

BOARD OF MAYOR AND ALDERMEN

November 10, 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, Arnold

Absent: Alderman J. Roy

Messrs: B. Kaloyanides, R. Merritt, T. DeLacey, D. Wenners, R. Graybill, B. Potvin, D. Mara, T. Arnold, B. Sanders

3. Proclamation in observance of Veterans Day presented by Mayor Guinta.

Mayor Guinta stated as everybody knows, tomorrow is Veterans Day and we will be observing it in the City with a parade that begins at 10:30 at Webster and Elm Street. We certainly invite everybody to come watch the parade and watch the ceremony at Veteran's Park. I want to read into the record this evening a proclamation that we will be reading tomorrow at the ceremony. It states:

A PROCLAMATION

WHEREAS, on Veterans Day we pay tribute to the service and sacrifice to the men and women who have bravely donned the United States Armed Forces Uniform; and

WHEREAS, from the Revolutionary War days of General John Stark to today's conflicts in the Middle East, Manchester's bravest and finest among us have served in defense of our country; and

WHEREAS, our City is forever in debt to our veterans for their commitment to country and for putting the nation above their own wants and needs; and

WHEREAS, throughout our City, we recognize the importance Veterans have played in our City's history, which includes streets, parks, schools and many other entities named after them; and

WHEREAS, the moment a person enlists into the armed forces, they are forever woven into the fabric of our society as great men and women whose love of country serves as the backbone of our freedoms.

NOW, THEREFORE, I, Frank C. Guinta, Mayor of the City of Manchester, New Hampshire, do hereby proclaim tomorrow, November 11, 2009, to be Veterans Day in the City and I would urge all citizens and community organizations to join in that observance.

Given on this tenth day of November, 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

4. Proclamation of National Hospice Month presented by Mayor Guinta.

Mayor Guinta stated I have one additional proclamation for the month of November, if Renee Merritt could please come forward with Bridgette Kaloyanides. These two ladies are both from Hospice and we heard a very heart warming testimony from a friend and resident in the City of Manchester, Howard McCarthy. I think it was rather appropriate given the fact that I would like to proclaim November National Hospice and Quality of Care Month. I would offer you a couple of words as well.

A PROCLAMATION

WHEREAS, out of 304 million people in the United States, 39 million are of age 65 or older. Out of 1.3 million New Hampshire residents, 170,000 are 65 or older. As many of our older Americans face the grim fate of dying alone or in pain and in addition may endure costly and ineffective treatments; and

WHEREAS numerous studies show that Americans often do not discuss with friends or loved ones how they want to be cared for at end of life; and

WHEREAS there are more than 3,400 Hospice programs throughout our country which are providing quality care that allows people to live well at the end of their life; and

WHEREAS an important part of the healthcare discussion we as Americans are having involves hearing wishes and the need to adhere to the wishes of individuals as they consider these important decisions.

NOW, THEREFORE, I, Frank C. Guinta, Mayor of the City of Manchester, New Hampshire, do hereby proclaim November 2009 as National Hospice and Quality of Care Month and would ask all people in our City to consider how they wish to be treated at the end of their life as well.

Given on this tenth day of November, 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

Ms. Bridgette Kaloyanides, Hospice Director of Operations, stated we thank you for recognizing November as National Hospice Awareness Month. I'm with Amedisys, but we look to bring information to everybody about all of the Hospice agencies in New Hampshire.

Ms. Renee Merritt, Hospice Representative, stated the reason we thought it was so important to ask the City of Manchester to declare the proclamation for National Hospice Month is because a 2007 Gallop survey conducted showed that Hospice provides Americans with the type of care that they want for themselves and for their families when they are facing a life limiting illness. Today, Hospice is still the most underutilized Medicare benefit. That is strictly because of the myths and misconceptions about what Hospice care is truly about and what is appropriate Hospice care. Unfortunately, we are frequently caring for patients who are in our program for a few days or weeks. That's often what people think Hospice care is for, but really we have people who have been on our program for over a year. People can be on Hospice and be doing so well that they come off the program and use it again in the future when they need it. People don't realize that people live longer when they use Hospice and have a better quality of life than those who don't. There was a very large research project done in 2007 with 5,000 patients, which means that it is a very accurate study and that's exactly what that study showed. Every single group that was studied in every disease category lived longer when they utilized Hospice and had a better quality of life than those who didn't. This is just one of the examples of the misconceptions that we hope to educate the community about so that people are more accepting of Hospice care.

Mayor Guinta stated thank you very much for educating of the community. With that, I present you with a proclamation. If there is anything we can do to further educate people in our community please let us know.

5. Presentation by Anthem representatives on the pilot Site of Service Program.

Mr. Tom DeLacey, City of Manchester Anthem Consultant, stated thank you for carving out some time for us on the agenda tonight. I want to introduce the folks from Anthem who are here today to talk about their Site of Service Program. This is a program that was

part of the bid process from last spring. It is a voluntary program that aims at getting down to the cost of services and having employees use the lowest cost services available. It is a pilot program that Anthem offered. We've worked on it over the past six months with the intent to roll it out for January 1, 2010. We think it will show some savings for the City of Manchester. Where it is a pilot, we will be watching it very closely to see if it does in fact save money for the City, but we are expecting that it will. To my right we have Doug Wenners and Rob Graybill from Anthem. I'll turn it over to them. It should take about 15 minutes to walk through the program.

Mr. Doug Wenners, Anthem Representative, stated good evening Mayor Guinta and members of the Board. Thank you for the opportunity to be here and talk about our Site of Service Program. As many of you will remember, and as Tom mentioned, the Site of Service Program was a program we proposed as part of the bid process. Part of our purpose in being here this evening is to share that we made a promise to deliver a program when the bid process took place and a promise made is a promise kept. We're proud to say that through our work with Jane Gile and WBS that we have been able to put together a pilot that is prepared to launch for January. The purpose of the pilot is...one of the dirty secrets of healthcare is that the cost of certain services vary significantly depending upon where you go for services. The reason it is a dirty little secret is because most consumers of healthcare have very little reason to actually care about what the variation in cost really is. If you think about the way most health benefits plans work, you have a minimal deductible and co-pay. From a member or patient point of view, when it is time to get a service that you need, whether the service costs \$5,000 or \$50,000, it is covered subject to deductibles and co-pays. The variation in cost is largely irrelevant for the end consumer. The catch is that there is huge variation in cost and for those companies and municipalities that pay the bill. For them it matters quite a bit what the variation in cost is. To give you a sense in a very simple way, in the City of Manchester if you were to pick three different facilities and compare the total cost of colonoscopies, which would include the cost of the gastroenterologist, the facility itself, anesthesia, and

other incidental costs, those costs could range anywhere from \$1,400 to \$4,600. That is a huge variation in cost. The essence of the Site of Service Program, and Rob will talk in more detail about how we're going to operationalize it, is given the variation in cost and given that benefit plans give very little incentive for people to care about that variation on a voluntary basis, we're going to share the cost of procedures and give a financial incentive if a consumer chooses the lowest cost Site of Service. With the essence of the program being described, let me turn it over to Rob Graybill who serves as my Chief Operating Officer at Anthem, to talk about it in more detail.

Mr. Rob Graybill, Anthem Chief Operating Officer, stated I wanted to provide a brief overview of what the program would feel like for the City of Manchester employees. In your packet, you received some detailed information. I'll be happy to answer some questions as well. As Doug and Tom mentioned, the current healthcare program doesn't have any transparency or real incentive for people to understand what the cost of a procedure would be. Anthem is committed to help educate the employees to understand what the cost of the various services will be. Very simply, if they choose to seek care at a lower cost facility, an incentive reward will be provided to them because of the claims cost that would have been avoided by the City. It is a completely voluntary program. It is not intended to interfere with the patient and doctor relationship. Employees would be free to choose whatever doctor is in the network. It is completely confidential as well. No information about employee claims will be shared with the City HR staff. It is a completely confidential service for the employees. There is no additional paperwork, forms or hassles. There is nothing to sign up for. People are automatically enrolled in the program. A member would go and see their doctor. That doctor would recommend that they receive some level of care. That member then has the ability to go anywhere to receive that care. They would call the entity that is going to administer the program on behalf of Anthem called Compass. Compass would provide cost information to help educate that employee about the cost of various services that they are seeking. For the example that Doug mentioned, a colonoscopy in the local Manchester has a cost effective

facility that is around \$1,600. Through the course of the consultation with Compass by phone, that health cost advocate at Compass would be able to articulate that there is a facility that is a cost effective facility. If the employee chose to receive care there, they would qualify for a \$100 incentive. That's all the employee needs. They then choose to seek care where they like. Once the provider pays the claim we will take a look at the claims to verify that the low cost provide identified by Compass matches the claim to verify that the employee actually went to the low cost provider and then the incentive payment will be mailed to the member. That is essentially the program in a nutshell. I wanted to be brief. You have information in your packet about the program itself.

