

**SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN**

June 22, 2010

7:30 PM

Mayor Gatsas called the meeting to order.

The Clerk called the roll.

Present: Aldermen Craig, Ludwig, Long, Roy, Osborne, Corriveau, O'Neil,
Lopez, Shea, DeVries, Shaw, Greazzo, Ouellette, Arnold

Mayor Gatsas called for the Pledge of Allegiance, this function being led by four students from Webster Elementary School, who were introduced by Alderman Craig.

Alderman Corriveau stated we have a very special Boy Scout troop here tonight from St. Pius Church. They are here for their Communications and Good Citizenship Award. I would like to welcome them to City Hall.

Mayor Gatsas stated I have asked a group of graduates here this evening to honor each of them and to pay tribute to them because I believe that they deserve special recognition. The group of individuals I am speaking of are the graduates who will soon report to duty in the United States Armed Forces. If they would come forward, the students here who graduated from Manchester Central and Manchester West please. If I could have Aldermen Lopez, Osborne and Shea also come forward please. I would ask you to introduce yourselves to the crowd. We

have Proclamations here and I would ask the Aldermen to assist me with these. These are also gentlemen who are Veterans. The Proclamation states:

Be it known that the Office of Mayor extends its congratulations to the named individual in recognition of your recent graduation from Manchester high school and your acceptance into the armed forces and be it further known that the Office of the Mayor extends its best wishes for continued success.

As you come up if you would certainly tell us what branch of the armed services that would be wonderful. Certainly, I applaud you for choosing the armed services and I know that on behalf of this Board I would like to thank you for your leadership and we wish you the best. God Bless and Godspeed to each of you, and thank you for serving our country and making us proud.

Mayor Gatsas called for a moment of silence.

Mayor Gatsas stated if we can take up one more item if the Board so wishes, I would like to take item B off the Consent Agenda and ask the two gentlemen to come forward.

Accept and Remand Funds for the Purpose Intended

- B.** Accept and remand funds in the amount of \$750 from the Disabled American Veterans to be used toward the Mayor's Senior Luncheon.

On motion of Alderman O'Neil, duly seconded by Alderman Ludwig, it was voted to accept and remand the funds for the purpose intended.

Mayor Gatsas stated certainly you came to the office the other day and I want to thank you for it and certainly the seniors want to thank you. The luncheon was wonderful and certainly if there are things you would like to say please do so.

Mr. William Biron, World War II Veteran, stated I would like to say that on behalf of the Disabled American Veterans, Chapter I, Manchester, New Hampshire, it is our privilege to donate \$750 to the seniors and to you, sir. Keep up the good work. There is one other thing: Our new State Department D.A.V. pin for this year, we would like you to have and wear in good health.

Presentation by Mayor Gatsas regarding the Public Safety Complex.

Mayor Gatsas asked Alderman Lopez to come and assume the Mayor's duties while he made the presentation.

Mayor Gatsas stated thank you very much, Mr. Chairman. I think all of the Board members here this evening will agree that the time has come for a new police station and a new highway facility. I think it makes a lot of sense to call it the Manchester Municipal Complex. I think we have dedicated employees and we as a Board must step forward to make sure we give them working conditions that they can do the best job they can possibly do in. This project has been in the works for...I think if we look back the first appropriation that was made for a new police station was 15 years ago or more. At that point, the Board had taken the position that they were going to build a new police station and \$20 million was appropriated and then somehow there were other projects that came up and those funds were then taken and other projects were done. We have the good fortune that we have been able to acquire some bonds to go forward with this project - \$6 million of which we had and \$24 million that the county so graciously delivered to the City but we have some time constraints that are before us. This Board must

