

**SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN
(PUBLIC PARTICIPATION)**

July 7, 2009

7:00 PM

Mayor Guinta called the meeting to order.

Mayor Guinta called for the Pledge of Allegiance, this function being led by Alderman Ouellette.

A moment of silence was observed.

The Clerk called the roll.

Present: Aldermen M. Roy, Gatsas, Sullivan, J. Roy, Osborne, Pinard, Lopez, DeVries, Garrity, Smith, Ouellette

Absent: Aldermen O'Neil, Shea

Mayor Guinta advised that the purpose of the special meeting is to give residents of Manchester the opportunity to address the Board on items of concern affecting the community; that each person will be given only one opportunity to speak; that comments shall be limited to three minutes to allow all participants the opportunity to speak and any comments must be directed to the Chair. Mayor Guinta requests that any resident wishing to speak come forward to the nearest microphone, clearly state their name and address when recognized, and give their comments.

Al Heidenreich, 53 Lincoln Street, stated:

I have a few comments on behalf of cable public television. I've been a producer and host of a show for over ten years at the old studio by Memorial High School and the MCAM studios by the river. I do an interview show and I think this type of show, like a lot of us do at MCAM, is extremely important. Besides individual personalities, we have interviewed people from the Red Cross, Cancer Society, cancer survivors, Make-A-Wish, Hibernians Parade Committee, Legion, VA, Catholic War Veterans and so on. I can go on and on. I want to stress the importance of MCAM, Channel 23, and its funding. I am not on the Board of Directors and I'm not privy to any inside information. I just have deep concerns. I know that the channels are funded by a percentage of the Comcast revenue. How that's distributed and how you people handle it is certainly your business, but when it comes to the gravity of the situation, I felt I had to speak out on it. Before any final decisions are made, if they haven't been made already, look at how the funding is done between the two entities. Channel 23...the combined channels are called PEG Access—Public Education and Government. Education and government are handled as one entity and the public access is the one I am concerned with tonight. So I would like to urge you, those who are on the committee, those who have a say in it, to make sure that the funding is provided equitably so Channel 23 can stay on the air. We're very close to not being able to remain a viable option for people. Once again, not knowing exactly how it works...we're down to four days a week, every other week; we're down to one full-time employee; one part-time employee and with the funding that is available, I don't see any reason for that. My understanding is that is somewhere near \$680,000 a year. Some of the money has gone somewhere else and funding is now at \$500,000. I don't know how both entities can survive at that figure but that's up to you people to work out. Please take a good look at it. You will be losing a very valuable source of information to the City of Manchester and the surrounding area if Channel 23 goes off the air.

Glenn Ouellette, 112 Auburn Street, stated:

Pertaining to MCAM, I am a member of the Board of MCAM; I am the only elected Board Member out of the entire Board; I am the producer. One of the problems we have is last year we raised \$90,000 of our own funds to supplement the funds that the City gave us through Comcast, and there were no restrictions to it. This year there are restrictions. We keep getting slapped on the hand for not having permits to run programs within our facilities. I've talked to some of the Aldermen, specifically Alderman Gatsas, and he claims that there are times when a non-profit is trying to raise money to supplement their funds, that the City gives a waiver. I want to put the bug in your ears. We are down to opening every other week and it is because we have not been able to raise the funds we raised last year. For example, the last event we had that cost us money, we made an \$800 profit, and \$500 went to the City. That's a shame. How can you raise money when most of it goes back to the City? Enough is enough. It's time to share the wealth. You can't cut the budget and then ask more of the people. It's asking for too much. Democracy is the reason I'm really here tonight. Last August, you received a petition. You required 4,023 names I believe, according to the Charter: You got it. You went to court on behalf of the City and had it postponed to this year's election versus last year's Presidential election because you felt that the citizens of this City were not educated enough or smart enough to make that decision in a two month time. Well the year is up, and so is the gig. And what did you do? You had an executive board meeting without even voting on it and gave the Solicitor permission to start court proceedings again on the same thing that the court gave you an opinion on nine months ago. Let me remind you that the Attorney General last October stated that the language was legal. Talk about democracy. Why don't you let the people decide for themselves? How much control do you really want? The last thing I want to say is stop wasting our dollars. Here's an example of wasted dollars. Who is going to pay for those court services? And it's only a repeat of last year. For 15 years Franklin has had a tax cap; somehow they've lived

with it. Nine years in Nashua, the second biggest city in New Hampshire. Dover now has it. What is the big problem? Why can't the voters have the right, which the Charter allows, to vote on these very important issues? We elected you to be good stewards of this City. Sometimes I have to question how you manage things when you don't allow the voters the right to follow the Charter. Thank you.