Alderman Shea asked how can the patient, who is familiar with a particular facility know that another facility is comparable to that facility? How would they be in a position to properly judge whatever the unknown facility might be? Where are they suppose to get that information?

Mr. Graybill replied if I understand your question correctly, they would contact Compass and Compass would talk to them. They would ask questions about where they are likely to go for the service. Through the course of the conversation, they would provide some information about what facilities they could visit for that service.

Alderman Shea stated providing information is different from actual experience. If a person has gone to a particular facility and that facility has provided them with a very confident service and they know that there is another facility by contacting Compass that would be beneficial for the self insured payment...how can they get information other than from a Compass representative?

Mr. Graybill replied the options in that particular scenario would be for the patient to have that consultation with his or her doctor, but the information that would be provided from Compass would be strictly limited to a comparison of cost from the various

facilities. In the course of the discussion between the patient and the doctor, they describe what is appropriate. If you took the example of a colonoscopy...if a member is given a choice between Catholic Medical Center and Elliot Hospital to have that colonoscopy performed and if the City of Manchester employee is so inclined to want to find out what the difference in cost would be, then that City of Manchester employee could call the number and the information about the relative cost between CMC and Elliot would be shared and then the City of Manchester employee would be free to choose whichever facility he or she wants. If the lowest cost facility happens to be chosen, then the member would receive a cash incentive for having done so.

Alderman Shea stated you answered the question from a cost perception. What I am interested in is the facility itself. That's where my question is coming from.

Mr. Graybill replied the quality of the facility being compared is not something that this program will address. That is largely left to the conversation between the City of Manchester employee and his or her doctor.

Alderman DeVries stated I would like to follow up on the conversation that Alderman Shea was having with you. This is a totally voluntary program that an employee only participates in if they feel comfortable. Is that correct?

Mr. Graybill replied yes, Alderman DeVries. It is a completely voluntary program.

Alderman DeVries asked opting in once doesn't engage them in always having to opt into the program? It is each and every procedure when they make that decision?

Mr. Graybill replied it does not obligate you to anything in the future, correct.

Alderman DeVries asked is this program available to both the PPO as well as the HMO?

Mr. Graybill replied yes. It is available to any City of Manchester employee or their eligible dependents who are part of the health benefit program.

Alderman DeVries asked is there any additional preauthorization with the HMO component that they need to be concerned about?

Mr. Graybill replied the preauthorization and all the requirements that go along with the benefit plan stay in place. This is solely a conversation around the cost component.

Alderman DeVries asked so they go back after they choose a facility? Would they need to go back to their primary care physician for that authorization?

Mr. Graybill replied that is a great question. It depends where in the process they call. If they call early enough, they may not have made a decision. That is probably the easiest example. If they happen to call and already are scheduled and have gone through the preauthorization it may turn out that they would have to preauthorize at a different facility.

Mr. DeLacey stated to be clear, Alderman, this program does not impose any new requirements other than what already exists today.

Alderman DeVries asked this is going to be covered in a training program with employees, right?

Mr. DeLacey replied yes.

Alderman DeVries stated I know we spoke briefly earlier today on this and I think you indicated that our under 65 employees, pre-Medicare retirees, could also participate in this plan. I don't know if you have decided about retirees.

Mr. Graybill stated the challenge that was presented by the retirees really pivots on where they happen to be residing at the time. If they are residing out of state, then as a practical matter this program becomes difficult to administer because we wouldn't necessarily have the cost information to form the basis of comparison from out of state facilities.

Alderman DeVries stated because the Compass program is only looking at the local medical market for those cost comparisons. It makes sense. I'm very thrilled to see this coming online because I believe most people don't understand that concept of self insured for the plans of the City of Manchester. Every savings is something that is available for either other benefits or savings to the taxpayers. This is truly a great item to be coming online. Confidentiality was my last question of you. You have taken assurances that the Compass interaction is held to the same confidentiality that any other medical professional would be?

Mr. Graybill replied absolutely. That conversation is completely confidential and any information that results from that conversation when shared with the City of Manchester HR staff is completely confidential. The member name or anything else is not disclosed in that conversation.

Alderman DeVries asked and that is federally regulated?

Mr. Graybill replied yes, it is.

Alderman DeVries stated thank you. This is a great program.

Alderman O'Neil stated I'm going to have to guess that the gentleman sitting in the first row has some role with the program because he has been talking about this in around the City of Manchester for many years. Is that correct that Mr. Vailas will be involved?

Mr. Graybill replied yes, that's correct. Nick Vailas will be the principal of Compass and helping us to administer the program.

Alderman O'Neil stated I have full confidence in Nick. I've known him a long time and he has been talking about this issue for many years. Congratulations, Nick, that you have finally brought it to the forefront. Will there be quarterly reports that the Board of Mayor and Aldermen can look at to see how the program is going? Have you worked out with HR how reports and what types of procedures or surgeries are involved?

Mr. Wenners replied that's a great question. We are really in a partnership with the City of Manchester HR staff to try to determine what the right amount of information and the frequency is. We're extremely flexible in terms of when you want to receive that information. In terms of the procedures, it is going to launch in January with nine of the most common, but we will add additional services over time to increase the amount of service that is covered under the program.

Alderman O'Neil asked is quarterly reasonable or is that too often?

Mr. Wenners replied once the program is fully mature then I believe quarterly is very reasonable.

Mr. Graybill stated we would want to look at the data on a quarterly basis, but as Doug was saying, if we only have a handful of people who have used it over the first quarter, that data is not credible, so we would wait until the end of the second quarter.

Alderman O'Neil stated it would be important to me. I would like to see it.

Mr. Graybill stated sure. We can make it available.

Alderman Osborne asked why is there such a drastic difference?

Mr. Wenners replied that's a great question. The answer is that every hospital prices...

Alderman Osborne interjected don't you go by a usual and customary charge that they have to go along with once they are signed up with each hospital?

Mr. Wenners replied the usual and customary level of payment is reserved for any hospital or doctor that is out of network and it doesn't necessarily apply to doctors and hospitals that are in network. In network doctors and hospitals are compensated based upon the terms of the contract between the health insurer and the hospital or physician. In the course of negotiating those contracts, every hospital has priced their services differently and negotiates differently for the level of payment they will get for those services. Frankly, because there is very little accountability built into the system it is easy for that variation to exist for the patient. If you were to draw a simple analogy, there isn't a citizen in the City who would buy a gallon of milk without comparing the costs and yet, as consumers, we permit buying health care with four and five fold variations in the cost. That is largely because they have all priced it differently and there is little incentive for the end consumer to be accountable for it.

Alderman Osborne stated I guess we could talk all night about insurance. Usually, you have a usual and customary...I was going to ask how you arrive at that particular amount for that procedure. Other than that, you are going to have a list of all the doctors and hospitals that you feel have a good charge for the procedure. Right?

Mr. Wenners replied yes, we will.

Alderman M. Roy stated just so we're not using company names, if we use companies A, B and C offering a service, we're now moving a subcontractor of the City into the decision making process. What liability does that open up for the City if A is most expensive, B is moderate and C is least expensive and the employee chooses company C and then something goes tragically wrong? We don't want to see that, but we have now given them the incentive to move away from what would have been a normal provider. We're now in that decision making process. What protection does the City have from liability?

Mr. Wenners replied that is a great question, Alderman. I want to go back to the point of the program, which is not compulsory. It is completely voluntary. There is also no penalty for not complying with the program. It is not as if the choice is made to go to the highest cost facility there will be any penalty involved. There is not even a requirement to shop at all. If the City of Manchester employee or the dependent chooses, after hearing the information presented about cost and in consultation with their own physician, makes the choice to go with the lowest cost facility then it is their choice. From our point of view as we have discussed it with our legal counsel, we see little, if any, liability. It is hard to image, considering the way the program will be administered, that there will be.

