

BOARD OF MAYOR AND ALDERMEN

August 18, 2009

7:30 PM

Mayor Guinta called the meeting to order.

The Clerk called the roll.

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

Messrs: T. Soucy, D. Sarette, R. Boisvert, B. Sanders, J. Gile, B. Stanley, T. Clark,
J. Burkush

Mayor Guinta called upon Tim Soucy, Health Department Director, to make a presentation:

Mr. Tim Soucy, Health Department Director, stated I just wanted to advise the Board that we were notified by the State Health Department this afternoon that some mosquitoes that were trapped on the West side on August 12th have tested positive for EEE. It is the first pool of mosquitoes identified in the state this year. At this point in time, we are going to continue our surveillance activities throughout the City. We are going to encourage all folks to take the actions that we always encourage pertaining to eliminating mosquito breeding areas and taking personal precautions as far as long pants, long sleeves, and using repellent. At this point, I am not recommending that we should move forward with spraying. We will continue our surveillance activities. If we see additional mosquitoes and they test positive, if we were to see human cases, then we may change our course of action, but at this point, we will continue surveillance and

recommend that all folks in the area continue to take those personal protective measures to protect themselves from mosquito bites and to eliminate mosquito breeding areas.

Alderman Smith stated I know this is in my ward and this incident has happened in previous years. Correct me if I'm wrong, but do you have signs posted in all the parks in the City of Manchester notifying the residents that there might be a problem?

Mr. Soucy replied all of the City parks have been posted since the beginning of the summer. Our staff rechecked the parks today to make sure they were still posted. We've worked with Parks to get a list of all the leagues who use the fields and we will be contacting them individually. The School District has also been notified and all the high school coaches have been notified so they can make recommendations to their players as far as personal protective measures.

Alderman Lopez stated I want to make sure that if you're going to make a decision you're not going to base it on whether or not you have money, but go ahead and do it.

Mr. Soucy replied we don't have money, so we would have to come back to the Board for contingency.

Alderman Lopez stated that's the question. If the Health Director needs to do this I think it is important that he does. What kind of a cost is the first spray?

Mr. Soucy replied in previous years it has been upwards of \$5,000 for a round of spraying.

Alderman Lopez stated I think this Board ought to authorize it in the event that he does need to spray so he doesn't need to come back to the Board.

*On motion of **Alderman Lopez**, duly seconded by **Alderman Smith**, it was voted to approve the contingency funds for mosquito spraying.*

Alderman Gatsas asked is there any state money left? I know they had funds. Mr. Soucy replied that's one of the things I didn't get a chance to follow up on. There was legislation passed a couple years ago where if we do spray, the state will reimburse us 25%. We'll explore that and in the event that we do, we will recoup those costs. I don't know the answer whether that is still funded at the state level. I can get that answered for you.

Alderman Osborne asked what areas have we checked already?

Mr. Soucy replied we test in three locations. We have testing equipment at Rock Rimmon, at Wolf Park and down in the south end. We run two different types of traps. They are representative samples. They are locations that we have sampled from over a number of years so we get good trend data as well. Those are the three locations. The important thing is that it doesn't matter where we find a positive mosquito. If you live in the north end or downtown you shouldn't have any sense of security because this mosquito was identified on the west side and vice versa. The reality is that we have identified a mosquito in the City carrying EEE, which puts the City at a higher risk level. We want to make sure people are aware of that.

Alderman Osborne asked they wouldn't be breeding more in one area than another?

Mr. Soucy replied not necessarily. It depends on the type of mosquito. Some types of mosquitoes breed in natural areas like marshes. Other types breed in artificial containers. Once again, if someone is concerned about breeding in an artificial container like an abandoned swimming pool or tires on a property, let my office know and we can take corrective actions.

Alderman Osborne stated I was thinking of Nutts Pond, Crystal Lake and Livingston.

Mr. Soucy stated we can't treat those bodies of water because they are natural bodies of water. In reality, mosquitoes are here so we encourage people to take those personal protective measures because we're not going to eliminate every mosquito.

Alderman DeVries stated I wanted you to emphasize again, Tim, that spraying is needed only at the high use recreational fields.

Mr. Soucy replied that's correct. Our plan is to do only City owned property. We do parks, playgrounds, and athletic fields. What the spraying does is provide a quick knockdown of the adult mosquito population so that if we know we have EEE that's more prevalent than what we would want to see, it gives us a quick kill factor in the community, which reduces the risk. It doesn't eliminate the risk, but it does reduce it.

Alderman DeVries asked to alert the public to the precautions that they should be taking to protect themselves and their children will you be doing a PR campaign beyond this meeting tonight?

Mr. Soucy replied that's correct. A press release has already been issued so the personal protection recommendations will be reiterated in the press as well. It will also be on the City's website.

Alderman DeVries stated you could also do something on MCTV. It might be useful.

Mr. Soucy replied we can get that out there as well.

Alderman Gatsas asked Tim, the \$5,000 is to spray all the City owned property?

Mr. Soucy replied just about. There are a couple we can't get too close to. Nutts Pond is one where our permit only allows us to be within so many feet of the pond. We do the best we can with the athletic fields. We have a number of facilities including Derryfield Country Club and others that are specked out on our permit, but I would say it's about 95% of the City owned parks that we can get to.

Alderman Gatsas asked you don't believe that for \$5,000 to put some safety out there and put people's minds at rest, it wouldn't be beneficial for the City to go out and spray right now?

Mr. Soucy replied I don't believe it is based on one mosquito. We believe that we need some additional information. If we were to spray every time we had a positive mosquito, I'm not sure the cost would outweigh the benefit to it. Because it is one mosquito at this point and we still have eight weeks to go before we're going to see a first frost, I'm concerned that we'll continue to see positive mosquitoes, which is why we may come back to the Board, but at this point, based on the evidence we have so far, we would recommend the personal protective measures. At this point, with one mosquito, I don't believe the cost would be a true benefit to the community.

Alderman Osborne asked are you going to keep a close eye at the hospitals to know how many people contract this thing? The doctors must have some sort of a way of tracking.

Mr. Soucy replied we already have surveillance systems in place with the healthcare facilities that monitor the number of different syndromes, one of them being the signs and symptoms that would be indicative of West Nile, EEE or some other type of meningitis type illness.

Alderman Osborne stated that would give us a good idea of what's happening.

Mr. Soucy replied it is a little bit delayed because of the reporting, but it does give us some good trend data.

Mayor Guinta called upon McIntyre Ski Area to make a presentation.

Mr. David Sarette, McIntyre Ski School Owner, stated you all received information on Friday and I hope that you have had the chance to review it. Basically, we're coming forward, along with the McIntyre Ski School, to propose an agreement with them that we believe is beneficial to the City and to the ski area itself. It provides relief of the burden that this facility has caused the enterprise system of the Park's Department for many years. This agreement provides an overall benefit facility, brand new, and allows the citizens of Manchester to continue using this ski area as it always has in the past, but it will have an improved facility. This proposal that you see before you is a result of working for almost a year with the two At-Large Aldermen and the Ward Alderman, along with City staff and the two ski school owners who are here tonight and will give a very brief presentation. After their presentation I would open it up to questions on any particular points of either their presentation or the information that you received on Friday.

Mr. Ross Boisvert, McIntyre Ski School Co-Owner, stated it is kind of ironic that we're here talking about winter on the hottest day of the summer. The handout that I provided you all was going to be a PowerPoint, but we're having technical difficulties. As you know, McIntyre Ski Area opened in 1971 and was built by a federally funded grant. It was built to provide skiing and snowboarding to Greater Manchester area and has been operated by Manchester Parks and Recreation for the last 40 years. Since the early 1970s, it has provided a learn to ski area for Southern New Hampshire and we have also taught thousands of people how to ski and snowboard at McIntyre. McIntyre Ski School was established in 1978 and the ski school slowly grew and lessons slowly started to increase. When I became the Ski School Director, we started marketing the Ski School to area

schools and created afterschool programs and preschool programs. Enrollment started to grow once again. Snowboarding added to the surge and growth. However, with new growth came new challenges. By a cooperative effort between the Manchester Parks and McIntyre Ski School, the following changes happened over the past 15 years: we constructed a terrain park to keep the interest of the snowboarders and skiers; we constructed a new building to house the rental shop and retail operations; and we installed a wonder-carpet, which is basically a people mover device like in an airport so you can stand on it and it moved you up the hill. The Parks Department improved the parking lot, created a tubing area, new snow making tools, a new pump house, upgraded the groomer and created a beginners area. A lot was done, but a lot more needs to be done so we can reach our full potential. Our goals include construction of a new lodge and continuing to upgrade the area facilities. We want to continue designing and implementing a year round program, create a rebranding effort to market the area to surrounding towns and other schools and implement new programs to create new business. Over the past ten years, our mailing list has grown to over 20,000 actual users, whether from the Ski School to season pass holders or service people, and we will, and have in the past, sent out flyers and brochures to inform them of our promotional events. Our email list has over 1,500 members and they get all of our information at the push of a button. Our website will continue to be developed. We would like to be able to take advantage of preseason sales by selling season passes, gift cards that they could use throughout the area, and also implement online sales. We plan to promote school groups and events to school groups, such as tubing and other events, and have other promotional efforts to reach out to church groups, Boy and Girl Scouts, recreation departments around the area and offer snow parties and field trips, and birthday parties. We want to continue to grow with that. As one entity we would be able to create different programs and also have lessons with lift and rental packages, which we are unable to do now. One of the big programs that we are implementing would be what we are referring to as the Pop Program where you basically pay one price and you can take a ski lesson, go tubing, and get rentals, all for one price. That would be available on Friday and Saturday evenings. The biggest complaint that we

get has always been that there isn't enough space in the lodge. If any of you have ever been there on a Saturday afternoon, you've experienced it. We'd like to create a new ticket office by putting an addition onto our rental shop. We need to upgrade the ticketing software system. We'd like to purchase a new groomer for the tubing area. With a new groomer, which would be smaller, we would be able to create more lanes, which would allow us to have more use. We would also continue with upgrades to the snowmaking and continued maintenance to the area grounds from Kennard Road all the way through. We'd like year round activities and programs. We'd like to install a 250 foot wonder carpet to replace the outdated pony lift, expand the existing wonder carpet that we have to 170 feet, and install a new 300 foot wonder carpet in the tubing area to allow for more uphill capacity and user friendly operation. On the next page you will see a trail map. As you look over to the far right, you'll see the proposed wonder carpet. Right now, it is in the location where it says area two. Right now it is 70 feet long and we would like to expand it to 170 feet to accommodate that area. We would also like to add a 250 foot wonder carpet. We would basically have station one for beginners and station two with more mileage and they would use the chairlift. The next picture is what a wonder carpet is. It is very similar to a people mover in an airport. You stand on it and it brings you up the hill and pushed you off onto the hill. It is by far the safest lift out there and the best lift for students learning to ski or snowboard. We are also looking at offseason activities. We would like to implement a summer camp, volleyball or basketball leagues. I know that the Parks Department has been contacted to do mountain bike racing. We would like to use the trails around McIntyre for nature walks and bird watching. In the summer we could do special events like small weddings and functions. With more activities there would be less vandalism and more security. Improvements take investment and long term management agreements. Investment takes time. We will continue to invest and make improvements as the seasonal profits allow us to. In conclusion, McIntyre Ski Area will remain City property, but be privately managed by McIntyre Ski School. It provides 200 seasonal jobs and five full time year round jobs. The area will continue in operation and

will be improved without tax payer dollars. The hidden gem of Manchester will finally shine.