take action. We right now are in the best economic times for construction and cost savings. I don't take this project lightly because I know that there are \$2.4 million of debt that follow it. I think it is important as we look to our future that in 2015, upon completion of this project or thereabouts, there will be approximately \$2.2 million of debt service from other projects that we have had and concluded that fall off that chart. I think that as you will see, the discussions that we will have in the coming months will give us an opportunity to retrieve some of those dollars from sales of buildings and synergies that we have to pay back debt. I think we all must work in a very collaborative effort to make sure we can achieve those goals. We put together a PowerPoint presentation and I have asked the Commissioners from the Highway Department, Police Department and Parks & Recreation to join us this evening because they haven't been privy to the conversations we have had. First I would like to thank the Commission of Manchester Water Works along with the Director and Assistant Director there because they have been very cooperative in the efforts for us to go forward with this project. I think that if they had not been kind enough to look at the City and give us the opportunity on the land that they are on with the building that they have this project might not have come to fruition because we would have had to deal with other landowners and I think it is important that we move this project forward as quickly as we can. I am going to ask this Board to have a special meeting on either June 28 or June 29 so that we can have the public come in and talk about their concerns as we go through this because there will be street closings that will impact their neighborhood. I think that the positive impact is going to be much greater than any negative impact but I would ask this Board that we have that public meeting. Let's publicize it and see who comes in to speak in favor or in opposition to this project, as we should have some public input. With that, if we can go through this PowerPoint presentation you will see that this is the existing Police Department. You will notice that the building is just about landlocked. There is no opportunity to expand. You will see that there is inadequate parking and it is insufficient to do

anything. I think all of you have probably had the opportunity to walk through that building. The locker rooms are in very tough shape. The space that is there for a police department that is as large as ours should be somewhere around 70,000 to 75,000 square feet. We have narrowed that down to about 72,000 and until we get a construction manager in place, we have some moving targets as we go forward but I think it is important that we have those discussions. I think the Highway Department has taken the lead on this and has been doing a great job. Both Kevin Sheppard and Tim Clougherty have been doing an outstanding job and I thank the Finance Department for stepping in and making sure that we are going to present numbers so that we can see them and make sense of them for the project to go forward. Bill Sanders was with me when we went to the County to ask them for the \$24 million that they had there. This is the site of Manchester Public Works. I think you will all recognize it as you go through it. There needs to be changes there. There is no question that if we were a private entity I don't know if we would continue to be able to do business at this location with the employees. The Manchester Municipal Complex will include Public Works, Police Department, Centralized Fleet Maintenance and will move Facilities from their location into this new location along with Parks. I think it is going to give us some opportunities to pick up some synergies as we move throughout this City. As you look at the rendition, there is no question that there will be over 500 employees that will be housed at this complex. As you look at it, you will notice a police station that will be built to the right, a municipal complex on the left and there will be maintenance garages that will service all vehicles in the City and also storage for those trucks that the Highway Department has that can get out quickly when the snow is coming and already be filled with salt so that there aren't delays in trying to start trucks and get them on the roads in the City of Manchester. It is probably the largest green project of its kind in New England. We have invested...I think a lot of the Aldermen in the past two years understand that we have invested in our fleet. When we start buying those new vehicles we must find

places we can store them so that the life of those vehicles is a little longer. The Public Works Department, Police Department, Fire Department, and Parks & Recreation are all part of this fleet management. Each facility currently keeps and manages their own infrastructure, mechanics, equipment and parts. That certainly is not efficiency. None of the facilities have all of the proper measures in place necessary for comprehensive fleet maintenance. I think that if you take a look at where the Highway Department is now, you have all been down there and seen it. Some of the things we expect in this project is to be lead certified. We are expecting to install solar panels. We are expecting to collect rain water for flushing of toilets. We are going to reduce energy consumption by 50% compared to what it is today. The bio-fuel diesel operation will reduce our dependence on foreign oil. The environment is certainly something we all must understand and see how we are going to handle it going into the future. The project development costs are estimates and I think it is important we look at them. Regarding the Manchester Water Works site, the Assessors went out and collaboratively worked to come up with a price of value on that property. There are actually two sites we are talking about. One is the current Water Works building for offices and then there is another one that is adjacent across Hayward Street that as you look at it is there for...when we look at the entire project it is right there. As you take a look, the site work, the new building construction, the design and engineering, the contingency that we have in place and the potential of what this market can possibly bear for savings...I think we all remember that the Highway Department projected about a \$7.1 million cost for the Biron Bridge and that project came in somewhere around \$4.4 million. I think that we are at the opportune time to move forward. How do we get the right structure in place for the right value? I think a \$43 million project is one of the bigger projects we have gone forward with. The School design/build project was \$105 million but this is a project that we should all be proud of. It is something that is going to give the employees of this City, 500 of them, a new home. It is something that they should be proud of going

