch Group on Kelley Street is going to be hosting the event at Lafayette Park at 3:00 PM on Saturday. It is the first time a neighborhood watch group has stood up and decided to undertake this monumental task. My hat is off to them. They have been doing a tremendous amount of work, with meetings during the day and in the evenings. I appreciate that and I hope to see everybody there.

Alderman Lopez stated from the 16th to the 23rd of August we are going to have a week of activities for WWII. We'll make sure all the Aldermen get all the necessary information. My last question is, are there any Aldermen who would like to serve on the MCTV or MCAM committee?

Alderman O'Neil stated there is a communication from Alderman Lopez looking for information with Kevin Buckley so he doesn't spend a year down at MTA.

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

A True Record. Attest.

City Clerk