

BOARD OF MAYOR AND ALDERMEN

October 6, 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: J. Porter, P. Harte, T. Soucy, D. Sarette, T. Clark, J. Lessard, C. DePrima,
S. Maranto, R. Robidas

Mayor Guinta stated before we start I want to bring up Joan Porter, Pat Harte and Tim Soucy. This is Breast Cancer Awareness Month. I wanted Joan to come forward to talk about their efforts and then I would like to read a proclamation.

Ms. Joan Porter, Tax Collector, stated the City of Manchester is having their first Breast Cancer Awareness team. It is mostly employees, but we are encouraging anyone from the public to join us as well as spouses, friends or family. We're really thrilled to have the support of the Mayor's Office, the Aldermen and City employees. We have quite a few who have signed up. We have an aggressive goal and we think we can reach it. We want to thank all of you for supporting us and we urge you to please donate or join our team. Pat Harte is the one who started our team and got everything going.

Ms. Pat Harte, Deputy Tax Collector, stated I want to thank everyone. Cancer is something that touches all of us, unfortunately. This year 200,000 women will be diagnosed with breast cancer. It is the second largest cancer cause of death for women in our country. I think we have to fight for a cure and that's what we are trying to do. I want to thank everyone who has donated and encourage those who will be donating.

Mr. Tim Soucy, Health Director, stated from a public health standpoint it is so important that women have early detection and screening, so we would also encourage women to get screened early so if something is found it can be treated quickly and rapidly so you can have a speedy recovery.

Mayor Guinta stated for anyone who is not an NFL fan if you happened to catch a game this weekend you saw every individual who is a member of the NFL wear pink. I think that's something that has never happened in the NFL before. It was a great awareness. I think if the NFL can get behind this cause we certainly can as a City.

A PROCLAMATION

WHEREAS, national Breast Cancer Awareness Month educates families about the importance of early detection for breast cancer; and

WHEREAS, Making Strides Against Breast Cancer is the American Cancer Society's premier event to raise awareness and dollars to fight breast cancer; and

WHEREAS, since 1993 nearly five million walkers have raised more than \$340 million through Making Strides. Last year in 2008 alone, nearly 600,000 walkers across the country collected more than \$60 million to fight breast cancer; and

WHEREAS, each year hundreds of walkers take part in the Making Strides for Breast Cancer Walk here in our City, helping to raise awareness throughout our community of the importance of breast cancer research; and

WHEREAS, this year's employees of the City of Manchester have formed a team, the Queen City Haulers, I urge all City employees and community members to consider a donation to this very vital cause.

NOW, THEREFORE, I Frank C. Guinta, Mayor of the City of Manchester New Hampshire, do hereby proclaim October 2009 to be National Breast Cancer Awareness Month and commend the Queen City Haulers on their efforts and dedication to ending breast cancer.

Given on this sixth day of October, in the year of Our Lord two thousand and nine, and the independence of the United States of America, two-hundred and thirty-three.

S/Frank C. Guinta
Mayor

Mayor Guinta stated thank you all very much for participating. I know we'll have a very high participation rate because everyone is excited and engaged about this near and dear cause.

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

- 3.** Discussion regarding the proposed operating agreement for the McIntyre Ski Area. *(Note: McIntyre Ski Area Agreement forwarded under separate cover to the Board of Mayor and Aldermen)*

Mr. Don Sarette, McIntyre Ski Area, stated this is the result of countless hours of time put in by City staff, Aldermen and the ski school to come before you tonight with this proposal. If approved tonight, it will then go to the state for approval by the Department of Resource and Economic Development and then it will come back to the City for a final signature and execution so we can move forward, as winter is approaching. A lot hasn't changed since the last time. We are eliminating about \$150,000 annually, lost from the Enterprise fund, which has been a problem for some time now. We anticipate recovering approximately \$781,000 of outstanding debt over the next 20 years through this proposal. In the end, the City is going to get a new and improved amenity in the form of a new ski lodge and bringing up that facility year round.

Alderman Lopez stated I think this is a good opportunity. I want to be clear that if the owners hadn't stepped forward for this particular project we would have to put \$1.3 million into that building. Is that correct?

Mr. Sarette replied that's correct.

Alderman Lopez stated this is a good agreement moving forward. I presume that the City Solicitor has reviewed all of the documents. One of the issues was the guarantee issue. Could you explain that, please? You put this document together and I would like you to explain the guarantee aspect.

Mr. Tom Clark, City Solicitor, stated this agreement has been put together to match the term sheet that was approved by this Board two meetings ago. It incorporates those revisions and flushes them out. There is a personal guarantee attached to the contract by

Mr. Sarette whereby he guarantees the payment of the bond debt and the old debt that is being taken over personally.

Alderman M. Roy stated my concern is from comments that came from the neighborhood, which is the use of alcohol on the premise. Could you go through the City's policy on obtaining a liquor license?

Mr. Clark stated I'm not aware of the policy.

Alderman M. Roy asked is there a representative from the Police Department that could answer that?

Captain Jerry Lessard, Police Department, stated a liquor license would be obtained through the State Liquor Commission. However, we would review an application in the event that there was live entertainment. We would require the business to hire a police detail.

Alderman M. Roy stated it is my understanding that there are local signatures required for the liquor license. Is that untrue? I was told Fire, Police and Health all have to sign off.

Captain Lessard stated we do sign off on business license, yes.

Alderman M. Roy asked does that hold true for daily event licenses for liquor?

Captain Lessard replied as far as I understand, yes.

Alderman M. Roy stated some of the concerns brought up were parking outside of the existing parking lot. A number of people referenced the Oktoberfest celebration last year that flowed over into the neighborhood. Could you talk about what your plans are for off season type of events and how you are going to address them as managers?

Mr. Sarette replied we don't plan on having anything like an Oktoberfest. We do hope to have small corporate events like parties or wedding receptions that may want to rent during the summertime. As I understand it, that requires a special liquor license. Beyond that, we serve as a model for kids. We are right next to a school and during school hours that will never happen. We will never want a liquor license. It just isn't what we are all about and that's the best way I could say it.

Alderman M. Roy asked you are going to monitor that internally with the utmost scrutiny?

Mr. Sarette replied absolutely.

Alderman Ouellette stated your organization is not going to have a liquor license. Is that correct?

Mr. Sarette replied that's correct.

Alderman Ouellette asked if someone wants to rent the facility for a wedding and wants to serve alcohol, they would have to obtain their own liquor license?

Mr. Sarette replied I'm not quite familiar with that.

Mr. Chuck DePrima, Parks and Recreation Director, stated in that case, the license would be held by the caterer, not by the ski school or the City.

Alderman Ouellette asked would you charge an extra fee if someone wanted to rent and provide alcohol to their guests or is that part of the rental?

Mr. Sarette replied I guess you might call it a BYOB. We would not provide or sell the liquor. It would have to be a special license that they would have to get. It would be similar to what they had for the Oktoberfest.

Alderman Ouellette stated my point is that if someone wants to get their liquor license, the burden of that extra step or hassle would be on the renter or the organization.

Alderman O'Neil stated you are not going to be out aggressively marketing events where liquor license will be needed. Correct? They may come along, but they will be limited and will not happen while kids are in school.

Mr. Sarette replied yes, and we're only talking about the summer months and during weekends when there is no school activity.

Alderman O'Neil stated we've all known you a long time and we don't expect that there are going to be any problems with this issue.

Alderman Shea stated I know he has a vested interest in Smyth Road because he has a grandson that attends there so I would say that if these two men have come forward we should support their endeavor and thank them for investing in Manchester and we should do everything we can to make sure the operation is a success.

Alderman Gatsas stated my understanding was that both operators were going to personally guarantee these notes so there was no confusion.

Mr. Sarette replied I don't see how that would be possible. If you are referring to Ross, he is the manager.

Alderman Gatsas asked so he has no interest in the ski school?

Mr. Sarette replied no.

Alderman Gatsas stated okay. Now I understand.

On motion of Alderman Gatsas, duly seconded by Alderman Shea, it was voted to approve the McIntyre Ski Area's Agreement.

Mayor Guinta called upon Community Legal Services to make a presentation.

4. Presentation by Community Legal Services Inc.

Alderman Shea stated it has to do with Legal Services which is requesting \$3,500.

Could we table it until they come?

On motion of Alderman Garrity, duly seconded by Alderman DeVries, it was voted to refer this item to the CIP Committee.

CONSENT AGENDA

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

Ratify and Confirm Poll Conducted

- A.** Authorizing the Finance Officer to utilize \$10,000 from the Special Reserve Account for an auction deposit on property identified in non-public session at a CIP meeting held on September 28, 2009.
(Phone poll conducted 9/29/09. Aldermen Gatsas, J. Roy, Osborne, Pinard, Lopez, O'Neil, Shea, DeVries, Smith, Ouellette voted yea. Aldermen M. Roy, Sullivan, and Garrity could not be reached.)

Accept BMA Minutes

- B.** Minutes of meetings held on May 19, 2008 (one meeting); May 20, 2008 (two meetings); May 27, 2008 (one meeting).

Approve under supervision of the Department of Highways

- C.** Pole petition:
11-1251 Brown Avenue

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

- D.** Sidewalk Petitions:
37 Frontage Road
47 Frontage Road
95 Fox Street

501 Wellington Hill Road
610 Front Street
39 Erie Street

Information to be Received and Filed

- E. Communication from Mayor Guinta to the New Hampshire Department of Transportation regarding consideration of the reconstruction of I-293 Exit 6/Exit 7 and related infrastructure projects.
- F. Monthly Bulletin from the City of Manchester Health Department for September 2009.

REFERRALS TO COMMITTEES

COMMITTEE ON FINANCE

I. Resolutions:

“Authorizing the Finance Officer to effect a transfer of Fifteen Thousand Nine Hundred Twenty Dollars and Eleven Cents (\$15,920.11) for the FY 2009 CIP 711209 Annual ROW Reconstruction Program.”

