

## BOARD OF MAYOR AND ALDERMEN

September 1, 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. Levine, T. Brennan, K. Burkush, K. Buckley, M. Boldin,  
J. Gile, T. Arnold, B. Stanley

**Mayor Guinta** asked Tim Soucy to update the Board regarding the H1N1 virus.

**Mr. Timothy Soucy**, Public Health Director, stated just to get he Board updated, in the middle of the day today we received word from the stated that we had another pool of mosquitoes test positive for EEE. As a result of that we made the decision to go our first round of spraying of City owned property. That spraying is going to commence on Thursday evening weather permitting. We utilized the emergency permit provisions, worked with the Department of Agriculture and our contract Dragon Mosquito Control this afternoon to get everything in place. We do anticipate a first and hopefully last round of spraying for mosquito control this Thursday evening.

**Alderman Smith** asked Tim, did you find any in the same area you found them in a couple of weeks ago?

**Mr. Soucy** replied once again we only trap in three locations. This latest pool was from the south end so we have them both in the south end and from the west side trapping locations. If you follow the media certainly we are seeing it in communities around us as well. We believe it was prudent to move forward.

**Alderman Smith** asked how long would it take you to spray sufficient parks and areas in Manchester?

**Mr. Soucy** replied we have up to 30 parks in the City and we can get them all done on Thursday night. It will run about seven hours.

**Alderman Lopez** asked is the \$5,000 that we allocated to you enough to take care of the 30 parks?

**Mr. Soucy** replied I don't know that for sure yet. I did go back to look at our invoices. The first year we did it the cost was \$3,800. The last time it was \$6,700. It depends on how many crews the contractor has available to us. It could potentially be a couple thousand dollars more.

*Alderman Lopez moved to authorize Tim Soucy to exceed \$5,000 for the necessary mosquito spraying if needed. The motion was duly seconded by Alderman Shea.*

**Alderman DeVries** stated Tim, if you could let us know with the spraying on Thursday night, if Friday or Friday night there are activities in a field are there precautions or are you rescheduling events?

**Mr. Soucy** replied no, we have worked with the Parks and Recreation Department, the School District and the leagues that use the field to make sure that they will be clean on Thursday evening. Typically the wait time after spraying is two hours so by Friday morning everything is good to go.

**Alderman DeVries** stated as long as it is not windy on Thursday night...

**Mr. Soucy** interjected as long as it is not windy or raining we will proceed and the forecast looks like it is in our favor.

**Alderman Osborne** asked Tim, what parks are you talking about? Is it all parks or are you talking about just certain parks?

**Mr. Soucy** replied just certain parks. We have a list of about 30 parks and I don't have it in front of me. They are up on our website already. They will be released in the media as well. It is a combination of ball fields, in town parks, some which are away from water so it is tough to describe all 30 of them but they are posted on the City's website.

**Alderman Osborne** asked places like Nutts Pond that is out, right?

**Mr. Soucy** replied part of it is. It depends on how close we are to the water. We can hit parts of it but not the entire park.

**Alderman Osborne** asked how about something like Steven's Park?

**Mr. Soucy** replied that is on the list.

**Alderman Osborne** stated Steven's Park has some wooded area to the rear of it. Is that why you wouldn't do something like Sherman-Emmitt or something like that?

**Mr. Soucy** replied Sherman-Emmitt may be on the list as well. It depends on the size of the location, what the risks associated are, and the proximity to water. There are a number of factors that go into our permit and then the state says yes or no to these locations. The full list is posted on the City's website.

**Alderman Osborne** asked you think that \$5,000 is going to be all it is going to run?

**Mr. Soucy** replied I am hoping. Once again it depends on how many crews the contractor brings with them and that they have available. Certainly they are in demand around the state right now. They have always made Manchester a priority.

**Alderman Osborne** asked why do you feel it is so warranted now?

**Mr. Soucy** replied the last time I was here, as I explained, my biggest concern was that the crops of mosquitoes that we identified the first time may have literally been from the same batch of mosquitoes, but as time passes we see another generation of mosquito breeding. So we know that there is a second generation of mosquitoes that have tested positive.

**Alderman M. Roy** asked Tim, for the public's edification, what is the end date? When does the all-clear period start?

**Mr. Soucy** replied the first hard frost is when we are totally done. We have already seen a reduction in mosquitoes based on the weather getting a little bit cooler which is to our favor. Spraying gives us a quick knock down of the adult population. We should be able to buy one to two weeks out of that in these locations. Once again, it is not 100%.

People still need to take personal precautions whether on these fields or at home but it does give us the quick knock down of the adult population which minimizes the risk and buys us a little bit of time and we will continue to reevaluate every week.

**Alderman M. Roy** asked do you have the date of last year's first hard frost?

**Mr. Soucy** replied it is usually the first or second week of October.

**Alderman Osborne** asked Tim, how about Derryfield Golf Course?

**Mr. Soucy** replied Derryfield Golf Course is on the list.

**Alderman Osborne** replied okay, especially off of Hanover Street there is a lot of marsh there. Thank you.

*On motion of Alderman Lopez, duly seconded by Alderman Shea, it was voted to authorize Tim Soucy to exceed \$5,000 for the necessary mosquito spraying if needed.*

**Mayor Guinta** advised we have another presentation this evening regarding National Night Out.

**Alderman Ouellette** stated thank you, Your Honor, and thank you for recognizing the incredible effort that was put in by this group on behalf of the citizens of Manchester and on behalf of Weed 'n' Seed, the Manchester Police Department and the Crime Watch unit there. I have to tell you that August 8<sup>th</sup> was probably thus far the proudest moment in the 18 months that I have been an Alderman, that I have been so proud to represent Ward 11 and so proud of a particular group who came together after months of planning and months of working hard and really taking this monumental task and just running with it. It is my privilege to be a part of it and I want to thank you for allowing me to be part of it.

I would also like to thank City departments that pitched in - the Highway Department and the Parks & Recreation Department especially. I see Tom Matson, Jessica Fleming and Chuck DePrima here tonight. Kevin Sheppard's group was always willing to help in any way that they could. Of course the Police and Fire Departments were on hand as well. The event went off almost without a hitch with the exception of a bird, which we won't mention. I just wanted to introduce Diane Levine who hopefully will introduce the members of the group standing here and then you can make your presentation, Your Honor.

**Ms. Diane Levine** stated first I would like to introduce our committee members. Chris Massey is from Target. They are our national sponsor. Chris and a group of other Target people helped us through this. Jeff Davis was our jack of all trades, master of none. We just put him wherever we needed him. Gary Therrien was our marketing person. He took care of all of our marketing needs. Louis Colon was our entertainment committee lead. He did an awesome job. Deb Fortin was in charge of raffles. She was also in charge of businesses and she was the secretary so she was used all the time. Heather Curly was our treasurer and she did an awesome job. We had a little bit of money left so we are happy. Derek Paradise, I don't know what we would have done without him. He was our parks guy. He took care of getting generators for electricity. He got supplies such as popcorn and cotton candy. He was a godsend. Nicole Rodler from Weed 'n' Seed really helped us through this whole thing. We have never done anything like this in our entire lives so she was right there to help us and lead us through this whole planning process and telling us the do's and don'ts. She was awesome along with Tracy Daggs who came in and manned our information booth. I also want to make a special thanks, not only to Target for being our national sponsor but also CMC who sponsored us financially in a great way which allowed us to be so successful. Also St. Mary's Bank sponsored us not only financially but attended all the meetings and helped us when we were looking for things. Russ Ouellette, I have to tell you we love Russ Ouellette. He is

the best. We couldn't have done this without him. Thank you, Russ, for being a part of our group.

**Mayor Guinta** stated thank you Diane. There are also a few other members of the committee who were unable to attend this evening. I just want to also list those people. From Target we have Tony Tyson and Seth Samonian. Also, from our City Parks and Recreation Department, Chuck DePrima, Tom Matson and Jessica Fleming, as well as Brian Keating from City Planning and from CMC we had Marcia Foster as well as Dia Caliconus and then a business liaison Jeff Davis; Tom Champagne from St. Mary's Bank and Mark Ampuja from Manchester Police Department. This really has turned out to be a phenomenal event in the City. I remember years ago when it was a very small event and this year it was about 3,000 people that attended. That is very significant. I can tell you that I am personally pleased with that because I think we have come a long way in our City towards advocating for those who need the services of the City, who need the support of Weed 'n' Seed, who need the support from our Police Department and it really shows I think the effort that we have all undertaken in this City. I think we should all be proud of this event. We continue to support making our streets safer and for that reason I did want to provide Diane with a commendation and I understand that it is of all places going to hang at Chez Vachon. Is that right? Is that where you have your meetings?

**Ms. Levine** replied yes.

**Mayor Guinta** read the commendation:

To Rimmon Heights National Night Out Committee,  
For efforts to build camaraderie among your fellow neighbors within Rimmon Heights and within Manchester as a whole, more than 3,000 people came to the neighborhood block party to make the statement that residents, law enforcement businesses and neighborhood watch groups are working together to support public safety. Your event is a model for other communities nationwide and I wish you the best of luck with future endeavors and future parties. Thank you so much.

**Ms. Levine** stated the regular Rimmon Heights meetings are the third Thursday of every month at Chez Vachon restaurant at 7:00 P.M. except for September. Thank you very much.

2. Discussion regarding the tentative collective bargaining agreements between the Manchester Board of School Committee and the five bargaining units within the Manchester School District.  
*(Note: Updated communication from Dr. Thomas Brennan, Superintendent of Schools has been included for the consideration of the Board, a copy of which will be sent under separate cover on August 26<sup>th</sup>, if available.)*

**Alderman Lopez** asked Your Honor, this is a public document that is not for negotiation, is that correct?

**Mayor Guinta** replied yes.

**Alderman J. Roy** stated I understand the deal that was struck. It is very similar to what the City side did. My question is, non-affiliated, are they also getting a reduction in pay?

**Mr. Thomas Brennan**, Superintendent of Schools, stated we will be addressing the non-affiliated and that will be my recommendation.

**Alderman J. Roy** asked that hasn't taken place yet?

**Mr. Brennan** replied not yet.

**Alderman J. Roy** asked would that include you and the rest of your staff?

**Mr. Brennan** replied yes, all of them.

**Alderman J. Roy** asked are there any of these unions or groups that have already gotten a raise this year?

**Mr. Brennan** replied yes.

**Alderman J. Roy** asked are they going back to the rates they were at before July 1<sup>st</sup>?

**Mr. Brennan** replied I am going to ask our Business Administrator to provide that answer.

**Ms. Karen DeFrancis**, Business Administrator, replied of the individuals that were given the raise already basically they will give up 65% of their raise. That works out to be 38 paychecks and they have already received an increase on the first say two paychecks. Then it would just get pushed out further. In the end they would give up 65% of the raise.

**Alderman J. Roy** asked so it will be equal?

**Ms. DeFrancis** replied yes, it will be.

**Alderman J. Roy** asked your recommendation is that it is going to be the same for every employee in the District whether they are affiliated or not?

Mr. Brennan replied yes, sir.

**Alderman J. Roy** asked but that will be a decision that the Board makes?

**Mr. Brennan** replied correct.

**Alderman O'Neil** stated I plan to fully support the proposal this evening. I do want to thank Dr. Brennan and Ms. DeFrancis for their patience with me during the budget process. I think there was a level of frustration that might still exist a little bit but I want them to know that they still have my full confidence and support. I want to publicly thank Dr. Brennan for his commitment, dedication and leadership as the district has transitioned into the school season. It starts at the top and Tom you have shown that you are a true leader and I think that the kids in our school system are better for that. I want to thank you on behalf of the citizens.

**Mr. Brennan** replied thank you, Alderman.

**Alderman DeVries** stated thank you, Your Honor. The cost savings...have you calculated out the savings that we will see not only from rolling back, giving up the percentage of the increase this year but also there were some additional savings that you will see on health insurance costs? I can't say I have seen a detail of that. If it was presented then I have missed it.

