

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

August 18, 2009

7:00 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

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

Mike Farley, 83 Constant Street, stated:

I've been up here a couple times and I'm always a little nervous. The reason I am here to night is because I grew up in Manchester. My father and mother raised their family in Manchester and my grandparents raised their family in Manchester. My great-grandparents raised their family in Manchester. Point being that I care a lot about this City and it means just about everything to me. I'm also here tonight

to represent a group called Keep Manchester Moving. It is a coalition of concerned citizens, businesses and organizations dedicated to protecting the quality of life in Manchester and opposing destructive policies like the tax cap. Keep Manchester Moving has closely followed the discussions about the tax cap. At first we were just a loose knit coalition and we've come together more formally to challenge this bad policy, which we think will jeopardize the quality of life in Manchester. We followed the court ruling in Concord, which found the tax cap to be illegal. We thank the Board of Mayor and Aldermen here in Manchester for attempting to get a legal ruling on that initiative. We appreciate that. As everybody here knows, the Hillsborough County Superior Court recently sent the case back on a procedural issue. That issue is currently being argued. Even if the City prevails it will still only answer the procedural issue. We still don't know if the proposed tax cap gimmick is legal. We were disappointed when the court sent the case back on that procedural error. We're also very disappointed that the City of Manchester and its residents are left hanging in limbo about the legality of this proposal when the election is just around the corner. We're here to announce that this week Keep Manchester Moving will file a citizen's petition to challenge the legality of the tax cap gimmick. Manchester residents have a right to know whether the tax cap gimmick is legal or not and they have a right to know far in advance of the City spending taxpayer money on a ballot initiative that at least one court already deemed to be illegal. Getting a court opinion from Manchester does not affect the November vote unless the court throws the tax cap out. If it is illegal it will affect the vote. We're here tonight to inform the Board of Mayor and Aldermen about our efforts. We'd like to ask Mayor Guinta to respect the process and not impede it. If any one listening would like to sign the citizen's petition, please email KeepManchesterMoving@gmail.com.

Joe Briggs, 105 Burnsen Avenue, stated:

I am here tonight to talk about the school budget. There is a real crisis in our schools. We all know that we have all been involved in this and we thought that we would be getting money from a variety of sources, but today we don't know what programs are available and we don't know exactly what class sizes are. One thing we do know for sure is that there are considerably more kids entering the public schools. We've seen a decline in the enrollments at the Catholic schools because of the economy. Those people are moving into the public schools, mainly the elementary schools. That was not accounted for. There were some assumptions that we would be getting a lot more federal dollars, more stimulus dollars, and more state aid. What concerns most people, especially the people at Cobra football here tonight, is the balance of things. Our neighboring cities, such as Salem and Nashua, spend over 55% of their total tax dollars and collected property taxes on their own kids for school. We spend only 42%. It really gets people upset because of the priorities that establishes. That is the only way you can put that situation in context because it is very confusing when you talk about these formulas of where all this money is coming from and how we should have gotten more from the state or more from the feds. It's too confusing, but what does make sense is that we spend considerably less of our local property tax dollars than do our neighboring communities. It is our kids that count. They are the single most important thing. Education preserves our property values, it makes our kids grown up to get good jobs here and hopefully want to live here. We need to establish that as a priority. Again, when that discussion occurs about our spending 42% as opposed to over 55%, you get into discussions about the school teachers not working a full year or that many days, but neither do firemen, but we don't hold that against them. We need to understand that our most important priority is our children and their education. Other things are important, but that is most important. It doesn't deserve the chaos that's going on today. Last week the Board of School Committee approved the restoration of hockey without pay to play. What is the

cost of that going to be? Where is that money going to come from? They don't know. Nobody knows. Something is going to get cut. I'm asking you today, whether you restore the state aid or whatever you do, solve this problem.

Larry Gagne, 126 Lakeside Drive, stated:

I am unequivocally in favor of a spending cap. I think we ought to start thinking more about the taxpayers of the City than special interests. There is only so much money in our wallets that we can give up. I like nice schools, too. My kids were educated in those schools, but there are some things that I had to give up in order to do that. Maybe we ought to let the voters decide in November whether they want a spending cap or not. If they do, fine. If they don't, I'll live with that, but let the voters decide.