“Amending the FY 2007 and 2009 Community Improvement Program, authorizing and appropriating funds in the amount of Fifteen Thousand Nine Hundred Twenty Dollars and Eleven Cents (\$15,920.11) for the FY 2009 CIP 711209 Annual ROW Reconstruction Project.”

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

“Amending the FY 2009 Community Improvement Program, authorizing and appropriating funds in the amount of Eighty One Thousand Seven Hundred Nineteen Dollars (\$81,719) for the FY 2009 CIP 210109 Homeless Healthcare Program.”

“Amending the FY 2009 Community Improvement Program, authorizing and appropriating funds in the amount of Nineteen Thousand Dollars (\$19,000) for the FY 2009 CIP 210609 School Based Dental Services.”

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of Five Thousand Three Hundred Eighty Six Dollars (\$5,386) for the FY 2010 CIP 211010 Alcohol and Drug Education Program.”

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of Fifty Thousand Dollars (\$50,000) for the FY 2010 CIP 214010 Public Health Preparedness for H1N1 – Phase II Program.”

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Twenty Six Thousand Two Hundred Forty Six Dollars (\$126,246) for the FY 2010 CIP 214110 Public Health Preparedness for H1N1 – Phase III Program.”

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of Two Thousand Two Hundred Eighty Five Dollars (\$2,285) for the FY 2010 CIP 214210 Sylvie Ratelle STD/HIV Prevention Training Program.”

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Fifteen Thousand Eight Hundred Ninety Two Dollars (\$115,892) for the FY 2010 CIP 214310 Immunization Initiative.”

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of Seven Hundred Sixty Six Thousand Five Hundred Forty Five Dollars (\$766,545) for the FY 2010 CIP 612310 Homeless Prevention Rapid Re-Housing Project.”

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of Seven Hundred Thousand Dollars (\$700,000) for the FY 2010 CIP 712810 Automatic Meter Reader Program.”

J. Bond Resolutions:

“Authorizing General Airport Revenue Refunding Bonds, Notes or Other Obligations in an Amount not in Excess of Sixty Five Million Dollars (\$65,000,000) for Refunding Certain Outstanding Municipal Revenue Bonds Issued by the City on behalf of the Manchester Airport.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Seven Hundred Thousand Dollars (\$700,000) for the 2010 CIP Manchester Water Works 712810 Automatic Meter Reader Program.”

“Authorizing Bonds, Notes or Lease Purchases in the Amount of One Million Six Hundred Thousand Dollars (\$1,600,000) for the City of Manchester’s Portion of the Costs for Demolition of the Existing Building and Construction of a New McIntyre Ski Area Lodge and Equipment.”

REPORTS OF COMMITTEES

COMMITTEE ON COMMUNITY IMPROVEMENT

- O.** Recommending that the request from Leon LaFreniere that \$15,920.11 be taken from the bond balance of the Granite Street Reconstruction Project, CIP # 713107 for the remaining local share for the Candia Road Project be approved.
(Unanimous vote)

- P.** Recommending that the request for acceptance of funds in the amount of \$10,000 to be used towards the removal of Black Brook Dam at Maxwell Pond be approved.
(Unanimous vote)

- Q.** Recommending that the amending resolution and budget authorization providing for the acceptance of funds in the amount of \$184,910 from the US Department of Health and Human Services to support renovation of the Homeless Healthcare Manchester shelter clinic space located at New Horizons under CIP project #213810 be approved subject to receiving additional information from the Health Department.
(Unanimous vote)
- R.** Recommending that the Amending Resolution and Budget Authorization providing for the acceptance of additional funds in the amount of \$5,386 for CIP project #211010 Alcohol and Drug Education Program be approved.
(Unanimous vote)
- S.** Recommending that the Amending Resolution and Budget Authorization providing for the acceptance of additional grant funds in the amount of \$81,719 from the Department of Health and Human Services Health Resources and Services Administration to provide services to the homeless CIP #210109 be approved.
(Unanimous vote)
- T.** Recommending that the Amending Resolution and Budget Authorization providing for the acceptance of Medicaid funds in the amount of \$19,000 from the New Hampshire Department of Health and Human Services to support the School Based Dental Services program CIP #210609 be approved.
(Unanimous vote)
- U.** Recommending that the Amending Resolution and Budget Authorization providing for the acceptance of grant funds in the amount of \$50,000 from the US Department of Homeland Security and Emergency Management to support the implementation of CIP #214010 H1N1 Phase II program be approved.
(Unanimous vote)
- V.** Recommending that the Amending Resolution and Budget Authorization providing for the acceptance of grant funds in the amount of \$126,246 from the New Hampshire Department of Health and Human Services-Division of Public Services to support the implementation of CIP #214110 H1N1 Phase III program be approved.
(Unanimous vote)
- W.** Recommending that the Amending Resolution and Budget Authorization providing for the acceptance of grant funds in the amount of \$2,285 from the Sylvie Ratelle STD/HIV Prevention Training Center of New England to support the implementation of CIP #214210 Sylvie Ratelle STD/HIV Prevention program be approved.
(Unanimous vote)
- X.** Recommending that the Amending Resolution and Budget Authorization providing for the acceptance of grant funds in the amount of \$115,892 from the New Hampshire Department of Health and Human Services to support CIP #214310 Immunization Initiative program be approved.
(Unanimous vote)

- Y.** Recommending that the Amending Resolution and Budget Authorization providing for the initiation of the expenditure of HPRP funds in the amount of \$766,545 from HUD as part of the American Recovery and Reinvestment Act of 2009 be approved.
(Unanimous vote)
- Z.** Recommending that the Amending Resolution and Budget Authorization providing for the acceptance of grant funds in the amount of \$350,000 from the New Hampshire Department of Environmental Services to support the Automatic Meter Reading Project requiring the City to bond \$700,000 be approved.
(Unanimous vote)
- AA.** Recommending that the Health Department CIP project #213908 Manchester Multi-Lingual Asthma Education and Outreach Program be extended from September 30, 2009 to September 30, 2010.
(Unanimous vote)

COMMITTEE ON LANDS AND BUILDINGS

- BB.** Recommending that the draft Option to Purchase Agreement between the City and River's Edge Manchester, LLC submitted by Jay Minkarah has been received and filed.
(Unanimous vote)

COMMITTEE ON PUBLIC SAFETY, HEALTH AND TRAFFIC

- CC.** Recommending that a request from Nicole Vailas, Manchester Monarchs, for permission to place yard signs at area businesses, major roads and rotaries throughout the city from Thursday, October 1, 2008 through Sunday, October 18, 2008 be approved.
(Unanimous vote conducted via phone poll on September 10, 2009)
- DD.** Recommending that the request from the Verizon Wireless Arena for street parking free of charge for 70 employees from September 29, 2009 through October 4, 2009 be approved.
(Unanimous vote conducted via phone poll on 9/24/09, with the exception of Alderman Sullivan and Alderman J. Roy who could not be reached.)
- EE.** Recommending that the request from the Manchester Fire Department for the use of the Federal Building Parking lot on Sunday, October 4, 2009, from the hours of 9:00 A.M. to 3:00 P.M. be approved.
(Unanimous vote conducted via phone poll on September 30, 2009, with the exception of Aldermen Sullivan and J. Roy who were unavailable.)

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

- G.** Communication from David Preece, SNHPC, submitting the Greater Manchester Chamber of Commerce Joint Sustainability Committee mission statement.

Alderman Sullivan stated David Preece from the Southern New Hampshire Planning Commission, who also serves as the Chair of the Joint Sustainability Committee, has presented the Board with a copy of the Sustainability's mission statement. I wanted to give you a brief update on what we were doing on that Committee. We have taken care of most of the housekeeping and the initial organizational aspects. We are now forming subcommittees to address different policy areas. Those subcommittees will be putting together policy recommendations in different areas including water quality, green space preservation, green building and recycling. As we move forward, I'm sure that either myself or my successor on that Committee will be sure to keep everyone in the loop and give everyone advance notice for any concrete proposals brought before the Board. I'm very encouraged by the progress that we have made so far and I think we're going to see some good constructive recommendations coming forward.

On motion of Alderman Sullivan, duly seconded by Alderman O'Neil, it was voted to approve the Greater Manchester Chamber of Commerce Joint Sustainability Committee Mission Statement.

- H.** Communication from Bryan Christiansen, Comcast, regarding price adjustments.

Alderman Shea stated the expanded basic service price has gone up \$2. It is not the fault of the Mayor or the Aldermen because of this. It is because it is an unregulated entity, and therefore they can raise prices at their own discretion. When we all get a bill that is \$2 more per month, \$24 per year, it is not our fault. It is because Comcast is able to do what they want to in pricing their items.

On motion of Alderman Shea, duly seconded by Alderman Pinard, it was voted that the communication on Comcast price adjustments be accepted.

- K.** Communication from Patrick Tuffs, Heritage United Way, requesting \$62,500 from the City to create a Homeless Services Center.

Alderman Garrity stated this is a request to go to the CIP Committee. It deals with the daytime homeless center from the Ten Year Plan to End Homelessness in the City. Speaking with both of my colleagues and Sam Maranto, I have been informed that our

possible contribution could come from CDGB money that is left over in the account at the year end once we clear up all of our CDGB remaining balances. I believe there is a need for this center in the City. The Police Chief is in favor of it. It would be my recommendation that we move this on tonight and ask that Rule 25 be waived so we can get approval this evening. Winter is coming very quickly. There is going to be a contribution from Patrick Tuff's organization, the United Way, and I have been told that there is a corporate sponsor also.

On motion of Alderman Garrity, duly seconded by Alderman Sullivan, it was voted to refer this item to the CIP Committee.