Alderman DeVries asked what kind of oversight would Parks and Recreation and the Board of Mayor and Aldermen have over some of the future improvements? Would we be involved in the process and be able to see if you were developing new trails?

Mr. Boisvert replied in the agreement I don't believe there is any direct oversight with regards to specific improvements. There are things that will have to come back to the Board. This would be any type of financial decisions regarding the liquidation of any assets or the purchase of any major equipment with the capital reserve fund that was put into place. As it stands now, there is no direct oversight over any of the specifics of the improvements, but that could certainly be worked into the final agreements.

Alderman DeVries stated part of my concern is if there is going to be any new buildings where they would be located and who they would impact. It seems that on some level, we need to have something written if the property is going to substantially change from what we see there today, we should have some review.

Alderman Osborne stated I'd like to make the motion to move forward with this.

Mayor Guinta asked are you looking to accept the proposal and execute an agreement?

On motion of Alderman Osborne, duly seconded by Alderman Pinard, it was voted to accept the McIntyre Ski Area's proposal and execute an agreement for the future improvements.

Alderman Gatsas stated I think it is very important that we understand what the cost of McIntyre is to the City on a yearly basis. I believe that last year we lost \$153,000. It looks like this year we will be losing \$133,000. I think the Finance Officer should speak about the revenues and about the costs to the City of Manchester because we're entering into a long term agreement with personal guarantees much different than what we've seen in the past with guarantees and projects going forward in a public private relationship. Certainly some of the things the neighbors were very concerned with was a permanent liquor license, which is not going to be there and making sure that the venue is darkened at 9:00 PM in the summer evenings and early fall and spring so that we don't have some of the problems that we saw at Singer Park with noise going throughout the City at midnight. I think that the two operators are cognizant of the neighborhood and cognizant that they about the properties going up Skyview and down Sagamore Street. I think it is important that we have a relationship that is moving forward that allows the City to move out of an indebted situation that has created a debt of \$800,000 that these two gentlemen are going to pick up, along with the cost of building a new building. The building there is very tired. Whether or not they took the obligation, it was something the City was going to have to look at and undertake before we continued looking at skiing in the next two years. It is something that needs to be done. We're fortunate to have someone who is going to pick up the cost and make sure that they are cognizant of the neighborhood. I can tell you that if there are complaints from whatever activities are happening there, certainly this person will be coming down to the new building and voicing those complaints with an awful lots of constituents in the neighborhood. I have great faith in your operation. You have done a great job in the past. I'm sure that the continued progress going forward is going to be great for the City and it is a gem that will shine again. I'm sure that if we look back at the history of McIntyre and ask the question about how many skiers they had 25 years ago, I think it would show a steady decline over the past years. I think it is important that we have a venue for the young skier who wants

to take the carpet ride up and down. I would like to hear from the Finance Officer what the attributes of this deal are going forward.

Mr. Bill Sanders, Finance Officer, stated I would point out a couple things that repeat what the Alderman had already said. You might recall a year ago, the Finance Department brought forward to the Board of Aldermen a number of issues with the Recreation Enterprise Fund. One of the opportunities that existed within the fund was to try to find an alternative operating mechanism for the McIntyre Ski Center. I think that we do have an alternative here that has a lot of benefits to the City. The first that I would point out would be that we've eliminated approximately \$150,000 of operating losses within the Enterprise Fund. The responsibility will be completely assumed by McIntyre Ski Center and the City will be able to step away from McIntyre from a financial point of view. The second part of the final agreement is that McIntyre Ski Center will be assuming about \$781,000 of indebtedness that remains that the City owes on bonds that have already been issued for McIntyre and that will be paid back over the next 20 years. The third thing I think is beneficial for the City and more importantly, to the residents, is that we will be borrowing \$1.6 million to construct a completely new facility. We will be demolishing the existing facility and constructing a completely new facility, which will cost about \$1.2 or \$1.3 million. The other \$300,000 will be put into new equipment that the gentlemen have already spoken of. The debt service on those bonds will be paid by the McIntyre Ski Center as an annual rental to the City, which will approximate \$140-\$150,000 and that will be used to pay off the indebtedness of the new bond. They are already picking up the historic indebtedness. I would just point to four things that are a little beyond the Finance Officer, but I think as a citizen of Manchester I would point to the advantages of this program. Without being critical of what's been happening with McIntyre over the last few years, I think it is safe to say that the facility is very tired and in need of dramatic renovation. We can choose to do it this way or we can choose to do it completely on the back of the City over the next four or five years. One way or another, something is going to have to be done with McIntyre. This option, in addition to

providing some relief to the City in terms of its ongoing financial obligation and paying us back for what we've already put into it, is going to give the City a brand new facility, new equipment and year round programming, which we really don't have today. Additionally, we will be getting professional management in terms of running it from a business perspective. Also, if any business is successful, it has to know what customers want and I think that's what these gentlemen will bring and what McIntyre Ski Center will bring. It will bring programs and activities to the ski center that customers want and the profits are a great driver to do that. I think overall, speaking for myself and most of the individuals who worked on the program, this is a good decision for Manchester and this is a good opportunity. There are two other things that I should point out very quickly. They will be funding a capital reserve fund for the maintenance of the facility over time. The City will also share 5% of the profits that are generated once they make more than \$200,000 a year, which hopefully will be in the very first year.

Alderman O'Neil stated I want to pick up on the comments from my colleague from Ward 2. This is a true public-private partnership and I, on behalf of thousands of skiers, past, present and future, thank Dave Sarette and Ross Boisvert for their commitment to this. They are sticking their neck out, but I think they know the site, the hill, and the operation. I for one want to thank them on behalf of the citizens for their commitment to keep a great facility going and bringing in needed improvements. I would also be remiss if I didn't thank the Parks staff because they spent a lot of time, along with many other City staff members on this. Thanks to the Park staff and other City folks that helped out. To Dave and Ross, thank you for your commitment to the citizens of Manchester.

Alderman Lopez stated I want to echo what the Alderman said. I want to clarify something in paragraph two. It says the City reviewed the work in progress correspondence. We think that delegation goes to Tim in Building Maintenance and working with them and building the new ski lodge. I don't think the intent, at least I hope not, is to come back here and we start dictating how the ski lodge should be built. We're

going to tear down the old one and build a new one with the \$1.3 million and the equipment out there. I think these people know exactly what they are looking for, along with Parks and Recreation. I just want to clarify that up so there is no hold up moving this forward once the agreement is signed by the Mayor and the City Solicitor.

Alderman Shea stated I want to reiterate the fact that we want to thank you as a community for investing in our community. Dave, you had ongoing dealings with it and certainly a person who has invested in the City. What I'm wondering is once all this has taken place, the demolition and the rebuilding, when do you intend to be starting your programs?

Mr. Sarette replied we would hope to get an agreement in place going into this season. Time is of the essence. The colors of the trees are changing. We wouldn't be implementing new summer programs until the summer after next. Next summer would be the construction of the new lodge.

Alderman Shea asked would you continue to operate this coming winter?

Mr. Sarette replied yes, we don't have a choice.

Alderman Shea asked there will be skiing this coming winter?

Mr. Sarette replied absolutely.

Alderman Shea stated after that the renovations would take place. The intent is to build this new lodge after the ski season is completed? Is that correct?

Mr. Sarette replied correct. Our plan is April 1st or 2nd.

Mr. Boisvert stated what you are planning to do, and it is written into the agreement, is to have this be a transitional year. We know it is too late to get the Building Department so we don't want the money to wreck that building. We have to live with what we've got the best that we can. You will be hearing from us during the upcoming year. Some of the things we want to do like the wonder carpet will be a revenue creator to make the new tubing area because it will simplify it. We have four runs there. They are limited, but with a smaller groomer we will have seven to eight runs so we would be able to handle more people so it would also create more revenue. I don't know where we are going to put everybody because the lodge is the same size. Once that is over, we'll have this to promote and once it is promoted we can do a lot of quick selling next year. As the new lodge is being erected, we should get a lot of publicity from that.

Alderman DeVries stated I wanted to clarify my earlier comments because I certainly am not looking to micromanage your operation. I would agree that you have started the City in the right direction with some of the operations at McIntyre. I think my concern was more that you were going to initiate a project and a different footprint than the existing. You spoke of weddings and future activities. If there is a new building going up, something that is going to create noise in an area that is different than the way it goes into the facility or on the lands today, we should, or the Alderman of that ward, should have some oversight and some care taken for the surrounding neighbors. He expressed that eloquently. I certainly have support for what you are showing us and what has been expressed by our Finance Officer. If we have learned anything as a Board, the devil is in the details. I haven't seen that final management agreement and I'm not prepared to fully endorse with a vote tonight though others may. I hope you don't take it the wrong way. My nay vote does not mean that I don't endorse the direction that you are going in, I just want to see more of the details of the management agreement and the final language worked out before I endorse this.

Alderman Ouellette stated I think Alderman DeVries touched upon what I'm going to ask and this maybe a question for the Finance Officer. What risk is the City at in this agreement that is going forward? Where does the risk lie?

Mr. Sanders replied certainly the risk lies in if the business is not successful and that the expectations and the forecasts are not achieved. The City will be obligated for the bonds, regardless of the success and the ability of McIntyre Ski School to pay back the bonds. There will be, as part of the definitive contract, which isn't here this evening, but personal guarantees provided by the owners pledging their personal assets in connection with the servicing of these bonds, but I think the primary risk to the City is the payment of the bonds. On the other hand, I would point out, not to minimize that, but if anything has been learned by the finance area in the last couple of years, it has been the payment of bonds can be challenging in down business cycles. We are going to repair McIntyre in any event because it is an investment in this facility, which is essentially. I would defer to the Public Works Department on that, but I think the likelihood that that building will be functional for two or three more years is probably the absolute maximum. We will be investing a \$1 million to \$1.5 million into this facility. This is an opportunity to, in a good world, to get the bonds, but have them paid back and not put the City out for the \$1.5 million. I don't want to downplay the risk. The risk is that the business plan is not as successful as we hoped.