Michael Farley, 83 Constant Street, stated:

I'm here to talk about the question of whether to ask the courts to review the proposed Charter Amendment, which would limit the Board's ability to decide our municipal budgets. I'm here to thank the Aldermen who suggested that it should go to court and asked that it happen. If we have a decision that has been handed down by a court of competent jurisdiction, persuasive authority at least, that has found identical language to be unconstitutional...All of you are fans of our Constitution and I appreciate what you're doing to protect it by having a court decide whether this same language is unconstitutional for the City of Manchester. I'm simply here to ask you once again, please do it again. Let's get a court decision on this. It will be quick. It has to be decided within ten days of the filing. It won't interrupt anything, except a potential problem with an unconstitutional act, which I think is a good thing to interrupt.

Wayne Alterisio, 124 Boutwell Street, stated:

I'm here to implore the Aldermen and Mayor to request a ruling on the legality of the tax cap. I think it is especially important that we have this answer before it goes to a vote. I was in a very unique position during the garnering of all those signatures. I was here on a daily basis delivering mail. I saw how the whole process played out. The people were set upon as they came to City Hall to do business like register their vehicles or get a birth certificate. I really feel that we need an ordinance, like we have on polling days, that people cannot be set upon when they come here to do business. The signature acquirers were not concerned

citizens. They were paid hacks. If people inquired about the background of the issue, these signature gatherers simply moved on. The issue was not discussed in depth. The people were passing by and about 70% of those signatures were people who were unaware of what was going on and what was behind the whole issue.

Tammy Simmons, 142 Parker Street, stated:

I was one of those collectors who stood in the heat outside City Hall and every single person who collected signatures on the spending cap petition last year was a registered voter of the City of Manchester. Everyone was concerned about their taxes, whether they were paid to stand there or not. No one was rude, no one was pushed upon. A simple question of, "Would you be interested in limiting your taxes?" should not be prohibited because we'll never get anything moved forward in this society if we do that. Do any of you have a calendar? The reason I ask is because over ten months ago I was here to speak to you about the spending cap. I'm pretty sure most of you remember that night because quite a few of us were here after midnight. Your argument against putting it on the ballot then was that there wasn't enough time to get the voters the information they would need in order for them to vote as to whether or not they wanted to impose a limit on how fast spending could grow in our City. Two months was not enough time for you guys. The language in the proposed amendment was approved last year by the Attorney General's Office, the Secretary of State's Office and the Department of Revenue Administration, all following state guidelines on charter amendments. The requisite signatures were collected; unfortunately you kept the voters from voting last year and instead it was scheduled for this November's ballot. Now, nearly ten months later, this Board went into non-public session to discuss sending it back to the courts, yet again, challenging the legality of the language, yet again. What was of such a sensitive nature that you needed to go unannounced into non-public session to discuss this? Alderman Lopez, in the Manchester Express you

said that you had no idea that you were going into non-public session, but it was you that made the motion to do so. Shame on every single one of you for letting that happen. Ten months ago, the majority of this Board's view was that you needed more time. Alderman O'Neil had a lot of questions and he said, "I intend to allow this to go forward but I think we have an obligation to the voters of the City to present all of the information to them and not rush a referendum vote." I'm a resident, I'm a voter and I haven't seen any information from this Board regarding the spending cap, pro or con. And now we're back to almost where we were then. Many of you talked about getting answers. Have you even bothered to ask the questions? Or did you wait until now so the spending tax proposal could get tied up in a court scenario yet again and keep it off this November's ballot, too? You know what else is on this November's ballot? Every single one of your Aldermanic seats. Maybe postponing it until this year sounded good last year, but now it might just give the voters the opportunity to hold each and every one of you accountable. In ten months you could have done your due diligence and gotten the answers you needed. In ten months you could have held some sort of public forum for people to discuss the merits and the pitfalls. In ten months you could have done something and you didn't and shame on you for that. Instead, now you would like to find a way to postpone this yet again and stop the voters from voting on whether or not they would like to curtail the growth of spending here in Manchester. It isn't about whether you support the spending cap or are against the spending cap. It's about allowing voters their legal right to vote on it. This isn't a shell game and the voters really aren't as stupid as some of think they are.