Mr. Sam Maranto, Planning Department, stated I want to clarify that the CDGB funds are for capital.

Alderman O'Neil asked what was it before balances were closed out? What was the intended funding source?

Mr. Maranto replied we just finished our annual report to HUD. At that time, we go through all the projects. The projects that are closed have their funds reprogrammed. For instance, we had a neighborhood pride project that we funded with CDGB money, but because we were successful in getting state grants, those funds are available, so they would be part of the funds that I would utilize.

Alderman O'Neil asked what was the intended use? I met with Patrick and Susan six weeks ago on this. We must have had some idea.

Mr. Maranto replied we have various projects.

Alderman O'Neil asked that was the intent all along?

Mr. Maranto replied we had CIP projects that were funded and now they are completed and the funds are available.

Alderman O'Neil asked was that the intent all along? To fund it out of balances from this year?

Alderman Garrity stated I don't think the intent was to come out of CIP cash because those balances are not there. I was trying to get creative. It was always the intent.

Alderman DeVries asked is the property that is in question up for public discussion at this point? The address? Is the property at 125 going to be made available for this winter?

Mr. Maranto replied that is the correct address.

Alderman DeVries asked we think that's a renovation? That will be up and available for this winter?

Mr. Maranto replied they have had architects go through there and do enough of what needs to be done in there.

Alderman Lopez asked this is a one time contribution of \$62,000 for renovations?

Mr. Maranto replied as far as I understand it, Alderman, yes.

Alderman Osborne asked that money that is set aside for Massabesic Street is still there to finish the sidewalk, right? The painting of the sidewalk is not finished on one side.

Mr. Maranto asked are you asking if those funds could be used for that?

Alderman Osborne replied yes.

Mr. Maranto replied yes, they could.

Alderman Osborne stated I thought we had talked about that and that's where the funds were coming from.

Mr. Maranto stated that is coming from another project.

Alderman Garrity asked we'll have Rule 25 so this will have approval tonight so it doesn't have to come to CIP?

City Clerk Matt Normand stated I think what Alderman Garrity is looking for is a suspension of the rules.

On motion of Alderman Garrity, duly seconded by Alderman Smith, it was voted to suspend the rules.

On motion of Alderman Garrity, duly seconded by Alderman Sullivan, it was voted that the creation of a Homeless Services Center be approved.

Mayor Guinta stated thank you all for supporting this. I can't think of a better opportunity to have a public-private partnership in trying to improve a situation in our City. I also want to commend and thank Patrick and Susan for their ambitious goals over the course of the last year and this next year. This is going to go a long way to help this effort.

- L. Communication from Chuck DePrima, Acting Director of Parks, Recreation and Cemetery Department, regarding Dog Park site investigations for Dunbarton Road and Crescent Road.

Alderman Smith stated this situation of a prospective dog park hasn't gone away and everyone seems to be blaming the Committee, but it isn't the Committee's fault. First of all, we have to pick out a site, but it seems like one site is not agreeable for one party and another site for another party. At the last meeting of the Board of Mayor and Aldermen we asked Chuck DePrima to come in with a series of proposals, which he has, and I would assume that this is going to go back to Lands and Building again. Or are we going to take it up at the full Board?

Mayor Guinta replied this is a referral to Lands and Building.

Alderman Smith asked will we be taking up the sites again? Is that correct?

Mayor Guinta replied yes.

Alderman Smith stated I would like to say on behalf of the Committee that we are not against a dog park, but we can't get the parties' involved to pick out a site, whether it is the Dog Park Association; you, Your Honor; or the Committee. I don't like being hammered day after day and meeting after meeting with people saying that I am against a dog park. That is irresponsible. We support a dog park, but you first need to pick out a site that is agreeable to everyone.

Alderman Lopez stated I would like to echo Alderman Smith's comments. In drawing up the plans, your recommendations will go to Lands and Building. Have the people who are advocating for a dog park been in conference about the sites? What input did they have?

Mr. DePrima replied I'm not sure I understand the question.

Alderman Lopez asked what conversations have the dog park advocates had with the Parks Department as to where the dog park is located? I heard a comment tonight that they can do it for free.

Mr. DePrima replied it is the opinion of the Chairman of the Dog Park Association that the site adjacent to the West Side Ice Arena is essentially ready. All you would have to do is put up a fence. The infrastructure amenities that are required for a dog park are in place already. It was presented at the last Committee on Lands and Building meeting among three other sites so the Committee could narrow it down to two sites that I was to investigate further, which I did. The preference was the Dunbarton Road site and secondary was the Brown Avenue and Crescent Street site.

Alderman Lopez stated it has been indicated that this will cost money, but if we gave them one of these parks, could they do it for no cost? Could they raise their own funds?

Mr. DePrima replied based on the research that I've done on the dog parks in the state, specifically Portsmouth, Derry and Salem, all funds necessary for construction for improvements for a dog park were raised by the non-profit 501C3 organizations and not by the municipality.

Alderman Lopez stated I think that if we find one site we should offer it to them and let them go off and build it.

Mr. DePrima stated that's what other communities have done.

Alderman Ouellette asked when you were working with the people from the Association did you ask them to provide you with any information, not necessarily pertaining to a site, but any information that you may have asked of them?

Mr. DePrima replied we have had multiple conversations and they discussed some of their needs, but no specific information was ever given in terms of size or amenities. They told me a fencing company would donate some fencing, but that was the extent.

Alderman Ouellette asked did you ask them for information on liability issues?

Mr. DePrima replied I did, yes.

Alderman Ouellette asked did you ask them for financial statements?

Mr. DePrima replied I did not ask for that information. That was requested from the Committee on Lands and Building.

Alderman Ouellette asked did they provide that?

Mr. DePrima replied they have since September 1st.

Alderman Ouellette stated I believe when the Board looked at the liability issue last time that seemed to be the sticking point because unless that issue is resolved I don't think this Board is going to put the City at risk for litigation or injuries. Senator DeVries had legislation that did not pass the House of Representatives. Where are we in terms of the risk factor?

Mr. DePrima replied I have a letter from their insurance company saying that they would be willing to provide insurance. I don't have an actual certificate of insurance at this time.

Alderman Ouellette asked how much is the coverage for?

Mr. DePrima replied I don't believe it is specified. We are requesting \$1 million.

Alderman Ouellette asked do you know what Portsmouth and Derry do in terms of risk and how they get around it?

Mr. DePrima replied I don't know how they address that issue in those communities. I was researching the funding of those. The letter from Will Infantine says that they investigated their ability to obtain liability insurance for the proposed dog park and have received a quote from a national insurance carrier that has an A rating. That's all the information I have at this point.

Alderman Ouellette stated I think the site has already been decided at Lands and Building. Is that your understanding? They wanted you to look into the possibility of Dunbarton Road area.

Mr. DePrima replied the priority was the Dunbarton Road site because of its proximity to the Animal Shelter and it had the most available land.

Alderman Ouellette stated some years back that was also recommended as a site. Is that correct?

Mr. DePrima replied yes, it was. I believe that was in 2005.

Alderman Ouellette asked is the land proposed actual landfill land or is it adjacent to where the landfill used to be?

Mr. DePrima replied it is adjacent to the encapsulated landfill.

Alderman Ouellette asked there is no garbage underneath or hazardous material for the dogs? You would be able to plant grass or be able to do whatever you need to do?

Mr. DePrima replied that's correct. Right now it is a graveled lot.

Alderman Lopez asked is the River's Edge site out the window?

Mr. DePrima replied yes.

Alderman Lopez stated if the River's Edge site is out the window, let's not send that to Lands and Building because of the railroad tracks. Can you explain that?

Mr. DePrima replied upon investigating that site further, I realized that there are several obstacles that are not insurmountable, but quite formidable. In order to obtain access to that parcel of land we would need to be granted access easement across the property currently owned by Haverford-Hathaford, LLC. The crossing rights on those tracks were relinquished and we would need to renegotiate that crossing with the B&M in order to get to the site. Those are the two projects that we would have to do. It would be difficult to renegotiate with Boston & Maine.

Alderman Lopez asked the Dunbarton Road site and the Brown Avenue site are the only two that you are recommending?

Mr. DePrima replied those were two of the four sites that were brought to the Committee on Lands and Building that were identified by the Committee to investigate further. I did a rough conceptual design with cost estimates if we should move forward on any of those sites. We will hold neighborhood meetings to get feedback from neighbors.

Alderman Lopez is this something you want done before you receive this or afterwards?

Alderman Smith stated I would rather do it afterwards, but I think it deserves immediate consideration and I'm sure if we have all the pertinent information we'll call a special meeting of Lands and Building.

Alderman Osborne stated from what I understood they don't want the Dunbarton Road area. What is the sense of planning something if they are not going to use it? I live in Ward 5. I know I wouldn't want to travel all the way to Dunbarton Road to bring my dog. I think these are the things we have to go over before we start having meetings in Lands and Building. We need to find an area that we and they agree on.

Mr. DePrima replied I believe that is the quagmire that Alderman Smith was identifying. There doesn't seem to be a consensus so far.

Mayor Guinta stated let's hope that in Lands and Building we can come to a consensus. I'll ask the Solicitor to have a representative from his office at that meeting so we can expedite any contractual requirements, whether it is with the non-profit or anyone else so the next time this comes back we can finally get a vote on this issue.

Mr. Clark stated my office can put together a draft agreement and have that ready.

Alderman Ouellette stated I still don't think we'll have a final vote until the neighbors of the prospective park are involved in the process. We don't want to skip that step before we get to the final vote.

Mayor Guinta stated I trust that the Chair of that Committee will ensure that that portion is completed prior to coming to a final vote.

On motion of Alderman Smith, duly seconded by Alderman Shea, it was voted to refer this item to the Committee on Lands and Building.