Alderman M. Roy asked is there anything that could indemnify the City from potential liability? As much as I agree with you in principle, the person who orders coffee at McDonalds and gets scalded made the choice as well and we've seen jury settlements of substantial amounts for the choice and that injury. Again, I want to make sure that the City Solicitor and the Mayor's Office looks at all the liability and addresses it.

Alderman Gatsas stated there are currently nine procedures that you have in place that you are looking at. Let's say they are A, B and C and one was \$4,000, one was \$2,000

and one was \$1,000. I would assume that when the employee chooses C, it would be a \$100 payment to him. If I'm looking at the differential that the City would benefit from, is there a possibility that those nine procedures could be brought forward to the City and let's assume the City wanted to say...only for the fact that I look at the \$100 payment and there isn't much of an incentive for the employee to go from \$4,000 to \$1,000. Certainly, the \$100 payment that is coming from Anthem is instead of the procedure being \$1,000 it is \$1,100 and it is paid back through our program. It is not like it is an out of pocket cost by Anthem. You have chosen the number and I certainly understand where you are coming from, but if this is going to work, there has to be an incentive program. I don't know if \$100...when you look at a procedure for \$4,000 to \$1,000, I'm not sure that's enough of an incentive. I'm not too sure that \$100 is non-taxable.

Mr. Wenners replied that is a fair point. That is something that we need to look at as we progress in this pilot. If in fact the amount of the incentive is not sufficient for people to change their decision making behavior, then we may in fact need to raise that amount. It is a taxable event for employees to receive that cash. The \$100 may not be \$100 to that City employee.

Alderman Gatsas stated it would be \$86. I can tell you from a check that I normally get as a Senator.

Mr. Wenners stated we will look closely, as Alderman O'Neil recommended at the quarterly reporting. We are happy to report back to you on a quarterly basis on whether or not those incentives are set at the right amount and make recommendations.

Alderman Gatsas stated it is the City's dollar. I look at this and I have to believe that procedures that you have, have quite a bit of differential. I'm sure that if there is one for \$1,000 and another for \$500...maybe it should be a percentage of what the difference is between the highest and the lowest so there is an incentive to drive someone to that

number, even if it is a taxable event. It is certainly our dollar and if we can save \$2,400 versus \$4,000 that is beneficial to the City. I don't know if \$100 is going to motivate someone to move on that number.

Mr. Wenners stated I would say from our experience with incentive, whether it be an incentive to take a health risk appraisal or to join a smoking cessation program, \$75 to \$100 tends to be the magic point where people will take some action. You start to get diminishing returns as you go too much over that. In conversations with Anthem and working with them, we felt that \$100 was probably an appropriate place to start, particularly when you think that the employee isn't really paying anything out of pocket for that so it is really \$100 that is going into their pocket to have that colonoscopy. All services aren't going to have the same dollar variation that we are talking about with this particular procedure so we wanted to make sure that we weren't being overly aggressive in spending the City's money.

Alderman Gatsas stated I certainly appreciate that in a time when every dollar counts, but I think that from an employee's psychological point of view, someone saying that I have a procedure that I am looking at for \$4,000 where I can get this one for \$1,000 and I'm only going to get \$100 back...Who is saving the other \$3,000? I think that is an issue that needs to be discussed, especially if this is going to be a driving force to get employees to take a look at the availability of them being part of this health insurance plan. They can save the money and they get something back. We could set up a medical reserve account for them that is non-taxable that can be used towards other medical procedures. I think that is something we should look forward to as a City and make sure we have the ability to not put them in a taxable event, but make it available that they can get contact lenses from money that was put in that account.

Mr. Graybill stated for instance rolling it into a flexible spending account. That's a good idea.

Alderman O'Neil asked isn't one of the goals less about the incentive itself and more about the patient being aware of what the costs are? I remember having that discussion during that time period so they can make a choice on hospital A at \$2,000, B at \$4,000 and C is \$6,000 for the very same procedure. Awareness is one of the major goals here. Once the member knows that, they may be willing to switch. To me, that's what I remember a lot of the discussion about when negotiating the contract.

Mr. Wenners replied it is very much about education. It is also about choice and the types of choices that people are willing to make. If they choose to care about the cost and avail themselves of the incentive then they will. I think Alderman Gatsas has raised a fair point about the amount of the incentive, but we recognize, in estimating savings, that a lot of people will disregard the incentive and choose to go where they feel most comfortable, regardless of what upside is there. Those who have an affiliation with a particular hospital will choose that hospital regardless and we recognize that no amount of money will influence that decision. We believe there will be a percentage of people to whom that money matters and will make their choice on the basis of it.

Alderman Gatsas asked can you supply to the Board those nine procedures and at least the three schedules of what is available in the City with pricing so we can see what procedures are on the table?

Mr. Wenners replied yes, absolutely.

Alderman Shea asked how are people going to be notified? How do you plan on getting the information you are disseminating tonight to them?

Mr. Graybill stated we are working with the City of Manchester HR staff to schedule employee meetings so that we will have a series of educational meetings to make sure

that all employees are aware of the program so they really understand the program. Those meetings will be scheduled in the near future to target launching for January 2010.

Alderman Shea asked is that the only way people are going to be notified or are there other ways?

Mr. Graybill replied there will be a number of different educational opportunities that include meeting face to face with employees, conducting telephone seminars for spouses because we understand that spouses are a major decision in the health care decisions of the family, welcome letters, ID cards, and posters. There are a number of different educational engagement options that we are looking at to determine what the best step for the City is.

Alderman Shea stated once the information is disseminated, this particular number from Compass will be available to them?

Mr. Graybill replied yes.

Alderman Osborne stated you mentioned Catholic Medical Center and Elliot Hospital. Aren't both those hospitals and physicians under the pay scale of the hospital? How can you get less money when they are all under the same pay scale? I don't understand.

Mr. Wenners replied you put your finger on a very important issue. In fact, most primary care doctors are owned by the hospitals and therefore, the referrals, nine times out of ten, are to the hospital where they are affiliated. That presents a unique challenge for everybody in the health insurance business because it takes away choice. Our aspiration with this program is to give choice back to people. We hope to do that both through the education and the incentives that we provide. It will be a difficult hurdle to overcome.

Alderman Osborne asked where are you going to find the doctors to make it less money when they are all scheduled by the hospitals?

Mr. Wenners replied we can't change the doctor patient relationship. We have no desire to do so.

Alderman Osborne stated I'm not saying that much. The pay scale is there. It is in stone with the hospital and the doctors underneath it. I don't know where we are going from there. I didn't catch that one. It is a very important thing. People out there listening can't figure this out because the pharmaceutical companies, as far as I'm concerned, own the hospitals and hospitals own the doctors. It is a hard situation. I don't know what your plan is, but it will be quite interesting.

Mr. Wenners replied it is.

6. Presentation by Barbara Potvin, The Shoppes of Historic Downtown, regarding a public service announcement promoting downtown businesses.

Ms. Barbara Potvin, The Shoppes of Historic Downtown, stated I am a resident of Manchester in Ward 4 and I own a business on Hanover Street called the New England Sampler. Last September I started a program to promote the downtown area. It is called The Shoppes of Historic Downtown Manchester. I have been doing some advertising and one of my advertising reps suggested that we write a PSA, a public service announcement, to promote downtown Manchester and to help drive traffic back downtown. That is what you have just received. It is a public service announcement that I have been working on with Peter Sullivan, the Mayor's Office, the Chamber of Commerce and Intown Manchester. It was written to primarily drive traffic back downtown so people will shop, eat, have fun, walk around and enjoy themselves in downtown Manchester.

Mayor Guinta stated you're not looking for any money from the City. You are raising it through the organization.

Ms. Potvin replied none whatsoever.

Mayor Guinta asked are you asking us to support and endorse the initiative?

Ms. Potvin replied yes. One of the requirements from my representative from my advertising company was that the Mayor and Board of Aldermen would approve any PSA that we decided on. Basically, all I'm asking you to do is approve the PSA which is to inform the public about where parking garages are and how much opportunity they have for shopping and eating downtown. This is really to promote the downtown area.