Alderman Ouellette asked how long is the agreement for?

Mr. Sanders replied it will be an approximately 20 year agreement. There is an issue with not wanting to use the money right away so it will probably be 21 years when you factor it in starting next spring when we do the bond.

Mayor Guinta stated I would also like to make a couple comments. First of all, I talked for a couple of years at meetings with bond counsels and the rating agencies who have conveyed to this City that something has to be done with the Enterprise Funds and we

needed to start with McIntyre. This is a big and important question, but I would immediately point to \$150,000 deficit savings versus the \$140,000 that has to be paid a year for the additional debt service. That's going to be paid by McIntyre. If they paid zero, we're still ahead of the game. The deal is that they are going to pay, in addition to wiping out that \$150,000 per year, the past debt of almost \$800,000. In addition, as Bill pointed out, there is a proper mechanism and there is a personal guarantee. I think from a public-private partnership perspective this is good for McIntyre and I think it's good for the taxpayers. Secondly, I think it puts me in a stronger position with the rating agencies because we are responsibly eliminating some of the previous and future debt that we would be incurring. Finally, it does provide a better entertainment venue for people of the City and the region. As Bill pointed out, at some point, for safety reasons, we have to do something with this facility. We have no choice because there would be liability issues that exist today and they would certainly exist in the future. I think this is a very good agreement and a very good deal for McIntyre, the City, and taxpayers and I think it sends a strong message that we are willing to engage in public-private partnerships that can work positively for all sides. I certainly support the deal. I want to thank everyone who has worked to make this deal happen. McIntyre is a great place. I continue to hear from so many people that that is where they learned to ski. It is not just a place in people's hearts, but it is also a place we can be very proud of in the future.

Alderman Ouellette stated I want to make clear that with my question I didn't convey that I was not in favor of this. I just think that there are questions.

Mayor Guinta stated and it is a good question and people should know the answer to it. I just want to reiterate that I think the motion would be, because this is just in tentative terms, to authorize the Solicitor to draft an agreement for execution, but prior to the final execution it would come back for final adoption of this Board at the next Board of Mayor and Aldermen meeting.

Alderman O'Neil asked the next means the next? September 1st?

Mayor Guinta replied correct.

Mr. Sanders stated a clarification: the goal is to have it drafted and brought back to this Board by September 1st. There will be some necessary interplay with the attorney, but we will do our best to get everything back here before September 1st.

Mayor Guinta stated I think both sides have reasonable expectations that due to the time schedule, this needs to be executed quickly. Unless there are unforeseen issues that come up in the actual drafting of that document, and I don't think there will be because there is agreement on this tentative terms sheet, I think we will be okay for the September 1st time slot.

Mr. Sanders stated I believe the contract can be drafted in time. It's just that unforeseen circumstances may erupt.

Alderman Osborne asked Mr. Sarette, are you the one who used to pay baseball in the 1950s?

Mr. Sarette replied yes, I am.

Alderman DeVries stated I'm hoping that the Solicitor recognizes that we can't have a document of that complexity dropped on our desk that evening for a final vote. I'm sure that you will give us, like you did with the tentative, advance read of this.

Mr. Sanders replied the intent is to get this to you as soon as possible.

On motion of Alderman Osborne, duly seconded by Alderman Pinard, it was voted to direct the City Solicitor to draft an agreement to be ready for review of the Board by the September 1st meeting.

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

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.

On motion of Alderman O'Neil, duly seconded by Alderman Pinard, it was voted to add the Finance addendum to the agenda.

Ratify and Confirm Polls Conducted

- A.** Ratify and confirm phone poll of the Board of Mayor and Aldermen conducted July 8, 2009, accepting the request of Alderman DeVries to name the new Play Park at Crystal Lake in memory of Tom Connors.
- B.** Ratify and confirm phone poll of the Board of Aldermen conducted July 28, 2009, authorizing the Mayor to enter into an agreement with NHDES for acceptance of up to \$40,000 from the State under the American Recovery and Reinvestment Act (ARRA) DERA program to be used to offset the purchase of a new vehicle.
- C.** Ratify and confirm phone poll of the Board of Mayor and Aldermen conducted July 29, 2009 accepting the request from Leon LaFreniere that \$12,800 be taken out of contingency for the demolition of a fire damaged property at 77 Oakland Avenue.

Accept BMA Minutes

- D. Minutes of meetings held on May 7, 2008 (one meeting), May 12, 2008 (one meeting), May 13, 2008 (one meeting) and May 14, 2008 (two meetings).

Approve under supervision of the Department of Highways

- E. Pole petitions:

11-1244	80 High Ridge Road
11-1245	Clarke Street
11-1246	Moorseville Road
11-1247	185 Linden Street
11-1248	700 Lake Avenue

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

- F. Sidewalk Petitions:

86-88 Liberty Street
226 Gray Street
62 Carnegie Street
108 Riddle Street
61 South Mammoth Road
116 Red Coat Lane
280 Paquette Avenue
264 Myrtle Street
266 North Acres Road

Information to be Received and Filed

- G. Approved minutes from the Special meetings held June 2, 2009, May 2009 Financial Report, and May 2009 Ridership Report submitted by Evan Rosset, Executive Director MTA.
- H. Approved minutes from the Commission meetings held June 9, 2009, June 22, 2009 and June 30, 2009, June 2009 Financial Report, and June 2009 Ridership Report submitted by Evan Rosset, Executive Director MTA.

- I.** Communication from Joan Porter, Tax Collector, regarding the new State MV program.
- J.** Communication from John H. Trisciani, Chairman of the MTA Board of Directors, announcing Evan Rosset as the new Executive Director of the MTA.
- K.** Route changes submitted by the Manchester Transit Authority.
- L.** Communication from Matthew Normand, City Clerk, on behalf of Mrs. Georgie Reagan of the Manchester Arts Commission updating the Board on their newly selected sculpture commissioned for placement on Granite Street.
- M.** Communication from Comcast providing franchise fee payment information as well as accounting details for the second quarter of 2009.
- O.** Communication from Alderman Garrity thanking the Board for the flowers, thoughts, and prayers with the passing of his father.

REFERRALS TO COMMITTEE

COMMITTEE ON COMMUNITY IMPROVEMENT

- Q.** Communication from Brian Dacey, 1200 Elm Street, LLC, requesting that the City modify a Section 108 loan for the Residences at Manchester Place, 1200 Elm Street.

COMMITTEE ON LANDS AND BUILDINGS

- R.** Communication from Jay Minkarah, Economic Development Director, submitting a draft Option to Purchase Agreement between the City and River's Edge Manchester, LLC for property occupied by the Manchester Transit Authority at 110 Elm Street.
- S.** Communication from Jay Minkarah, Economic Development Director, providing a summary of issues, estimated costs, and the status of the Northwest Business Park and French Hall.

**COMMITTEE ON BILLS ON SECOND READING
AND
PUBLIC HEARING TO BE SET BY CITY CLERK**

- T. “Amending the Zoning Ordinance of the City of Manchester, by replacing the Director of Planning and Community Development Department with the Director of the Economic Development Office as a member of the Millyard Design Review Committee”

- U. “Amending the Zoning Ordinance of the City of Manchester by revising the Floodplain (F) District regulations and by deleting and adding various definitions in order to incorporate changes to the City’s Flood Insurance Study and related Flood Insurance Rate Maps.”

REPORTS OF COMMITTEE

**COMMITTEE ON ACCOUNTS, ENROLLMENT AND REVENUE
ADMINISTRATION**

- V. Advising that it has accepted the following Finance Department reports:
 - a) Department Legend
 - b) Accounts Receivable summary
 - c) Open Invoice report over 90 days
 - d) Open Invoice report for interdepartmental billings
 - e) Open Invoice report all invoices due from the School Department only
 - f) Listing of invoices submitted to City Solicitor for Legal Determinationand is forwarding same to the Board for informational purposes.
(Unanimous vote)

- W. Advising that it has accepted the City’s Monthly Financial Statements (unaudited) for the eleven months ended May 31, 2009 and is forwarding same to the Board for informational purposes.
(Unanimous vote)

- X. Advising that the 4th quarter fiscal year 2009 Write Off List for the Accounts Receivable module be approved.
(Unanimous vote)

- Y.** Advising that the travel summary reports from various City departments have been received and filed.
(Unanimous vote)

- Z.** Advising that the communication from Alderman Lopez regarding Rooms and Meals Tax money has been received and filed.
(Unanimous vote)

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

- AA.** Recommending that the proposed amendments to the Peddler's Ordinance be forwarded to the Committee on Bills on Second Reading.
(Unanimous vote)

- BB.** Recommending that the appeal of a denial of a Peddler's License be denied.
(Unanimous vote)

- CC.** Recommending that the communication from the Board of Assessors regarding RSA 72:37-b Changes in the Disability Exemption Law be referred to the Board of Mayor and Aldermen.
The Committee further recommends the ordinance be drafted by the Board of Assessors and the City Solicitor.
(Unanimous vote)

COMMITTEE ON HUMAN RESOURCES

- DD.** Recommending that the policy regarding sensitive information be adopted.
(Unanimous vote)

COMMITTEE ON JOINT SCHOOL BUILDINGS

- EE.** Advising that they have approved *Change Order #'s 206, 205, 209, and 207*, for projects at the Manchester School of Technology, and is forwarding same to the Board for informational purposes.
(Unanimous vote with the exception of Alderman Sullivan who voted nay and Alderman J. Roy who could not be reached. Conducted via phone poll on July 16, 2009)

COMMITTEE ON LANDS AND BUILDINGS

- FF.** Advising that the request from Jonathan Hallet, Jonathan's Quick Eats LLC, for permission to operate as a peddler in the Middle Street parking lot has been received and filed.
(Unanimous vote)

COMMITTEE ON PUBLIC SAFETY, HEALTH AND TRAFFIC

- GG.** Advising that the request from Team Crompton Car Club to use Arms Park from 8:00 A.M. to 5:00 P.M. on September 20, 2009, with a rain date of September 27, 2009, for a benefit event, has been approved.
(Unanimous vote conducted via phone poll on July 29, 2009.)

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

- N.** Communication from Jane Gile, Human Resources Director, providing the Board with an updated position report and General Fund vacancy report.

Alderman Gatsas stated Jane, if I'm looking at this report correctly, on the City side I'm seeing ten new vacancies. Does that add on to the 68 that we had when we posed the budget that came forward?