- M.** Communication from Chuck DePrima, Acting Director of Parks, Recreation and Cemetery Department, analysis of the Riverfront Dog Park site.

On motion of Alderman Smith, duly seconded by Alderman DeVries, it was voted to refer this item to the Lands and Building Committee.

- N.** Energy Policy for the City of Manchester submitted by Kevin O'Maley, Chief Facilities Manager.

Alderman Gatsas stated after watching a School Board meeting, I noticed that they passed an energy policy that was worked on by the Highway Department and the Facilities Division. I called Kevin Sheppard to see if they could work on something that the City could take a look at and move forward on. I had a conversation with the Chairman of the Energy Committee and he had no problem moving this forward this evening so we can implement some savings, rather than taking it to a committee. I think some of the things that are in here we may want to give department heads the discretion of meeting some of these policies. There are some buildings that aren't sufficient to meet the policies and if there are problems they should run it by Facilities if they can't do something. Most of this is pretty standard. I think it shows us good judgment moving forward as a Board to say that we need to find ways to reduce costs in the City. Based on what they did for the School District, it made sense for us to follow the same procedures at the City level. I would ask for two motions. First, that we suspend the rules so it can be voted on by the Board and not have to go to a Committee.

On motion of Alderman Gatsas, duly seconded by Alderman Lopez, it was voted to suspend the rules on this item.

Alderman Lopez stated I think this is clear cut. I think the School Board went through this and a lot of it is common sense. I would hope that the members of the Committee and the rest of the Aldermen go along with this policy.

Alderman Gatsas stated I want to make sure that in that policy there is a clear delineation that allows a department heads to have flexibility to do something different from the policy as long as they contact the Facilities Department and explain it to them so they can agree to waive a policy if it is needed.

On motion of Alderman Gatsas, duly seconded by Alderman Lopez, it was voted to adopt the energy policy for the City of Manchester.

6. Resignation letter from Bethany Plumpton as a member of the Safety Review Board.

On motion of Alderman Shea, duly seconded by Alderman Osborne, it was voted that the resignation be accepted with regret.

7. Nomination to be presented by Mayor Guinta.

Richard E. Powers to succeed Michael Worsley (term limit) as a member of the Parks, Recreation and Cemetery Commission, term to expire July 7, 2012.
This nomination will layover to the next meeting of the Board.

8. Confirmations to be presented by Mayor Guinta.

Revolving Loan Fund Board

Mary Sysyn as a member, term to expire June 1, 2012

Francis Fernando as a member, term to expire June 1, 2012

Mayor Guinta stated I'm going to remove Francis Fernando because we don't have a resume in yet. Hopefully, we'll have one by the next meeting.

On motion of Alderman O'Neil, duly seconded by Alderman J. Roy, it was voted to approve the confirmation of Mary Sysyn.

On motion of Alderman Shea, 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.

11. 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 One Hundred Eighty Four Thousand Nine Hundred Ten Dollars (\$184,910) for the FY 2010 CIP 213810 Homeless Healthcare-ARRA.”

“Authorizing the Finance Officer to effect a transfer of Fifteen Thousand Nine Hundred Twenty Dollars and Eleven Cents (\$15,920.11) for the FY 2009 CIP 711209 Annual ROW Reconstruction Program.”

“Amending the FY 2007 and 2009 Community Improvement Program, authorizing and appropriating funds in the amount of Fifteen Thousand Nine Hundred Twenty Dollars and Eleven Cents (\$15,920.11) for the FY 2009 CIP 711209 Annual ROW Reconstruction Project.”

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

“Amending the FY 2009 Community Improvement Program, authorizing and appropriating funds in the amount of Eighty One Thousand Seven Hundred Nineteen Dollars (\$81,719) for the FY 2009 CIP 210109 Homeless Healthcare Program.”

“Amending the FY 2009 Community Improvement Program, authorizing and appropriating funds in the amount of Nineteen Thousand Dollars (\$19,000) for the FY 2009 CIP 210609 School Based Dental Services.”

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of Five Thousand Three Hundred Eighty Six Dollars (\$5,386) for the FY 2010 CIP 211010 Alcohol and Drug Education Program.”

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of Fifty Thousand Dollars (\$50,000) for the FY 2010 CIP 214010 Public Health Preparedness for H1N1 – Phase II Program.”

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Twenty Six Thousand Two Hundred Forty Six Dollars (\$126,246) for the FY 2010 CIP 214110 Public Health Preparedness for H1N1 – Phase III Program.”

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of Two Thousand Two Hundred Eighty Five Dollars (\$2,285) for the FY 2010 CIP 214210 Sylvie Ratelle STD/HIV Prevention Training Program.”

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Fifteen Thousand Eight Hundred Ninety Two Dollars (\$115,892) for the FY 2010 CIP 214310 Immunization Initiative.”

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of Seven Hundred Sixty Six Thousand Five Hundred Forty Five Dollars (\$766,545) for the FY 2010 CIP 612310 Homeless Prevention Rapid Re-Housing Project.”

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of Seven Hundred Thousand Dollars (\$700,000) for the FY 2010 CIP 712810 Automatic Meter Reader Program.”

ought to pass and be Enrolled.

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

Alderman Garrity asked do we need item K on that report because we waived the rules?

City Clerk Normand replied I believe you suspended the rules so it is all set.

12. Reports of the Committee on Human Resources/Insurance

The Committee on Human Resources/Insurance respectfully recommends, after due and careful consideration, that the request from Tim Soucy, Public Health Director, to increase the work hours of high school nurses (LPN's) from 35 to 37.5 hours per week be approved.

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

The Committee on Human Resources/Insurance respectfully recommends, after due and careful consideration, that the request from Tim Soucy, Public Health Director, to increase the School Nurse complement by one full time equivalent (FTE) position thereby placing a nurse at the Manchester School of Technology be approved.

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

The Committee on Human Resources/Insurance respectfully recommends, after due and careful consideration, that the request from Tim Soucy, Public Health Director, to increase the Community Health Nurse complement by one full time equivalent (FTE) position be approved.

The Committee notes that this position, responsible for the H1N1 clinical planning and education program, is grant funded with no cost to the City.

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 Human Resources/Insurance respectfully advises, after due and careful consideration, that the list of arbitration cases to be submitted by the Human Resources Director has been received and filed.

The Committee further notes that the list of arbitration cases will be appearing on future agendas for informational purposes but any discussion on specific cases is required to take place in a non-public session.

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

The Committee on Human Resources/Insurance respectfully recommends, after due and careful consideration, that the request to change the title of Internal Audit Manager to Independent City Auditor be approved.

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

The Committee on Human Resources/Insurance respectfully recommends, after due and careful consideration, that the request to change the School Nurse I position from a Grade 16 to a Grade 17 be approved.

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

The Committee on Human Resources/Insurance respectfully advises, after due and careful consideration, that the request for the City to implement a self-directed investment option for its Hartford 457 Deferred Compensation Plan has been received and filed.

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

The Committee on Human Resources/Insurance respectfully recommends, after due and careful consideration, that the request from the Police Department to bill vendors that are required to hire extra police details an additional \$2.00/hr. in order to offset recent legislative changes, be approved.

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

The Committee on Human Resources/Insurance respectfully advises, after due and careful consideration, that the recommendation from Thomas Clark, City Solicitor, regarding Section 30.011 Retired Employees; Policy on Rehiring has been received and filed.

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

The Committee on Human Resources/Insurance respectfully advises, after due and careful consideration, that the communication from Jane Gile, Human Resources Director, recommending that the Committee upgrade the part-time parking control officer from a salary grade 10 to a salary grade 11 and upgrade the reserve police officer from a salary grade 18 to a salary grade 19 has been received and filed.

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

The Committee on Human Resources/Insurance respectfully recommending, after due and careful consideration, that the Identity Theft Awareness Training Program recommended by Ronald Robidas, Security Manager, be approved.

Alderman O'Neil stated this company supplies training and documentation provided at no cost to the City. The company will provide information on other benefits. Is that the hook with this?

Alderman Garrity stated I can answer that question because I'm on that Committee. It is free and they are going to train a certain number of employees, but they are going to be able to tell the employees about some of the services they can provide for their personal homes. They will solicit them for their services after the training.

Alderman O'Neil asked the City is okaying something that can be used outside of the City afterwards?

Alderman Garrity replied after the training there is going to be a presentation on the services that they can provide to City employees for personal services, which I find inappropriate.

Alderman Shea asked could Mr. Robidas come up and explain a little more about this?

Alderman O'Neil stated I see three companies that are charging us money and the fourth is doing it for free. There has to be a hook. The hook is that they are going to get the employees to do something later. I don't think that's right.

Mr. Ronald Robidas, Security Manager, stated this goes in line with everything else that we have done where we have offered insurance to individuals and we've offered credit unions to individuals. We have been doing this for several decades. We are required to have red flag training under the Federal Trade Commission at this time based on utilities. The utilities would be Water Works and the Environmental Protection Division. As the City goes forward, we're looking at utilizing credit cards over the counter. If the City goes down that road, then the payment card industry will require red flag training. We are concentrating on getting the first phase done, which we are required to do by November 1st. There is a 50 minute presentation on the red flag training. It gives us documentation that the employees have had the training. We give them all the rules and regulations that are required by the red flag requirement. The company can then tell them, at their own cost if they so desire, about their programs. We have a form, which has been approved by the City Solicitor's Office, that deals with the red flag issues in addition to the payment card industry requirements going forward. The form has been reviewed and approved by the City Solicitor's Office, which clearly indicates that the City of Manchester does not endorse nor encourage the purchase of the product. It is given to the employee and the employee can say yes or no. I plan on attending each individual training session and making that very clear to the employees in advance.

Alderman O'Neil asked do we have another situation in the City where we are not tied to another service? You mentioned Aflac.