forward in protecting the citizens of this great City and providing services for the citizens of this great City. Let us talk about a financing plan that makes the most sense for the City of Manchester. The City would issue 30 year bonds comprised of the following: recovery zone economic development bonds, which are in place; the \$24 million that we received from the County; the \$6 million that we had that was distributed to the City; and the Build American bonds. You can see that those three bonds offer rebates. The rebates are 45% for the recovery zone economic development bonds and 35% for the Build America bonds. This is an opportunity. The rebates are about \$800,000 in 2012. So when you look at the \$3.5 million, if we don't take advantage of these bonds now and if we still have the good building climate in the next year or two and hopefully interest rates stay as low as they are now and prices for materials are as low as they are now, it would cost us without these bonds \$3.5 million. So I think it is important as we look at this project that there is roughly a 25% savings in debt service just because of these bonds that are in place. The next slide shows you the development schedule. As we developed this, I worked with Bill Sanders and Kevin Sheppard and Tim Clougherty to put a schedule together because without a schedule you don't have a plan. This will give us something that as we talk to the general contractor who is going to come in, they will know that we have some guidelines and those guidelines are here before us. Some of the guidelines that we must adhere to are that the bonds must be issued by January 1, 2010, or we lose them. So that is an important issue and as we talk about this project we must keep that in mind. There are hurdles that we have to meet; certainly the public participation that we will have next week that will allow the public to come in and voice their opinion on the project. As we look at the schedule before us, before we can start some of the buildings, the Water Works Department must move to their location out at Lake Shore Road. Those conversations are happening so that the building they build will get the same effect of what we are doing and the same savings that they can enjoy with the same contractor and same engineers so they are not going out and having to do

their project on their own. If they participate with the City I think they will see some savings in the project that they will be doing. Those conversations are starting this week. I know that the Commission has a meeting this Thursday to talk to the architects on moving forward. Let's talk about some of the other things that we must as a body agree to as we move forward. We will be looking at a vacant police station. A building of roughly 40,000 square feet that I think you will agree is probably not in the best location for sale or that has ample parking for 40,000 square feet. I envision that that building will encompass some of the departments that we have throughout this City that are paying rent in other buildings. Our IT department right now is housed in the basement of the Fire Department on Merrimack Street. I would envision them moving into a facility that would not jeopardize the information that they have in how we run this City. We have another building on Elm Street known as the Rines Center. I think it would be appropriate for us to move Welfare and the Health Department into the old police station and put the Rines Center on the market for sale to generate tax dollars to the City and obviously it would give us an amount of money that we could put aside to pay for the debt service in the following years. We also have a building that Facilities will be vacating that I suggest we sell. I think it is important that we take those two pieces of revenue that come into the City and hold on to them and until the 2014 and 2015 year when that debt service falls out of our financing package going forward and we can put that \$2.7 million into it. We should use those funds to pay the debt service going forward. I think we should take the Office of Youth Services from the building that they are in and also incorporate them into this building here. Archives needs space. We should look at the space and put Archives in here also. I am sure there may be some other smaller departments or other needs that we have for that building that as a group we can collaborate on together and bring forward to make sure it is the best process and the best product for the City of Manchester. I think as you go through

the rest of this presentation, certainly there are pictures there that I think you are all familiar with. With that I will at least open it up to discussion.