Ms. Jane Gile, Human Resources Director, replied those vacancies would be in the positions that were authorized during the budget time, yes.

Alderman Gatsas asked how many vacancies do we have currently in the full complex? There is an understanding out there that the City has filled all its positions. I want to make sure that it is clear that there are eight positions at the Fire Department that are

open, eight positions that are still open at Police and there are eight positions that are still open at Highway. I think if memory serves me right, there are about 62 positions that the City left open during that budget process.

Ms. Gile replied yes, currently there are a number of vacancies within City departments. Those are new vacancies that have come open during that reporting period, which was the month of July. If you looked at the secondary report, which is the general fund vacancies only, the vacancies that were reported on that first report are the vacancies for the whole City, which include the enterprise funds, as well as the general fund vacancies. If you look on the second report, it is a vacancy report for the general fund only.

Alderman Gatsas asked the total general fund vacancies is 61 with an asterisk. I was wrong by one. I said 62. Those positions are still being held open, so there were 61 positions that were open when we passed the last budget and they have not been filled.

Ms. Gile replied those are the number of general fund vacancies, as of July 31st. There may have been some movement in the month of July. If you are talking about July 1st it may have been 62 at that time.

Alderman O'Neil stated I would agree with Alderman Gatsas. If memory serves me correct, the time period when we approve the budget, there were 75 vacancies City wide and about 13 were in enterprise.

Alderman M. Roy stated I want to direct my colleagues to N-2, which says that the positions aren't being held open. There have been ten new vacancies with ten new people leaving the City and nine new hires in other positions. Very few of the new vacancies

have been filled, but jobs that were left vacant in the budget have been filled for nine of them. The question I have is for the Mayor or Jane: In the report that ends on N-18, for one of the positions it has process complete and that is a fairly important job throughout the City relating back to the Parks and Recreation Cemetery Director. Can someone tell me what process complete means? If it means we are complete is the name coming in?

Ms. Gile replied there was a panel. We did have a recruitment. There was a panel that interviewed potential candidates for the position, but there hasn't been any formalization as to the final selection.

Alderman M. Roy asked that would either be no action or the Mayor's action required? Process complete is a vague answer.

Ms. Gile replied the interview process has been completed.

Alderman Gatsas stated the new hires were included in the budget. There aren't new hires beyond that. We determined that those nine positions were in the budget. Right now, if I had to go back and ask you the question, those positions were filled. That would have accommodated, still at the 62 number, if I am looking at new vacancies at ten, then we have 72 vacancies at the City level right now.

Ms. Gile replied I think the sheet that you are looking at, if I may, is the sheet for the City wide positions that also include some of the Enterprise Funds.

Alderman Gatsas stated I'm looking at general funds. Page N-2. The very first page says there are ten new vacancies.

Ms. Gile stated that's correct.

Alderman Gatsas stated this Board, in their budget, included the nine new hires that you have there as part of the budget process.

Ms. Gile stated that's true.

Alderman Gatsas stated that still left 62 open positions when we put the budget together.

Mayor Guinta stated some of those new vacancies, I apologize for interrupting, but some of those vacancies on N-2 are Enterprise.

Ms. Gile stated yes. Airport and EPD are Enterprise funds. I think that's all that's on the sheet.

Mayor Guinta stated those are new vacancies in this current budget, in this fiscal year.

Alderman Lopez asked don't you have to exclude the Library?

Ms. Gile replied the Library, in my understanding, is funded by the general fund dollars. Also on that sheet there are grant funded positions, which includes the Vista Project Manager and a public dental health assistant. I believe that is grant funded and a victim witness advocate is a grant funded position as well.

Alderman Lopez asked in the Library's case, once we give them their budget, they can do what they want with it.

Ms. Gile stated yes, it doesn't need the Mayor's authorization to fill. It needs the Board of Trustees.

Alderman Gatsas stated let's go back to the number then. Sixty-two plus six leaves us with 68 vacancies. If I take the Enterprise funds out from Airport, EPD and Library, we are at 68 openings in the City.

Ms. Gile asked all positions, is that what you are asking?

Alderman Gatsas replied general fund.

Ms. Gile replied general fund vacancies are 61.

Alderman Gatsas stated we started with 62.

Ms. Gile replied right.

Alderman Gatsas stated it didn't include the new hires that you have on this page. Those were included in the budget. If I have 62 at July 1st and in this report, at the end of July it shows me that in the general fund there are six more vacancies. Sixty-two and six is sixty-eight.

Ms. Gile replied let me further explain the sheet. This 61 or 62 is not necessarily a constant number. There are changes that are reflected during the course of July that reflect on that 61 vacancy number. If what you're saying is because there were new hires and other vacancies that became vacant during the month of July that would offset some of those other numbers. Basically, the general fund vacancies are still at 61. There may be other vacancies in the City, but the general fund vacancies are 61.

Mayor Guinta asked do you know what we started the vacancy number at?

Ms. Gile replied 62, I believe, although we did make some corrections in this report because in the past we included the grant funded positions and we eliminated them. That might be part of the discrepancy that you are seeing.

Alderman Gatsas asked I guess I'll ask the Mayor, have you authorized any new positions out of the 62?

Mayor Guinta replied new positions, no.

Alderman Gatsas asked of the 62 positions that were left open on July 1st, have you authorized to fill any of those positions?

Mayor Guinta replied some yes, but not all.

Alderman Gatsas asked are those in these nine that are part of the budget that you agreed to?

Mayor Guinta replied anything that I have approved was part of the adopted budget. I have not approved anything in addition to that. I haven't approved all of the vacancy requests. There are still some that are on my desk and I have not approved yet.

Alderman Shea asked why is it so significant that there be a discussion about how many people are...I'm wondering why it is important. I know there are vacancies in the City, but why is it important that we are debating the number? Could you explain why that is important?

Mayor Guinta replied managing the vacancy rate is going to be critical to establishing an expense surplus. I think there is concern and reservation about spending because it is early in the fiscal year, and we haven't seen a significant bounce in some of the revenue projections. At this point, I am going to be cautious about keeping the expenses as low as possible, should there be a revenue shortfall. I would like to be able to, at the end of the fiscal year, if there is a revenue shortfall, fill that with an expense side surplus. On a weekly basis I will go through the vacancy requests. Some I will approve at a necessity for that department, whether it be inside City Hall or a first responder position, and others I will wait to gain the savings.

Alderman Shea stated I concur with that, but I think you have explained the reason why, but is the number significant every month or it is something...

Mayor Guinta stated the vacancy rate is much lower this year than it has been in previous years and I think that's a reflection of the general economy. We usually have a 10-15% vacancy rate. We're not seeing that kind of turnover right now. That could change over the course of the year, but two years ago I was pretty confident that we could save an excess of \$1 million just by managing vacancies. Based on the short history we have for this fiscal year, I would say that's not going to be possible, at least so far.

On motion of Alderman Gatsas, duly seconded by Alderman O'Neil, it was voted to accept the updated position report and General Fund vacancy report.

- P.** Communication from Kevin Sheppard, Public Works Director, requesting reclassification of Merrill South Back Street from a Class VI, unmaintained public street, to a Class IV, maintained public street.

Alderman Shea stated this is a concern that I have about the reclassification of the Merrill South Back Street from a Class Six to a Class Four and I appreciate the support given to the Aldermanic Board in that regard. What I want to point out when it goes to

committee is that I am working or trying to work with Sam Maranto concerning CBG funds for that maintenance so it will have a direct impact on the quality of life for the people on Hayward Street. I do thank the Board and I would like to move this issue.

On motion of Alderman Shea, duly seconded by Alderman DeVries, it was voted to approve the reclassification request.

6. Confirmation of Thomas Katsiantonis as Ward 8 Board of School Committee Member.

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

7. Confirmation of nominations made by Mayor Guinta:

Parks, Recreation & Cemetery Commission

J. Andrew Manning, as a member, term to expire July 7, 2012

Manchester Development Corporation Board of Directors

Susan Duprey, as a member, term to expire March 11, 2012

Safety Review Board

Keith Hirschman, as a member, term to expire March 15, 2012

Bethany Plumpton, as a member, term to expire March 15, 2012

Board of Registrars

Edward Mosca, as a member, term to expire May 1, 2011

On motion of Alderman Pinard, duly seconded by Alderman Shea, it was voted to discuss this item.

Alderman Sullivan stated most of these I have no problem with, but there is one nomination that I have a very big problem with on the Safety Review Board. Some of you might remember that last fall Keith Hirschman made a post on a local website where he threatened to run me over and, in some very graphic terms, said he would splatter me down Elm Street and see how far I would carry down the street. It took a Manchester Police Department investigation to find out who did that. It caused a great deal of mental trauma to my wife and other members of my family. At that time, I said that those actions were those of someone who has no place in the civic life of this community and I stand by that. The same individual made comments about a member of the Manchester Legislative Delegation where he said that if he had his way he would club him, his words not mine, in the back of a paddy wagon. If this is someone you feel is a suitable nominee for a Board or commission for this City that is your prerogative as the chief executive officer of the City. However, I respectfully disagree. I stand by my comments last year that Keith Hirschman is someone who has basically forfeited his right to serve in City government through his actions.

*On motion of **Alderman Pinard**, duly seconded by **Alderman Shea**, it was voted to accept the confirmation of nominations.*

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

Mayor Guinta called the meeting back to order.

10. Reports of the Committee on Finance

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

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Fifty Thousand Dollars (\$150,000) for the FY2010 CIP 712610 2 Line Drive Parking Lot Project.”

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of Thirty Five Thousand Dollars (\$35,000) for the FY2010 CIP 712710 Canal Street Parking Lot Project.”

Rescinding A Resolution “Authorizing Bonds, Notes or Lease Purchases in the amount of One Hundred Thousand Dollars (\$100,000) for the 2009 CIP 510509, Rockingham Recreational Trail Project.”

Rescinding A Resolution “Authorizing Bonds, Notes or Lease Purchases in the amount of One Hundred Thousand Dollars (\$100,000) for the 2009 CIP 612309, Neighborhood Revitalization Project.”

Rescinding A Resolution “Authorizing Bonds, Notes or Lease Purchases in the amount of Three Hundred Thousand Dollars (\$300,000) for the 2009 CIP 710109, Residential 50/50 Sidewalk/Curb Program.”

“Amending the FY2009 Community Improvement Program, authorizing and appropriating funds in the amount of Seventy Five Thousand Dollars (\$75,000) for the FY2009 CIP 711209 Annual ROW Reconstruction Program.”

Rescinding A Resolution “Authorizing Bonds, Notes or Lease Purchases in the amount of One Hundred Thousand Dollars (\$100,000) for the 2009 CIP 712109, Traffic Signal Reconstruction Project.”