Alderman Arnold stated I noticed on the PSA the gist of it seems to be the website.

Ms. Potvin stated we had to have some place to educate people. The PSA is so short it doesn't give enough information. We wanted to drive the listening and viewing audiences to some website. When we talked to the Mayor's Office, the Parking Division and the Greater Manchester Chamber of Commerce, we all agreed that it would go to one website and that was the website that we decided.

Alderman Arnold asked do you manage it?

Ms. Potvin replied I do not, but it is the website for the Shoppes of Historic Downtown.

Alderman Arnold asked can you go into any detail about what's on it?

Ms. Potvin replied right now, there is information about members and downtown businesses that have been attending the meetings. There is a map and event calendar. The map is going to include information about parking and where the lots and garages are. It will also show the cross streets.

Alderman Sullivan stated I want to follow up on what my colleague from Ward 12 was discussing. One of the concerns that the folks in the downtown business community had was that there was a perception that the parking problem downtown was worse than it actually is. We're trying to cut through some of the clutter and the noise and let people know that this is a community that is conducive to visiting downtown to shop and eat. This website will serve as a clearing house. There is already a map on there that points out where parking is available and tries to unscramble the confusion that people have about parking downtown. I suspect that there is a link that would bring you to the Parking Department's website which has more information than you would ever want to know. I think this is a terrific idea.

On motion of Alderman Sullivan, duly seconded by Alderman Osborne, it was voted that the Board of Mayor and Aldermen would endorse the public service announcement prepared by The Shoppes of Historic Downtown.

Mayor Guinta stated thank you for continuing to support downtown.

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.

Accept BMA Minutes

- B.** Minutes of meetings held on June 3, 2008 (one meeting); June 5, 2008 (two meetings); June 9, 2008 (one meeting); June 10, 2008 (one meeting); June 23, 2008 (one meeting); June 30, 2008 (one meeting).

Approve under supervision of the Department of Highways

- C.** Pole petitions:

11-1252	Ronald Street
12-0303	Dunbarton Road
11-1254	488 Mammoth Road

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

- D.** Sidewalk Petitions:

166 Riverbank Road
402 Vinton Street

Information to be Received and Filed

- E.** Approved minutes from the Commission meeting held September 29, 2009, September 2009 Financial Report, and September 2009 Ridership Report submitted by Evan Rosset, Executive Director MTA.
- F.** Update from the Mayor regarding standing Committees of the Board.

REPORTS OF COMMITTEE

COMMITTEE ON COMMUNITY IMPROVEMENT

- H.** Recommending, after due and careful consideration, that a donation from Eva M. Montembeault in the amount \$50,000 be accepted and used toward the purchase of fire rescue equipment.
(Unanimous vote conducted via phone poll on October 22, 2009)

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

- A.** Approving a transfer of \$169,000 from the Facilities Division of the Public Works Department to the Police Department for public safety measures in the Wilson Street/Somerville Street area.
(Phone poll conducted 10/29/09. Aldermen M. Roy, Gatsas, Sullivan, J. Roy, Osborne, Pinard, O'Neil, Lopez, Shea, Garrity, Smith, and Ouellette voted yea. Alderman DeVries could not be reached.)

Alderman Gatsas stated there was discussion this evening in the HR Committee in regards to this item, which will come forward a little later this evening. There were three different items that moved three sergeants into positions that would complete the revamping of the Manchester Police Department that was a recommendation of the Chief. There was also discussion that we would move forward on a tabling motion for the motion before us to wait on the four officers until the budget process so we have a very clear understanding of what that means during this budget process. I understand that in the next few months, it is not an added expense, but there was discussion to make sure that we have those funds available. I had that conversation with the Chief. As long as we made the other changes he was fine with that so we could have the discussions during the budget process.

Alderman O'Neil stated I think there were two different parts of this. There is the permanent position down the road. There is some money that they are spending currently on overtime for undercover drug activities as well as community policing. I don't think we can table the whole thing. Wasn't there a split?

Alderman Lopez replied \$80,000.

Alderman Gatsas stated no. He has enough money in his budget to increase the three sergeants.

Alderman O'Neil stated that has nothing to do with that. I agree with where Alderman Gatsas is going with the positions long term, but today they are spending money.

Alderman Gatsas stated this motion here was a phone poll that we took to increase the complement by four police officers and one...

Alderman O'Neil stated some of that money...it was \$80,000 and \$60,000. Some of it was for overtime, wasn't it?

Mayor Guinta stated \$80,000 is the Safe Neighborhoods Initiative. \$60,000 is for the five positions, four officers and an analysis.

Alderman O'Neil stated \$80,000 of this is needed?

Mayor Guinta replied no, the whole thing is needed.

Alderman O'Neil stated needed immediately.

Mayor Guinta stated correct. There is a short term and a longer term approach to try to solve some of the particular issues.

Alderman O'Neil stated I understand what Alderman Gatsas is talking about with long term and the positions, but I think some of the money is intended to be used immediately for overtime.

Mayor Guinta stated the \$80,000 is an immediate need to augment the number of officers in that geographic area. The positions were also included in the phone poll. I had talked to some Aldermen who were at the press conference.

Alderman O'Neil asked am I off track with this? I may be wrong, but that's what I remember in the discussion.

Alderman Lopez stated it might solve the whole problem if we take our recommendations from Committee and combine this and get the right number before we move forward. That way, we won't get confused down the road.

Alderman Gatsas stated while I don't disagree with you, Mr. Chairman, but I think that when I look at this letter that is on A-2 of our packet, \$58,500 towards salary and benefits for four police officers based on approximate hiring date of April 1st; \$30,500 towards the salary and benefits for a crime statistics analyst based on a hiring date of January 1st. That is something that we took care of and tabled in that Committee until a request comes back from HR and the Chief to work on the job description. I think that is in that Committee that if we approve it, it would come out to the full Board at the next meeting.

Alderman Lopez stated and I agree with you. If we ratify the phone poll, are we approving the \$169,000 to be transferred?

Alderman Gatsas replied we're approving hiring four new police officers, which we should have discussions about during the budget process. I think that is what it is talking about. Once we start taking money from this...those were funds that came back from the schools because they weren't spending it on facilities. I think that when we talk about the tax rate and we see where those funds are going, I don't think we should be looking at this program until we talk about the budget process and where the funds are going to

come from next year to make sure we don't talk about laying off four police officers in June.

Alderman O'Neil stated there are two different actions as part of this. One is short term. We should probably get the Chief up here.

Mayor Guinta stated there are two items. There are the officers long term and the initiative short term. I agree with you. However, it was all in one question in terms of the phone poll. At the press conference some of the Aldermen who were there who supported the initiative said to put it all in one poll so we did that. That poll passed, I think, 12 to 0. I understand in HR you took up reducing or changing the organizational chart from one deputy and one police officer to two sergeants, which is a \$18,000 savings. Right now, item A is either...we have to either ratify it or not.

Alderman Gatsas stated my motion would be to not ratify it, but to table it, and come forward with a new plan that says that we had conversation with the Chief.

Mayor Guinta stated I put this plan out after consultation with the Chief for a reason. It is imperative that we move forward with this program.

Alderman Lopez stated I think we are all on the same track. I agree not to ratify it because of the conversation we had in HR with the Chief. We are still moving forward with three sergeants and a crime analyst. At the same time, we are...

Mayor Guinta interjected they are not the same thing and we need these officers on the street now. I was fully aware that the proposal at HR that was adopted today was moving forward. In addition to that, the proposal that I brought forward was in consultation with the Chief because we need additional officers on the ground now. I understand your

concerns about the future budget issues, but these officers need to be on the street in the neighborhood immediately.

Alderman Lopez stated he can't invent these officers. It is going to take time to get these officers.

Mayor Guinta stated I agree and I stated that.

Alderman Lopez stated we're not stopping him. The Chief is going to move forward in looking for officers while the process moves forward in finding the money.

Alderman Shea stated I think the critical part is the \$80,000. I think that is something for the Safe Neighborhoods Initiative. I think that is the point that is being brought up. In other words, are you able, under your current budget, to still utilize the Safe Neighborhoods Initiative without the \$80,000 being given to you at this time? In other words, can you see fit to provide that same kind of security? That's the discussion. The other parts can be worked around because of HR and what you mentioned at the meeting. Could you comment, please?