Alderman Ouellette stated first of all I want to applaud you, Your Honor, and all of the staff who have worked on this extensive project. It is just something that as we all know is long overdue in this City. I think that it is something that I certainly support because I think that the citizens and taxpayers of this City deserve to have these types of facilities and our employees also deserve to work in environments in which they can achieve the proper goals they have for the taxpayers so I applaud you. The thing I wanted to clarify though is on the development schedule where it says 2011, those are fiscal years? Is that what those represent? So that would basically start next month?

Mayor Gatsas responded it actually starts with the date where we are right now in June and goes forward. It is a calendar as it stretches out month after month with those years. The fiscal years as you can see are broken down into those columns.

Alderman Ouellette asked so where it says 2011 it really doesn't start in 2011 it starts next month?

Mayor Gatsas answered the discussions are happening here in June and as we move it forward, that is where the first amount of money would have to be moved over to the design operation.

Alderman Ouellette asked the facility once the police department is vacated, would you envision renovations to that building before we move other departments in there? It is pretty beat up right now.

Mayor Gatsas replied there is no question that there would be a renovation process. I would hope that whoever we engage into this process will be under budget and in time so that we will have some of those funds to do the renovations at the old police station as long as they come in under budget.

Alderman Arnold stated I have a question for the Finance Officer. Mr. Sanders, the interest rebate that we were talking about, the \$800,000, is that regulated I guess by the Treasury Department or by Congress or what?

Mr. William Sanders, Finance Officer, responded it is paid by the Department of Treasury. It is under a law that was passed in 2009 as part of the stimulus program that had been implemented providing for the payment of these rebates.

Alderman Arnold asked is there a reason to expect that that deadline will be extended beyond the calendar year?

Mr. Sanders answered there are discussions of extended it as part of whether they are going to continue with the stimulus or pull back on the stimulus but at this point in time it has not been extended and I couldn't make any projections as I sit here tonight as to whether it would or would not.

Alderman Arnold asked as the law is currently written though, if the bonds aren't issued by the end of the calendar year we lose the rebates?

Mr. Sanders replied that is correct. It is only in existence for bonds issued prior to January 1st.

Alderman Corriveau stated Mayor Gatsas I think this is a wonderful vision for the City and I certainly think that the employees of our Public Works and Police

Department deserve new headquarters. I have one question regarding the construction. As you envision this project, I think that the Elliot at River's Edge has really created a wonderful precedent of hiring NH based workers primarily to construct and maintain that facility. Would it be your hope that that would be the case for this project as well?

Mayor Gatsas responded I am sure that everyone on this Board would agree that that is a qualification we would put on anybody who is going to come in and build this facility in the City. I think that is a very important issue that we make sure that we keep people in Manchester working and I think that is what the vision is when we have discussions with the contractors. That is a conversation that we are going to have.

Alderman Corriveau replied that is wonderful to hear.

Alderman DeVries stated your Honor if I could back you up to the financing of the project, and correct me if I am wrong, but it appears we will be issuing federal bonds that are the time allocated ones that you were speaking to because they are part of the stimulus program, somewhere to the tune of around \$100 million?

Mayor Gatsas responded no, the bonds we are issuing are \$43.5 million.

Alderman DeVries replied okay thank you. That is better. Of the \$43.5 million, the federal government ends up picking how much of that up? Is it about 42%?

Mayor Gatsas stated of the \$30 million, 45% is about \$800,000 based on the \$3.7 million debt service. They would be picking up about \$800,000 of the \$3.7 million.

Alderman DeVries asked so they only pick up that percentage for one or two years?

Mayor Gatsas answered no the entire issuance of the bond. That is on a yearly basis.

Alderman DeVries asked so the total amount of the \$43 million that we are issuing in bonds is going to have how much picked up by the stimulus package?

Mayor Gatsas answered \$800,000 a year so it is about \$24 million on a 30 year project.