**Ms. DeFrancis** stated that is included on the agenda. If you look at the cost calculations there is an item for health insurance. It is in a bracket which identifies the savings. It is the last page of your agenda packet. For each group there is a line item for health insurance. For savings under 2010 for teachers the sixth line item down is health insurance at \$50,217.

**Alderman DeVries** stated I see what you are saying. That is calculated savings on a yearly basis?

**Ms. DeFrancis** replied that is correct.

**Alderman DeVries** stated of course not knowing whether or not that would be a percentage...you don't know what the actual true cost of health insurance will be but that is projected on today's costs?

**Ms. DeFrancis** replied that is correct.

**Alderman DeVries** replied I wasn't sure that is what that represented, thank you.

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

### **CONSENT AGENDA**

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

#### **Approve under supervision of the Department of Highways**

- A. Pole petitions:
  - #13-169 North Union Street
  - #88-16PB Putnam Street (push brace)

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

- B. Sidewalk Petitions:
  - 2195 Elm Street
  - 272 Gray Street

#### **Information to be Received and Filed**

- C. Manchester Economic Development Office Quarterly Report for the period ending June, 2009.

- D.** Approved minutes from the Commission meeting held July 28, 2009, July 2009 Financial Report, and July 2009 Ridership Report submitted by Evan Rosset, Executive Director MTA.

## **REFERRALS TO COMMITTEE**

### **COMMITTEE ON FINANCE**

- E.** Resolutions:

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of Forty Two Thousand Four Hundred Ninety Five Dollars (\$42,495) for the FY 2010 CIP 213910 Public Health Preparedness for H1N1 Program.”

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of One Million Four Hundred Five Thousand One Hundred Ninety Nine Dollars (\$1,405,199) for the FY 2010 CIP 412210 Recovery Act Justice Assistance Grant Program.”

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of Two Million Two Hundred Nineteen Thousand Dollars (\$2,219,000) for the FY 2010 CIP 412310 COPS Hiring Recovery Program.”

- F.** Bond Resolutions:

“Authorizing Bonds, Notes or Lease Purchases in the amount of Four Hundred Ten Thousand Dollars (\$410,000) for the 2010 CIP Manchester Water Works 712510 ARRA Drinking Water Green Project.”

## **REPORTS OF COMMITTEE**

### **COMMITTEE ON ACCOUNTS, ENROLLMENT & REVENUE ADMINISTRATION**

- G.** 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 Determination
- and is forwarding same to the Board for informational purposes.  
*(Unanimous vote)*
- H.** Advising that it has accepted the City's Financial Report (unaudited) for the year ended June 30, 2009 and is forwarding same to the Board for informational purposes.  
*(Unanimous vote)*
- I.** Advising that the travel summary report from the Airport have been received and filed.  
*(Unanimous vote)*
- J.** Advising that the update on the Abatement and Overlay account has been accepted.  
*(Unanimous vote)*
- K.** Advising that the audit plan for the City's June 30, 2009 Comprehensive Annual Financial Report has been received and filed.  
*(Unanimous vote)*

### **COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS**

- M.** Recommending that the request for the Purchasing Division to act as an agent on behalf of the Southern New Hampshire Purchasing Cooperative be approved.  
*(Unanimous vote)*
- N.** Recommending that the request from St. George Greek Orthodox Cathedral for a banner to be hung across Hanover Street from September 18, 2009 until September 20, 2009 be approved.  
*(Unanimous vote)*
- O.** Recommending that a probationary taxi license be issued to Allen Conway.  
*(Unanimous vote)*

### **COMMITTEE ON PUBLIC SAFETY, HEALTH AND TRAFFIC**

- P.** Advising that the request from the Palace Theater to park free of charge in two spaces on Hanover Street on Monday, August 17, 2009 and five spaces on Friday, August 21, 2009 has been approved.  
*(Unanimous vote conducted via phone poll on August 17, 2009)*

***ON MOTION OF ALDERMAN O'NEIL, DULY SECONDED BY ALDERMAN SULLIVAN, IT WAS VOTED TO APPROVE THE CONSENT AGENDA.***

- L.** Advising that the update on all audits submitted by Kevin Buckley has been accepted.  
*(Unanimous vote)*

**Alderman J. Roy** stated thank you, Your Honor. I have some questions of both Mr. Buckley and Mr. Boldin on the audit that was done on the Office of Youth Services. First of all so that everyone on the Board knows what is going on, just after I was elected I went to the Human Resources Department with what I perceived might be a problem. I was hoping that it wasn't but it turned out that it was. Subsequently I went to Mr. Buckley and told him my concerns, so he did an audit. I have been in several meetings

with those people and I have some questions. Mr. Buckley, in your audit after observation number one, for your recommendations you said that you would commend the department for its quick action. At the Committee meeting when I asked the question of Mr. Boldin, if this was the first time it was reported, he said no. When I asked him how many times it had been reported before he said at least twice. Did you find that out in your audit? If so, I want to know why you put down there that the department had quick action.

**Mr. Buckley** replied it was reported once under the previous director who at the time I believe was interim director. She tried to institute more control over the situation and for reasons that I am not sure of that whole thing fell apart. When another party took over it was reported to him and he immediately met with a number of people and took some action. Then the issue came up again and when they looked at what Marty had done they decided that maybe he hadn't gone far enough. He then took further action. As soon as they brought it to his attention, both times, he took some actions to try to take care of the situation.

**Alderman J. Roy** stated reading this audit, nowhere in here do I see anything that makes me believe that it was reported to you that this has happened before.

**Mr. Buckley** replied that was really before the scope of the audit.

**Alderman J. Roy** stated also in here you commented on, under number six, it doesn't seem appropriate for the outreach worker to be working for another entity while he is collecting pay from the City of Manchester. At the time I had said that was at best double dipping. Would you agree with that?

**Mr. Buckley** replied it is really a grey area because there are so many overlaps in the duties that are taking place there. I felt it was enough of a grey area that it had to be brought to your attention that this was going on.

**Alderman J. Roy** stated if you read the opening paragraph, which was a little confusing to me, it was obvious there was a problem. That is why you launched this audit. It is not that there might have been a problem. There was an obvious problem.

**Mr. Buckley** replied yes and the problem that was identified was at the very least a major internal control problem on how they document time and account for the actions of certain personnel.

**Alderman J. Roy** asked when he was working for this other entity, which was as a basketball coach...I picked up on where it says for another entity and I asked you if it had been discovered that he had been working for anybody else.

**Mr. Buckley** stated correct.

**Alderman J. Roy** stated you said yes it was. How come that information isn't in this report?

**Mr. Buckley** replied again, that was way before the scope of the audit from when the audit started. When he first started he was working for various schools during the school day. I believe he did that for the first four years of his employment. He was working both for a school and at OYS.

**Alderman J. Roy** stated I think when I had first talked to you I think I told you that there was a problem and it had been going on for quite a while. The way I put it was I thought it was a no-show job. That is my recollection.

**Mr. Buckley** replied yes.

**Alderman J. Roy** stated you are telling me that it isn't within the scope. Explain that to me. Why aren't you going all the way back and writing down what has been transpiring over these years even though it was a long time ago? You said that the individual worked for Hillside Junior High School?

**Mr. Buckley** replied yes and he worked for West and....

**Alderman J. Roy** interjected you don't have in here what capacity that was there and what the hours were there.

**Mr. Buckley** replied I believe at one point he was working the in-house suspension, but it was the regular school day, five or six hours a day, that he was working. These again are normally hours that he does not have access to the kids anyway because they are in the school but at the same time he is also coaching part time, although I have been told that he wasn't required to show up to all the practices or all the games. You have to remember that his hours are not normal hours. Most of his duties take place after school and on weekends when he has access to these children who are in need of services.

**Alderman J. Roy** asked so he is working at a school?

**Mr. Buckley** replied yes.

**Alderman J. Roy** asked several schools over the years and one that is even out of the City?

**Mr. Buckley** replied yes, one was in Merrimack.

**Alderman J. Roy** asked do you know what his position was down there?

**Mr. Buckley** replied I believe he was a counselor down there.

**Alderman J. Roy** asked maybe a physical education teacher?

**Mr. Buckley** replied I am not sure. It was a private school.

**Alderman J. Roy** asked he was required to be there five days a week?

**Mr. Buckley** replied yes.

**Alderman J. Roy** stated personally I have a problem saying that an individual is in another school district working five days a week and then he is telling us that he is working 40 hours, nights and weekends, here. By the way, there was no documentation, correct?

**Mr. Buckley** replied correct.

**Alderman J. Roy** asked this has been an ongoing problem over there that wasn't being corrected for a long time?

**Mr. Buckley** replied correct.

**Alderman J. Roy** stated the hours that he worked as a basketball coach, do you have any ideas how many?

**Mr. Buckley** replied none, I have no documentation telling me what hours and there is no way to show what games he showed up for. A lot of the games are on weekends.

**Alderman J. Roy** stated some are tournaments where the team leaves on Thursday or Friday.

**Mr. Buckley** stated right. There were tournaments that he would go to and because he conceivably could be working on weekends to make up time that he was going to tournaments but there was no documentation to show he was away.

**Alderman J. Roy** stated or he is working all week and then going to a tournament on the weekend when he is telling us that he is working but we can't prove that, correct?

**Mr. Buckley** replied correct.

**Alderman J. Roy** asked was he doing any recruiting for that basketball team?

**Mr. Buckley** replied not that I know of.

**Alderman J. Roy** asked was the question ever asked?

**Mr. Buckley** replied not by me, no.

**Alderman J. Roy** stated where I am going with this, Mr. Buckley, is that I think this audit is lacking in a lot of areas. It is hard for me to believe that somebody is in two places at once. I don't know that the right questions were asked here. I am thinking of these questions and I am not an auditor.

**Mr. Buckley** replied I ask questions like that and I get answers that seem reasonable because I am not a law enforcement official. I lack any legal authority to go to New Hampshire College and get records or to go to a school in Merrimack and get records.

**Alderman J. Roy** asked so the information might be there but the right entity would have to go and dig for it?

**Mr. Buckley** replied right.

**Alderman J. Roy** stated Mr. Boldin, you made a comment that you acted quickly and then I said that I didn't think you were being truthful with the Committee because you had said that you had heard about this two other times. Then you stated that you had put policies in place. I have some policies that you gave me tonight and one says 2005, 2006, 2009. They look more like time sheets to me than policies. The only thing that I have to put a date on it is the sticky note that is on the front. In my mind, this could have been all typed out today. In reality when we had a meeting with HR and you were asked about this, you said that there were no policies about this before.

**Mr. Boldin** stated that is not my recollection of the way that we discussed it. The reason there were sticky notes in the front of it was because I got the request late in the day. I responded to that correspondence and requested whether or not I should try to create copies. I didn't get an answer for that so I did the best I could during the day to get the documents to you as I saw fit. These were not typed up today and I just want to be very clear about that for the record.

**Alderman J. Roy** asked so your recollection is opposite mine when we had the meeting with HR you said that there were policies in place?

**Mr. Boldin** replied I do not recall us discussing whether or not there were policies in place at that meeting. I do not recall that that actually happened during that meeting, sir.

**Alderman J. Roy** asked I don't want to put HR on the spot but do you recall that there were no policies in place?

**Ms. Jane Gile**, Human Resources Director, replied you are correct.

**Alderman J. Roy** stated there were no policies in place, thank you. So you told us at that meeting that there were no policies in place so I have to believe that these were created recently or you weren't being truthful with that investigation by HR. Which is it?

**Mr. Boldin** replied these were not created recently and I do not recall saying at that meeting that there were no policies in place.

**Alderman J. Roy** stated you don't recall saying that, okay. Do you recall saying that this had come to your attention before and you were told to leave it alone by people more powerful than anybody in this room? Do you recall saying that?

**Mr. Boldin** replied I think that when this issue came up in the past we attempted to try to address this issue as best we could. We were told during this last situation that we had not dealt with it appropriately. That is...

**Alderman J. Roy** interjected who told you that you didn't deal with it appropriately?

**Mr. Boldin** replied when this issue was brought to us by the Human Resources Department we went through the documents and we went through the arguments that were made in the past and we attempted to readdress this issue in a more significant way.