Mr. David Mara, Police Chief, replied we would definitely need the funds that the Mayor had talked about to get the extra services out there immediately. That is not in our budget. We are talking about the extra patrols and getting the other shift out there with undercover operations. That we can get in immediately.

Alderman Shea asked from your judgment that shouldn't be taken out of the \$169,000? You can't provide these services otherwise under your budget?

Mr. Mara replied no, there is nothing in our current budget.

Alderman Shea stated basically, you would either have to have...in other words, if this were to be continued, you would have to find additional money in your budget or you would have a problem at the end of the current year to make up for that? Is that correct?

Mr. Mara replied that is correct if we didn't have additional funds.

Alderman Shea stated you can work around the \$58,500 and the \$30,500 somewhat, but not the \$80,000.

Mr. Mara stated not the money that we need immediately to do the extra patrol.

Alderman Osborne stated I remember talking to you a while back. You mentioned that one of your long term plans was through attrition, eliminate lieutenants and go to captains and sergeants and have more patrolmen on the street.

Mr. Mara stated yes, that is part of our reorganization plan. When I first became chief we had three deputy chiefs. Through attrition, I wanted to eliminate two of those deputy chief positions and take those positions, instead of having a captain and lieutenant and that progression down, eliminate in the middle and have lower level supervision get more sergeants.

Alderman Osborne asked is that still the plan?

Mr. Mara replied that is definitely in the plans. What was discussed in the HR Committee meeting was that this would bring about the end of our reorganization.

Alderman Osborne stated I always thought that was a good idea from the beginning. You remember that.

Alderman Gatsas stated this Board has always been accommodating to you and has always said that you could move forward and when May comes around if you are short we will take care of you. Is there any way you can move forward with this process, get Safe Neighborhoods Initiatives in place and if you can't find it within your budget, which you said already that you couldn't, but there may be retirements coming forward and you could come back to the Board in April or May and if there was a shortfall we would accommodate you.

Mr. Mara stated yes. In the past you have said that and I have no reason to doubt that.

Alderman DeVries stated Chief, this is not specifically a question for you, but more a comment. I know that we have recently spent a lot of time going door to door in our respective wards or throughout the City. If there is one thing that I have heard in the last few months from my constituents is that people don't feel as safe as they had previously. It is not even from the recent episodes that occurred, but it predated that. People do not feel safe as they had previously. I campaigned that I would protect, to the best of my abilities, and I would prioritize to the best of my abilities, schools, Police and Fire because I think those three entities are vitally important to the citizens of the City. I agree with the Mayor. I think this is an important action that was called for in response to the recent wave of activities and it would be a short coming for us to not approve the phone poll ratifying that vote that we took just days before the election. I'm mindful of our budget issues, but I personally believe that this is the time and place, especially in some of our remote wards where we don't have the high crime problem that they have downtown. We have a hard time getting the same police presence in Ward 8 that other parts of the City frequently have. It is important to add those community police officers. That is the outreach and the type of policing that is important to Ward 8 for the types of activities that they have so they can get a timely response. I agree. I think the phone poll that we took was in order and I support that and I will continue to support that this evening.

Alderman Gatsas stated I applaud the Chief and the entire force at the Manchester Police Department because I think it is important that we talk about the accomplishments in those two very difficult weeks. You were very successful at some drug raids that took people off the street. That should be the first thing that we should be talking about. The next thing we should be talking about is the murder of a gentleman who was in the middle of the street. It took you less than four days to capture the two people who were involved. Those are the great things that the Police Department did. Certainly the tragedy that happened with the domestic violence...my heart goes out to those families, but that wasn't something that you couldn't have changed the outcome of no matter how many policemen you had on the force. The two things that you did accomplish were very important. You did provide for a safer city and I think right now for us to talk about four police officers and thinking that that cost is only \$58,000 in the next budget cycle is not really appropriate because the decisions we make in the next two months are going to affect the way we put a budget together. Alderman DeVries is right. There was a phone poll four days before an election when tragedies happened. The vote was 13 to nothing. There was one Alderman who couldn't be reached. I think it is important that we all understand that those tragedies happened. There isn't anyone on this Board or the next Board that doesn't believe that crime is something that we need to control, but we must find out where our spending is going. You and I had a conversation today that talked about ten police officers that were under grants in 2006 that will be coming on board that will have to be paid by general fund dollars. The complement goes from 225 with the new grant, sergeant and patrolmen to 227. There is nothing that says that moving forward, we shouldn't add more police officers. Let's first find out what the impact is going to be and how we are going to pay for it because four officers is not going to only cost \$58,000 next year.

Mr. Mara stated I can tell you that four officers will cost \$293,000 for fiscal year 2010.

Alderman Gatsas asked is that including benefits and retirement?

Mr. Mara replied yes, sir.

Alderman Gatsas stated so that is \$300,000 roughly.

Mr. Mara stated if I could make a comment if that's okay. I can tell you in my opinion that the Police Department needs a minimum of 25 new officers. With that said, I can say that this Board and the Mayor have been nothing but supportive of the Police Department. I understand that there are budget restraints, but when someone asks me what the Police Department needs, I'm going to be honest. I know other City departments need other things, but for the Police Department in a City our size to carry out our mission...if you look at Police Departments for similarly sized cities, we are understaffed. That is no reflection of this Board or anybody because I have always felt that coming to this Board we have gotten nothing but support. I want to make that clear. When someone asks me as the Chief Executive of the Police Department what we need, I am going to be honest and say what we need.

Alderman O'Neil stated I want to make a suggestion to my colleague. We're not going to resolve the issue of the crime analyst tonight because we still need a job description written and a classification and I'm not sure it is going to be ready for January 1st. There is no need to spend time talking about the four officers that are in this memo tonight. It is not going to happen until the spring time. What can happen tonight, even though Alderman Gatsas has made a suggestion of covering the department's back, maybe we should bring closure to this and commit the \$80,000. That is going on now.

Mr. Mara stated we have already implemented a good deal of it.

Alderman O'Neil stated I think he moved forward believing the Board was going to support him on that \$80,000 funding level. It may be best that we fund that. I know it is targeting the Wilson Street area, but it could be used to target other sections of the City. Am I correct on that Chief?

Mr. Mara replied yes. We plan on implementing a plan and seeing how it works and then we are planning on moving into other bad areas. When I say bad areas, I mean areas that are having problems at this time.

Alderman O'Neil stated it got confusing because the crime analyst gets mixed in with everything else in the HR Committee today and it seemed like everything was related, but they really aren't. If you back the crime analyst out of the discussion in the HR Committee that was all under action before the bad couple weeks. Am I correct?

Mr. Mara replied that's correct.

Alderman O'Neil stated I think we are mixing it all together and that's not what we should be doing. Somehow the crime analyst got mixed into it tonight.

Mayor Guinta stated that's because it is part of the proposal that I brought forward.

Alderman O'Neil stated I do understand that, Your Honor. Although I respect Alderman Gatsas' opinion that we have said we would cover departments' backs in the past, I think it might be wise to commit the \$80,000. He is already outdoing that program and I think we should continue down that road.

Alderman Shea stated there were ten new officers that were sworn in yesterday. We were both there and very proud of that. You are working in the Wilson and Somerville Streets area. You are working now. You will still be working there, whether we

appropriate that money tonight or whether you have at the end of the year you have a deficit of \$80,000. It makes no difference whether or not the money is appropriated this evening or we carry it through and find out whether or not you can operate your budget at a deficit or whether you can make adjustments in that. Is that correct?

Mr. Mara replied I'll go with whatever direction I get tonight.

Alderman Shea stated that's right, but if we do not appropriate \$80,000 this evening it makes no difference that those particular initiatives that you have initiated in my ward or in other wards will still be taking place whether or not we give you the \$80,000 tonight or whether you carry it on your budget and then you come back to us in either April or May and you say you are in a \$80,000 deficit and you need that.

Mr. Mara stated that's correct.

Alderman DeVries stated the motion before us is to ratify the phone poll. Is that correct?

Mayor Guinta replied that's correct. Technically, there isn't a motion on the floor yet. Item A is a ratification of the phone poll. I would need a formal motion to put that on the table, but that is what I was expecting to be ratified this evening.

Alderman DeVries moved to ratify the phone poll.

Alderman Gatsas moved to table.

Alderman DeVries asked are you accepting that motion?