Mr. Robidas replied we have Aflac, we have automobile insurance...

Alderman O'Neil interjected are they tied to something else that is mandatory?

Mr. Robidas replied yes.

Alderman O'Neil stated the answer is no. The employees have an option.

Mr. Robidas stated they still have an option with this. This is strictly up to the employees.

Alderman O'Neil stated this is the wrong thing for us to get involved with.

Mr. Robidas stated when you are saying that it is mandated, nothing is mandated. When we present these other items to the employees a majority of the time this is done through orientation and it has been done throughout the decades. This is no different. It is a presentation done to the employees. At that time, they are told of some services that may be available if they are so interested in participating. If they are, that is their option. If they are not interested they don't participate.

Alderman Garrity stated I believe this is a required training because it is red flag training that is mandated by the federal government. Water Works and EPD employees are going to have to go through this training and once they are done they are going to get a sales pitch about prepaid legal services. It is a solicitation.

Mr. Robidas stated they believe that they are going to get a certain percentage of employees, absolutely, but as far as saying it is mandated, that's not true. The training itself is, but the latter is not. It is the same as mandated orientation sessions. This is a different form and we have done this in the past. We've looked at other options at the request of the HR Committee. There are a lot of private companies that are available to us, but some of them are very expensive and all of them have a cost associated with them. This fits within our budget. Our budget is nonexistent for training and this would help us meet the requirements and give us the proper documentation that shows we have met our obligations. We were looking at the most cost effective means for the City.

Alderman Garrity stated I don't think our employees should be susceptible. I don't think it is appropriate for our employees.

Mr. Robidas stated we didn't arrive at this decision haphazardly. We've discussed this at length and we've had the City Solicitor's Office, the internal auditor, the Finance Department, the Risk Manager, HR, Airport, Water Works and Information Systems all involved in it. We have been taking a concentrated effort to find out what would be the best avenue for the City to achieve this goal.

Alderman Garrity asked is this a required training for the EPD and Water Works employees?

Mr. Robidas replied that's correct.

Alderman Garrity stated and they are going to receive a sales pitch when they are done.

Mayor Guinta asked is every municipality in the country required to offer this training?

Mr. Robidas replied if they offer utility services at this time under the Federal Trade Commission, yes. When we go to over the counter credit cards, that's not governed by the Federal Trade Commission. That will be governed by the payment card industry. The payment card industry requires red flag training as part of their rules for us to offer that over the counter service.

Mayor Guinta stated explain to me why we have to go through this and Bedford does not.

Mr. Robidas stated we offer water services and we offer environmental protection services. As such, we are operating as a utility because we are billing folks later on for services we're providing in advance. The Federal Trade Commission specifically requires this for financial institutions and utilities.

Alderman Shea stated if we did not have this particular company doing the work and we were required to have it done, we would have to pay quite a bit of money. Is that correct?

Mr. Robidas replied that's correct.

Alderman Shea stated our option is to have them charge the City a certain amount of money for these services for about 24 people. In addition to that, if we decide to have credit cards, they would charge additional money. When I factor the two into play, one we are getting it free, but there is that provision that they can speak to people if they wish to regarding a home security service vis-à-vis a company that is going to come in here and charge thousands of dollars and not require this mandatory type of explanation to them regarding home security. Would they also solicit them?

Mr. Robidas replied no, they would not solicit them, but we would be paying for the service.

Alderman Shea asked would the service be quite a bit more? How much more?

Mr. Robidas replied some of the companies that we looked at charge \$99 on average for a block of 25 individuals at a time. Others charge per head, but require a minimum of \$2,500. Others charge an annual fee as high as \$1,000 per single user to belong to the program for the year. With this company we would be able to obtain all of this updated information and receive the services for free.

Alderman Shea asked in your judgment if everyone in City government was required to get this training in time, would we spend upwards of \$5,000 or \$10,000 or possibly more?

Mr. Robidas replied possibly more because the rough estimates we have done, once the City progresses to the credit card portion, it would be about 900 to 1,000 City employees who would require some form of training.

Alderman Garrity asked is this for EPD and Water Works employees, which is an Enterprise fund and doesn't come out of the general fund?

Mr. Robidas replied that's correct.

Alderman Garrity stated there would be no cost to the general fund for this training.

Alderman Gatsas asked there is a one hour mandate? And for that one hour the employee gets paid?

Mr. Robidas replied that's correct.

Alderman Gatsas asked the employee gets paid for that one hour?

Mr. Robidas replied that's correct.

Alderman Gatsas stated the first 50 minutes is red flag training. If there are 25 people in a room and they all leave at the end of the 50 minutes because they don't want to listen to anything, does that leave any risk for the City?

Mr. Robidas replied absolutely not.

Alderman Gatsas stated I think this Board can give you a directive that at the end of 50 minutes, they are going to be paid for an hour, but they can leave and not listen to anything. If anyone chooses to stay, they are getting paid for those ten minutes they are listening?

Mr. Robidas replied that's correct. That's why I plan on attending each one of these sessions so I can make that clear in advance about what will transpire.

Alderman O'Neil asked if someone gave us a Ford pickup truck to use in a department for free, wouldn't there be an expectation that we would buy Ford pickup trucks? This is a sales pitch and I don't think the City should be used like this. We shot this down once. We were told the world was going to end. I've never seen anything like this. Sell the right to provide training so they can sell something else to the City. That's awful. If the cost is there we should paid for the services.

Mayor Guinta asked are there any companies that offer this service without the pitch to the employees?

Mr. Robidas replied no. We could not find any after looking for several months. This was sent to the HR Committee and it...

Mayor Guinta asked the FDC requires us to do this, correct?

Mr. Robidas replied that's correct.

Mayor Guinta asked could you call them and ask them for a list of vendors?

Mr. Robidas replied no, they don't provide a list of vendors.

Mayor Guinta asked the FDC mandates this, but they won't provide a list of vendors?

Mr. Robidas replied that's correct.

Alderman O'Neil stated we shot this down at one point.

Alderman Shea stated we tabled it.

Alderman O'Neil stated it wasn't for further information. We tabled it to put it away and the world did not end.

Alderman DeVries stated I just heard something new to me. There is an hour mandatory training, or an hour of paid employee time to attend 15 minutes of training. Is it an hour for the other companies? If we were do business with a company charging us \$2,500 is that essentially cheaper in a cost analysis because we don't have to pay 45 minutes extra of employee time to attend a sales pitch?

Mr. Robidas replied I think we are getting hung up on the one hour aspect. Some of the other companies offer computer based programming so they are not broken down per hour, but per session and per attendee. When we discussed the initial proposal with the company, we asked for an estimated time period that it would take to complete the training and they provided us with the one hour: the 50 minutes and the 10 minutes.

Alderman DeVries stated we are going to have to pay for an hour of employee time or is this done at employee hire, free of charge, free of employment? What is the true cost of this requirement?

Mr. Robidas replied the true cost would be that the employees would go on our time. We are going to do this during work hours. They are not coming in for off-duty hours. I may be misunderstanding your question.

Alderman DeVries replied you're not. If the training only takes 15 minutes to accomplish...

Mayor Guinta interjected it is 50, not 15.

Alderman DeVries asked the additional time for the sales pitch is 10 minutes?

Mr. Robidas replied yes, we calculate everything in an hour.

Alderman DeVries asked we haven't found a way to do this without costing the City additional time?

Mr. Robidas replied we have not been able to find any company out there that will offer the program for free and then provide us the documentation.

Alderman DeVries asked if it is done in groups of 20 as one of the companies had entertained at \$99 for a block, could that be done by the department on site? Did we do that cost analysis?

Mr. Robidas replied yes, but the departments are not going to be able to send everyone at the same time. That is inconceivable. We would have to do more than one session and then we are paying per session and in addition, we have to have the facilities arranged so that they could accept the web training. That's one particular product that's out there. There are also other computer based trainings that we would have to work out the logistics for with the server and Information Systems to have computers that would be dedicated to this.

***Alderman Lopez** moved to approve the Identity Theft Awareness Training Program recommended by Ronald Robidas, Security Manager. **Alderman Shea** duly seconded the motion.*

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

Alderman Lopez asked what do we do if we don't comply with the laws?

Mr. Clark replied as I understand it the FDC is mandating this training so we're going to have to find some other way to provide it. If we don't, the FDC could fine the City.

Alderman Shea asked could you find out how much that fine would be?

Mr. Clark replied that will be up to their discretion. I don't believe that it is spelled out. They are going to take different factors into consideration.

Alderman Gatsas asked is there any way that those departments can go back and request that training and avoid the penalty where they are both Enterprise funds to do it at their own level? Water Works meets once a month and I'm sure they do many things like this. If there is a penalty coming, can their boards authorize it going forward?

Mr. Clark asked you're asking whether or not the individual board can go forward and provide the training if they have the money within their budget? Sure.

Alderman Gatsas stated there is no cost to this. That's what I'm failing to realize. If they go back in and ask for the same exposure, say that there is no cost, they have the employees trained and at that point...whether we pay someone for the voluntary services, we still have to pay for the hour of training. The employees must be paid one way or another, whether the City gets it free or pays for it. Do you have the ability to do that where it is a non-trust item in your budget so you get the training and you get the red flag coverage?

Mr. Clark stated if the Aldermen have taken the position that this is not appropriate for the City employees the departments can't go out and do it.

Alderman Gatsas asked what's the penalty or fine that could be charged to the City?

Mr. Robidas replied the fine amount is undetermined. However, I can tell you that in some instances the Federal Trade Commission have imposed million dollar fines.

Mayor Guinta asked who did they fine for millions of dollars?

Mr. Robidas replied CVS Pharmacy.

Mayor Guinta asked what municipality have they fined?