**Alderman J. Roy** asked this time around?

**Mr. Boldin** replied actually, just to be clear, the first document that you have in front of you that was from 2005 was actually submitted for review for the audit. There is evidence to that in the past.

**Alderman J. Roy** asked is that Human Resources' recollection that that was submitted?

**Mr. Boldin** stated actually that was submitted to the previous HR Director that had the previous HR director's approval on it before our meeting.

**Alderman J. Roy** asked was it presented this time around?

**Mr. Boldin** replied it was presented to Kevin Buckley during the audit.

**Alderman J. Roy** asked but not to HR? They are the ones that started the investigation...

**Mr. Boldin** interjected the argument or the place that you and I seem to have contention here is that I do not recall being asked specifically whether or not there were ever policies in place during our conversation with Human Resources. I understand that the Human Resources director and you both agree to the opposite of that. I am not going to call anybody a liar. I am going to say that during that conversation I don't recall that being part of the dialogue.

**Alderman J. Roy** asked again, during our meeting did you state that people more powerful than anybody in this room told you to leave it alone?

**Alderman Garrity** asked Your Honor, should this be in non-public session? Is this appropriate for public forum?

**Alderman J. Roy** stated I don't know why this can't be non-public. We always talk about transparency.

**Mayor Guinta** stated right now the report is being discussed which is a public document. As far as I can tell the individual has not been discussed.

**Mr. Thomas Arnold**, Deputy City Solicitor, stated without knowing what his answer is going to be this is a general discussion of departmental policies and the actions of the department head which I think are public. If this should move in a direction where the reputation of someone who is not a member of this body could be affected, whether it is an employee or a department head, then under the law if the Board chooses to do so, there is nothing that mandates it do so, but if the Board chooses to do so, it could go into non-public session.

**Alderman J. Roy** stated I guess my point here is Mr. Boldin, that seeing what you did this time around when you were forced to act, you have the capability of controlling this situation but you didn't do it in the past and I want to know why. That was a statement that you made and I want to know why you made that statement.

**Mr. Boldin** stated I think what I would like to characterize as my statement during that meeting was that I was the person that was responsible for the lack of accountability. I and I alone was responsible for that and it was my job to figure out what I could do to best right the situation under the circumstances in front of me. I was very clear about that.

**Alderman J. Roy** stated you were. You did say it was your responsibility.

**Mr. Boldin** stated that is what I am saying right now, that this is my responsibility to clean this up.

**Alderman J. Roy** stated you haven't answered the question about the comment that you made about people more powerful telling you to leave it alone. Was that a true statement or not?

**Mr. Boldin** replied I am responsible to clean this situation up.

**Alderman J. Roy** stated you haven't answered my question.

**Mr. Boldin** replied I don't feel comfortable with that question or the characterization of that question in this environment.

**Alderman J. Roy** stated I am asking you if you were truthful. I am asking for that information right now and as a department head you should have been truthful with us then. If you weren't truthful with us then and made that comment that wasn't true, you shouldn't have said it. Now I am asking you if it was true and you should have no problem telling us whether you were truthful or not.

**Mr. Boldin** stated I am the person who is responsible for what is in front of me. I am the person who is responsible for earning the department...

**Alderman J. Roy** interjected you are not going to be truthful with us here either...

**Mr. Boldin** interjected I am being truthful with you right now.

**Alderman J. Roy** stated I don't think you are; you are not answering my question. I have another issue about minors and cars brought out in this audit.

**Mr. Boldin** stated it was not brought out in this audit it was a secondary question that was brought up at the hearing.

**Alderman J. Roy** stated I think I saw something in here about giving people rides. I can't put my finger on the piece of paper right now. Mr. Buckley might be able to help me. There is an issue and I remember discussing it at the Committee about your employees giving minors rides. You said that you did it because you had parental consent. I have a problem with that. You said that was a risk you were willing to take, however there may be a risk that you are willing to take but I want to know who gave you permission to take that risk and expose this City to that liability because parental consent isn't going to do anything when somebody makes an accusation of let's say inappropriate contact.

**Mr. Boldin** replied my response during that meeting was similar to what it will be right now, which is that we manage enormous risk regularly. To limit the way that our staff works with our clients limits our ability to be effective in that situation.

**Alderman J. Roy** stated I want to state this Mr. Boldin, I think your department does a great job and is a great service for this city and I think 99% of the employees there are some of the best you could ever have. I understand the risk that you are willing to take. However, my angst is the fact that this City is open up to great liability. If a minor is in a car with somebody else and I don't know any other department that allows that to happen and something is stated that he did this to me. Where are we other than in a soup? My next question for you is this: Has this ever happened in the past? Has anybody ever made an accusation like that?

**Mr. Boldin** replied no, not that has ever come to my attention.

**Alderman J. Roy** asked no one has ever made an accusation...

**Mr. Boldin** interjected that anything has ever happened in a car with an employee? No.

**Alderman J. Roy** asked has there ever been an accusation that any of your employees have done something wrong?

**Mr. Boldin** asked with clients or with people that we work with?

**Alderman J. Roy** replied with clients.

**Mr. Boldin** stated no, I don't have any documentation, verbal or nonverbal communication, no.

**Alderman Lopez** stated if I can ask the Alderman, there are questions that are coming up that have been materialized in Committee. Is there a point here? Do you want this to go back to Committee? Whatever the case may be, this may be something that the HR Director and City Solicitor can sit down and give us direction.

**Alderman J. Roy** stated here is my problem. I am sitting here looking at what I believe is an employee who has been siphoning off monies from the City of Manchester by not working his full work week and I am looking at a department head who didn't correct that even though he knew that several times in the past. This eerily sounds like what we dealt with about a year ago when one of our employees stole a little bit of money. The department head didn't do anything and they were both terminated. Where are we going to go with this? This is serious stuff to me that we have an employee who may have been siphoning off funds from the City and we have a department head who sits here and

admittedly says that the policies weren't put in place and enforced. I have a policy here that I just got tonight. It says that the 2005 policy, if that is when it was written, says that employees who violate this policy may be subject to disciplinary action up to and including discharge. It has been brought to your attention a couple of times since then. You are telling us tonight, and...what is the disciplinary action that has taken place?

**Alderman Lopez** stated that is what I am saying. Is there a point to go back to legal and HR with some of your concerns? If there are some legal questions that should be answered in those channels other than going through this process...

**Alderman J. Roy** stated maybe the Solicitor can help me then because I am not a lawyer and I am not in law enforcement but when Mr. Buckley says he can't get the information so that we can tie this up in a neat little package.

**Mayor Guinta** stated it is on the agenda for the full Board. Anyone here has a right to ask questions. It sounds like a concern is being raised based on the completion of this report. I think the member is in order in asking the questions. They are a little bit difficult. I don't disagree.

**Alderman Lopez** stated Your Honor, I agree with what you are saying. I am saying that if there is some discrepancy here about the department head then I think we have a legal department, a human resources department and you as the chief executive officer that if this department head did something wrong, I think we ought to have a conclusion come from these two department heads through your office at the same time and report to this Board as to what action you are going to take against this department head if it is true.

**Alderman O'Neil** stated I do not disagree that there were some concerns at one time. I think Mr. Boldin has taken the corrective action. I am aware that for all employees at OYS he now has a weekly summary, or client work summary beyond their time sheet.

We have to be careful. Nothing says people can't work one job during the day... We have teachers who work during the day and then have second jobs at night. We have to be careful where we are going with this. Nothing says that people can't have two jobs. We have to be very, very careful. He apparently had jobs during the day with the Manchester School District. I don't believe that we should be discussing this in public to begin with. I am not comfortable with this. His hours were later in the afternoon, at night and on weekends. The nature of their business or the ones that are successful in OYS, is the ones that work flexible schedules. The kids aren't on timelines from eight to five Monday through Friday. I think all of us know that there are calls in the middle of the night to go get kids. There are meetings with kids on the weekends. As much as there were maybe some issues in some past practices, the individual involved based on my knowledge of what goes on in the community, is actually effective in the community. He makes a difference in kids lives. I am mad as hell that it got to this point. I am not blaming Alderman Jim Roy. There may have been some discrepancies. I think we need to move forward. This has now caused a division in the office of OYS. There are employees that are not talking to one another now. I am concerned about what it is going to lead to with schools working with OYS staff and police working with OYS staff. We have to bring closure to this thing folks. Marty has done...I was hard on Marty early on in this process but he has done what he had to do to correct the problem. There is now proper reporting and proper accountability that I am satisfied with. We can't create this bureaucracy at OYS when they are not out helping the kids. The kids are not on an eight to five o'clock, Monday through Friday schedule. We are fooling ourselves if we think they are. The gentleman in question here has a very good reputation in the community and reaching out to especially the minority population. We keep raking this situation over the coals. It has caused a division internally at OYS. We have to move on and bring closure. The control mechanisms are now in place.

**Alderman Sullivan** stated with all due respect to my colleague, Alderman O'Neil, I am not ready to bring closure to this to be perfectly honest. We really need to put personalities aside. I don't know the individual who is in question in this audit. I don't know if he is a good person, a bad person, competent or incompetent, but that is really neither here nor there. What we have here is an institutional breakdown. The reporting mechanisms and the management practices were lacking. What I just saw at my colleague's desk a second ago doesn't really alleviate a lot of those concerns. My wife has worked in the human services, community services field for most of the past 20 years. I am somewhat familiar with the reporting practices that they place in that field. Frankly what I see here is very thin and very threadbare and it is minimal. I would like to see something more stringent, something more detailed, coming out of this department before I will be satisfied that we won't run into a repeat occurrence and that we won't have any more instances of potential no-show employees working at the department. What I think we need to do is keep focused on the real problem which is the institutional breakdown, institutional practices at OYS and not some of the side issues which are personality and the issue with cars and clients being driven around, that is a valid issue but it is really outside of the scope of what this audit was discussing. Let's try and focus on correcting the management practices. Let's see if we can tighten that up and try to move forward with that. That is where the real problem, in my opinion, exists.

**Alderman J. Roy** stated here is the problem for me. I went to these different entities within our local government with what I thought was a problem, hoping that it wasn't. The way I read it they came back saying there is a problem. Because of this report I am saying yes there is a problem but we can't prove it. Then I find out that the department head who is tasked with watching the taxpayers' money knew several times prior to me saying, 'I think there is something wrong here', that yes this individual might be doing something that we don't like and may be siphoning off some of our money and then nothing was done. Nothing was done. He is paid to manage and take care of those

things. I have a problem with that. We have got to correct it. I don't know what we are going to do but we have to correct it.

**Mr. Buckley** stated I would like to point out that the first policy you have from 2005 was the first time that Marty was informed of the problem. This is the policy that he came up with. For some reason this policy was never fully implemented and there were parts of it... it didn't even go far enough. When you had the meeting with him, which was in February or March, he came up with another policy that he had also given to me which was a much better policy and had much more stringent controls and then at the end of my audit, he instituted even more controls to require that people actually submit a schedule and let him know what they are doing and let them know what they had done the previous week. This will become immensely important in the grant process later on because this type of information is going to be required later on when he starts getting more of these federal grants that he is applying for. To characterize it as he did nothing is not correct. He tried to do some things that didn't work and I think now he is finally starting to get it right over there.

**Alderman J. Roy** stated that goes back to my point about the meeting that I had with Human Resources and he said nothing was done. There were no policies and it was because people more powerful than anybody in that room said let it go. I knew nothing about this policy until tonight even though you may have known about it. It wasn't implemented. Why wasn't it implemented? Not because he doesn't have the ability. I know he has the ability. I have seen what he has done this time. There is something else underlying and I would like to know what it is.

*On motion of Alderman Sullivan, duly seconded by Alderman O'Neil, it was voted to accept the report of the Committee. Alderman J. Roy voted in opposition.*

5. Nominations were presented by Mayor Guinta.

**Mayor Guinta** stated pursuant to Section 3.14 (b) of the City Charter, please find the following nominations:

Jerome Duval to succeed himself as a member of the Police Commission, term to expire September 15, 2012;

Stephen Johnson to succeed Thomas Noonan due to term limitation as a member of the Police Commission, term to expire September 15, 2012;

Don Clark to succeed himself as a member of the Millyard Design Review Committee, term to expire January 1, 2012;

Mary Sysyn to succeed Joseph Fremeau due to term limitation as a member of the Revolving Loan Fund Board, term to expire June 1, 2012;

Francis Fernando to succeed David Eaton due to term limitation as a member of the Revolving Loan Fund Board, term to expire June 1, 2012.