Mayor Guinta replied the tabling motion is non-debatable so if that fails, we'll go back to the original motion on the floor.

Alderman DeVries stated in the past, on occasion, you have not accepted tabling motions. Are you accepting that motion?

Mayor Guinta replied I will accept it and make this statement: This proposal was not days before an election. This proposal, after a week of consultation with the Police Chief, was after we had a very successful raid of a significant drug trade and a significant ongoing drug operation in the City. I won't let stand drugs being sold at bars in our community. We also had shootings that week. This is serious. People voted 12 to nothing for this proposal because it is a necessary proposal for our City. For 40 years, I have made an important stand about public safety. I would appreciate from this Board an up or down vote on a 12 to nothing phone poll. You supported this less than two weeks ago. There is a cost in a future budget. We have eight months left in this fiscal year. It is imperative to put police officers on the street. Everyone in this room knows that I am tough when it comes to spending, but I am the one saying that this is necessary and a worthwhile investment in our community. I will accept the tabling motion out of respect for a colleague, but I am asking you to oppose it and I'm asking you to vote on the proposal on the floor.

Alderman Lopez stated I need some clarification on the motion so I completely understand. What we are ratifying is the \$169,000 if this goes through?

Mayor Guinta replied correct. Not all of it would be spent immediately. It has to go through HR for those positions.

Alderman Lopez stated at the press conference, I understood that the \$80,000 was needed immediately. I think the \$80,000 is going to be there. If we ratify the \$169,000...I think what the HR Committee was looking at and through conversations with the Chief,

you can continue to move forward to find those officers at the same time we are going into the budget season. Am I correct?

Mr. Mara replied you direct me.

Alderman Lopez stated I want to clarify for the Chief and for my purposes if this motion is going to pass because when I was called on it I asked that question. Even though we are approving the \$169,000 moving forward, the immediate issue is \$80,000. Also, at the press conference it was stated that you would work out the details moving forward for the new officers through HR. Am I correct?

Mayor Guinta replied that is what I proposed. Afterwards, I talked to the Aldermen who were present and I was asked to combine it into one phone poll and get it all done. I said yes. I support that. That was ratified 12 to nothing.

Alderman Lopez stated we're all saying the same thing.

Mayor Guinta stated I don't think we are saying the same thing.

Alderman Lopez stated I think we are. If we ratify the \$169,000 the Chief has \$80,000 to spend and he goes through the process of hiring police officers. That is exactly what HR told him to do. They told him to continue to move forward and find those officers even though he won't get them until April or May. We're not stopping the Chief from moving forward. He could get ten new officers if that is the case. We told him last year to find ten new officers.

Mayor Guinta stated maybe we are mixing words here. There was a ratification of a \$169,000 appropriation by 12 to nothing. Now there is a tabling motion on the entire proposal. My intent here is to ratify a phone poll where I had at least 12 supporters out of

13 who were on the Board at the time. Now I'm hearing a shift as a result of what occurred in HR earlier about a reorganization that has been in the works since the Chief started as chief. That is not acceptable to me. I made a very clear and succinct statement about the needs for public safety. I don't enter into that kind of decision lightly. I spent days with the Chief trying to figure out what the most appropriate response was to continue to eradicate drugs from our community. I sympathize with everybody about future costs and budgets. I spent the last four years dealing with that. I'm here saying this is critical and important and you have eight months left in this fiscal year. If the tabling motion passes, none of this happens and that's not good for the City.

Alderman Gatsas stated I don't know about that, Your Honor. You're putting words into this Board's mouth.

Mayor Guinta stated your motion is to table.

Alderman Gatsas stated there is an opportunity under new business to move these things forward as we talked about them in HR. I don't think that you should sit there and say that the concerns of this Board or the next Board should not be about budgetary constraints.

Mayor Guinta stated no one shared this plan with me going in today. I was blind on hearing this one and I don't appreciate that. Two weeks ago everyone was for it. Tonight all of a sudden we're not. It doesn't make sense to me.

Alderman Shea stated you are painting all of us in the wrong areas. I'm not against the \$80,000. I'm not against any kind of police officers coming forward. I'm saying that the \$80,000, which is a safe initiative, will go forward whether or not we vote for that this evening. There isn't going to be a problem because we will support the Chief. You are

saying, in essence, that because we are not going along with the \$169,000 we're not going along with any kind of protection for our citizens.

Mayor Guinta stated that's not what I said.

Alderman Shea stated you are painting people who are bringing up discussions as if we're not in favor of supporting the Police.

Mayor Guinta stated the phone poll was conducted on October 29th and it was the people in this room who voted 12 to nothing. Now, it seems like more than one individual would like to change their position.

Alderman Shea stated what we are doing is trying to analyze what is going to be taking place in terms of the future. You are going to be leaving us, but we still have situations that are going to be developing that we have to be aware of that you aren't going to be aware of.

Mayor Guinta stated on October 29th this was a critical 12 to nothing vote. Today, obviously something has changed.

Alderman Shea stated I don't know what changed besides the fact that people are analyzing the situation and saying that we are supporting the Chief 100%. The Chief is saying that he can't add anybody before April. We're giving him \$169,000.

Mayor Guinta stated it doesn't sound like it because there is a tabling motion on the floor.

Alderman Gatsas stated with all due respect, what we read is what you see right here. What we were read and what we were asked to vote on was approving the transfer of \$169,000 from the Facilities Division of the Public Works Department to the Police Department for the public safety measures in the Wilson Street and Somerville Street area. That is all we were read. That's all we were told. We were never told that there was an impact of \$200,000 in the next budget. We were never told that. That's what we were read and that's what we voted on.

Mayor Guinta stated there was a proposal that I made in writing.

Alderman Gatsas stated when the phone poll was taken, Your Honor, that was the question we were asked. There was nothing about the impact of the next budget.

Mayor Guinta stated everyone had a copy of the proposal and everyone voted for it.

Alderman Gatsas stated no, that was the question we were read.

Mayor Guinta stated if people didn't want to vote for it, they should have not voted for it. How can you sit here saying I didn't know what the future implications were since I gave everyone on this Board a proposal?

Alderman Gatsas stated I don't think you provided that to everyone on this Board about what the impact of the future would be. The proposal that everyone saw was the \$58,000 cost.

Mayor Guinta stated let me get this straight. The concern here is the fiscal year budget, which starts in July?

Alderman Gatsas stated everything that we do has an impact. We all understand that the City has a financial problem. If we can't look at that as a new Board that comes in here in less than 54 days and has to endure what the next budget is... You want us to tell the Chief to go hire the four people, but lay them off in June because we don't have the money in the next budget. I don't think that's fair.

Mayor Guinta stated I'm not looking for you to tell the Chief to lay people off. I'm asking for you to take an up or down vote on the ratification. If you don't want to vote for it, vote it down. I'm reiterating that on the 29th of October, 12 people supported it. I think everyone was pretty clear about what the initiative was. It was the cost for this fiscal year. The cost for the next fiscal year is \$45,000 times four officers, plus benefits. The math is pretty simple. If people don't want to vote for it, vote against it. I'm here to tell you that it is the right thing to do for the City. I have consulted with the Chief and I have at times increased the complement and I have made decisions about trying to hold the line. This is a time when I think we need to invest in public safety in this City. If any one chooses to have a differing view, then vote that way.

Alderman DeVries stated I agree.

Alderman O'Neil stated Alderman Shea used the term analyze, but we had a chance to digest the plan. I'm going to vote for this. I committed so I'm going to vote for it, but the reality is that we're not going to see a crime analyst by January 1st.

Mayor Guinta stated I agree. I stated that in my proposal.

Alderman O'Neil stated based on approximate hiring of January 1st. That's not going to happen. We don't even have a job classification or description.

Mayor Guinta stated I had to give a date.

Alderman O'Neil stated it isn't going to happen and we're not going to spend \$30,000 to do it. I'm not convinced. I haven't had any chance to talk in any detail with the Chief, but through the hiring of the ten officers he just swore in, I'm not sure we could get four officers on April 1st if we wanted to, unless some new certified officers come about. We have the chance to think about this a little bit. I'm going to support it. The Chief has already moved forward on the Safe Neighborhoods Initiative. He is spending money on overtime for community police officers or undercover officers. This was all done in about a 24 hour period.