Tracy Bachert, 718 Bryant Road, stated:

Instead of taking three minutes each we decided we would all come up because we all have the same thing to say. You don't need to hear it 20 times. You know that we all feel the same way. I believe that the foundation of a town or a city is the school system and our school system is crumbling. The kids are crumbling. They are not excited, they are not being challenged, and they are slowly losing interest when the school system crumbles. This will slowly lead to a higher drop out level or children who are graduating with lower GPAs and less of a chance at getting into a good school and no extracurricular activities to put on their college applications. This in turn leads to lower paying jobs for these kids that are now adults in the community that schooled them. The crime rates rise in less educated areas and the property values plummet. A poor school system can bring down an entire city. Why would anybody want that, much less contribute to it? This is what's happening in Manchester. By not allocating funds initially and continuing to not allocate new funds, we are crumbling our school system. Our kids cannot learn in a class of 30. Our children cannot be well rounded when they do not have

music, arts and sports. Our children that have trouble at home may not have anyone else but their guidance teacher to keep them in school and away from drugs or crime. We need the programs that we have spent years implementing. If we didn't need them, we wouldn't have worked so hard to get them. We live in a great City with music at the Palace and the Verizon, arts at the Currier, and sports at the Fisher Cats and Monarchs. Why would we not want to give that to our children? Not funding our schools is taking a huge step backwards. Please reconsider the allocation of the money that you have available and put it into the foundation of our City, our schools.

Kristy Morency, 25 Lowell Street, stated:

I'm here to speak on behalf of Big Brothers Big Sisters of Greater Manchester. They have been around since 1966 and their mission is to help children to reach their potentials through professionally supported one on one mentoring relationships. I'm here today to talk about the urgent need for mentors and hopefully you can support that. We have over 200 kids on our wait list right now. For as little as an hour a week we have all different programs where a mentor can really make a difference in the child's life. It only costs about \$1,000 per year per match to support the child and their mentor. If a child does end up in YDC, it can cost about \$100,000 per year. It is a preventative program and we are asking for your support.

David Bigelow, 335 Laurel Street, stated:

I'm talking about the dog park again because since September 2, 2008, it has been almost nine months and what's happened in relationship to a dog park is zero, nothing. One thing did happen: Between late April and the last meeting of the Board of Mayor and Aldermen in May, the Right to Know Law was violated. It was decided that the first site recommendation near the West Side Ice Arena was not going to happen, yet it was never on the agenda of the Lands and Building

Committee and a vote was never taken on it. I've checked every agenda since December 2nd because I wanted to be there if it was discussed. Why is this important? Whether you are up for reelection or running for higher office, I think the Right to Know Law is important for citizens, especially if they care about what's happening in their community and want to influence something that's happening. How can I influence it if it's not on an agenda that I can go to a public meeting and have on record what happened there? Also, to me, the dog site has never been on the agenda since December 2nd, almost nine months later, but I've seen a lot of things come and go on the Lands and Building agenda, usually business related items, but the dog park issue, which is more of an issue of private citizens, has received zero attention. I don't get it. Is that the message? If you are a business person you are important in Manchester, but if you are just a regular citizen, not so much. It doesn't matter. Also, for the two candidates who are running for higher office for Mayor and are on the Committee, if the Chairman isn't going to do anything I wish you guys would step up. Nine months has been way too long for nothing to have happened.

Phil Greazzo, 139 Parker Street, stated:

I've got a couple of issues. I agree with Dave. It has been nine months since the City was offered a free dog park and you haven't taken them up on it. There is a gentleman willing to donate the fencing and he's wondering why the City doesn't want free material to create a nice spot in the City for its citizens. I think that something free for the citizens of Manchester would be nice for a change. As far as the spending cap goes, whether you are for it or against it, I think it is more unconstitutional to deny the citizens of the City the right to vote on an issue. It is more unconstitutional to negate the will of the voter. If you deem it unconstitutional, do it through the proper channels and do it after it is voted on. Taking it to court and spending money on it, and the City Solicitor taking it upon himself to file motions that the Board didn't approve, I think is wrong. I think

more money has been spent on legal challenges than it would cost for the ink to print this on the ballot. It is going to cost more to fill the seat in the general election than to print the ballot for that and for that to be counted to pay for moderators and extra staff in Ward 12 to handle that election. It is pretty simple. You all sat here until midnight one night saying that we need to educate the voters and that there is not enough time. We're in the same timeframe now. How many informational sessions have there been? None, same as the issue with the dog park. Nothing has been done. I'll take it upon myself to hold an information session on Wednesday, September 2, at the West Manchester Library. It is open to the public. Anyone who wants to come who has any questions is welcome. I doubt that there will be a whole lot of people because everyone understands that this is a tax and spending cap and if you all don't agree with it, you can override it. It is basically one step to check before you spend more of our money. I think it would be nice if you allowed it to go on the ballot like you all vowed. Let's put it up while we are all up for reelection so the citizens of the City can hold us accountable for our actions. You have done nothing but try to stop it and keep it off the ballot. I hope that the citizens of Manchester remember that and I hope that the City Solicitor starts asking the Board what he should file before he takes it upon himself. Last time you were caught off guard that he took that motion Friday when you had a meeting on Monday, then he filed a motion to reconsider. That's typical in a courtroom setting, but you usually ask your client if that's what he wants to do before you go ahead and do it. Let's talk about unconstitutionality and denying the right of the voter to weigh in on a very important issue in our City.