David Bigelow, 335 Laurel Street, stated:

I got the great news yesterday through an email that a second site recommendation was asked of Chuck DePrima to be made within two weeks. This is interesting because the first site recommendation got turned down and the committee never took a vote on it. The U.S. Constitution, federal laws, state laws, city ordinances,

city charters, Robert's Rules of Orders were developed to work at whatever level people needed to believe things will be done in the proper way. That's why forms matter. People have to see that things are done by the rules. Otherwise, why should they follow them? They need to believe that compromises are binding. On December 2, 2008, the Lands and Buildings Committee voted for a recommendation for the Parks & Recreation Department to make a recommendation for a dog park. At the end of April, Chuck DePrima presented that recommendation for the first site and without the committee taking a vote on it, it was turned down. When I called my Alderman who was on the committee about it, he didn't even know a site recommendation had been made. How could he have voted on it? Back in January, when the Mayor was trying to save \$20,000 by delaying a few purchases so he could get a better deal, he was practically accused of being a criminal for trying to do that. Why? He hadn't followed the proper procedures. There are two candidates for Mayor who are on the Lands and Building Committee. How important are the rules, whether they follow them or not? Maybe a dog park isn't as important a tax cap, but still rules are rules. I would be curious to know if they don't follow the rules for something as non-controversial as a dog park, what are they going to do on the bigger issues? Is that how they are going to let the City be run? Or Congress for that matter?

Jessica Clark, 81 Dexter Street, stated:

I'm here tonight to say thank you to the Board of Aldermen for requesting a ruling on the legality on the tax cap. I live here in the City and I think it is fiscally responsible that we ask the courts to rule on this before we spend any additional money putting it on the ballot. Rather than waste our city resources and staff time, we should address the issue now, rather than waiting. I'm a young person who chose to buy a house in Manchester and consider the services that I receive very important and I want to make sure that they are protected and preserved. I want to

thank you for doing the right thing by requesting the ruling and I hope you stand by that decision if asked to vote on it again.

Yasnanhia Cabral, 500 Cummings Center, Beverly, MA stated:

I'm a Partnership Specialist for the U.S. Census. My job is to increase awareness of the Census in 2010, especially in the hard to count population. As you know, Manchester is a growing diverse city and it is my job to make sure data collected for the Census reflects and accurate portrait of the City. If you have any questions, I've already handed out my cards and you can feel free to contact me.

Joe Gallagher, 176 Norfolk Street, stated:

I want to thank the Solicitor for doing the right thing and saving the City some money. Number one, I'm opposed to the tax cap. Whoever said that all those people were from the City was wrong. The guy who came to my house was from Seabrook and he told me specifically that the tax cap would save me money. Two months later, Doug Cruz came to me campaigning and he told me it would not save me money. Essentially, you are the tax cap and I thank you for delaying this. You can't control the city. If you put this tax cap in, you have tied everyone's hands, blinded them, and told them they would never get out of the tax cap. It's called a Detroit Flameout, meaning the city is going to go down. Remember when we were number one, number three all those years? We will go downhill if we put the tax cap in. You guys can control the taxes. I look to every one of you; it's up to you; it's not up to a tax cap.

Benjamin Clifford, 33 Myrtle St. stated:

I just wanted to thank you for what you voted to do in 2008 by delaying this question from appearing on the ballot. I think that showed tremendous respect for the voters, giving us due diligence and time to weigh in and formulate our decision on the matter. I also want to thank you for your more recent decision to appeal the

question to the court. I also think that's a wise and respectful thing to do. I think it shows foresight and wisdom. I'd like to point out that a similar tax proposal was deemed unconstitutional in Concord. Of course that's a different district, but I'd like you to keep that in mind before we waste the taxpayer's money, if this is to appear on the ballot and be deemed unconstitutional if the court doesn't throw it out before that. I'd like you to keep those things in mind and I would like to thank you for your previous votes, and encourage you to think along the same lines when voting in the future on this measure.

Alderman Lopez stated I'd like to correct, for the record, one of the comments made by one of the speakers. The procedure when the City Solicitor asks to go into executive session for legal advice is proper procedure for this Board.

*Mayor Guinta stated there being no one else present wishing to speak, on motion of **Alderman J. Roy**, duly seconded by **Alderman Pinard**, it was voted to take all comments under advisement and further to receive and file any written documentation presented.*

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

A True Record. Attest.

City Clerk