“Amending the FY 2009 Community Improvement Program, authorizing and appropriating funds in the amount of Forty Thousand Dollars (\$40,000) for the FY2009 CIP 810309 Motorized and Electric Equipment Replacement (MEER).”

“Amending the FY 2009 Community Improvement Program, authorizing and appropriating funds in the amount of Two Hundred Thousand Dollars (\$200,000) for the FY2009 CIP 810709 Manchester Transit Center Renovations Project.”

“Authorizing the Finance Officer to effect a transfer of One Hundred Seventy Four Thousand One Hundred Dollars (\$174,100) for the 2007 711507 Annual Bridge Rehabilitation Program.”

“Amending the FY 2007 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Hundred Seventy Four Thousand One Hundred Dollars (\$174,100) for the FY 2007 CIP 711507 Annual Bridge Rehabilitation Program.”

ought to pass and be Enrolled.

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

Alderman Shea stated I believe the item amending the FY2009 CIP program authorizing and appropriating funds in the amount to \$200,000 for the Manchester Transit Center Renovation will have \$160,000 of that reimbursed to the City. Is that the understanding that you have?

Mayor Guinta replied yes.

11. Report of the Committee on Community Improvement

The Committee on Community Improvement respectfully recommends after due and careful consideration that the settlement agreement on two properties located at 383 East High Street and 282 Laurel Street be accepted. The Committee further recommends that all future first time home buyer loans come before the Committee.

On motion of Alderman Garrity, duly seconded by Alderman O'Neil, it was voted to accept the settlement agreement and approve the recommendation that all future first time home buyer loans come before the Committee.

12. Report of the Committee on Administration/Information Systems

The Committee on Administration/Information Systems respectfully recommends, after due and careful consideration, that the taxi rates be raised to \$.40 per one-sixth of a mile. The Committee further recommends that the taxi rates be reviewed every six months.

On motion of Alderman O'Neil, duly seconded by Alderman Garrity, it was voted to approve the taxi rate increase and review the amount every six months.

On motion of Alderman Smith duly seconded by Alderman Osborne, it was voted to recess the meeting to allow the Committee on Bills on Second Reading to meet.

Mayor Guinta called the meeting back to order.

14. Reports of the Committee on Bills on Second Reading

The Committee on Bills on Second Reading after due and careful consideration respectfully recommends that Ordinance amendment:

“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.”

ought to pass and be referred to the Committee on Accounts and Enrollment tonight.

On motion of Alderman Smith, duly seconded by Alderman Osborne, it was voted that the Ordinance amendment ought to pass and be referred it to the Committee on Accounts and Enrollment.

Alderman Gatsas stated I think we need to make it very clear that this parking lot is kitty cornered to the bus station and I think the discussions that we have had were to make sure that the people that are running the bus station control the decals and the leasing of that and pay it back to the City. That was the agreement we had so we wouldn't be losing people out of the parking garage that are paying \$95 to jump into this lot for commuters that could be using it for less.

Alderman Lopez stated I think in the conversation we decided that we would give first priority to the people on the bus. I don't know if it was ever the intent of the bus company to run the Canal Street Parking Lot. I think everybody received this document as far as the Canal Street operation policy. I think we should take this up at the same time so we all know what we are approving.

Alderman O'Neil stated I agree with both Aldermen Lopez and Gatsas, but I'm not sure we've figured out the mechanics. The intent of the people who park in this lot is that it is for those who will be using the bus. Is that the intent?

Alderman Gatsas replied yes.

Alderman O'Neil stated I'm not sure we ever worked out the mechanics of how that would be done.

Alderman Gatsas stated I agree with you Alderman, and I would love to see the minutes of the discussion that we had with the Parking Manager. I think Jay Minkarah is here because we had told the people at the bus station that for them to bring additional buses in they were going to control it. I can see somebody leaving the parking garage at \$95 per month and parking their car in this lot for \$45. It should be very clear that this is going to be reserved for people taking the buses.

Alderman Lopez stated I'm agreeing with you, I just think there is a policy that has been recommended. Brady, why don't you come up because I'm sure you can answer some of these. There is a policy of Canal Street and if we disagree with it, that's fine, but I think it accomplishes everything that we want to accomplish.

Mayor Guinta asked who created this operational policy?

Ms. Brandy Stanley, Parking Manager, replied I did.

Mayor Guinta asked can you convey to the Board how we can ensure parking here is for the bus users?

Ms. Stanley replied the way the policy is written, basically if the Board adopts is, it directs me to reserve parking in that parking lot for bus terminal users only. If, and only if, all the demand from the bus terminal is met, then I can sell parking or allow people who are not using the bus terminal to park in there. That is basically what this policy does in order to market it for people using the bus terminal.

Mayor Guinta asked in addition to accepting the B2R report, you would like us to adopt this policy?

Ms. Stanley replied if it is the will of the Board. It depends who the Board wants to manage the parking lot during the day. If it is the bus terminal then obviously this wouldn't be necessary. If it is the Parking Department, then this would be something that you would want to adopt in order to achieve your goals.

Alderman Gatsas stated you and I had this conversation two or three days ago about this lot. You led me to believe that you were going to take care of the event parking and that the people who are running the bus station were going to take care of the daily parking. That was a very persistent discussion that we had in Lands and Building about how we were moving forward with that lot. We needed to ensure that we had protection for riders on the bus because I can see people leaving that garage at \$95 in a split second for parking at \$45 or \$50. Why wouldn't they do that? I'm not saying that the Parking Division shouldn't get their revenue. I'm going to make a motion to table this until we get clarification of where we are with the bus station itself before we get into some contradictory statements that we had all agreed to about parking in that lot.

Mayor Guinta asked is there a recommendation as to using a day and night manager? Have they expressed interest in managing it?

Ms. Stanley replied I have not spoken to the bus terminal so I have absolutely no idea whether they are interested in running it during the day. My only concern is that if they do want to control it, I don't think we should necessarily have a problem with it, but there needs to be an understanding in terms of how they are going to manage the lot so we can effectively take over when it comes times for events. Either way is fine with us, but I don't know the details of any agreement that was made with the bus station.

Alderman O'Neil stated my position is that we need to clear up who is in the best position for this. I think the Parking Division is, but one thing I want to be clear on is if someone parks there for \$50 and they happen to take the late bus home they will not be penalized because this lot is all about the users of the bus system and not about event parking. The event parking is a convenience if it is available.

Ms. Stanley stated Alderman, if I could call your attention to the last paragraph in this policy which states that people using the bus parking are not subject to the event parking charge.

Alderman J. Roy stated we haven't had the ability to read this until just now, so please forgive us for not knowing that. In our discussions there was never any discussion that I remember about the bus terminal running this lot. I don't recall that at all. What will the criteria be for these individuals to prove to you that they are using the bus? I agree with the other Aldermen here that that is the intent. This lot services the bus terminal. What evidence are they going to produce to you? I'm thinking that we are going to be running this, not the bus company.

Ms. Stanley replied a monthly parking permit is relatively easy to verify because the bus company knows who takes their bus on a regular basis. That is easy to verify with them. We would obviously need to work with them. For a daily parker, we would need to work with them to make sure that we had some way to make sure that the parkers in the lot were actually taking the bus. That is going to require some coordination with them. I don't know exactly what form that is going to take. I know that I've done similar things in the past with other parking lots so it is possible. We have to work out the best way that works for them.

Alderman J. Roy asked what you are saying is that a sign that says 'parking by permit only' won't be appropriate because you don't think we're going to fill that lot with just bus terminal users?

Ms. Stanley replied I don't know at this point if we would sell out the lot completely on a permanent basis. Again, it would be nice to talk to the bus company to figure out what their goals for it in terms of being primarily for vacation travelers who wouldn't purchase a monthly permit or whether it is more important to have it for monthly parking spaces.

Alderman J. Roy stated I also see in here in the event that we dedicate half that lot to monthly parking permits and we have a higher demand, we can kick other people out?

Ms. Stanley replied yes, that's what this policy does. Basically, what we could do during the day would be to post a sign on the outside, much like we do at the one hour City Hall spaces. They are posted one hour parking on City Hall business only. There are similar spaces in front of the Fire Department. We would probably want to post something similar at the entrance to this parking lot.

Alderman DeVries stated I'm confused on how this might work into the plan for some of the surrounding businesses that also, according to the monthly agreements that you will be entering into, utilize this for their growth of employees. It is in the Millyard district. If you are terminating agreements for spaces required for bus travelers, how does this work into the greater Millyard parking? Does it assist us? Is it undermining that effort because it will give a false solution of additional parking?

Ms. Stanley replied I don't believe that any of this is going to be an issue because the parking lot is on the east side of the railroad tracks, directly west of the Gas Light district. The spaces, especially on the lower half of the Gas Light district, are almost 100% empty all day because Manchester Whole Sales Distributors moved out and there isn't much demand. It is a little bit too far away from the Millyard to really be an attractive option for them. I could be wrong, but I really believe that the only users that are really going to be interested in using this lot are the patrons of the bus terminal.

Alderman DeVries asked if you are going to be terminating monthly agreements, do they get advanced notice of this or is it all of a sudden they no longer can park here?

Ms. Stanley replied we typically like to give 30 days notice. We obviously want to keep a close eye on the lot. If it starts to get full with bus terminal users, we want to jump the gun and make sure we terminate them soon enough.

Alderman DeVries asked how will you be letting individuals know that the parking rates change for events? I've heard some concerns from the users that they don't know when they are suppose to be paying a fee in some of the different lots with event parking prices. How will that be noticed?

Ms. Stanley replied we would post it just like we do the Pine Street Lot and the on street spaces. The way this would be programmed is we would manually go to the meter and open it up and program it for the new event rate at the time it goes into effect. We would also post temporary A-frame signs, much like you do for the \$1 event parking at the same time. If those signs are posted, that's when the event rate goes in. The program with event parking on the street has been extremely successful and we have a very low rate of non-paying customers or confused customers because the signs are put out at the same time the event rate goes into effect.

Alderman DeVries asked to address Alderman O'Neil's concern about a traveler coming back from Boston late on the same night that you already initiated event parking, how are you going to, if he didn't prepay for the right number of hours, differentiate so they don't pay the higher rate of event?

Ms. Stanley replied the way the Ordinance is written and the way the Ordinance for special event parking on the streets is written, if there is a vehicle already on the lot when the event rate starts, than they are not subject to paying that rate. That's the way we enforce the event rate currently and that's what we would plan on doing with this lot.

Alderman Gatsas stated I found the comments I made and I would like the City Clerk to read them back so all our memories are refreshed.