*On motion of Alderman O'Neil, duly seconded by Alderman Sullivan, it was voted to confirm Jerome Duval and Don Clark under suspension of Rule 20.*

*Alderman Pinard moved to confirm Stephen Johnson.*

**Alderman O'Neil** asked haven't we tried to practice, if they were new members, laying them over two weeks? We have been very consistent for the last year and a half or so. There is nothing wrong with Mr. Johnson's nomination. I am just saying that is how we practice it. If we start getting away from that it could get us into trouble like it has in the past.

**Mayor Guinta** stated he has served in the City and on other boards.

**Alderman O' Neil** stated I understand that but it would break what we have been doing. I just want us to stay consistent.

**Alderman M. Roy** stated thank you Your Honor, I agree with Alderman O'Neil. We brought this up about a year and a half ago when we pushed something through so it is absolutely no comment on Steve Johnson who is here tonight and I think he will make an excellent police commissioner or Mary Sysyn who has served with us for many years. I think they will both do a great job but anyone going to a new board has been laid over.

**Mayor Guinta** stated without objection we will accept those names after the two-week layover. The next letter that I have handed out is dated September 1, 2009, and is regarding the nomination of a Director of Parks, Recreation and Cemetery.

Dear Members of the Honorable Board, Nearly one year ago, I authorized the Human Resources Director to post the vacant position of Director of Parks, Recreation & Cemetery. We received application from many qualified candidates, leaving me with a very difficult decision. As this Board is aware, I am concerned with the viability of this department. We are strongly in need of leadership and innovation within that department, and that leadership needs to begin at the top. It is no secret that my first option was to propose consolidating the Parks & Recreation Department into the Public Works Department. This Board did not concur with that and I accept that the Department will remain as it is currently organized for the foreseeable future. I asked a selection committee to review all the qualified candidates and to interview the five best prospects. Of those five, one was an internal candidate while the other four were employed outside the City of Manchester. After due and careful consideration, the committee recommended to me Mr. Richard Towle, currently employed by Talbot County, Maryland as Director of Parks & Recreation. I subsequently met with Mr. Towle and learned much about his employment background as well as his vision for parks and recreation in the City of Manchester. He is a native of the state of Maine and has spent his professional life working in the area of parks and recreation. He has a philosophy that puts customer service above all other concerns and is deeply concerned with improving parks and recreation programming that encourages all citizens from all backgrounds to use our facilities. He greatly impressed me and I am therefore nominating him as the next Director of the Manchester Parks, Recreation and Cemetery Department. Many of you will no doubt question why I

waited so long to nominate a candidate. Quite frankly, although I believed him to be the best candidate from the very start, I was concerned that the community might not accept an outside candidate. I believe that I owed it to the current management to try to prove itself ready to lead the department and to push through the reforms needed to improve services and to turnaround the Recreation Enterprise. Although I have the highest respect for the employees of the department and think that they are committed to providing quality services to the city, I don't think there exists the leadership to bring the department into the 21<sup>st</sup> century nor to effectively promote our facilities as they should be. Our parks, playgrounds, athletic field and facilities are a credit to our city but they could be so much more. I believe that Mr. Towle is that type of leader and I am confident that when you meet him, you will agree with that assessment. As a Board of Aldermen, you are called upon to contest to or deny the nominations that I bring forward. This Board has witnessed that I have taken my duties as Mayor very seriously throughout my tenure and that I have always put competence and reform above easy decisions and choices. We have agreed in all previous department head confirmations and ask you for your support on this confirmation as well. This candidate is the best one for the job and I think that our city would be truly fortunate to have such a leader working for our city. At this time, I want to thank Chuck DePrima for serving as Acting Director. He served the City ably in this capacity and has kept the department running during the extended interim period. He remains a valued employee and I am sure his experience will be of great help to our next director and I have personally asked him to be a part of the leadership team moving forward. This nomination would layover until the next meeting of the Board, pursuant to Rule 20. I will be sending out additional correspondence to the Board in the coming days to educate you more about Mr. Towle and to establish a date for members of the Board to meet him personally. Thank you very much for your consideration.

**Alderman O'Neil** asked Your Honor, who was the committee?

**Mayor Guinta** stated my office will have a list of the Committee printed up and provided to the Board.

**Alderman O'Neil** asked there isn't anyone who can name them right now?

**Mayor Guinta** stated I would prefer to provide it to everybody in writing.

**Alderman Lopez** asked how long has this gentlemen been waiting for an answer?

**Mayor Guinta** replied I just called him the afternoon.

**Alderman Lopez** asked you offered him the job this afternoon?

**Mayor Guinta** replied I have had discussions with him over the last couple of months.

**Alderman Lopez** asked what salary did you offer him?

**Mayor Guinta** replied I would be happy to provide all of that documentation to you in writing as well.

**Alderman Lopez** stated it is kind of late in the game. There are about three or four months remaining. Here is a gentleman who has been doing this for over two years. We are bringing in a nomination. We have someone who has gone through the process of working for the Enterprise system and he has done an excellent job in the area of McIntyre Ski Center. He has worked as a Parks Director. Personally I think it is a slap in the face to bring an outsider in to take over a job that someone has been doing for two years.

**Mayor Guinta** stated Alderman, the issue, as I stated in the letter, is about who can best lead this department. I have given ample opportunity to convince me and other members of this Board that an internal candidate would be the most qualified and the best individual to lead. I also put a competent group together to advise me as to who that best individual would be and I hope before you make judgment you would at least wait to meet Mr. Towle and interview him yourself and get to know why I believe he is by far the most superior candidate to lead our department. I have given every opportunity for this department to move forward and while I think there have been gains made I think

there is a lot that has been left on the table. There are a lot of improvements that have been made. This is my nomination and I would hope that this Board would consider it as it has considered every other nomination.

**Alderman Lopez** stated as someone who has spent 18 years on the Parks and Recreation Board, the only reason that the Parks Department is in the shape it is in is because of this Board and previous Boards and Mayors not giving them enough money to do the operation. I don't care who you bring in here, he is going to ask for more money.

**Alderman Shea** asked is the structure going to remain the same? In other words, right now we have an acting director, no assistant director or deputy director. Is that going to remain in place? Is there going to be a director and a deputy director as there was when Mr. Ludwig was in charge?

**Mayor Guinta** stated I think it would be appropriate for the next director to make recommendations and requests to this Board but I would anticipate that there would be a director and an assistant director.

**Alderman Shea** asked so what is in place now? In other words, some of the people that are involved now, would they still be involved with the department?

**Mayor Guinta** replied correct.

**Alderman Shea** stated so that would mean...what he is indicating that there would have to be an additional appropriation and expenditure for a new director. Is that in the budget that we have prepared?

**Mayor Guinta** replied we would have to address that through the budget process.

**Alderman Shea** asked if this particular director is approved, is he going to live in the City or is he going to live outside of the City? Is that part of the stipulation?

**Mayor Guinta** replied he plans on living in the City.

**Alderman Shea** replied thank you, Your Honor, I think that is important.

**Alderman DeVries** asked has it been about a year since the Committee was last together to look at this position?

**Mayor Guinta** replied I would have to find out the last date that they met. I can have that researched for you.

**Alderman DeVries** stated it's about a year. It has been a while that we can agree on. Maybe you can elaborate for me exactly what it was that brought this...quite honestly I didn't realize that this was still percolating out there. Maybe you can elaborate for me exactly what it is over the last few months that has made you decide to continue looking.

**Mayor Guinta** stated as I said before, I gave this department an opportunity to move forward. While I think it has made gains and I am very appreciative of those gains I have made an assessment as to who I think is best qualified to lead the department. We are at a critical time regarding our budget. We are at a critical time with respect to the responsibilities we have in terms of service. I think that we can far better utilize our Parks system under a different command and different leadership. I believe that there are many people in the Parks Department that will continue to serve the City in appropriate roles. I hope that through those appropriately placed responsibilities the department will thrive. This has been an agenda item for me during the last couple of years. I wanted to give every opportunity for people inside the department to come forward and provide themselves the best opportunity to make a case for being the next department head. I

have made a decision that the individual that I haven nominated is that best individual and I took ample time to do it because I thought that was the right thing to do to give an opportunity for internal candidates to learn through the experience and hopefully come to the forefront as the best candidate. With the advice and counsel of the committee that interviewed these individuals and after I have met Mr. Towle I believe that he is the best individual for this job at this time.

**Alderman DeVries** asked when did you meet Mr. Towle?

**Mayor Guinta** replied several months ago.

**Alderman DeVries** asked so you met him several months after the interview process was completed by the committee?

**Mayor Guinta** replied I don't engage with the applicants until after the committee has at least made a recommendation and has had an opportunity to meet and interview all of the candidates. Only after they provide me with a recommendation do I then get engaged in the interview process.

**Alderman DeVries** stated not to belabor it anymore but I just didn't hear specifically where the department has missed the mark, I guess was your term. I don't disagree with you. I think you and I agreed on some consolidation here as far as cost savings in the budget but I just don't disagree with Alderman Lopez that there has been a lot of work done in bringing the Enterprise system forward. I am just trying to get the privilege of some of the vision of where you think they actually missed the mark and where you think it is going to be different under new leadership.

**Mayor Guinta** stated I don't want to characterize it as missing the mark. Really what I would like to do is...and I have commended Chuck. I think Chuck has done a good job leading the department in difficult times. I think that other employees in that department have stepped up as well to do everything they can to lead that department, not just regarding the Enterprise funds but other operations and responsibilities within the department. By Charter I have the right and responsibility of bringing forward names. I have done that and many of them have been very difficult because we have had very qualified candidates to lead the various departments. In this circumstance I believe this is the individual who can best fulfill the responsibilities for this city. That is the role that the office of Mayor is supposed to play. Now the Board of Aldermen have a role to play and I hope that prior to judging an individual that you haven't met you would keep an open mind. I think that when individuals of this Board have an opportunity to meet him you will find that he is an energetic, engaging, dynamic and innovative individual that will serve this city very well.

**Alderman DeVries** stated it just says Talbot County, Maryland. Can you tell me how many employees there are or how large of an operation is that?

**Mayor Guinta** replied I would be happy to get you all of that additional information in writing. For this evening, I have nominated someone. I have entertained several questions. I would be happy to answer any additional questions you have in writing. I would be more than happy to insure that each member of this Board has ample opportunity to meet with him prior to a vote in the coming weeks.

**Alderman DeVries** asked we have two weeks?

**Mayor Guinta** replied yes.

**Alderman Osborne** stated I don't know Mr. Towle and I don't have any objections about him and how much experience he has or his expertise or anything else. What I am thinking about is that the budget we have right now we need every nickel and dime that we have. I know Chuck DePrima has done a wonderful job since he has been there and he has tried very hard but he was lacking employees for some reason. I don't know why. I can't see why we have to spend close to \$100,000 for this fellow. Why are we going to spend that kind of money when we could have given Chuck more help that he needed? I think he did a very good job whether it be the cemetery, parks or anything else. As far as Mr. Towle or anybody else, we can go on and on with who is best. I think Chuck did a wonderful job. I would like to see him get a chance to at least wait until the Enterprise...With the ski area and everything else, we are starting somewhere with the help of Alderman Gatsas and Alderman Lopez working hard on that. I think we need to give Chuck some sort of a chance at his job. I can't see spending another \$100,000 for another person when really they need help there. They don't need somebody on the top. I think he did a wonderful job where he is and this is where it should stay as far as I am concerned.