Cliff Hurst, 280 Ginger Avenue, stated:

First of all, I want to thank the Mayor and the Board of Aldermen for their service to the City. I grew up in a small town in Vermont and my father was on the School Board. He taught us that it was important to serve our community. I do want to speak about the tax cap. My two brothers bought homes in Franklin, New

Hampshire in the 1970s. One of my brothers was so disappointed with the school system and was so concerned about his children, he moved to Gilford, which had a much better school system. My other brother probably wanted to do that, but his children wouldn't let him do that. In 1989, Franklin had the sixth highest equalized tax rate in New Hampshire. Taxes had gone up 8.5% per year for more than a decade. The community was essentially in a destitute situation. In 1989, to add insult to injury, the property taxes increased by 34%. One of my brothers who stayed there started to fight for lower taxes and was also very concerned about improving the schools. Voters properly approved the first property tax cap in New Hampshire. Under the tax cap, Franklin has renovated its high school, paid off the bond on the middle school and renovated or added classrooms to all their elementary schools. In the latest round of New England Common Assessment Program Testing, Franklin High School out-performed Gilford, where my brother had moved for better schools. That town didn't have a tax cap. Franklin has built a new state of the art police station, bought new fire trucks and other vehicles, built a new bridge that connects both sides of the city, improved a number of roads and taken excellent care of their municipal employees. From 2000 to 2006, their capital reserve grew by 51% and during the same period, the undesignated fund grew by 77%. Opponents argue that a tax cap will lead to a disastrous result, but in 20 years, Franklin has had no such result. The tax cap is a moderate and sensible way to change that.

Tammy Simmons, 142 Parker Street, stated:

First I would like to say is that the dog park should really be a no brainer. This is something that the Manchester Dog Park Association is willing to do for free, at no cost to the taxpayers. All we need is a location. There are plenty of lighted City locations that could easily be turned into a dog park, but for some reason it has stalled and stalled. As far as the spending cap, I too care about Manchester. I've lived here most of my adult life and I moved here and bought a home here by

choice, not by birth. I chose Manchester. I would like to keep Manchester moving also, I'd just like to keep it moving in the right direction, not in the direction where year after year we're facing tax increases, while not looking at how we spend the people's money. If we were running the most efficient government that we could, people wouldn't mind tax increases. All you have to do is pick up the Union Leader to see that we don't know what our own departments are doing with themselves and no one in the City believes that we are running efficiently. For those watching at home, I'd like to clarify what has happened with the spending cap. In June, there was a special meeting, it wasn't a regular Board of Mayor and Aldermen meeting, and afterwards, the City Solicitor met with some of the Aldermen. Because it wasn't a properly announced meeting, people didn't know it was going to happen. A consensus was taken that they should go to court and challenge the language of the spending cap. Keep in mind this language has been approved by the Attorney General's Office, the Secretary of State's Office and the Department of Revenue Administration. While a court in Concord said that the Concord language was not appropriate, Concord has a different form of government than Manchester. They have a city manager and a mayor. We don't. It is a different scenario all together. That court ruling was not challenged to the Supreme Court. If it had been, it probably would have been overruled. We went to court and we argued that the Right to Know Law was violated, which was put into place so people know what their government is doing. The court came back and said that the Right to Know Law is to ensure the greatest possible public access to the actions of public bodies and the court will construe provisions favoring disclosure broadly, while construing exceptions narrowly. The court could not properly bring this action to court without the approval of the Board and since the meeting, which turned out not to be a meeting, no vote could have been taken. The City of Manchester had no standing and wasted the taxpayers' dollars by going to court without a vote from this Board. Then, after the fact, we have the City Solicitor filing motions to reconsider without the direction of this Board. Last I

checked, the 15 of you, including the Mayor, are the elected body, not the City Solicitor. I think we're in a quandary here because nine months ago, the excuses were that we don't have enough information, people don't know what to do, and they can't get the information. Nine months later, not a single meeting has been held to give information to the people. I happen to hear from many people that they don't want to be educated by their government and they are fine educating themselves and finding out the information. Nine months later, we don't have any information for people, we don't have these informational hearings and now all of a sudden, this late in the game, we're concerned about the constitutionality of the language. If we were concerned about it, why weren't we concerned about it nine months ago? Or is this a ploy to distract the voters and try to make it seem like this will be a disastrous thing for the City of Manchester? I would like to think that the voters in Manchester are smart enough and they can educate themselves. I think the best thing we could do is let the voters vote on this in November and let's find out what the people of Manchester want. If they want a spending cap, suck it up and work within the spending cap. It's not that difficult. You can override. It is simple. If this is what the people want then give the people what they want. Give them an opportunity to vote on it.

On motion of Alderman Pinard, duly seconded by Alderman Osborne, it was voted take all comments under advisement and further to receive and file any written documentation presented.

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

A True Record. Attest.

City Clerk