Mr. Robidas replied they have not imposed a fine yet to a municipality because they have extended the compliance date to November 1st of this year. There were several dates and they kept moving them along, which brings us to this point.

Alderman Gatsas stated we have another meeting in October and I would like to see a solid number on what the fine could be for a municipality if we don't follow the rules.

Alderman O'Neil stated we were told there was a date back in the springtime and we didn't meet it. At the time we didn't know there was an extension from the FTC. The people that need to use this need to be involved in the selection. If EPD or Water wants to contract with company A or B for the training they should. My issue is the hook of free services, but then having a sales pitch at the end. If the departments believe this needs to be done then they should do as they do with other items for training and select a vendor. There is a minimal cost from what I understand for the number of people that are going to have to get trained. It is part of doing business in the Water business and they need to do

it. My concern is the hook. The two department heads should get together with their staff and figure out which of these companies is most appropriate to get the training and meet the requirements.

Mayor Guinta stated they can get together and make a recommendation to us.

Alderman Gatsas asked if they come back with the sales pitch is this Board going to approve it?

Alderman Sullivan stated I just did a search on Prepaid Legal Services. Is the company that we are dealing with Prepaid Legal Services Incorporated from Tulsa, Oklahoma?

Mr. Robidas replied I'm not positive, but I believe that's their home base.

Alderman Sullivan asked are you aware that this was a company that was cited and fined by the Wyoming Attorney General for violations of the state multi-level marketing act? To me, that means a pyramid scam. Why are we even dealing with these people?

Mr. Robidas replied we have received feedback from companies in Oklahoma and Texas that have utilized their services and have found that it met their needs.

Alderman Sullivan stated I am not comfortable with the City of Manchester having a bedfellow with a pyramid scheme. That is not where we need to be headed as a City.

Mr. Robidas stated that's the information that we received and that's what we replied on. We look at the references and documentation that was supplied and we contact some of the individuals.

Alderman M. Roy stated this is going to come back in two weeks, either through a motion or reconsideration. I would like to know what the sales pitch is for those ten minutes. We're basically forcing employees to sit in a room and get trained with what I don't believe will be just a ten minute pitch. This screams of timeshare sales to me. That's where I have concerns.

Mr. Robidas stated I believe back in March we all received a package and there was a black binder full of information from the company about what they did and all the material that we spoke about was within there. I believe it was at the April meeting the gentleman came up from Texas and made the presentation to the Board about the services

and pitch. It is very low key. If you want it, you do, but if not, you don't. If they opted to do it, they could cancel out at any time. There was no commitment.

Alderman M. Roy stated if this comes back up again, I want to know exactly what is in the pitch, see what's offered and see how the employees will be treated. That's the only thing that will sway me on my no vote in two weeks. If there is a true 50 minute training and it does save us the dollars, I'm appreciative of that, but I want to know what that ten minutes entails.

Alderman Shea stated we don't give employees the necessary intelligence to make good decisions. In other words, we're using words here like being hooked into and receiving a mandatory explanation, but I give City employees more credit in making decisions. Alderman Sullivan did raise a concern and I think that should be looked into to determine whether or not this company has had any kind of federal problems. I think it is very essential that if, in fact, we go beyond the Water Works and EPD and we decide to have the credit card operation, that we make a decision concerning this type of explanation that would be given to them and the cost that would be incurred by the City in making the presentation by the City. I think those are very important considerations before we do too much else.

Mr. Robidas asked may I ask for clarification from Alderman Roy? Are you looking for someone to make another presentation or are you looking for us to supply documentation? I want to be clear.

Alderman M. Roy replied just documentation.

Alderman Lopez asked are we going to refer this document to your office?

Mayor Guinta replied sure, refer it to my office and I will review it with the departments and legal to see if we can come up with some information for the reconsideration motion that will be taken.

Alderman Gatsas asked could we also find out if there are any other municipalities that are using their services now?

Mr. Robidas replied sure.

13. Reports of the Committee on Administration/Information Systems

The Committee on Administration/Information Systems respectfully recommends, after due and careful consideration, that the request from Gary Therrien, Marketing Coordinator for the Rimmon Heights Group, to acquire and maintain banners on the new light poles recently installed on Kelley and Amory Streets be approved.

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

Alderman Sullivan asked is the City paying for the banners? Are they being paid for by the Neighborhood Association? The only City contribution will be a minimal amount of man power from the Highway Department?

Alderman Ouellette replied the banner program is going to be done by the Rimmon Heights Group in terms of cost, selling the banners and selling the advertisements. It is going to mirror the way Intown does it downtown.

The Committee on Administration/Information Systems respectfully advises, after due and careful consideration, that the communication from Jennie Angell, Director of Information Services, updating the Committee on options for communicating information to citizens has been accepted and is forwarding same to the Board for informational purposes.

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

The Committee on Administration/Information Systems respectfully recommends, after due and careful consideration, that the appeal of a denial of a Taxicab Driver's License be approved with stipulations as determined by the committee.

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 Administration/Information Systems respectfully advises, after due and careful consideration, that the communication from Jennie Angell, Director of Information Services, updating the Committee on applications for stimulus funds for Broadband projects has been accepted and is forwarding same to the Board for informational purposes.

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

14. Reports of the Committee on Accounts, Enrollment and Revenue Administration

The Committee on Accounts, Enrollment and Revenue Administration respectfully advises, after due and careful consideration, that it has accepted the following Finance Department reports:

- Department Legend
- Accounts Receivable summary
- Open Invoice report over 90 days
- Open Invoice report for interdepartmental billings
- Open Invoice report all invoices due from the School Department only
- Listing of invoices submitted to City Solicitor for Legal Determination

and is forwarding same to the Board for informational purposes.

On motion of Alderman Sullivan, duly seconded by Alderman DeVries, it was voted to accept the Finance Department reports.

Alderman DeVries asked what kind of scrutiny are we keeping on out of state travel? This doesn't pertain to the Airport. I understand that that doesn't come out of the general fund. Your office still maintains review and there shouldn't be any out of state travel that occurs without your recommendation prior to commitments being made.

Mayor Guinta replied yes. I approve it.

The Committee on Accounts, Enrollment and Revenue Administration respectfully advises, after due and careful consideration, that it has accepted the City's Monthly Financial Report (unaudited) for the two months ended August 31, 2009 and is forwarding same to the Board for informational purposes.

On motion of Alderman Sullivan, duly seconded by Alderman J. Roy, it was voted to accept the City's Monthly Financial Report for the two months ended August 31, 2009.

The Committee on Accounts, Enrollment and Revenue Administration respectfully advises, after due and careful consideration, that the travel summary reports from various City department have been received and filed.

On motion of Alderman O'Neil, duly seconded by Alderman Sullivan, it was voted to receive and file the travel summary reports from various City departments.

The Committee on Accounts, Enrollment and Revenue Administration respectfully recommends, after due and careful consideration, that the 1st quarter fiscal year 2010 Write Off List for the Accounts Receivable module be approved.

On motion of Alderman Sullivan, duly seconded by Alderman O'Neil, it was voted that the 1st quarter fiscal year 2010 Write off List for the Accounts Receivable module be approved.

The Committee on Accounts, Enrollment and Revenue Administration respectfully recommends, after due and careful consideration, that the request from Lisa Sorenson, Financial Analyst, for write off in fiscal year 2009 of uncollectable School District receivables be approved.

On motion of Alderman Sullivan, duly seconded by Alderman O'Neil, it was voted that the write off in fiscal year 2009 of uncollectable School District receivables be approved.

The Committee on Account, Enrollment and Revenue Administration respectfully recommends, after due and careful consideration, that the 2009 Annual Auditor's Report submitted by Kevin Buckley, Independent City Auditor, be accepted.

On motion of Alderman Sullivan, duly seconded by Alderman O'Neil, it was voted that the 2009 Annual Auditor's Report be approved.

Alderman O'Neil asked does Kevin work for the Accounts Committee of the Board?

Mayor Guinta replied yes.

Alderman O'Neil stated the Board has asked him to address some specific items.

Mayor Guinta stated he is reportable to, as opposed to works for.

Alderman O'Neil asked if the Board wants something in a more urgent timeframe, we really need to say that as part of the request, correct?

Mayor Guinta replied yes. If there is an expedited issue that you would like looked at, it would be important to indicate that.

Alderman O'Neil stated I know he always has a number of projects ahead of him.

Alderman Sullivan stated this came up at a roundabout way at the meeting tonight. We were discussing what was on his plate for the coming months. He does have a game plan mapped out. The first order of business is completing the MTA audit. There were some other performance audits that he has lined up. If there is something that requires urgency...

Alderman O'Neil stated he needs full Board or Committee approval to give him direction.

15. Communication from Leon LaFreniere, Director of Planning & Community Development, regarding acquisition of property at 167-175 Manchester Street.

On motion of Alderman O'Neil, duly seconded by Alderman J. Roy, it was voted that the acquisition of property at 167-175 Manchester Street be approved.

16. Communication from Jack Baringer, Site Acquisition Manager, Goodman Networks, regarding candidates for wireless facilities.

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

Alderman DeVries stated it surprised me to look at some of the locations that this company has chosen to identify. The location at Memorial High School, between the parking lot and their baseball field, for a 150-foot cell phone tower seems highly inappropriate to me. I thought this was a joke when I saw this. This is City property. Is this going through Planning Board review before parcels are identified? Do we want to receive and file on some of the requests before us?

Mr. Clark replied at the very least this should be referred to a committee for discussion. I don't think anyone has vetted this through at all. I don't think the departments involved have looked at it. It would require us to lease spaces out and we're going to have to check with the Fire Department to make sure there are no conflicts with our other frequencies. I would suggest it go to the Lands and Building Committee.