**Alderman M. Roy** stated if we could have provided to the Board the population, amenities and budgets for the Parks and Recreation departments that Mr. Towle has overseen...I do echo the sentiments of many of my colleagues that we have, absolutely incredible internal candidates. I would like to see that we are getting the right person. I appreciate you getting out the information regarding the committee and their discussions but I would also like to see what this gentleman has overseen so that we can have something to put behind his resume to go with the dates and locations of when he was working. I believe that will all be available online so if you want to direct that to the Clerk's office.

**Mayor Guinta** stated as with every candidate that I have brought forward, we would be happy to provide all that information and data to each member of the Board and we will provide that to you this week.

**Alderman M. Roy** stated specifically I would like populations, amenities and budgets.

**Mayor Guinta** stated yes, I have those items listed and we will add some others as well.

**Alderman M. Roy** stated thank you.

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

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

## **8. Report 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 Forty Two Thousand Four Hundred Ninety Five Dollars (\$42,495) for the FY 2010 CIP 213910 Public Health Preparedness for H1N1 Program.”

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of One Million Four Hundred Five Thousand One Hundred Ninety Nine Dollars (\$1,405,199) for the FY 2010 CIP 412210 Recovery Act Justice Assistance Grant Program.”

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of Two Million Two Hundred Nineteen Thousand Dollars (\$2,219,000) for the FY 2010 CIP 412310 COPS Hiring Recovery Program.”

ought to pass and be Enrolled.

**Alderman DeVries** asked what is the number of police officers with the stimulus dollars?

**Alderman Garrity** replied the COPS grant is ten police officers and the other grant is five police officers.

**Alderman DeVries** asked that is for three years?

**Alderman Garrity** replied yes and that will bring them to full complement according to Deputy Chief Simmons.

*On motion of Alderman O'Neil, duly seconded by Alderman Garrity, it was voted to accept the report of the Committee on Finance and adopt its recommendations.*

**9. Reports of the Committee on Public Safety, Health and Traffic**

The Committee on Public Safety, Health and Traffic respectfully recommends, after due and careful consideration, that the regulations governing standing, stopping, parking and operation of vehicles be adopted pursuant to Chapter 70 of the Code of Ordinances of the City of Manchester and put into effect when duly advertised and the districts affected thereby duly posted as required by the provisions of that Chapter and Chapter 335 of the Sessions Laws of 1951.

<b>Section 70.36 Stopping, Standing, or Parking Prohibited</b>
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**STOP SIGNS:**

On Cloyde Street at River Road - SWC

Alderman Mark Roy

On Ridgewood Street at Sandy Brook Street – NEC

Alderman DeVries

**CROSSWALKS:**

On South Main Street at the Piscataquoug Trailway

Alderman Smith

On South Willow Street, south of Weston Road

Alderman DeVries

On Gold Street at the South Manchester Trailway

Alderman Garrity

On Kelley Street, east of Rimmon Street

On Kelley Street, west of Montgomery Street

On Kelley Street, east of Boutwell Street

Alderman Ouellette

On Massabesic Street, north of Hospital Ave.

Alderman Osborne

**PEDESTRIAN SIGNALS:**

On South Willow Street and Weston Road

Alderman DeVries

**METERS – 2 HOUR LIMIT:**

Stark Street, south side, from a point 60 feet west of Hampshire Lane to Canal Street

Alderman Sullivan

**METERS – 2 HOUR LIMIT:**

Stark Street, south side, from a point 50 feet west of Elm Street to a point 66 feet westerly

Alderman Sullivan

**15 MINUTE PARKING:**

On Lake Ave., north side, from a point 53 feet east of Hall Street to a point 22 feet east

Alderman Osborne

**ONE HOUR PARKING:**

On Almond Street, south side, from a point 30 feet west of Boynton Street to a point 80 feet west

Alderman Smith

**ONE HOUR PARKING – MONDAY – FRIDAY- 8AM – 6 PM / SATURDAY - 8 AM – 1 PM:**

On Kelley Street, south side, from a point 20 feet west of Moore Street to a point 36 feet west

Alderman Ouellette

**RESCIND ONE HOUR PARKING:**

On Howe Street, north side, from a point 155 feet east of Maple Street to a point 65 feet east (Ord. 3149)

Alderman Shea

**NO PARKING ANYTIME:**

On Lake Ave., north side, from Hall Street to a point 53 feet east  
On Massabesic Street, east side, from Hospital Ave., to a point 85 feet south  
Alderman Osborne

**NO PARKING ANYTIME - EMERGENCY ORDINANCE:**

On Candia Road, south side, from Little Ave., to a point 55 feet east  
Alderman Shea  
On Merrill Street, north side, from a point 105 feet west of Beech Street to a point 171 feet  
west  
Alderman Shea

**NO PARKING – MONDAY – FRIDAY:**

On Somerville Street, north side, from Lincoln Street to a point 218 feet west  
Alderman Shea

**RESCIND 30 MINUTE PARKING:**

On Wilson Street, west side, from Dix Street southerly a distance of 50 feet (Ord. 6358)  
Alderman Shea

**RESCIND NO PARKING ANYTIME – EMERGENCY ORDINANCE:**

On Litchfield Lane, north side, from Manhattan Lane to a point 55 feet east (Ord. 9685)  
Alderman Sullivan

**RESCIND NO PARKING TOW ZONE:**

On Prospect Court, from the west entrance from Prospect Street to a point 90 feet  
northerly and then 45 feet easterly on the south side (Ord. 8655)  
Alderman Sullivan

**RESCIND METERS – 2 HOUR LIMIT:**

Stark Street, south side, from a point 50 feet west of Elm Street to a point 45 feet westerly  
(ORD 7406)  
Alderman Sullivan

**NO PARKING ANYTIME TOW ZONE:**

On Prospect Court, west side, from Prospect Street to a point 90 feet northerly  
Alderman Sullivan

**NO PARKING - 5 AM – 11 AM/ MONDAY – FRIDAY – EMERGENCY  
ORDINANCE:**

On Litchfield Lane, north side, from Manhattan Lane to a point 34 feet east  
Alderman Sullivan

**PARKING – 2 HOUR LIMIT - SATURDAY (Emergency Ordinance)**

Commercial Street, east side, from a point 1,100 feet south of Canal Street to a point 137 feet southerly.

*(Unanimous vote with the exception of Alderman Ouellette who was absent)*

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

The Committee on Public Safety, Health and Traffic respectfully recommends, after due and careful consideration that a request from Frank C. Comerford, St. George Orthodox Cathedral, for “No Parking” signs to be place on Kenney Street, Merrimack Street and Laurel Street on Saturday, September 18, 2009 and Sunday, September 19, 2009 for Glendi be approved.

*(Unanimous vote with the exception of Alderman Ouellette who was absent)*

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

The Committee on Public Safety, Health and Traffic respectfully recommends, after due and careful consideration, that the request from Fire Chief James Burkush for permission to sell 41 obsolete street fire boxes for \$75.00 per box be approved.

*(Unanimous vote with the exception of Alderman Ouellette who was absent)*

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

The Committee on Public Safety, Health and Traffic respectfully recommends, after due and careful consideration, that the request from James Hoben, Deputy Traffic Director, to execute an agreement for Interstate 293 Exit 5 Ramps/Granite Street Traffic Signal Maintenance be approved.

*(Unanimous vote with the exception of Alderman Ouellette who was absent)*

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

The Committee on Public Safety, Health and Traffic respectfully recommends, after due and careful consideration, that the request from the American Cancer Society to paint pink ribbons on several intersections along their annual walk route be approved.

*(Unanimous vote with the exception of Alderman Ouellette who was absent)*

*On motion of **Alderman O'Neil**, duly seconded by **Alderman Pinard**, it was voted to accept this report and adopt its recommendations.*

The Committee on Public Safety, Health and Traffic respectfully recommends, after due and careful consideration, that the request from Intown Manchester for free on-street and Victory Garage parking for their annual Taste of Downtown event be approved.

*(Unanimous vote with the exception of Alderman Ouellette who was absent)*

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

The Committee on Public Safety, Health and Traffic respectfully recommends, after due and careful consideration, that the Parks, Recreation and Cemetery Department work with the Police and Highway Departments to collect data and report back to the Committee with suggestions related to traffic calming measures along the Livingston Park access road.

*(Unanimous vote with the exception of Alderman Ouellette who was absent)*

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

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

The Committee on Lands and Buildings respectfully recommends, after due and careful consideration, that a recommendation by the Parks & Recreation Department to place a dog park at sites located on Dunbarton Road and Brown Avenue near Crescent Road move forward.

The Committee notes that neighborhood meetings for the two sites be conducted by Parks & Recreation and that agreements between the City and the Manchester Dog Park Association be drafted by the Solicitor's Office for Dunbarton Road for consideration of the Board when completed. The Committee further notes that the Dunbarton Road site remains a preference of its members.

*(Unanimous vote)*

**Alderman Osborne** asked are we going to be adding Rivers Edge to this?

**Mayor Guinta** replied as I understand it the Committee wants neighborhood meetings for these two locations.

**Alderman Osborne** stated then Rivers Edge came in at the end.

**Mayor Guinta** stated I just want a clarification. Is that what the Committee is recommending that those two sites move forward and we have neighborhood meetings are both sites?

**Alderman Osborne** replied yes, the first site they wanted was the landfill and the second site was the Brown Avenue site. The other one was left out completely. If we could put that one in there that would be a good idea.

**Alderman Garrity** stated the second choice is Brown Avenue and Crescent Road. I believe that the people who are in favor of the dog park really think that site is too small.

**Mayor Guinta** stated I am not in favor of that site. There is traffic already on Brown Avenue and Airport traffic.

**Alderman Garrity** stated if that is going to be one of the proposed sites it is going to be necessary to have a neighborhood meeting for that neighborhood abutting the proposed park. It is second on the list and the meetings were a request from me.

**Alderman Osborne** asked would it be a good idea to send this back to Lands and Buildings?

**Mayor Guinta** asked do you want it at that site? That is a high traffic area.

**Alderman Garrity** replied I don't think that site will work anyway. It is too small. I don't even know why it was proposed. It is the smallest out of all four of them.

**Mayor Guinta** stated if it is the Board's pleasure to move forward in this manner then I will respect the Board.

**Alderman Smith** stated we have been going around on this and around and around. I think some of the people on the Committee are getting frustrated. We tried to get a potential site for months. It didn't result in anything. Tonight's meeting didn't result in much. We came up with two possible sites out of the four. There might be another proposal coming in. We found out after our meeting was over that somebody was interested in a parcel so I would suggest that if this comes to fruition that we send it back to our Committee and we will have a meeting right away but this has been going on for ten months and it is getting somewhat ridiculous. We have important matters to deal with and a dog park is essential, I am not debating that, but we have put in a lot of time. I had to cut off one of my colleagues and I apologized to Alderman Sullivan but we didn't have time to finish our agenda.

**Mayor Guinta** asked are you suggesting that it come back to Lands and Buildings?

**Alderman Smith** replied I think we should pursue the other possibility that Dick Anagnost presented and bring it back to our Committee.

**Alderman O'Neil** asked I know that is what was conveyed earlier but can we get some kind of letter from Mr. Anagnost that that is what he agreed to?

**Mayor Guinta** stated yes, let's do this the right way. I know the Committee has been dealing with it. I would appreciate it if the Committee spends just a little more time to research that and maybe other sites and just do this expeditiously but responsibly.

**Alderman Lopez** stated thank you. I think we need to understand a couple things. The deal is an agreement with Jac Pac that they give us five acres of land. Some people thought that is was Mr. Anagnost's land first and now they know it is City land. Down by the railroad tracks they indicated that there may be an acre there. I don't know. I think what needs to be done, and I talked to Alderman Smith, is that Chuck needs to do what the Committee told him to do. That is if we vote on this tonight. The other situation is that before he goes out and has a neighborhood meeting someone should answer the question if there is an acre down there and does it fit into the plan? If that is the case then it should go back to Lands and Buildings Committee as Alderman Smith said. In the meantime we should put this on abeyance until that question is answered.

**Mayor Guinta** asked put it on the table as opposed to sending it back to Committee?

**Alderman Lopez** stated I would say so because they will be giving the opportunity to find out whether or not through Planning and the agreement with Jac Pac...