Alderman DeVries replied so over half. Are there any other particular...Mr. Sanders it can't be half. \$24 million is too high isn't it?

Mr. Sanders stated the rebate is just related to the interest expense we incur each year so with \$43.5 million that the City is borrowing, we would pay back the whole \$43.5 million of principal plus we would pay back 55% of the interest on the recovery zone bonds and 65% of the interest on the Build American bonds. So the rebate only applies to the interest expense.

Alderman DeVries asked and the total over the life of the term is what?

Mr. Sanders answered probably somewhere between \$15 million to \$20 million on the whole debt.

Alderman DeVries stated I liked my assumptions better than yours but that is okay knowing that yours is what we will see. Actually Mr. Sanders, if I could pursue a couple of questions... We are always looking at our bonding capacity and

looking at the debt we are taking on. How are you looking at this project? Will you immediately downgrade the amount of bonding going out or are you anticipating based on the rebate of the interest or will you consider the indemnification to be the entire \$43.5 million because you bond for the full \$43.5 million?

Mr. Sanders replied this is a significant amount of indebtedness for the general fund of the City. That is certainly true. Today we have about \$115 million of principal outstanding today so this additional \$43.5 million is a significant and worthwhile addition. I don't dismiss that but it is significant and obviously at the end of the day up to the Mayor and the Board of Mayor and Aldermen as to what they want to bond or not bond but I think that prudence would dictate that if we are successful in this bonding that we need to assure the rating agencies and ourselves that we have to get to 2015 and beyond here before we are doing any significant bonding beyond this.

Alderman DeVries responded if I could continue to follow-up...because the reason I asked the question is there are going to be several deadlines and you mentioned them that we have to meet or I assume we revert back to...I don't think we will recall the project once we start down the road but we will just lose the rebates, which means we will be carrying then the entire amount in our traditional bonding?

Mayor Gatsas stated I am not too sure that I would suggest...

Alderman DeVries interjected I am not suggesting we miss our deadlines. I am saying what if.

Mayor Gatsas responded we as a Board have to make very cognizant decisions. I think we have from now to January 1st to move forward with this project. I think the timelines we have in place for the design and site acquisition are very realistic. I don't think we want to even talk about giving up that \$800,000 because that would make this deal much more difficult. I can tell you that in 2015 we don't have \$3.7 million falling from debt. It is about \$2.5 million and I want to make sure that the capacity is there to pay for it.

Alderman DeVries stated I am not suggesting for a moment that we should give it up. It is a great project. Our Department of Public Works has been waiting forever and you spoke to the different violations that occur there and I agree with you wholeheartedly that private business would never be allowed to do business in that type of facility. It is not safe for our employees. This has to happen. My question in the "what if" scenario though is I just want to make sure we meet our obligations because they are stiff and there is a lot at risk here. What are the red flags that we as a Board need to know about in the next few months so that we don't end up forfeiting any of the rebates?

Mayor Gatsas replied I certainly appreciate where you are coming from, Alderman. I think that we will make sure that this Board on a monthly basis gets the review process that it needs. The Highway Department or the general contractor that we select will come in once a month. It doesn't matter to me if they just tell us that the graph is done but we will have reports on a monthly basis to make sure that those timelines are met.

Alderman DeVries asked so it is not just shovels in the ground or is it that has to occur by the end of the year? I am just not hearing a specific answer.

Mayor Gatsas answered I guess the important thing is the first thing we must do is issue the bond by January 1st

Alderman DeVries stated we can do that. So is it engineering we need to accomplish?

Mayor Gatsas responded the engineering...after that I think if you take a look you have the preconstruction time that runs from now until January, which is \$3.4 million. I think that the table is very conservative, yet aggressive. I think it gives us opportunities to make sure that as the building climate is where it is at, we can see some savings as we move forward on this project.

Alderman O'Neil stated I have a quick question. A lot of this is based on savings by the fast track approach and there is a number put in here. Is there any flexibility with that? Are we okay with the market?