Alderman DeVries stated I think there should be at least some Committee discussion. Looking across at the football field they do happen to have some very high lights that are already there and I don't know if they have the ability to do something in conjunction with a structure that already exists on that field. I don't know enough about the technology, but there is a difference between the full height for those lights and the additional height for a 150-foot cell tower. I wouldn't embrace this proposal at this field at that height. I thought the Master Plan had indicated that there was more than industrial use being placed in an industrial type zone. That being said, there is a second location, Rock Rimmon that other Aldermen may have issues with. It seems that the third location is in Auburn and that's Tower Hill. Maybe I need clarification on that, but it is listing it as Tower Hill Manchester by the Water Works Reservoir, but there is also a reservoir in Auburn. I would like to clarify which one we are taking about.

Mayor Guinta stated I would have no objection to referring this to Committee and having Facilities work with the Committee to determine if these locations are appropriate. If not, and there are other locations that would be appropriate, they could have a full vetting process at the Committee level and then come back to the full Board.

Alderman DeVries stated as long as the referral doesn't lend judgment if this has additional locations, because I think there could be some issues.

Mayor Guinta stated I think the only thing a referral does is send it to Committee for review. It doesn't bind us to any agreement.

Alderman Gatsas stated I agree with Alderman DeVries that this should be received and filed because all three sites are unacceptable.

On motion of Alderman DeVries, duly seconded by Alderman Shea, it was voted to received and file this communication.

Alderman M. Roy stated page 16-11 is on one of our existing towers. It is not a new tower. While I agree with killing, and killing quickly, their other proposals I would like to vet out the addition to an existing tower.

Mayor Guinta stated we can receive and file this and assign Facilities to look at the proposal.

Alderman O'Neil stated we should include the Water Works because I think they have been involved in some of these.

Alderman Shea stated I don't know how this got here. It is out of the blue. I think the kids at Southside will be climbing that sucker before long. Why would anyone put something like this where there are two schools and thousands of kids walking by every day?

Alderman Lopez stated if the School Department had something to do with this...

17. Communication from Matthew Normand, City Clerk, requesting the Board set the polling hours from 6:00 a.m. - 7:00 p.m. for the Municipal General Election scheduled for Tuesday, November 3, 2009.

On motion of Alderman Lopez, duly seconded by Alderman Pinard, it was voted to approve the request to have the polling hours 6:00 a.m. to 7:00 p.m. for the Municipal General Election on Tuesday, November 3, 2009.

18. Communication from Matthew Normand, City Clerk, requesting the Board to consider suspending their rules and moving the November meeting dates to Tuesday, November 10, 2009 and Tuesday, November 24, 2009.

On motion of Alderman Lopez, duly seconded by Alderman Osborne, it was voted to approve the request for the Board to meet on Tuesday, November 10, 2009 and Tuesday, November 24, 2009.

19. Communication from Kevin Sheppard, Public Works Director, requesting approval of the petition to release and discharge the westerly portion of Cameron Street (formerly Union Street) and northerly line of Bourne Avenue (formerly Beech Avenue) from public servitude.
(Note: It has been determined by the City Solicitor that a Road Hearing is not necessary.)

On motion of Alderman Garrity, duly seconded by Alderman Osborne, it was voted to approve the petition to release and discharge the westerly portion of Cameron Street and northerly line of Bourne Avenue from public servitude.

Alderman O'Neil asked Alderman Lopez, does this have anything to do with the one you were talking about the other night?

Alderman Lopez replied no.

- 20.** Communication from Kevin Sheppard, Public Works Director, requesting reclassification of Merrill South Back Street from a Class VI, unmaintained public street, to a Class IV, maintained public street.
(Note: It has been determined by the City Solicitor that a Road Hearing is not necessary.)

On motion of Alderman Shea, duly seconded by Alderman Osborne, it was voted that the reclassification of Merrill South Back Street be approved.

- 21.** Communication from Kevin Sheppard, Public Works Director, requesting acceptance of roadway dedication documents for the South Porter Intersection Improvements Project.

On motion of Alderman DeVries, duly seconded by Alderman Shea, it was voted that the request for the acceptance of roadway dedication documents for the South Porter Intersection Improvements Project be approved.

- 22.** Communication from Frederick McNeill, Chief Engineer, requesting authorization to accept funds in the amount of \$27,500 from the NH Department of Environmental Services for storm water utility and further that the Public Works Director be authorized to enter into a contract with the NH Department of Environmental Services and execute any necessary documents for the same.

On motion of Alderman Pinard, duly seconded by Alderman Sullivan, it was voted that the authorization request to accept funds in the amount of \$27,500 from the NH Department of Environmental Services be approved.

- 23.** Communication from Kit Reno, Friends of Stark Park, notifying the Board that the organization has received a grant in the amount of \$10,000 to be used towards the restoration of the General John Stark statue in Stark Park and further requests that the Mayor be authorized to enter the City into a contract with the NH Department of Cultural Resources providing for the performance of the grant agreement.
(Note: The Friends of Stark Park have submitted an additional grant application in the amount of \$5,000 to a private foundation to be put towards the efforts of restoring this statue.)

On motion of Alderman M. Roy, duly seconded by Alderman Gatsas, it was voted that the request to allow the Mayor to be authorized to enter the City into a contract with the NH Department of Cultural Resources providing for the performance of the grant agreement be approved.

- 24.** Communication from Thomas Bowen, Water Works Director, submitting a request for retirement under the old pension plan for George A. Audet effective January 15, 2010.

On motion of Alderman O'Neil, duly seconded by Alderman M. Roy, it was voted that the request for retirement under the old pension plan for George A. Audet be approved.

- 25.** Ordinance Amendment:

“Amending Chapter 33: Human Resources of the Code of Ordinances of the City of Manchester by adding a new Section 33.100 Residency Requirements thereby establishing a requirement of residency within the city of Manchester for City Officers and Department Heads.”

(Note: The Committee has requested additional information to come from the City Solicitor's office. Tabled 12/01/08. A petition to bring the Committee item forward is attached.)

City Clerk Normand stated this is on the agenda by your petition, out of the Committee on Bills on Second Reading, so this would be up for final reading and adoption.

On motion of Alderman Gatsas, duly seconded by Alderman Pinard, it was voted that the Ordinance Amendment ought to pass and be Ordained.

Alderman O'Neil asked could someone give me the Cliff's Notes version of what we are doing here?

Mr. Clark replied this is a proposed Ordinance that would require department heads in the future to live within the City of Manchester. It has been discussed before the Board on several occasions and in Committee. My office has rendered an opinion that we believe this is unlawful. The local government center attorneys have agreed.

Alderman O'Neil asked how do other cities do it? Is it through a contract?

Mr. Clark replied I can't tell you how all cities do it. Some cities may allow contracts for department heads. Our Charter does not.

Alderman O'Neil stated I believe there are other cities in the state that have this requirement, but I believe it is accomplished through contracts.

Mr. Clark stated it may be through contracts. There is no city in the state that has an Ordinance requirement.

Alderman Ouellette stated as I've stated in the past, I couldn't be any more opposed to this Ordinance. Although it would be great for all City department heads to live in the City, the City Solicitor is giving us an opinion that he thinks it is illegal, but I'm more of the mindset that I want to get the best person for the job, regardless of where they live. I'm not going to support this, but I wish they did live in the City. I'm more in the mind frame that we should be looking for the best person and not their zip code.

Alderman M. Roy stated I couldn't agree with Alderman Ouellette more. Our Solicitor said that it is unconstitutional, but more so, the language in this Ordinance would have precluded us from having the police chief that we currently have. Throughout this City this police chief is revered and we've all commented on how great a job he has done. That alone would be a good enough reason for me to not vote for this. We need the best people in the best department head positions and as Alderman Ouellette said, their zip code shouldn't preclude them from employment or advancement.

Alderman Ouellette asked would this Ordinance be applicable to the School District as well?

Mayor Guinta asked if this passes the Board you mean?

Mr. Clark replied I don't believe so. The Superintendent is not an employee of the City of Manchester. He is an employee of the district.

Alderman Shea stated I don't think this would pertain to the current chief because I think he would be grandfathered in. If someone is going to serve in the City and they are the best candidate and they are asked to move into the City to perform their duties and they say no, that's an indication of what they think of the City. Even though they may be the best candidate in a certain sense they aren't the best candidate for the City of Manchester. I think that anyone serving in the City of Manchester should reside in the City, pay taxes and have a vested interest in the City. I see no conflict as far as I'm concerned. We have qualified people who can do jobs for the City and if they do not perform to the best of their ability for the City then it is up to the Mayor to bring that person's incapacitation and lack of performance to the Board of Mayor and Aldermen who can vote that person out. I am very much in favor of this. I think that there are a lot of department heads that reside in the City and I know of one department head who chose to move back into the City in order to be a person considered for a position in the City. I have respect for that person because he gave up a residence in another community to move into the City so I am in favor of this Ordinance.

Alderman J. Roy asked this would not preclude us from soliciting department heads from anywhere, correct?

Mayor Guinta replied correct.

Alderman J. Roy asked what it will do is state that if you take a job here you will have to move to the City?

Mayor Guinta replied correct.

Alderman J. Roy stated the statement by Alderman Ouellette made it seem like we were hamstrung by not being able to choose people from different communities and I don't believe that's the case.

Mayor Guinta stated I think he meant if they chose to not move into the City.

Alderman Ouellette stated I think that when you are asking someone to uproot their family and move from Hooksett, Bedford, or Derry I think you are asking a lot of someone who you should feel comfortable with hiring to run any department in the City.

It would mean uprooting kids and moving religious parishes. It is a very big deal and I don't take that lightly. I don't think anyone on this Board takes it lightly either. I think to get the best person for the job it isn't necessary to live in Manchester.

Alderman DeVries stated I noticed in the proposal that City officers have been excluded from this Ordinance. Can you address why they were left off?