**Mayor Guinta** asked can we accomplish both? Can we send it back to Committee...If it is on the table at the full Board then the Committee can't take up alternative sites.

**Alderman Lopez** stated what I was going to get at is that if we find out some other factors about the five acres that it cannot be done down there even though it looks like it can be done.

**Mayor Guinta** stated the only reason I am suggesting and agreeing with the Chair of the Committee to send it back is if that site doesn't work there may be alternative sites that could be considered.

**Alderman Gatsas** stated I think the discussions that happened this evening were about having neighborhood meetings so that there could be discussions because I don't think that once we put in one dog park that it is going to stop there. People are going to want to look at different locations. Alderman Lopez volunteered to have the meeting up on Dunbarton Road. Alderman Garrity thought it would be appropriate because it is in his ward that there is discussion. I think that we at least look at these and have those discussions certainly look into the one that is at Jac Pac but again, as I said, I think there are probably going to other requests that come in and we are going to be looking at other spots as well. We might as well have those discussions as we move along. We were looking for those reports to come for those meetings in the next two weeks so that they would come to the full Board and report out.

**Mayor Guinta** stated I have no objections to asking neighborhoods if they agree. I am looking at the Brown Avenue site. If this Board doesn't think that is an appropriate location, why even ask the neighbors? I wouldn't want to give them a false sense.

**Alderman Gatsas** stated Your Honor, that is just one of the four recommendations that came before the Committee.

**Alderman Lopez** stated the primary site is Dunbarton Road.

**Alderman Gatsas** stated that is the primary site and I think it is just a matter of looking at the other one and certainly if it is not appropriate, it is not appropriate.

**Alderman Garrity** stated Your Honor, I asked Chuck to put together a plan before I even have a neighborhood meeting. I think once the plans are put together it is probably going to be found that that site doesn't even work. These were four recommendations that came from Parks today. It is my belief from the folks who are fighting for a dog park that it doesn't work.

**Mayor Guinta** stated I was under the impression that that work was going to be done and presented to the Committee so that that Committee could be fully educated on these different sites.

**Alderman Lopez** stated they were.

**Alderman J. Roy** stated thank you, Your Honor. Can't we just have these things move forward parallel? Have them look at the Dunbarton Road site. That might not work out. If I remember that is private property. They would have to work something out with the owners there. That is why we came up with an alternative site. Those are the two of the four. The other two we didn't think were going to work at all. They might not happen. I don't know. At the same time we can look at the River's Edge deal and that might not happen. We don't know that either. I don't want this to stop.

**Mayor Guinta** stated why don't we accept this recommendation and if the Chairman of Lands and Buildings could also continue looking at either the River's Edge site and whatever potential sites might come to your attention...

**Alderman Shea** asked if there is discussion in the neighborhood and the neighbors do not want that particular enterprise, the dog park, in their neighborhood does that mean that it won't be there? Is that sort of what we are discussing? Everyone wants a dog park but no one wants it in their own neighborhood. That is the problem.

**Mayor Guinta** stated I am not sure that that is the case though.

**Alderman Shea** stated maybe there are some neighbors that want a dog park where they live.

**Mayor Guinta** stated building a dog park is going to enhance a neighborhood. It is going to create green space. I would think that as long as there are no public safety hazards or traffic issues, people would be welcoming a dog park.

**Alderman Shea** stated what I am trying to get at is that if people in a particular neighborhood do not want a dog park, the Committee should respect those particular preferences on the part of the neighbors. That is the way I would reason it. I think it is important to have a hearing so that they can weigh in on it and if they feel unanimously that it isn't a good site and you said Brown Avenue isn't a very good place to park cars. That should be respected. I am not sure if any other site that has been selected would meet the approval of the people that are abutting that particular area. Maybe if there were an area where they do approve of it then that would give the Committee the ability to say put the dog park there. May I ask Your Honor, if the Dunbarton Road site were to be agreed on is there something that the City has to do to get approval from EPD or the state? Is that something that would need to be checked?

**Mayor Guinta** asked I believe the City actually controls that parcel, correct?

**Alderman Smith** replied they would have stipulations from the state.

**Alderman Shea** asked shouldn't that be something they do before they have a hearing so that if the state says they don't want it there or you can't put it there it would be moot I guess? I would leave it to the City Solicitor to weigh in on it.

**Mayor Guinta** stated it is the pleasure of the Board. My recommendation is that you have all your ducks in a row before you start moving forward and talking with neighborhoods.

**Alderman Osborne** asked if it was to go through at River's Edge, would this take the City itself off the liability?

**Mayor Guinta** stated that land is being donated to the City so there would still be liability to the City.

**Alderman Lopez** stated Alderman Shea brings up a very good point. Kevin said he has to get approval from the state for the Dunbarton Road site. Maybe that is the first thing he should do and let us know before we have a public meeting.

**Mayor Guinta** stated I would agree. I don't think we should be moving forward with these neighborhood meetings until we have our ducks in a row.

**Alderman Garrity** stated Your Honor, the neighborhood meeting down in Ward 9 until there are some plans and we are weeks away from that... There are no plans, conceptual design or anything for the park.

**Mayor Guinta** asked why are we setting up meetings with neighborhoods when we are not even ready? This doesn't make any sense. This should not be as complicated as it has become.

*On motion of **Alderman Lopez**, duly seconded by Alderman **Ouellette**, it was voted that the report of the Committee be accepted.*

**Alderman Lopez** stated Kevin Sheppard is going to check with the state and let us know before we schedule a public hearing.

The Committee on Lands and Buildings respectfully recommends, after due and careful consideration, that the playground at Steven's Park be officially named "The Casey Canney Playground at Steven's Park."  
(Unanimous vote)

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

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

The Committee on Community Improvement respectfully reports that it has accepted the recommendations by the Environmental Protection Division relative to sewer abatement requests for the following properties:

443 Dubuque Street (\$1,143.72)  
315 Mast Street (\$758.16)  
83 Bowman Street (\$482.76)  
94-96 Ashland Street (denied)

(Unanimous vote)

*On motion of **Alderman Garrity**, duly seconded by Alderman **Shea**, it was voted that the report of the Committee be accepted.*

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that the request from Leon LaFreniere, Director of Planning & Community Development, to accept funds in the amount of \$42,495 from the NH Department of Health and Human Services to support the implementation of H1N1 planning activities under CIP project #213910 Public Health Preparedness for H1N1 Program be approved and for such purpose an amending resolution and budget authorization has been submitted.

*(Unanimous vote)*

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

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that the request from Leon LaFreniere, Director of Planning & Community Development, to accept funds in the amount of \$1,405,199 from the U.S. Department of Justice to purchase equipment for law enforcement activities under CIP project #412210 Recovery Act Justice Assistance Grant be approved and for such purpose an amending resolution and budget authorization has been submitted.

*(Unanimous vote)*

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

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that the request from Leon LaFreniere, Director of Planning & Community Development, to accept funds in the amount of \$2,219,000 from the U.S. Department of Justice to pay the salaries and benefits of ten police officers for a three year period under CIP project #412310 COPS Hiring Recovery Program be approved and for such purpose an amending resolution and budget authorization has been submitted.

*(Unanimous vote)*

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

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that the request the City Clerk, requesting permission to apply for a \$3,000 Federal grant to restore three volumes of financial records related to the payment and support of Civil War soldiers in be approved.

*(Unanimous vote)*

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

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that a request for reclassification of Merrill South Back Street from a Class VI unmaintained public street to a Class IV maintained public street be referred to a Road Hearing at a date to be set by the City Clerk.

*(Unanimous vote)*

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

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that a request by the Fire Chief to donate both 1987 E-One Pumpers for training purposes with one to go to the NH Fire Academy and the other to go to the Interstate Emergency Unit Training Facility be approved.

*(Unanimous vote)*

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

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that a request from Sam Maranto on behalf of the Health, Tax, and Airport departments that the following projects be extended to a date specific as follows:

<b>Project #</b>	<b>Name</b>	<b>Extension Date</b>	<b>Balance</b>
214009	Medical Reserve Corp.	12/31/2009	\$1,711.60
214409	Medical Reserve Corp. – NACCHO	12/31/2009	\$2,379.00
810608	Motor Vehicle Registration System	12/31/2009	\$1,818.93

710206	Airside Improvements	6/30/2010	\$7,728,900.02
712206	Equipment Replacement	6/30/2010	\$12,735,802.23
712306	Property Acquisition	6/30/2010	\$8,615,511.11
712406	Roadway & Parking Improvements	6/30/2010	\$106,964,686.06
712506	Terminal & Building Improvements	6/30/2010	\$125,477,559.51

be approved as recommended.

*(Unanimous vote)*

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

**16.** Charter Amendment question submitted by Alderman Gatsas regarding establishing a Charter Commission.

*(Note: Tabled 08/18/09, staff to provide reports on costs and timing.)*

*On motion of Alderman M. Roy, duly seconded by Alderman Ouellette, it was voted to remove item 16 from the table and discuss it with item 12.*

**Alderman Lopez** stated thank you, Your Honor. In reference to item 12, I think it is self explanatory, the time frame in order to put the Charter Amendment on the ballot. In reference to the tabled item, I am not in favor of complete Charter Commission. As I stated at the last meeting, I can think of a couple of changes that I might bring in and I think other people could bring forward some other things. I think there ought to be some type of system for people to do that. To take a Charter that is really a constitution and just change it every four or five years just for the sake of changing it, I don't think is a good idea. We don't change the state constitution that way or the national constitution and we shouldn't either. I will be the first to admit that there are one or two items that I would present at a given time but I am voting no on a complete Charter Commission to be put on the ballot for a complete Charter revision.

**Alderman Gatsas** stated I guess it depends on who is on that constitutional rewrite when they are rewriting that constitution because it certainly has been rewritten once so I guess if we call it a constitution, it depends, as I said, who is going to rewrite it. There is no question that I think Matt Normand did a great job in bringing forward the cost. When you look at the total cost and the ability to sit down and look at the Charter...because if we are going to do it piecemeal, I don't think I have see three or four amendments to the state constitution coming forward at the same time. Normally it is a discussion on one because if you are going to change that constitution it is certainly something that is very important to the State of New Hampshire so that is not the way the state constitution operates that we are going to change three or four items. I think it gives us an opportunity to move forward. There are issues as I said when I brought it forward that I am sure every Alderman can look at that Charter and probably pick one or two things that they think should change. I don't know if that is the fairest thing to do because we are going to be coming forward with changes in a Charter, in an election year, that maybe this Board is not going to be made up of the same people. I think it is important that when we do it, we allow the citizens to participate because that is exactly what they talk about when they talk about rewriting charters and I think that public participation is a great thing. They may have better ideas than any of us sitting in these seats do. They should have the ability to bring them forward. I think when you are talking about \$50,000 I know that is a lot of money when we are in a tight budget but again having the people make those decisions and not people sitting on this Board certainly makes for a much more open transparent government. With that I will close my comments.

**Alderman Lopez** stated I am not saying, Alderman, that it is up to this Board. You can have an open process whereby it can be opened up for 60 days if anybody wants a Charter change and to find out the legality of a Charter change. I sat on a Charter Commission where everyone had an idea that you could do something and then after they checked the state law and the financial aspect you couldn't do it. There are a lot of things in the Charter that could be changed. I don't think they should be changed just for the

sake of wanting a change. As I indicated, I am not for a complete Charter commission at this time. I think there ought to be a process if we do anything. We need to give an opportunity for anyone to submit any Charter change that they want to the City Solicitor's office for review and then turn around and come back with what is legal and not legal and have public hearings as I indicated at the last meeting. That would give them an opportunity to weigh in on it before we put something, maybe one, two or three amendments, before them. If you are going to put 20 amendments forward that is a different situation. I can assure you that in my mind, you are not going to find 20 amendments in that whole constitution. In 2003, they elected a commission, they spent nine months working on it and it came back with a lot of things that don't pass muster. It could be a lot of time and money wasted. It is not denying the people of voting on an amendment. Sometimes charters go for 20 or 25 years before a complete rewrite. I don't think it has to be rewritten. From some of my colleagues that sat on the commission I can tell you that they don't think it has to be rewritten. I just think it is a waste of money to get nine people who will sit for nine months and cost the City a lot of money. We know what some of the problems are. One of the problems is the selection of department heads for an example. The Board of Mayor and Aldermen should select some department heads like it was in the old Charter. That was a mistake on my part and I will be the first one to admit it. I think sometimes the commission ought to come back. I think there ought to be a process where you can put those amendments on the ballot. If you are not willing to do that....