City Clerk Matt Normand stated these are the comments from the June 23rd CIP meeting. Alderman Gatsas stated, “I would like to add a motion that we do not rent to monthly parkers until we get squared away with what is happening at the bus stop. Let’s not fill it up with 25 people that want to leave the garage and come in here, park for the day, so they don’t have to go into the garage and pay \$95 a month. I don’t want the lot to be full and only have four people taking the buses. Before anything happens, I would like to at least find out where we are once the bus station opens up and we renovate the bus depot. I want to look into this before we start executing monthly passes or yearly passes and we are sold out at 25 and the people who want to take the bus have no place to park other than in the garage for \$95. That’s my concern. I would ask that before anything is done that you come back to this Committee and tell us that the project is completed and we’re looking to move forward. I think by then the bus depot will be done and completed and we’ll have a better idea of what people are looking for in terms of parking spaces on a monthly basis in the parking lot.”

Alderman Gatsas stated with that, Your Honor, I would like to make a motion to table.

Alderman O’Neil asked the tabling is to figure out how the mechanics of this are going to work? Is that correct?

Mayor Guinta replied yes.

Alderman Gatsas stated and make sure the people from the bus station are included in the discussions.

Alderman M. Roy asked this is parliamentary, but because they mentioned the dates of opening and operating the parking lot, when are those two dates? Will this parking lot be functional prior to the bus station renovation being done?

Ms. Stanley replied I would refer to Jay or Alderman Gatsas on the completion of the bus terminal. The last I heard it was the beginning or end of September. It is important to remember that this lot has not been built yet. My understanding is that it cannot be built until there is something establishing it as a parking lot. If we don't make some kind of concession, the lot is probably not going to be completed at the same time as the bus terminal.

Alderman Lopez stated the only point I am making here is I don't believe that we want to give our authority on controlling parking spaces. I think it is a bad precedent that we are going to set. I'd yield to the City Solicitor because if we do this with the bus company would it be a change in the Ordinance where we are taking authority away from the Parking Manager and controlling the parking spaces?

Mr. Tom Clark, City Solicitor, stated if you could ask the operators of the bus station to monitor the parking at the new Canal Street Lot, that can be done through an agreement. It wouldn't change any authorities the City presently has. The rates are always set by the City and enforced. They would just be collecting and issuing the permits.

Alderman Lopez asked would we be giving our authority away to the bus company to do what they want with the lot?

Mr. Clark replied it depends on what you come up with in an agreement with them. You would have to come up with an agreement that spells out who does what.

Alderman Lopez stated I also have a second question: In conjunction with the bus station, how soon do you have to start building that lot?

Ms. Stanley replied my understanding is that the contractor needs about a week to build it. I don't know what the contractor's schedule is and construction cannot start until the lot is established. If it was tabled until...

Mayor Guinta asked are you tabling the operational policy?

Alderman Gatsas asked Your Honor, is this the first time you saw this?

Mayor Guinta replied yes, this is the first time I've seen this. I was trying to get clarification about what the tabling motion was on. As I understand it, it is of the operational policy. We can still move forward establishing this as a lot while the operational policy is...

Alderman Lopez stated that's the point I wanted to make. We ought to give her the authority to establish the lot for the bus station and go back to Committee if that's what they want to do. I don't agree having the bus company running our lot.

Alderman Shea stated I'm head of the Traffic Committee and Brandy reports to us. My point is that all of a sudden what we are doing is we're tabling something at a general meeting when actually she should come to the Traffic Committee with a recommendation as to how she is going to set up the operational policy for this particular lot. I think that in that regard, I would like to refer the matter for the operational policy to the Traffic Committee, rather than a tabling motion. I think it would be more appropriate to refer the operational policy to the Traffic Committee in order to clarify the concerns that people are expressing at this meeting.

Alderman Gatsas asked Chairman Shea, you've not seen this operational agreement before tonight either?

Alderman Shea replied I just saw this tonight.

Alderman Gatsas asked it never went to your Committee? I agree that it should go to your Committee.

On motion of Alderman Gatsas, duly seconded by Alderman Osborne, it was voted to send the operational polices to the Traffic and Safety Committee.

Mayor Guinta stated as a point of clarification, we will then take up the B2R report, which establishes this lot.

On motion of Alderman Smith, duly seconded by Alderman Osborne, it was voted to accept the report of the Committee on the Ordinance amendment.

Alderman Gatsas stated that's not only accepting the lot. It's the whole report, including the parameters of that lot. Rather than do that, we haven't sent it to Traffic. Why would we approve it here?

Mayor Guinta stated this went from Traffic to B2R. I think what happened was the operational policy should have been with the establishment of the lot. I think that's where we veered off. That didn't happen. The establishment of the lot itself did go to Traffic.

City Clerk Normand stated it followed all the proper procedures and committees.

Alderman Lopez stated this gives her the authority to establish the lot.

Alderman Gatsas asked does this Ordinance talk about rates?

Mayor Guinta replied yes, it does.

Alderman Gatsas asked if it is talking about rates, how does it get away from the operational side?

Mayor Guinta replied it does identify rates but it doesn't include an operational policy. Is that fair to say?

Ms. Stanley replied that's correct.

Alderman Gatsas asked doesn't the operational policy at that point align with parking? Right now Traffic has sent out this report to Bills on Second Reading. If we pass this tonight, we don't need the operational policy because it would fall under all the operations of the City for this lot. It would be the same as it is for every other lot.

Mayor Guinta stated however, there is nothing to preclude us from giving specific policies and procedures about any lot. We could do that, as far as I understand, for the specific operations.

Alderman Gatsas stated if you read this Ordinance, Your Honor, it bolds the Canal Street Lot as part of the bolded activity in this Ordinance. I look at this and everything that is bold talks about the Canal Street Lot moving the rates from \$5 to \$10 on a prepay. At that point, this operational policy is insignificant for this lot.

Alderman O'Neil stated I respectfully disagree with my colleague. I think all we are doing is say build it and before one permit is sold it has to come out of the Traffic Committee to the full Board for approval.

Alderman Gatsas asked can you show me in this Ordinance?

Alderman O'Neil stated that's the intent. If something else happens there are going to be some people held accountable. Get it build so it is inline with the bus terminal opening up and in the meantime, I'm sure the Chairman will be calling for a meeting of the Traffic Committee.

Mayor Guinta stated I assume we're looking at least a month before this is operational.

Ms. Stanley stated I don't know how long it is going to take to build. If it is established tonight, it will be ready for the bus terminal. I was also given instructions by the Committee and I believe it was read back that I was not authorized to sell any permits in that parking lot until I came back to the Board of Mayor and Aldermen. That hasn't changed. Even if I do build it and the Ordinance does pass, I don't have the authorization to do anything with it even as it is now.

Mayor Guinta stated let's move on this now and make sure the operational policy and selling of the permits issue gets resolved on a parallel track with the building of the lot.

Alderman O'Neil asked does that mean someone is going to sit down with the bus terminal operator?

Alderman DeVries asked the report that we are voting on tonight doesn't include section four of the B2R Report?

City Clerk Normand replied I haven't gotten to item four yet.

Alderman J. Roy asked can we do what we are talking about doing here? If we pass item three are our hands tied in the future from changing the operational policy?

Mr. Sanders replied no, you can pass the Ordinance that sets up the Canal Street Lot and establishes rates for the use of that lot, but you can also direct the Parking Manager not to issue any permits until she comes back to you.

Alderman Gatsas asked have you seen this policy before tonight?

Mr. Sanders replied no, I did not.

The Committee on Bills on Second Reading after due and careful consideration respectfully recommends that Ordinance amendment:

“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 Canal Street Lot.”

ought to pass and be referred to the Committee on Accounts and Enrollment.

On motion of Alderman M. Roy, duly seconded by Alderman Ouellette, it was voted that the Ordinance amendment ought to pass and be referred it to the Committee on Accounts and Enrollment.

The Committee on Bills on Second Reading after due and careful consideration respectfully recommends that Ordinance amendment:

“Amending Chapter 35: Finances of the Code of Ordinances of the City of Manchester by establishing a special revenue fund related to the Geographic Information System of the City.”

ought to pass and be referred to the Committee on Accounts and Enrollment.

On motion of Alderman DeVries, duly seconded by Alderman M. Roy, it was voted that the Ordinance amendment ought to pass and be referred to the Committee on Accounts and Enrollment.

The Committee on Bills on Second Reading after due and careful consideration respectfully recommends that Ordinance amendment:

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

ought to pass and be referred to the Committee on Accounts and Enrollment.

On motion of Alderman DeVries, duly seconded by Alderman Sullivan, it was voted that the Ordinance amendment ought to pass and be referred to the Committee on Accounts and Enrollment.

15. Ordinances:

On motion of Alderman M. Roy, duly seconded by Alderman O’Neil, it was voted to read the Ordinances by titles only.

“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 Canal Street Lot.”

“Amending Chapter 35: Finances of the Code of Ordinances of the City of Manchester by establishing a special revenue fund related to the Geographic Information System of the City.”

“Amending the Zoning Ordinance of the City of Manchester by extending the Residential Suburban Multifamily District (R-SM) into an area currently zoned Residential-Suburban – Low Density District (R-S), to include two parcels of land abutting South Mammoth Road and known as TM 797, Lot 3A and TM 797, Lot 4. Both parcels are currently zoning R-s and the petition would extend the R-SM District across South Mammoth Road to include the entirety of both lots.”

City Clerk Normand stated the Clerk would note that we are adding the Service of Citations amendment, Chapter 38 that was approved tonight by Bills on Second Reading.

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

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

Mayor Guinta called the meeting back to order.

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

The Committee on Accounts, Enrollment and Revenue Administration respectfully recommends after due and careful consideration that 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 Canal Street Lot.”

“Amending Chapter 35: Finances of the Code of Ordinances of the City of Manchester by establishing a special revenue fund related to the Geographic Information System of the City.”

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

ought to pass and be Enrolled.

*On motion of **Alderman Sullivan**, duly seconded by **Alderman Ouellette**, it was voted that the Ordinance Amendments ought to pass and be Enrolled.*

- 18.** Communication from Matthew Normand, City Clerk, submitting for consideration the final portion of the salary increase proposal for election officials which was approved by the Board on October 7, 2008.

Note: Should the Board so desire, a proposed ordinance amendment has been included and may be adopted and ordained under suspension of the rules.

*On motion of **Alderman Pinard**, duly seconded by **Alderman Osborne**, it was voted to suspend the rules and adopt the Ordinance amendment.*

*On motion of **Alderman O’Neil**, duly seconded by **Alderman Ouellette**, it was voted that the Ordinance Amendments ought to be put on their third and final reading and be Ordained.*

- 19.** Communication from Evan Rosset, Executive Director of MTA, requesting to use funds in the amount of \$43,000 allocated to the Parking Division to run the downtown circulator, to support bus service within the City.