Mayor Gatsas replied everything that I have seen and in talking with the people at River's Edge and other projects that are going on throughout the City it still seems like there are an awful lot of opportunities out there for the City to realize. I think it is important. The number is either flat or at least in the same posture. If it is going up, it is not going up by 5% or 10%.

Alderman O'Neil stated Your Honor, I didn't see the timeline for selecting a construction manager or general contractor.

Mayor Gatsas responded my understanding is we will be moving that forward toward through an RFQ that the Highway Department has prepared. They are working on it so that it is out by the end of the week so we can get some responses in. I think those are the most critical things to look at so we can make sure

somebody is on board that is going to be driving the design of it and we have the right people in place to pay attention to the numbers.

Alderman O'Neil stated well there are a couple of things I want to follow-up on. Someone on this side talked about creating local jobs and I think that needs to be emphasized in this. We need to create as many local jobs as we can and that should be part of the criteria and I hope it is. Finally, Your Honor, I just want to commend you and the staff of the Public Works Department and Police Department for driving this along. I know our design team is generally a Manchester-based group with Manchester residents so I am pleased about that. Congratulations, Your Honor, and you have my support on this.

Mayor Gatsas replied Alderman I think it is very important that the construction jobs are given to Manchester residents because we have people in this community who are out of work and we must get them back to work. I think that is very important. I think the River's Edge project is something that certainly we can all be proud of. That, from what I understand, is moving along probably 45 days ahead of schedule and \$5 million under budget. Those are the things and the synergies that we need to be looking at in this community and that work is being done by a majority of Manchester residents.

Alderman Shea stated you and the discussion group are to be commended for your fine work. There are a couple of points that I would like to mention. Being in Ward 7 I appreciate the positive addition and I would like to make that recommendation when the time comes to approve. My second point is that when we allocated \$1 million a few years back to Lavalley-Brensinger, we indicated at that time that the most important item should be the reconstruction of the garage where the vehicles will be maintained. I believe that the construction of the new fleet garage is the first thing that is going to be addressed. That is a positive thing

because we all realize and it was discussed earlier that in private business that wouldn't take place. I am most appreciative that it is coming in Ward 7 and that we are going to help the workers there.

Alderman Long stated it goes without saying that this has been needed for a long time. I have a few questions for Mr. Sanders. The debt service is \$3.5 million for 2012 and the rebate expected is about \$800,000. That comes to about 23%. Does that fluctuate as we go along and how to we get to the...from what I understand \$30 million is at 45% and \$13 million is at 35%? How does that fluctuate as we go forward or does it?

Mr. Sanders responded it does. As we go forward the interest will be reduced as principal is paid down each year. Each year we will be paying principal just like a mortgage on a house but there will always be this relationship of this 23% or whatever you calculated there. The 45% will continue for the full 30 years and the 35% will continue. We do have to meet certain audit requirements with the Internal Revenue Service. There are various compliance issues we have to meet but many cities and states are doing them today and that relationship should be preserved throughout the term of the bond.

Alderman Long asked so the 23% is basically going to be an average of our debt service?

Mr. Sanders answered yes.

Alderman Long asked have we determined whether we are going construction management or general contracting or design-build?

Mayor Gatsas answered I think I am leaving that up to the department. They are putting out an RFQ and certainly if they are going to fast track it, it should be under a construction management contract as we go forward.

Alderman Long asked so the RFQ is going to request construction management proposals?

Mayor Gatsas answered yes.

Chairman Lopez stated I wanted to mention too that construction management is what I would prefer. I just want to comment that this conversation has been going on for quite awhile. This is what I would consider the last major project for awhile. The School Department was \$100 million but this is a project that every Alderman and the City of Manchester and the employees can be proud of. The conditions that they have worked under, be it the Police Department that has no room with offices in the hallways and the conditions of the Highway Department, which have been mentioned. I do want to ask Mr. Sanders to restate that for the next three or four years in my opinion this will probably take us to the bond limit and debt service that we can handle for awhile.