Mr. Clark replied it says it does not apply to City officers who live outside of Manchester at the adoption of the Ordinance. The way the Ordinance is drafted it would apply to all department heads and all City officers in the future.

Alderman DeVries asked that is just for the grandfathered purposes?

Mr. Clark replied correct.

Alderman DeVries stated I think it is easier for us to understand that if someone lives 75 miles away it is not as difficult to uproot their family to move to Manchester, but if the best candidate for the job lives in an adjoining town, they may not want to move. I do think we will potentially be missing on some of the best candidates and that's not a service to the City and I won't be voting in support.

Alderman Gatsas stated a residency requirement for all municipal employees has twice been found to be unconstitutional under the state constitution. However, residency requirements for certain classes of municipal employees, in particular, emergency personnel, may be constitutional in light of the specific responsibilities and duties of those employees. The City was party to both New Hampshire Supreme Court cases, in which residency requirements for all municipal employees were upheld as unconstitutional. There is nothing in this Ordinance that talks about all employees. I would agree that if we are putting something out there to set a precedent that talks about all employees we would be in violation of the state constitution. When we are talking about department heads who are not under any contractual agreements they are not all municipal employees. We have this ability as a Board. I believe that if someone thinks that moving into the City of Manchester looking to take a department head's job it is something they value. I think that being in the school system and participating at the local level for different things in the community are important when you are a department head. I would love to say that 14 Aldermen could be Aldermen in wards and not have to live in that ward. I don't know if that sends any different message than a department head working for the City. If we were talking about every municipal employee then we would

be breaking the state constitution. I think this letter is very clear. It says all employees and it says it twice. Nowhere are we saying that all employees must live in the City of Manchester.

Mr. Clark stated it is clear that my letter addresses the Supreme Court ruling on all employees because that's what Manchester has done twice. My letter goes further than that and states that it would be unconstitutional based on the analysis of the Supreme Court that there is a constitutional right to travel. You cannot do that unless there is a compelling state interest. The court has said, and I stated in my letter, that you could do this with Police and Fire, but that's it. You cannot take a group of employees and restrict their constitutional rights without a compelling state interest.

Alderman Gatsas stated I certainly would allow the Supreme Court to make that judgment without us trying to understand what they are going to rule before they rule on it. I think that this is a compelling issue that we should move forward with it and then send it to the court for an opinion.

Mr. Clark stated this Board cannot ask for an advisory opinion.

Alderman Gatsas stated then let's wait for someone to sue us.

Alderman Sullivan stated we heard a lot about what kind of message this sends. I'm opposing this because of the message it sends. I don't think that an individual's qualifications for a job or their competence has anything to do with their zip code. It doesn't have anything to do with what side of the Hooksett-Manchester town line they live on. I want the best person for the job running our Police Department, Fire Department, Highway Department, Library, or any department. I don't know where most of the department heads live. As long as they are doing their job, I don't care. I want the best person for that position in that job. The other thing I am concerned about is that we seem to be backsliding into that parochial insular mindset that believes that if you're not a lifelong Manchester resident and you didn't go to school at Central, West, Memorial or Trinity you're not part of the gang or qualified to take a leadership role in this community. That's nonsense. There are a lot of people, some on this Board, who weren't born and raised in Manchester. There are people who are department heads now who weren't born and raised in Manchester. Does that have anything to do with their qualifications? It doesn't, but I think this sends a message to them that if you're not a lifer, you're not part of the team and not welcome to even apply for a job and I don't

want to see that happen. I want to see the best people applying for the job and the best people holding those positions.

Alderman M. Roy stated I want to clarify what I said about our police chief. I know that the current department heads would be grandfathered in, but a vote for this tonight would preclude us from making the decision we made a number of years ago so the next department head opening that comes up we may not have the opportunity to choose someone who is qualified, but lives outside Manchester. I would hate to look at some of our fantastic department heads and tell them that they must live in the City of Manchester and forget about their family responsibilities, traditions and the respect we show them by forcing them to live in the City. As elected officials we choose to live here. We start here and we fight for the City of Manchester. We want our department heads to do that as well. We also want to groom internal candidates to move up through the ranks and have them be the most qualified when their supervisors and department heads leave. I think it sends a very bad message to our first year fire fighter or police officer that may not be able to live in the City of Manchester because he has to afford a home else where. If he wants advancement he has to move into the City of Manchester. I want to draw them in, instead of forcing them in. That's my clarification. Anyone who votes for this is saying to the next Chief Mara that he's not qualified and that's a statement that I'm not willing to make.

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

26. Bond Resolution:

“Authorizing Bonds, Notes or Lease Purchases in the amount of Four Hundred Ten Thousand Dollars (\$410,000) for the FY 2010 CIP Manchester Water Works

On motion of Alderman O'Neil, duly seconded by Alderman Shea, it was voted to waive reading of the Bond Resolution.

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

27. 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 FY 2010 CIP 213810 Homeless Healthcare-ARRA.”

“Authorizing the Finance Officer to effect a transfer of Fifteen Thousand Nine Hundred Twenty Dollars and Eleven Cents (\$15,920.11) for the FY 2009 CIP 711209 Annual ROW Reconstruction Program.”

“Amending the FY 2007 and 2009 Community Improvement Program, authorizing and appropriating funds in the amount of Fifteen Thousand Nine Hundred Twenty Dollars and Eleven Cents (\$15,920.11) for the FY 2009 CIP 711209 Annual ROW Reconstruction Project.”

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

“Amending the FY 2009 Community Improvement Program, authorizing and appropriating funds in the amount of Eighty One Thousand Seven Hundred Nineteen Dollars (\$81,719) for the FY 2009 CIP 210109 Homeless Healthcare Program.”

“Amending the FY 2009 Community Improvement Program, authorizing and appropriating funds in the amount of Nineteen Thousand Dollars (\$19,000) for the FY 2009 CIP 210609 School Based Dental Services.”

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of Five Thousand Three Hundred Eighty Six Dollars (\$5,386) for the FY 2010 CIP 211010 Alcohol and Drug Education Program.”

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of Fifty Thousand Dollars (\$50,000) for the FY 2010 CIP 214010 Public Health Preparedness for H1N1 – Phase II Program.”

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Twenty Six Thousand Two Hundred Forty Six Dollars (\$126,246) for the FY 2010 CIP 214110 Public Health Preparedness for H1N1 – Phase III Program.”

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of Two Thousand Two Hundred Eighty Five Dollars (\$2,285) for the FY 2010 CIP 214210 Sylvie Ratelle STD/HIV Prevention Training Program.”

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Fifteen Thousand Eight Hundred Ninety Two Dollars (\$115,892) for the FY 2010 CIP 214310 Immunization Initiative.”

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of Seven Hundred Sixty Six Thousand Five Hundred Forty Five Dollars (\$766,545) for the FY 2010 CIP 612310 Homeless Prevention Rapid Re-Housing Project.”

“Amending the FY 2010 Community Improvement Program, authorizing and appropriating funds in the amount of Seven Hundred Thousand Dollars (\$700,000) for the FY 2010 CIP 712810 Automatic Meter Reader Program.”

On motion of Alderman Shea, duly seconded by Alderman Garrity, it was voted to waive reading of the Resolution.

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

NEW BUSINESS

Alderman M. Roy stated I'm handing out a letter I received from a constituent's son regarding the MTA changes in the bus route and the limited hours. I believe many of the changed have hurt the MTA overall and have greatly restricted the number of people who can use our MTA system. In my opinion this will eventually hurt the City. I wanted everyone on the Board to look at this. A letter has been sent to the MTA as well as the Commissioners. I want to make you aware of the changes it has made in this family's life.

Alderman J. Roy stated this week I sent a letter to the Solicitor, Tom Clark. I wrote the letter because I wasn't satisfied with the outcome of the investigation at OYS. I think a lot of questions remained unanswered. As a matter of fact, some of the questions the department refused to answer. If I remain silent on it then I become part of it and I can't do that. I would like to make a motion that the Solicitor take Mr. Buckley's report and my letter to the Manchester Police Chief to investigate to make a final determination about whether certain OYS employees have been accepting paychecks from the City for services they could not have performed. I would also like them to make an assessment for who within City government may be held responsible for exercising improper influence over the OYS department head for blatantly wrongful conduct.

Alderman Sullivan asked would you accept a friendly amendment that we include sending this to the Attorney General's Office? I think that might be appropriate given the fact that this deals with undue influence in City government. It may be good to have an outside set of eyes review the situation as well as the Police Department.

***Alderman J. Roy** moved to direct the City Solicitor to investigate employees at the Office of Youth Services with the Chief of Police. **Alderman Sullivan** duly seconded the motion.*

Alderman Lopez asked why would we want to include the Attorney General at this time? We don't know anything.

Alderman Sullivan replied because if we simply refer this to the Police Department there is the potential for a conflict of interest. If you are dealing with people within City government I believe that it is good to have an outside set of eyes that can look at this without being entangled in the muck and mire of Manchester City politics. They handle public integrity cases there. I think it is appropriate that we contact them and at least have them look at the situation and see if there is a need to go forward.

Mr. Clark stated it is my understanding that the auditor's letter has already gone to the Attorney General's Office.

Alderman Sullivan stated then it's a moot point and we don't need the amendment.

Mayor Guinta stated I want to state that I support the motion. I think the integrity and the transparency of City governance could potentially be at stake and we have a responsibility to the Board to ensure that the public trusts our elected officials. I welcome and support the motion. Hopefully we can have an expedited review of this and ensure that there is trust in this body and the governance of the City.

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

Alderman Lopez stated I want to mention on behalf of the union that signed off on the prisoners to go out and clean the entrance to our City on South Willow Street...they go out and clean the weeds out of the median strip. They did a wonderful job for the City and I wanted to thank them publicly.

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

A True Record. Attest.

City Clerk