Mayor Guinta stated item 19 is being pulled for review by the Solicitor.

Alderman M. Roy asked could we have clarification of why this was pulled?

Mr. Clark replied basically, my office got a call from the Finance Department today asking if the money could be transferred from the Parking Division's budget to the MTA. The Charter allows you to transfer encumbered funds from one major unit to another. In looking into it, we found that that money is from special grant funds that have strings to it. We're not exactly sure what those are yet. Plus, the buses that it is used to pay for have already been ordered so they are encumbered and they are not free to be transferred.

20. Communication from James Burkush, Fire Chief, requesting approval to accept a donation from US *First* in the amount of \$250 to be used for the care of the accelerant detection canine.

On motion of Alderman DeVries, duly seconded by Alderman Sullivan, it was voted that the request for a donation be approved.

21. Ordinances

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

“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 Canal Street Lot.”

“Amending Chapter 35: Finances of the Code of Ordinances of the City of Manchester by establishing a special revenue fund related to the Geographic Information System of the City.”

“Amending the Zoning Ordinance of the City of Manchester by extending the Residential Suburban Multifamily District (R-SM) into an area currently zoned Residential-Suburban – Low Density District (R-S), to include two parcels of land abutting South Mammoth Road and known as TM 797, Lot 3A and TM 797, Lot 4. Both parcels are currently zoning R-s and the petition would extend the R-SM District across South Mammoth Road to include the entirety of both lots.”

City Clerk Normand stated the Clerk would note that we have struck the rezoning Ordinances and we have added the Ordinances on Service Citations.

On motion of Alderman O’Neil, duly seconded by Alderman Pinard, it was voted that the Ordinances ought to be ordained.

22. Resolutions:

On motion of Alderman O’Neil, duly seconded by Alderman Pinard, it was voted to waive readings of the Resolutions.

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Fifty Thousand Dollars (\$150,000) for the FY2010 CIP 712610 Canal Street Parking Lot Project.”

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of Thirty Five Thousand Dollars (\$35,000) for the FY2010 CIP 712710 Canal Street Parking Lot Project.”

Rescinding A Resolution “Authorizing Bonds, Notes or Lease Purchases in the amount of One Hundred Thousand Dollars (\$100,000) for the 2009 CIP 510509, Rockingham Recreational Trail Project.”

Rescinding A Resolution “Authorizing Bonds, Notes or Lease Purchases in the amount of One Hundred Thousand Dollars (\$100,000) for the 2009 CIP 612309, Neighborhood Revitalization Project

Rescinding A Resolution “Authorizing Bonds, Notes or Lease Purchases in the amount of Three Hundred Thousand Dollars (\$300,000) for the 2009 CIP 710109, Residential 50/50 Sidewalk/Curb Program.”

“Amending the FY2009 Community Improvement Program, authorizing and appropriating funds in the amount of Seventy Five Thousand Dollars (\$75,000) for the FY2009 CIP 711209 Annual ROW Reconstruction Program.”

Rescinding A Resolution “Authorizing Bonds, Notes or Lease Purchases in the amount of One Hundred Thousand Dollars (\$100,000) for the 2009 CIP 712109, Traffic Signal Reconstruction Project.”

“Amending the FY 2009 Community Improvement Program, authorizing and appropriating funds in the amount of Forty Thousand Dollars (\$40,000) for the FY2009 CIP 810309 Motorized and Electric Equipment Replacement (MEER).”

“Amending the FY 2009 Community Improvement Program, authorizing and appropriating funds in the amount of Two Hundred Thousand Dollars (\$200,000) for the FY2009 CIP 810709 Manchester Transit Center Renovations Project.”

“Authorizing the Finance Officer to effect a transfer of One Hundred Seventy Four Thousand One Hundred Dollars (\$174,100) for the 2007 711507 Annual Bridge Rehabilitation Program.”

“Amending the FY 2007 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Hundred Seventy Four Thousand One Hundred Dollars (\$174,100) for the FY 2007 CIP 711507 Annual Bridge Rehabilitation Program.”

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

22. Bond Resolutions

On motion of Alderman O’Neil, duly seconded by Alderman Osborne, it was voted to waive readings on the 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.”

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

NEW BUSINESS

Alderman O’Neil stated I would like to move to authorize Anagnost Investments to construct the approved extension of Gas Street across the City owned Lot at 110 Elm Street, Tax Map Parcel 836-6EX as shown on the attached plan entitled *Gas Street Site Plan* prepared by CLD Consulting Engineers for River’s Edge LLC.

Alderman J. Roy asked wait, can you explain this to me? I think this is the first I have heard of it.

Mayor Guinta replied it is a road improvement for...

Alderman J. Roy asked has it been included in the plans we have seen? Why is it coming forward now?

Mayor Guinta replied it was part of the site plan adopted by the Planning Board to establish that secondary access.

Alderman J. Roy asked can you explain the motion to me?

Mayor Guinta stated it is allowing the construction. It requires a BMA action because it is City owned property. It allows the developer to build the secondary egress on Gas Street.

Alderman J. Roy asked from the end of Gas Street to their property?

Mayor Guinta replied correct.

Alderman J. Roy asked it was in the Planning Board's information and it is coming up now because why?

Mayor Guinta replied because it is City owned property and we have to approve it.

Alderman O'Neil stated it should have been approved previously and it never got approved.

On motion of Alderman O'Neil, duly seconded by Alderman Osborne, it was voted to approve the extension.

Alderman O'Neil stated I am in receipt of a letter from Rene Fortin from Gold Street on behalf of the residents on that part of the City that I would like to refer to the Traffic and Public Safety Committee. It has to do with some street closures.

On motion of Alderman O'Neil, duly seconded by Alderman Pinard, it was voted to refer the letter to the Traffic and Public Safety Committee.

Alderman O'Neil asked did that issue with the police officer retiring in July get cleared up?

Mayor Guinta replied yes.

Alderman Shea stated I would like the Fire Chief to come up to explain about the new vehicle that we have at Engine 7 and the implication of that and making two divisions over there under the vehicle replacement fund.

Chief James Burkush, Fire Department, stated we just put into service a 100-foot tower ladder on Somerville Street with the vehicle purchase program that we had. We're taking delivery of two pumpers this month. We are finishing the bids on the rescue so that process is moving along. We put that new truck up on Somerville Street and we were able to readjust our staff and put a company officer on that truck, which has been the goal in order to be more efficient in the City.

Alderman Shea asked you have broken it up into two divisions?

Chief Burkush replied that's correct. There are two separate companies on Somerville Street. We think it is more efficient and we are going to hopefully continue that process of cutting down the number of pieces and increasing the staffing.

Alderman O'Neil stated I don't think we talked about this when we approved the bond. There has been more pride with the employees with these new vehicles. To literally see the garbage guys washing the new trucks has a positive impact. From the fire fighters to police to the various vehicles, there has been pride brought back into this since they finally have some decent equipment to work with. I think that has a value to the citizens of this City.

Alderman Gatsas asked can you tell us how much you saved on purchasing that vehicle in the program that we implemented?

Chief Burkush replied we believe that we saved at least 10% on the price of that truck. That truck was previously ordered in a Massachusetts community and we were able to pick that truck up and at least save about \$85,000. The market has been good for us to purchase vehicles. I was talking to Tim Clougherty at Highway and we have been able to get some good deals. The breathing apparatus, we were able to save \$192,000 on that program. The original price was \$986,000 and we were able to get 203 breathing apparatuses for \$750,000.

Alderman DeVries asked if we are able to get the grant for the new fire station and coordinate with Hooksett, you will be coming in with even more savings?

Chief Burkush replied we did work with City staff, Kevin O'Maley and Building Facilities to come up with a station design that is economically and environmentally friendly. \$2.9 million is what we are requesting in the grant so hopefully we will be successful with that.

Alderman DeVries asked you will be giving us detail on that?

Chief Burkush replied hopefully in September we'll be able to come back to the Board and say we were successful. It is very competitive, but hopefully that will move fairly soon.

Alderman DeVries stated I think it brings to conclusion, or at least pushes along, an effort that I have been pushing forth for many years with the prior chief of the department to move towards a regional response and save both communities some taxpayer dollars.

Chief Burkush replied hopefully we can save 50% for each community.

Alderman Smith stated we all received a letter from the Manchester School District dated the 14th of August. They are requesting a waiver of fees for the JFK and West Side Arena for the high school hockey program. I did find out through the Parks and Recreation that in 2009 they paid to the Parks and Recreation roughly \$67,000. I guess the ice time and \$200 times 335 hours equals that. I was wondering what we could do to try to help them out or if we could go into contingency to save this program?

Mayor Guinta asked do you want to send this to Committee and then come back? Refer it to Accounts?

On motion of Alderman Smith, duly seconded by Alderman Shea, it was voted to refer the letter from the School District to the Committee on Accounts, Enrollment, and Revenue Administration.

Alderman Gatsas stated the question that would allow us to ask for a Charter Commission is pretty simple. It says “shall a Charter Commission be established for the purpose of revising the municipal Charter or establishing a new municipal charter”. That would have to happen in this election cycle so that next November the people that we wanted to be on the Commission would be on the ballot. It would really take two years before we had an opportunity to have people sit down on a Charter and take a look at it because I think there are a lot of things in this Charter as Aldermen go through it they agree should be changed.

Alderman Shea stated as far as the Charter Commission is concerned, we have to understand that that is an elected post and that you have to have elections for Charter Commission members. The concern that I would like to address is the letter we received from Bill Sanders concerning how the tax cap would impact the City government. In

saying that, I'm not at this time opposed to a spending cap, but I am opposed to how much information that the general public has received about this in terms of certain things that he has outlined in this letter. I think that in discussing this with Bill, he has indicated to all of us that there are certain problems that could exist if a tax cap as it is presently worded went into effect. I know that we have Enterprise Funds and certainly, if we review the letter from the Airport, there are concerns on their part. I know that in talking to my other colleagues who are concerned about the impact of a tax cap on the Enterprise Funds, the EPD, Airport and the also our bond ratings. Basically, I think that what we should try to do is establish a blue ribbon committee to examine the role that a tax cap would have on these issues that I am sighting here. I'm not opposed to a Charter Commission in future years, but I think we need to have these facts available so that if this blue ribbon commission were to come back with a recommendation to the Board of Mayor and Aldermen in regard to the impacts on the bond rating with the tax cap and other concerns with the Enterprise Fund and as Bill has indicated here, a straightforward expenditure cap for the City's general fund and School District tied to the consumer price index would be okay with carve outs for debt service, capital projects and a modest contingency reserve. We noted tonight a problem concerning a vehicle replacement fund that Ted Gatsas recommended and the CIP put into action regarding that bonding. If we wanted a tax cap, how would this impact us? Would we be able to do that? Would we be able to save a couple hundred thousand?