Mayor Guinta stated no.

Alderman O'Neil stated for us, Your Honor. You maybe had more time to think about this, but this was handed out to me at about eleven o'clock at a press conference. We were asked to vote later that same day. Don't pretend that we had weeks to think about this. I'm going to vote for this, but it isn't perfect.

Mayor Guinta stated there were Aldermen in the room at the press conference who asked me to combine.

Alderman O'Neil stated I agree with you on that.

Mayor Guinta stated you were one of those Aldermen.

Alderman O'Neil stated but the poll was that afternoon, Your Honor. We didn't have a chance to go home and sit and meet with the Chief and talk about every aspect of this. I don't know why you are debating me. I'm going to support it.

Alderman Gatsas moved to table this item. The motion was, duly seconded by **Alderman Shea**.

Alderman Osborne asked why are we tabling this? What is the full reason?

Mayor Guinta replied I'm not sure. There was a tabling motion made by Alderman Gatsas and seconded by Alderman Shea.

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

Alderman O'Neil moved to ratify and confirm the phone poll from October 29, 2009. The motion was duly seconded by **Alderman M. Roy**.

Alderman Lopez stated I want to make sure that the approval of transfer is for a safety measure on Wilson Street. Is all \$169,000 for that area?

Mayor Guinta replied it is for this proposal for this plan. It is focused on the Somerville Street area, but the Chief has flexibility to expand it into other areas of the City if necessary.

Alderman Lopez stated I don't think at any time any member of this Board...\$169,000 that we approved on a phone poll vote and what we did in HR is not stopping the Chief of Police from moving forward in any shape or form.

Alderman Ouellette stated I would like to ask a question about that. Was it your understanding leaving the HR meeting that you were going to go ahead and try to recruit

four more officers or was your understanding that we were going to go through the budget process, starting a little earlier this year, and if the position through the budget process came forward then you would go ahead and recruit those officers?

Mr. Mara replied my understanding was that I would start with the process of trying to find the officers, which involves a test and then background checks.

Alderman DeVries requested a roll call vote on the motion to ratify and confirm the phone poll. Aldermen DeVries, Garrity, Smith, Ouellette, Arnold, M. Roy, Sullivan, Osborne, Pinard, O'Neil, Lopez, voted yea. Aldermen Gatsas and Shea voted nay. Alderman J. Roy was absent. The motion passed.

G. Recommending, after due and careful consideration, that staff identify a funding source for \$12,000 to provide for installation of fans at Engine 8.
(Unanimous vote)

Alderman O'Neil asked could the Clerk follow up, unless Chairman Garrity has any knowledge? I don't have any correspondence that they have been identified \$12,000 and I'm sure snow is on its way at some point.

Alderman Garrity stated I have not heard from CIP staff, but I will follow up with them.

Alderman O'Neil asked do you want to do it or do you want the Clerk to do it?

Alderman Garrity replied I'll follow up.

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

8. Nominations presented by Mayor Guinta

William Beaton to succeed himself as a member of the Water Commission, term to expire January 1, 2013;

Dylan Cruess to succeed himself as a member of the Water Commission, term to expire January 1, 2013;

Stephen Hebert to succeed himself as an alternate member of the Conservation Commission, term to expire August 1, 2012;

Woullard Lett to succeed Thomas Noonan as a member of the Police Commission, term to expire September 15, 2012;

James M. Gallagher to succeed Michael Simoneau (resignation) as a member of the Revolving Loan Fund Board, term to expire June 1, 2012;

Heather Whitfield to succeed Lawrence Allard (resignation) as a member of the Revolving Loan Fund Board, term to expire June 1, 2012;

Peter M. Sullivan to fill a vacancy as an alternate member of the Heritage Commission, term to expire January 1, 2011;

Derek Dufresne to succeed himself as a member of the Heritage Commission, term to expire January 1, 2013;

June Trisciani to succeed herself as an alternate member of the Heritage Commission, term to expire January 1, 2013;

Jessica Gustafson to succeed herself as an alternate member of the Heritage Commission, term to expire January 1, 2013;

Alderman William Shea to succeed himself as a member of the Board of Recount, term to expire October 1, 2011;

Arthur Beaudry to succeed himself as a member of the Board of Recount, term to expire October 1, 2011;

Richard Danais to succeed himself as a member of the Board of Recount, term to expire October 1, 2011;

On motion of Alderman M. Roy, duly seconded by Alderman O'Neil, it was voted that the nominations of Woullard Lett, James Gallagher and Heather Whitfield layover until the next meeting and that the rules be suspended and the remaining nominations be confirmed.

9. Confirmations presented by Mayor Guinta.

Safety Review Board

Timothy Barton as a member, term to expire March 15, 2012.

Heritage Commission

Cameron DeJong as an alternate member, term to expire January 1, 2011.

On motion of Alderman Sullivan, duly seconded by Alderman Shea, it was voted to confirm these nominations.

11. Reports of the Committee on Administration/Information Systems

The Committee on Administration/Information Systems respectfully recommends, after due and careful consideration, that the service contract between the Friends of the Manchester Animal Shelter and the City of Manchester be amended as outlined.

(Unanimous vote)

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

The Committee on Administration/Information Systems respectfully recommends, after due and careful consideration, that the Agreement for Services for the Central Business Service District be extended to June 30, 2010.

(Unanimous vote)

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

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 David Mara, Chief of Police, to increase the department's complement by two additional officers, funded for two years, for the Child Sexual Predators program be approved.

The Committee further recommends that one police position be converted to a sergeant position as a part of this program.
(*Unanimous vote*)

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

The Committee on Human Resources/Insurance respectfully recommends, after due and careful consideration, that the request from David Mara, Chief of Police, for the vacant deputy chief position to be replaced with one sergeant position and one patrolman position to be replaced with one sergeant position be approved.
(*Unanimous vote*)

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

Alderman O'Neil asked is that right?

City Clerk Matt Normand stated each one is being replaced by a sergeant.

Mayor Guinta asked are we separating it out?

City Clerk Normand replied no. It is two sergeant positions.

The Committee on Human Resources/Insurance respectfully recommends, after due and careful consideration, that the request from Jane Gile, Human Resources Director, to increase the Health Department's complement by adding two Public Health Specialists I and two Public Health Specialists II be approved.

(Unanimous vote)

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

The Committee on Human Resources/Insurance respectfully recommends, after due and careful consideration, that Jane Gile, Human Resources Director, be authorized to enter into a Trust Agreement with Reliance Trust Company.

(Unanimous vote)

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

13. Reports of the Committee on Lands and Buildings

The Committee on Lands and Buildings respectfully recommends, after due and careful consideration, that the proposal for conveyance of property at 159 Douglas Street from the NeighborWorks of Greater Manchester to the City of Manchester be approved.

The Committee further recommends that any additional real estate transfer costs incurred by NeighborWorks relative to the conveyance of said property shall be assumed by the City.

(Unanimous vote)

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

Alderman O'Neil asked what does that second paragraph mean?

City Clerk Normand replied during the Committee, Alderman Gatsas brought up that he didn't want any transfer fees that would be possibly associated with the property to be bore by NeighborWorks and instead, the City would cover that, should there be any.

Mayor Guinta asked what are the estimated costs?

Alderman Smith replied there might not be any.

Alderman M. Roy stated what we voted on in Committee was the discussion of additional costs regarding the transfer tax for NeighborWorks to purchase it and sell it to the City. Any additional costs is a rather broad scope. I would offer a friendly amendment that we strike any additional cost and put that to real estate transfer costs. I think that was the intent.

Alderman Lopez stated I think the City Solicitor was in on this. In the end it is all coming out of NSP funds no matter what.

Mr. Tom Arnold, Deputy City Solicitor, stated I don't know where the funds are coming from. What was being dealt with in Committee is, of course when a property is transferred there is a tax that you pay when you go to record the deed. In this case, there may be one tax from the transfer where NeighborWorks acquires the property. When NeighborWorks transfers the property from themselves to the City, I don't believe there will be any tax because the City is the grantee and we're exempt from paying that tax.

Alderman Gatsas stated the concern I had was that they are giving the City something and if there was a cost to the real estate transfer tax for their side of the purchase, they shouldn't be encumbered because it would only be on the land and the City should absorb it. They have been gracious enough to go to the foreclosure to get the parking for the Senior Center so no matter what it is, we should pay it.