**Alderman Gatsas** interjected it sounds to me, Alderman, that you are trying to make the Mayor's position a little weaker than what it is.

**Alderman Lopez** stated maybe in some cases it should be.

**Alderman J. Roy** asked don't we have to do this in two or three years anyway? What is the guideline? I think it is every ten years. When did we do it last, 2003? We are essentially going to wait another three years before we bring this up anyway? My point is that I just assume save the money now if we are going to do it in three years anyway.

**Mr. Arnold** replied the Charter states under Section 8.03 not less than once every ten years the Board of Mayor and Aldermen shall cause the question of charter revision to be considered by voters under the provision of state law.

**Alderman J. Roy** asked we did it in 2003, correct?

**Alderman Lopez** stated yes.

**Alderman J. Roy** stated we would have to do it by 2013 so I have no problem saving the money now and doing it then.

**Alderman DeVries** stated the cost that has been outlined for us looks like it would run us about \$100,000. Was it Alderman Gatsas that had brought in the question that was tabled last week? I haven't heard what you are asking us to spend \$100,000 on. I didn't know if you would like to give us specific detail. I can see that as being two police officers or two fire fighters or two teachers. I am just looking for more detail on what you hope to accomplish, if that would be appropriate.

**Alderman Gatsas** stated I think it is important to understand what Alderman Lopez was just talking about, having the Aldermen have an opportunity to appoint department heads and having the commissions come back in their full battle regalia as they were in the past. As I just said to him it sounds like he is looking to change the authority and the powers of the Mayor's office. That was not what I was talking about. I was talking about things in

this Charter that every Alderman can look at and say I think they should change. I think that the way we have filings for our financial contributions should change. There is no question that should be altered.

**Alderman DeVries** stated we could put that in the ballot now, if you would just draft up or give us that detail and put the question forward. We could vote on that specifically tonight and it could be on the ballot.

**Alderman Gatsas** stated I think there are other things that Alderman Lopez is looking to get on the ballot. As I said, I don't think this should just be about putting 20 different items forward to say that we are looking to change the charter. I think it should be something that people are sitting down and working through.

**Alderman DeVries** stated Alderman, I am not looking to enter into the debate. I thank you for bringing forward the contributions. I am looking to weigh what it is that we are spending \$100,000 on and I think what I heard from Alderman Lopez is that we could compile a few questions that we would like to see on the ballot and we could do that for nothing. Then we could spend that \$100,000 on two police officers, two fire fighters or two teachers. I have the expectation that next year's budget could be as tough or tougher than this year. If you are asking me to spend today \$100,000 which likely will flow into next year's budget as well, I want more detail and I haven't heard an expenditure worth \$100,000 to me yet. Not when we could do that for nothing if we would put our questions down.

**Alderman Gatsas** stated I certainly respect your opinion but I have another motion that I made that has been sitting in the Committee on Bills on Second Reading for the last nine months that said that department heads need to live in the City. It has been sitting there and never acted on. I have a problem with that.

**Alderman DeVries** asked who is the Chair of that Committee?

**Alderman Gatsas** replied it doesn't matter who the Chair is. It is sitting there and we as a Board should be looking at things to bring them out. I look at that and say that is wrong. That is something that maybe should be in the charter, that department heads should live in the city. I understand the City Solicitor was going to tell me that there are rulings but the rulings across the state deal with all employees. That has never been my intent. That has never been my suggestion. I can read the law. Attorneys will read that law and will tell you that the court ruling came back and said you can't have all of your employees mandated to live in the city. Department heads are outside of that realm. You can ask them to live in the city. I understand when you read it why you say that because it says all employees. I have never made that intent and it is still sitting there. It has been there for eight month.

**Alderman DeVries** stated I would like to make one final comment on that. I still haven't heard anything offered here that we couldn't just sit down, compose our question, take our vote, put it on the ballot, all for zero expenditure. Instead we are being asked because there might be several things, to spend considerably more dollars. I was just asking for that detail to be offered up. My wish would be that we put two or three items together before we leave and vote on them and put them on the ballot.

**Alderman Gatsas** asked do you have any suggestions that you see in this Charter that should be changed?

**Alderman DeVries** replied I didn't bring this forward, Alderman. This was not brought forward at my suggestion. That is why I was asking you for detail of what it was that you were looking for.

**Alderman Lopez** stated in reference to the department heads, that takes an ordinance. If this comes out of Committee, the Board could make an ordinance for that. It can be challenged and the City Solicitor said they will win in court. If you want to bring it out I will vote for it.

**Alderman Gatsas** stated I will bring it up under new business.

**Alderman Lopez** stated I will vote for department heads to live in the City. That is not the issue we are talking about right now.

*On motion of **Alderman Garrity**, duly seconded by **Alderman Ouellette**, it was voted to receive and file the Charter Amendment question of establishing a Charter Commission. **Alderman Gatsas** voted in opposition.*

- 12.** Communication from Matthew Normand, City Clerk, regarding potential costs associated with a Charter Commission and the timing for electing commissioners, as requested by the Board.

*On motion of **Alderman O'Neil**, duly seconded by **Alderman J. Roy**, it was voted to receive and file this item.*

- 13.** Communication from the Highway Department and Southern New Hampshire Purchasing Cooperative regarding possible purchases, if available.

*On motion of **Alderman O'Neil**, duly seconded by **Alderman DeVries**, it was voted to accept this item.*

**Alderman DeVries** stated I was hoping that the Highway Department could comment on the costs to the City. We are not absorbing employee costs for other communities are we?

**Mayor Guinta** replied there is no cost.

14. Communication from Sharon Wickens, Finance Department, notifying the Board that the Police Department has received \$500.00 from Target towards purchasing supplies for the Community Policing Division and requests that the Board accept funds and remand them for the purpose intended.

*On motion of Alderman Pinard, duly seconded by Alderman Ouellette, it was voted to accept this item.*

15. Resolutions:

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Eighty Four Thousand Nine Hundred Ten Dollars (\$184,910) for the FY2010 CIP 213810 Homeless Healthcare-ARRA.”

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of Forty Two Thousand Four Hundred Ninety Five Dollars (\$42,495) for the FY 2010 CIP 213910 Public Health Preparedness for H1N1 Program.”

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of One Million Four Hundred Five Thousand One Hundred Ninety Nine Dollars (\$1,405,199) for the FY 2010 CIP 412210 Recovery Act Justice Assistance Grant Program.”

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of Two Million Two Hundred Nineteen Thousand Dollars (\$2,219,000) for the FY 2010 CIP 412310 COPS Hiring Recovery Program.”

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

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

## **NEW BUSINESS**

**Alderman Lopez** stated earlier this evening a contract for the Central Business Service District was passed out. They are in the process...after talking to Sam Maranto about the RFP, it was supposed to go out and it hasn't been completed yet. Intown Manchester is in the process of making some arrangements and doing things as far as long range planning. They have done a great job as far as I am concerned. With the winter months coming up and planning for next year...I don't believe we need to start all over again.

*Alderman Lopez moved to extend the existing contract with Intown Manchester to June 30, 2012. Alderman Ouellette duly seconded the motion.*

**Alderman O'Neil** stated you know that I have voiced some suggestions regarding taking a look at the maintenance side of it. Do you think with the extension that we might be able to sit down and talk about that at some point? Does the extension allow for that?

**Alderman Lopez** replied yes, the extension allows for that. Even before the extension there is going to be some type of meeting set up by Sam. Intown keeps track of the different things on the sidewalks that need to be fixed. We have to just find a mechanism for the money and I know that the Highway Department can fix this stuff. We allocate about \$75,000 every year to fix these bricks. Sam has a new idea of fixing the bricks like we have out on the side street. They are laid down differently as compared to the ones on

Elm Street where the frost heaves won't pull it up. There is going to be a work study and you will be invited to make sure that everything is fine.

**Alderman O'Neil** asked we do have the opportunity if this extension is approved for revision? For instance my interest is the maintenance side of it.

**Alderman Lopez** replied yes we do.

**Alderman Gatsas** stated normally this contract gets extended for one year at a time. Is there a reason why we are extending it until 2012?

**Alderman Lopez** stated in order to move forward with planning in aspects of the Millyard and downtown in general, there has to be some concrete organization in place.

**Alderman Gatsas** asked am I looking at the contract that is before us because the contract that I am looking for is effective the first day of July 1, 2008 between the City of Manchester Planning and Community Development Department for the Central Business Service District. It is a one year contract.

**Alderman Lopez** asked Stephanie, maybe you can help me with this. I was told this is a three year contract. I think it got a one year extension.

**Ms. Stephanie Lowry**, Executive Director of Intown Manchester, stated the contract that you are looking at was a one year extension from 2008 to 2009. I believe that might have been the second one year extension. I would like to say one more thing about the other reason why I need a three year contract rather than a one year extension. I make arrangements with, for instance, my phone service company for a three year contract and I would like to be able to know if I am going to be in business or not so that I can make some good arrangements with my vendors.

**Mayor Guinta** asked is there any reason why we don't do this through the regular channels? Is this time sensitive for this evening?

**Alderman Lopez** asked what do you mean by regular channels?

**Mayor Guinta** replied typically a contract extension would have a request submitted to the Board. It would then go to either a Committee or the full Board for review. Why would it come under new business as opposed to that typical process.

**Alderman Lopez** stated I will try to answer that Your Honor. If you look at the extending time performance, it was for an additional six months until December 30, 2009. There is not an RFP. I don't believe there is anyone out there that could do a better job than Intown Manchester has done for the City. All we are doing is prolonging this to where I think Intown can't really plan. I think there are things that they need to plan for three years out and five year programs. I think for example, in my opinion anyway, I am not speaking for the director, if you are looking at the sidewalks downtown you are going to need a new system because right now you are spending \$75,000 a year. Maybe you have to do a five year program so you can go in and identify those areas instead of piecemeal every five years. I think there is a lot of planning that goes into it. I am bringing this forward tonight because everything is in place and I think for the best interest of the City it is worth giving it a three year contract.

**Mayor Guinta** stated the reason that I ask is because when we renew contracts I personally like having the Solicitor review them and to get consideration from Board members if there is anything that we want to modify in the contract. I haven't had a chance to talk to you about this but since we are talking about it tonight, there are certain responsibilities that I think are the responsibility of Intown today but maybe should be

Parks or Highway and maybe vice versa. I would like to be able to have that conversation and codify it in a contract.

**Alderman Lopez** stated it is in there. Intown Manchester's responsibilities are in there. Parks and Recreation Department and the Highway Department responsibilities are in there. The reporting mechanisms are in there. If there are any questions I am sure the Directors here can answer them. The City Solicitor is...

Mayor Guinta interjected I wasn't aware that this was coming up tonight. I would have appreciated having more advanced notice if a contract renewal would be coming up because there are things that I may want to consider recommending to the Board for contract amendments. That was the point that I was trying to make.

**Alderman Lopez** stated I understand that. I am just saying that we have had this contract for four years.

**Mayor Guinta** asked so this contract isn't changing?

**Alderman Lopez** stated all the details and responsibilities are spelled out in the contract. This has been in existence. The City Solicitor has reviewed this contract many times, even with the documentation here where they revised Article four of the agreement period.

**Alderman DeVries** asked this is a six month extension, correct?

**Ms. Lowry** replied it is my understanding that I had a six month extension until December. What we are looking at is going for a three year extension. I would think it would have been retroactive to June.

**Alderman DeVries** asked specifically to answer the Mayor's question, is there anything in here that is time sensitive since you have that extension to go to December?

**Ms. Lowry** replied I have already dealt with the one vendor that I had an issue with.

**Alderman DeVries** asked so your answer is no?

**Ms. Lowry** replied my answer is that in December I am going to have to go back to the vendor. It is not going to affect my business now.