Mayor Guinta stated I think we are talking about two different things here. As I understand Alderman Gatsas's proposal, this is for the Commission to be established for the purpose of reviewing our Charter as a whole. You're talking specifically about the spending cap question.

Alderman Shea stated let's assume that a spending cap does go through in November. I would say that people would want their taxes to be lowered. We all do, but the problem is the impact that has on our ability to bond particular projects. In other words, should we

get information that we have received from different consultants that we deal with for bonding houses and so forth? It is evident that that may be a problem for us. Our bond rating may go down and therefore, as it explains in this, it could be anywhere from \$470,000 to \$300,000 more that we would pay. Basically, what I'm trying to establish is that without establishing a Charter Commission we should have a blue ribbon commission examining the impact that will happen if we have a tax cap on our bond rating and the Enterprise funds, particularly the Airport. If you look at what they said here that's all I'm saying.

Mayor Guinta stated let me take the cap question first and go back to the Charter. You want to establish a blue ribbon commission to report back to his body? By when?

Alderman Shea replied yes, but maybe not by you. I'm not saying that you would do that, but once the new mayor is in place, I would like the Board at that time to have some mechanism to examine the impact.

Mayor Guinta asked you're talking about for next year?

Alderman Shea replied in other words, if the tax cap is approved, the budget that was brought forth would not be impacted by the tax cap. It is the 2012 budget that would be impacted. A blue ribbon commission would be able, after the spending cap is voted on and assuming it is approved, to find out what is really going to happen to this issue.

Mayor Guinta asked is this something that you would like done prior to the end of this calendar year or is it something you would like to be established at the beginning of next calendar year?

Alderman Shea replied I would like it to be established after we know about the spending cap position.

Mayor Guinta stated we could take it up in November. The Charter Commission...

Alderman Shea stated this is for the proposal to the Charter Commission.

Alderman Lopez asked Tom, did we have a Charter Commission four or five years ago?

Mr. Clark replied there was one several years ago. I don't remember the exact date.

Alderman Lopez asked does this meet the Section 8.03?

Mr. Clark replied this is under the state law, which allows this Board to order on the question establishing the Charter Commission to the ballot in November. Your timing is such that if you want to put something on the ballot in November you would have to do it tonight or on September 1.

Alderman Lopez asked under Section 8.03...once in every ten years?

Mr. Clark replied that is another method of reviewing the Charter, but this does not have to comply with that section of the Charter. That section of the Charter just talks about review of the Charter.

Mayor Guinta asked can you give us a brief overview of what authority this Board has regarding Charter review and revision and mechanisms by which that can be established?

Mr. Clark replied there are two ways to set up a Charter Commission. This Board can determine that it feels the Charter should be revised and reviewed or a new Charter adopted. If you do that, then you order it to the ballot. Under the way the law reads right now, you would refer it to an election that is not less than 16 or more than 180 days

away. That would be the November general election ballot. The other way of doing it is through a citizen's petition drive, which was done in the past two I believe.

Mayor Guinta asked is that different than Section 8.03, which is a periodic review? That states not less than once every ten years the Board of Mayor and Aldermen shall put the question of Charter revision to be considered by the voters under the provision of state law. Nothing in this provision shall limit the availability of the Charter amendment process provided by law?

Mr. Clark replied it just says less than every ten years you will do it. It doesn't mean that you can't do it every year. The Charter calls you to do it every ten years.

Mayor Guinta asked we have to do it at a minimum every ten years, but we could do it every year?

Mr. Clark replied yes, you could.

Mayor Guinta asked 2003 was the last Charter revision?

Mr. Clark replied it was. If you decided to place the question on the ballot in November, the only thing that goes on the ballot is the question of shall we establish a Charter Commission or not.

Mayor Guinta asked one of the ways to establish a Charter Commission is by vote? If that is established because the voters said yes...

Mr. Clark stated if that passes, then within five days of the recount period being over, this Board has to meet and order it to a special election to be held not less than 56 days, and not more than 63 days away.

Mayor Guinta asked there would be a special election for the Charter Commissioners?

Mr. Clark replied yes, and I believe that would be early January. That is the way it was handled last time.

Alderman Lopez stated the last time we went through this process it was the opposite. It wasn't every year that we could do this. That was from the City Solicitor's Office. I don't think it was the reason we started a Charter Commission in 2003.

Mr. Clark stated 8.03 states not less than once every ten years. You can do it more than once every ten years. It says not less.

Alderman Lopez stated that wasn't the ruling then. You're indicating under state law that we could do this every year.

Mr. Clark stated if you wished to.

Alderman Lopez asked under 49C?

Mr. Clark replied the mechanics might not work every year, but you could do it every two years because the Charter Commission is going to take a while to perform their duties.

Alderman Lopez stated I believe there are some things in the Charter that need to be changed so this Board does have the authority to put something on the ballot on two or three items.

Mr. Clark stated this Board has the authority to recommend Charter amendments, yes.

Alderman Lopez stated I think if there are more there should be a Charter revision under law.

Mr. Clark stated you can't do a general revision of your Charter by Charter amendment, but you can pick specific item to fix, yes.

Alderman Lopez stated there is a cost factor, too. The Commission doesn't work for nothing.

Mr. Clark stated this Board is going to have to budget money if the Charter Commission is elected to provide them with office space, clerical help and money to pay for their printing and other things. Once a Charter Commission is elected and they start serving, it is their determination as to where they go with the Charter.

Alderman Lopez stated I would be curious to know whether we need a completely new Charter with a Commission or are there three or four items that we could put on the ballot. I know there are two that I have. I can't think of a lot of items that we would have to revise the whole Charter for.

Mr. Clark stated if you are talking about having a Charter amendment and putting it on fall's ballot, I would have to go back and check the statute and see what the timelines are. I wasn't researching that before tonight's meeting. You are going to have to order a public hearing and make determinations. I want to make sure you still have time to get it on the ballot. I don't know.

Alderman Lopez stated I understand that and I'm just pointing out that if the whole Charter isn't wrong and it is just three or four items we could put something on the ballot next year and get it over with. I've been through a Charter Commission and it is nine months of a lot of work. Then it depends on the Board and going back to the voters. I

haven't heard more than two or three items. I'm curious as to why a whole Charter change would have to occur.

Alderman Gatsas stated I think if we went around this room every Alderman could find one or two things in the Charter that they would think should change. I think the opportunity, not that the last Charter Commission didn't do a great job, but you were one of those members and you're looking at this Charter saying there are a few things you would like to change. I think that unless you take the opportunity to go through line by line, I'm sure that we would find more than a few things to change. I think having a Charter Commission that is legitimately going to work and try to come back with something to this Board is something that we should look at.

Alderman Lopez stated I think we should have some information other than just putting it on a ballot and starting a Commission to go on for nine months if there are only two, three or four changes that we would put on a ballot. Maybe this should go to a Committee or have people come up with ideas of what they would like to change in the Charter. We're going to find that there isn't too much that needs to be changed.

Mayor Guinta stated I don't disagree with what you are saying, but I would add one comment. I think we should be very cautious of the sitting body that is governed by a Charter making changes of that Charter. I think the reason for having Charter Commissions is the notion of having people removed from the government process to have a different perspective when revising the governing paper of an entity. While I agree with the notion that we should look at some basic issues or any glaring issues that need to be addressed that could be put out to vote. I agree with that, but having a Committee of this elected body I'm not sure that fulfills the intent of ensuring a democratic process where people outside of the governing body are able and capable of making reforms.

Alderman Lopez stated there is always a process of public hearings as to what needs to be changed in the Charter where people can come in and either agree with the Aldermen or bring something to our attention that should be changed. I'm only concerned that we'd be going through a process of a complete Charter change and having a Commission like we did last time in 2003 and not going anywhere. It was a lot of wasted time and money. It would be the same if there were only two or three items that we are concerned about.

Alderman Gatsas stated in order to have a public hearing you need 60 days and I don't think we have that window to get something on the ballot in November for just those three items you are talking about.

Alderman Lopez stated it doesn't have to be November. It could be next year.

Alderman DeVries stated to elaborate on the costs, and I do recall from 2003 that this was a large effort. I don't know if it was conducted over 2002 and adopted in 2003. Did the budget put in place in 2003 have to support the full Charter question? There are a lot of minutes for dictation, hours coming out of the City Clerk's Office to support another committee and the overtime to fit those meetings in can't be minimal. If anybody knows the cost, please tell us. I'm speculating that this could easily be hundreds of thousands in what could be a tougher budget year for us next year than we had this year. I'm not sure that is the best thing for us to do. I think I heard the Solicitor say that 60 days was the timeline to get it on the November ballot. We have a full Board meeting coming up on the first of September. Doesn't that fall within the 60 days for the November election?

Mr. Clark replied that gives you 62 or 63 days so it is still allowable on the 1st.

Alderman DeVries stated I would think that we might want to table this tonight, get some research and find out the costs before we obligate next year's budget to hundreds of thousands of dollars. Maybe Alderman Lopez could put some of his items together that

he would like to see addressed individually or put a better concept on paper for how we can have some public meetings next year and not go through the full expense of a Charter amendment. We can take this up at our next BMA on September 1st.

Alderman O'Neil stated I think when Alderman Gatsas put this out, if I understand it correctly, he said consider putting it on the ballot this November and use an election next fall to elect the Commissioners if it does pass. If I heard Tom correctly, that can't happen. **Mr. Clark** stated under the way the law is written that can't happen.

Alderman O'Neil asked we would have to pay for a special election if it was on the ballot in November and passed? We would have to have it in January?

Mr. Clark replied yes.

Alderman O'Neil asked would September or November of next fall work so we're not holding special elections?

Mr. Clark replied no, you would still have to do it at a special election.

Alderman O'Neil asked you couldn't have it on the primary?

Mr. Clark replied not with the way the law is written.

Alderman O'Neil stated I think Alderman DeVries is right. I don't know what we did last time. I don't remember having special elections.

Mr. Clark stated there was a special election last time.

Alderman Osborne asked is this a binding or non-binding question?

Mr. Clark replied binding.

Alderman Osborne asked if the voters vote for this we have to go ahead with this within so many days?

Mr. Clark replied yes, you do.

Alderman O'Neil stated I would ask the Clerk do some research about the cost and the timing?

*On motion of **Alderman DeVries**, duly seconded by **Alderman Shea**, it was voted to table this item until more information was presented at the September 1st Board of Mayor and Aldermen meeting.*

*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