Mayor Guinta stated I'm comfortable with how it is written.

Alderman Gatsas stated I would take the friendly amendment from Alderman Roy to say that it is real estate transfer.

*On motion of **Alderman M. Roy**, duly seconded by **Alderman O'Neil**, it was voted to change the wording from additional costs to real estate transfer costs.*

Alderman O'Neil stated any additional costs is pretty broad.

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

The Committee on Lands and Buildings respectfully recommends, after due and careful consideration, that the new Cingular Wireless lease agreement for Derryfield Reservoir site be approved as submitted subject to the review and approval of the City Solicitor.

(Unanimous vote)

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

The Committee on Lands and Buildings respectfully recommends, after due and careful consideration, that the proposed Right of First Refusal between the City and the River's Edge Manchester LLC be accepted.

(Unanimous vote)

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

Alderman DeVries asked who is available to answer questions? We have procurement dictates in the City and I wasn't sure how the bid process would work with the Right of First Refusal when we go to sell the land. Could someone advise me of how that works? Don't we have requirements that we have to have so many proposals?

Mr. Arnold replied the way the Right of First Refusal works is if the City goes to sell the property, presumably you would go through a bid process if that's what you chose to do, but once the buyer was selected and reached an agreement about what was being transferred in the price, the Right of First Refusal would then be open to Mr. Anagnost to come in a pay that price and acquire the property.

Alderman DeVries asked in any way does having a Right of First Refusal in place inhibit a honest and true bid process in your opinion?

Mr. Arnold replied there are two ways to answer that question. In terms of the process alone, no, but you would certainly have to question whether anyone would go to the trouble of formulating a response to a bid to acquire the property if they know that someone else can come in and exercise the Right of First Refusal.

Alderman DeVries stated the finance agreement of this on page two...Can you shed any light on what is being accomplished?

Mr. Bill Sanders, Finance Officer, replied you're referencing the section dealing with the specific financing arrangements. In discussions with the Solicitor, the financial and legal reason would be that we may be able to offer financing to certain buyers in the bid process that Mr. Anagnost would not qualify for and we would not be able to offer him. We wanted an exclusion for that.

Alderman DeVries stated if you could take that a step further...as means of the exclusion...I guess I'm not understanding what is being accomplished with the language.

Mr. Sanders replied I think I'm going to defer to the Solicitor. He is the one who wrote it.

Mr. Arnold stated at the time, the concern was that oftentimes when the City extends special financing terms it is in relation to a particular project such as housing redevelopment or HOME funds. Under the Right of First Refusal, if Mr. Anagnost came in to exercise his Right of First Refusal he would not be bound. He could just come in and buy the property and put it to whatever use he thought was appropriate and therefore it might not qualify either legally or in spirit for the financial terms that the City was going to extend to a particular buyer. I discussed this with Ken Viscarello who represented Mr. Anagnost and he made him aware of that concern. The language is designed so that if the City were to extend...just a general financing term, for instance if the City were to offer to sell the property and take payment for the property over time, that would be extended to Mr. Anagnost, but if there was special financing that was related to a specific project or was restricted by various federal waivers, the City would not be obligated to extend that financing to Mr. Anagnost.

Alderman DeVries stated Your Honor, thank you for the privilege of the explanation. It still seems a bit convoluted to me. I'd like to be recorded in opposition.

Alderman Gatsas requested a roll call vote.

Alderman O'Neil asked what is the roll call on?

City Clerk Normand replied it is to accept the report of the Committee for the Right of First Refusal between the City and River's Edge Manchester, LLC.

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

The Committee on Lands and Buildings respectfully recommends, after due and careful consideration, that the attached proposal submitted by the Mayor regarding termination of the 2005 Cooperation Agreement for the administration of Northwest Business Park with MHRA and transference of specific responsibilities to the Economic Development Office be approved effective January 1, 2010.

The Committee also recommends that any further incidental costs associated with Northwest Business Park be reviewed by the Finance Officer, Economic Development Director, and receive prior Board approval prior to payment.
(Unanimous vote)

Alderman O'Neil asked did the Committee allow this to be...I'm not suggesting that we continue with the Authority on this, but I have a number of questions that would take about a half hour. Can we table this so I can ask my questions off line? I'm not suggesting that we are going to do anything any different, but I don't understand all this.

Mayor Guinta stated I have no objection to that.

On motion of Alderman O'Neil, duly seconded by Alderman Garrity, it was voted to table this item.

14. Review of the tax rate by the Finance Officer.

Alderman Lopez stated I think it is up to the Finance Officer to let the public know that when we did the budget we came in at \$178.5. Looking at the documentation from DRA, we are right on target with every number. Is that correct?

Mr. Sanders replied you were right on target on the bottom number. That is correct, sir.

On motion of Alderman Lopez, duly seconded by Alderman O'Neil, it was voted to accept the review of the tax rate.

15. Bond Resolution:

“Authorizing General Airport Revenue Refunding Bonds in the amount of One Hundred Fifteen Million Dollars (\$115,000,000) for Refunding Certain Outstanding Municipal Revenue Bonds of the City issued on Behalf of Manchester Airport.”

On motion of Alderman M. Roy, duly seconded by Alderman O'Neil, it was voted to waive readings on the Bond Resolutions.

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

NEW BUSINESS

Mayor Guinta stated I have new business that is more of an emergency. I think everyone got the letter about the odd/even parking ban. We typically move this back based on the weather report. The only reason I am asking that you vote on this tonight is because we are not going to be having a Committee meeting between now and December.

On motion of Alderman M. Roy, duly seconded by Alderman Osborne, it was voted that the odd/even parking ban be accepted.

On motion of Alderman M. Roy, duly seconded by Alderman Sullivan, it was voted that the rules be suspended and the Resolution be placed on its final reading.

Mayor Guinta stated there is new business from Alderman Pinard. He handed out a flyer about the Christmas lighting at Massabesic Circle.

Alderman Pinard stated this is probably at least the 15th year that I have been coordinating the effort at Massabesic Circle. It gives me great pleasure that we are doing it again. I have no promise that I will be in any condition to do it again next year. I want to thank the USA for their effort to keep the tree moving. I invite all the Aldermen and their families to come this year because I think we need this kind of activity to keep the morale of the people up. I want to invite everyone in the Chambers to come.

Alderman Shea stated I am speaking for the constituents of Ward 7. This is to compliment the Chief of Police and the workers at the Police Department for their excellent work in Ward 7. On the 18th of November at 6:30 PM there will be a meeting, which will hopefully be twofold, for the Police to give a report about their activities in Ward 7 and the initiatives they have shown, as well as various departments to be represented so we can use something positive instead of the negativity that took place. I'm asking all the people who asked to be in that program, Health, Fire Department Highway as well as individuals from the Planning Board, the CIP Committee as well as people with Weed n' Seed to come so that we can start doing something in that area that has been negatively affected so we can show the residents there that we really care about what has happened. I hope we can draw something positive from that.

Alderman O'Neil stated you mentioned a date, but you didn't say where or what time.

Alderman Shea stated I haven't had that opportunity yet. It will be at Engine Seven at 6:30 PM on November 18th. We're hoping the residents of that area will come.

Alderman Gatsas stated what we did in HR was three sergeants. Is that correct, Chief? The Clerk wasn't sure if it was two or three so I wanted to clarify that for him.

Mayor Guinta stated before we adjourn, I wanted to formally welcome Ward Twelve Alderman Pat Arnold to the Board. He is now serving with this Board and will be serving with the next. I want to welcome Alderman-Elect Ron Ludwig from Ward Two who is in the audience and Alderman-Elect Pat Long who has served on this Board in the past and will be serving again. He is in the audience as well. I want to extend my congratulations to everybody who is going to be serving in the next Board. This will be the first time in a long time that I won't be serving as either an Alderman or a Mayor. Despite some of the arguments and interesting discussions we have had, it has been a pleasure serving with everyone here. I wish the Aldermen and Mayor Elect Gatsas the best of luck in the future. We have a few more meetings left. I have asked the department heads to fully cooperate with the Mayor-elect and all the responsibilities that he will have over the course of the next two months. I certainly want to extend whatever he needs from my office. I wish him and everyone who will continue to serve well.

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

A True Record. Attest.

City Clerk