**Alderman DeVries** stated it is just highly unusual for us to be asked to vote the same night that we are given a document. It has nothing to do with anything other than wanting to do our due diligence if we wish to be given a couple weeks to look at this. I would like to table this time so that we can take it up again in two weeks.

**Alderman Gatsas** stated with all due respect to my colleague, we have a Committee process here. We have an extension that goes until December. Is there a reason why we wouldn't take this through the Committee process?

**Alderman Lopez** replied when this contract came, it came directly before the Board. No Committee has ever looked at this contract. The Board has always taken care of this contract with the City Solicitor's review. If you notice in the contract in Article Six, we have 60 days to cancel at anytime we want.

**Alderman Gatsas** stated Alderman, I am not looking to cancel it. I think they do a great job. I think there should be discussions about the process. The process is that if we have always extended this then the process should be that we send it to a Committee. Let the Committee look at it and come back with a recommendation. That is what we do with every other contract. It should be no different here.

**Mayor Guinta** stated as a matter of fact, what I would like in the future is for the Solicitor's office to have a master list of contract agreements and their expiration dates and give me a recommendation as to how they should be reviewed, by what committee and in what time frame, so we don't get into a situation where a vendor or a partner feels like they have to bring something in at the last minute or that we are under the gun. I don't think that anyone is looking to terminate the contract but there are things in the contract that I think probably could be amended and responsibilities that I would like Intown Manchester to take over that may not be in the current contract. I don't have any objection to moving this through a Committee process and expediting it so that we can get you an answer before December. My intension wouldn't be to wait until December. I think it is a simple review in Committee and then come back to the Board.

*On motion of Alderman Lopez, duly seconded by Alderman Garrity, it was voted to forward this contract to the Committee on Administration/Information Systems.*

**Alderman Sullivan** stated thank you, Your Honor. A while back I brought before the Board a proposal to rename that portion of Seneca Lane adjacent to St. Joseph's Cathedral. There was something that I wanted to bring before the Committee on Lands and Buildings tonight. They run a very tight schedule and weren't able to pick this up. I know that we ran into a buzz saw when we took up the issue of renaming a certain bridge a while back. I am a little hesitant to ask the Board to act on this immediately...

**Mayor Guinta** interjected would you refer it to Committee then?

**Alderman Sullivan** replied well, we already did that and with issue such as the dog parks and others the Committee seems a little busy. I would defer to the Chairman of Lands and Buildings as to whether or not he would want to move forward with this at the full Board level or if it is something he wants to deal with in his Committee.

**Alderman Smith** asked is this Seneca Lane?

**Alderman Sullivan** stated this is Seneca Lane.

**Alderman Smith** asked did you find out if it was named after someone? My understanding was that it might be named after someone.

**Alderman Sullivan** stated we looked into that. Kevin Sheppard looked into it and Sally Fellows down in the Archives took a look as well. As best as anyone can tell it was named after a Greek philosopher who most of us have probably never read. As best as anyone can tell there is no local personal significance to it. What we would like to do, and I am bringing this at the request of the pastor of the Cathedral parish, Father Joe Copper, is to rename it Bishop Denis Bradley Lane. Bishop Bradley was the first bishop of the Diocese of Manchester. The Diocese is celebrating its 125 anniversary this year so it is a jubilee year, to use the church term, and this would be a way of honoring one of the founding fathers of the Catholic Church in the State of New Hampshire.

**Alderman Smith** stated I would say that we should take it up right now.

*On motion of Alderman Sullivan, duly seconded by Alderman Smith, it was voted to rename Seneca Lane, Bishop Denis Bradley Lane.*

**Alderman Gatsas** stated with the help of my colleague Alderman Lopez, I would certainly like to take off the table what is in Committee on Bills on Second Reading and bring it forward so that we can take a vote on it tonight. It is in regards to having department heads live in the City.

**Mayor Guinta** asked can we take off something in Committee?

**Alderman Lopez** stated you have to have three Aldermen sign a document to request it to come out of Committee. It is the rule.

**Mayor Guinta** stated I will sign a document and it will be on the agenda at the next meeting.

**Alderman Gatsas** stated I have another item, Your Honor. This item certainly has to do with the parking next to the bus station. I believe that Ms. Stanley was coming in yesterday at the Traffic Committee but she was on vacation and she didn't have the ability to be there. I think they sat down along with Bill Sanders to come up with an agreement with the Boston Express. I will let her address it and let you see the copies because it was supposed to come before the appropriate Committee. I am not looking to circumvent the system but I think that it is time sensitive and I think that Ms. Stanley has worked hard in working out an agreement with Mr. Minkarah and Mr. Jalbert at Boston Express.

**Alderman J. Roy** asked is this something that we tabled?

**Alderman Gatsas** replied it is something that we sent to a Committee and she was going to report to the Committee.

**Alderman J. Roy** stated yes, I was there yesterday.

**Alderman Gatsas** stated she was on vacation I believe.

**Alderman J. Roy** stated my point is that I think we tabled it in Committee. I think we are in the same bind we are in with the other issue. Not that I don't want to discuss it but that is the procedure.

**Alderman Shea** stated I want to make a clarification. Actually when we scheduled the Committee meeting for Traffic, it was scheduled for Tuesday and she went on vacation thinking that she would be all set to come in for the Traffic Committee meeting. It was then moved to a Monday. I want to defend her because she really was under the impression that the meeting was going to be Tuesday at 6:00pm.

**Alderman O'Neil** stated I will defend Brandy on that but if she was on vacation why didn't this come into the Committee anyway?

**Mayor Guinta** stated because it is a letter written by her and it looks like it dated today and I assume you just got back from vacation today.

**Ms. Stanley** replied yes.

**Alderman Gatsas** stated it was just given to me this evening with discussions that happened this afternoon with Alderman Shea, who is the Chairman of the Traffic Committee, along with Mr. Sanders. I think the sensitivity with the lot being completed and paved and the agreement that we have with Boston Express is certainly something that is time sensitive.

**Alderman Lopez** stated since it is time sensitive, I think we can go to Rule 25, which states order of business shall be observed in all cases, unless suspended by two-thirds vote of the members present, for a specific purpose.

**Mayor Guinta** asked Tom, what would be an appropriate motion for us to take up a matter that is tabled in Committee.

**Mr. Arnold** replied as Rule 25 provides, the above rules of order of business shall be observed in all cases, unless suspended by a vote of two-thirds of the members present.

**Mayor Guinta** asked so what motion would be appropriate?

**Mr. Arnold** replied the motion would be to suspend the rules. If you get the two-thirds vote under the rules, then you can take up the matter at tonight's meeting.

**Alderman Lopez** stated because it is time sensitive.

**Mayor Guinta** stated I understand what Rule 25 means. I am asking you what the actual language of the motion would be. Suspend what?

**Mr. Arnold** stated you want to suspend Rule 14.

*On motion of Alderman Lopez, duly seconded by Alderman Gatsas, it was voted to suspend Rule 14 to discuss the Canal Street Parking Lot Operational Policy.*

**Ms. Stanley** stated Jay Minkarah and I had a meeting with Jim Jalbert of Boston Express last Friday, August 28, 2009 which is why the update was not on the agenda because it was after the deadline for the update. Basically, all three of us discussed it and I think all three of us are comfortable with the agreement that we came to, which is that the parking lot will be reserved for patrons of the bus terminal only and we will sign that. Parking permits will be sold inside the bus terminal by the ticketing agent as opposed to the parking division office. That is a customer service issue. It also helps us to insure that the parking lot is being used by commuters because it is only being sold to commuters. Boston Express is going to be responsible for selling permits only to bus passengers. All of the customers obtaining permits will be required to sign an agreement supplied to Boston Express by the Parking Division. We will supply Boston Express with 25 permits

on the 20<sup>th</sup> of each month. In other words, every month there is going to be a new permit for that parking lot. Every person that buys a monthly permit will have to repurchase the following month and get a new permit. At the end of every month Boston Express will return to us the unissued parking permits and for all the permits that they have issued they will pay us \$50 which is the ordinated rate for that particular month, less any credit card fees for payments accepted in credit card form by customers. The Parking Division will maintain, manage and enforce the parking lot. We will operate the lot for event parking and to stress, consistent with the ordinance as it has already passed, any vehicle with a permit or any vehicle parked in the lot at the start time of the event charge will not be required to pay the event fee. That is basically the agreement that we came up with and everyone seems fairly comfortable with it.

**Mayor Guinta** asked why would we as the Parking Division, maintain, manage, enforce, and operate but not sell the actual ticket?

**Ms. Stanley** replied Boston Express wanted to be able to sell the permits from inside. They are not interested in keeping the revenue. They are not interested in running the lot. What they want to do it to not have their customers walk or drive to the Parking Division office to get their permits.

**Mayor Guinta** replied okay.

**Alderman DeVries** stated there is nothing in here to allow for prorated months. Will you be developing that in the future so that if an individual comes in with only five days until the end of the month they can deal with them for lesser dollar amounts?

**Ms. Stanley** replied we discussed that at the meeting. That was one of my concerns as well and basically Boston Express said they are not interested in prorating so if someone wants to buy a permit, they will pay \$50. If it is five days left in the month, they can park

in the Center of NH garage at the daily rate. They will not be accepting any payments less than \$50.

**Alderman Shea** asked will they pay the \$50 before the month? Is that how it works? In other words, will they prepay so that... for instance if they were going to park during the month of December and it costs \$50, would they pay the first of December for that month? Is that how that works?

**Ms. Stanley** replied they will pay Boston Express in exchange for the permit.

**Mayor Guinta** stated they can pay anytime during the month.

*On motion of Alderman Garrity, duly seconded by Alderman J. Roy, it was voted to accept the operational policy for Canal Street Lot.*

**Alderman O'Neil** stated Your Honor, I hate to bring this up tonight and under new business. I am concerned about where things are going regarding a couple of arbitration cases and as suggested I did email Jane Gile and Alderman Lopez today regarding this.

**Alderman Gatsas** stated I think having a list of arbitration cases sent to the Committee on Human Resources/Insurance would allow us to know what they are. They would come before us. That way we understand what the arbitration is and as a Board we will have a clearer understanding of what it is. I think it is appropriate that we understand if we are arbitrating about five cents or if we are arbitrating about \$5 million. Certainly some of these decisions should be made at the Board level of whether we think a \$35 arbitration case should go forward or not.

**Alderman O'Neil** stated we have had this discussion before.

**Mayor Guinta** stated if I could add to what Alderman Gatsas is saying, I saw that and received the email. I haven't been able to review it yet. Would it also help if maybe this Friday we can have a meeting to review the email and talk about process and procedure, similar to what Alderman Gatsas is saying?

**Alderman O'Neil** stated I think Alderman Gatsas is onto something. We have to come up with something long term. Unfortunately staff doesn't know history of how we reach agreements. They are not always at the table with us when we are bargaining with the units. They do not know the history. They are acting off one direction when we know what was decided and why it was decided. It might prevent going down the avenue of arbitration. There is a cost to the City; it's not major but there is staff time away. There is also a concern in this case, they tell me there is a strategy, I don't know what it is but why they have two separate arbitrations when it is the same issue.

**Mayor Guinta** stated if you don't mind because it is a legitimate issue, I would like to have an internal meeting first. I would also be more than happy to accept a motion. Let me see if we can try to schedule a meeting at least between HR and myself sometime this week if not early next week. In the meantime I can accept Alderman Gatsas's motion.

**Alderman DeVries** stated I am sure that Alderman Gatsas will figure out a way through the HR Committee. Because this information is employee-based, this could need to be done in non-public session. Our agendas go out to the public. I am sure they will work out some sort of arrangement where sensitive information will not be released.

**Mayor Guinta** stated I would ask that Jane provide it in a manner that is consistent with confidentiality requirements and laws.

*On motion of **Alderman Gatsas**, duly seconded by **Alderman O'Neil**, it was voted that a list of arbitration cases be sent to the Committee on Human Resources/Insurance on a monthly basis as the Committee meets.*

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

A True Record. Attest.

City Clerk