Mr. Sanders stated this will increase our debt services by roughly \$2.7 million in 2012 and our debt service will probably be approaching at that point about \$17 million. The year we are just closing our debt service is probably about \$12.8 million. Some of that has been budgeted, the increase for the bonds we just issued, but the increase in the annual debt services is 40% or 50% above what it was three or four years ago. It is needed and it is necessary and yes the money is going for a good assets, be it vehicles or this new building, but we really need to be careful not to borrow too much money.

Mayor Gatsas stated I would urge this Board and future boards for the next two or three years to bond nothing. I think that we were very prudent in this year's budget. We didn't bond anything. I think we might have looked at previous Boards and I compliment you, Mr. Chairman and Alderman O'Neil, because when we first brought forward the idea of building a new Highway garage there were discussions about how we were going to pay for it. I think it was evident in the way we constructed the budget this year that we bonded nothing and I think that gives us the capability of doing this project as we go forward.

Chairman Lopez responded I thank you for that comment because I want to stress to whoever will be here that it is very important...you know Aldermen always have projects that come along and want to bond something so this is a very important milestone for the City. I think it is a great project. I hope the public has a lot of input and supports this project as well as I do.

Alderman O'Neil asked will we continue to do the fleet bond as we started?

Mayor Gatsas answered yes we will. Let me just tell you that I have not stopped in extending my hand to the Congressional delegation and asking them if there are funds in Washington that can come forward. Obviously if we can get those funds to reduce our bonding capacity that certainly will enhance the project more. I can tell you that they hear from me on a regular basis whether we are walking in a parade or somewhere else. I know that Alderman Lopez was called by one of the Congressional delegation because as I was walking in the parade I asked if they had found any money for our Highway and Police station project. So there is no question that those conversations are continuing and I will continue to talk to them until we float the bonds.

Alderman Long asked are there any funds available for lead buildings? It seems to me that there were several grants out there for public buildings.

Mayor Gatsas responded there is no question that we are looking at any possible place we can find funding to reduce anything that is going to cost us debt. If we can find \$5 million in a grant at no cost, then we are going to look for it and try to maneuver it into this project.

Alderman Long asked on the construction management I have a slight issue. For example, Elliot at River's Edge is a joint venture of construction management and general contractor. Eckman has a general contract and Suffolk manages the construction. I think through that venue is where they are getting their savings and where they are getting their hard numbers for the sub-contractors.

Mayor Gatsas replied I think those discussions will happen in the next two days. Certainly anybody who wants to sit in on those discussions, I certainly am not opposed to taking whatever recommendations you folks have and sitting down with Highway and the design team to bring those forward. If anyone has suggestions, please bring them forward.

Chairman Lopez asked do you want to set the meeting for next week or do you want the Board of Mayor and Aldermen to do it?

Mayor Gatsas answered Mr. Chairman you have the podium.

Chairman Lopez stated I would suggest June 29th at 5 PM.

Mayor Gatsas replied if I may I think Mr. Sanders is looking for some specifics. I think we must try to get this project going this evening contingent on the public input so that Resolutions can be prepared for the Board.

Chairman Lopez asked Mr. Sanders, what motions do we need this evening to move this forward?

Mr. Sanders answered it was my understanding that we would be bringing forth a bond resolution at the July 6th Board of Mayor and Aldermen meeting and there will be a CIP meeting that evening and a project would also be established within CIP. That would be sufficient.

Alderman DeVries stated I would caution you as you struggle to set the time. I know that I cannot be available due to a trip to Boston Hospital on Monday so please do not shift it to June 28th. Alderman Shaw is indicating that she has scheduled in her district something at 7 PM on the 29th. There might be some other needs for discussion that night and we can work that through as we work through our agenda this evening. I think we were hoping if there was an add-on to it that it be before 5 PM if you are trying to do a public hearing. Maybe even a little earlier than that.

Chairman Lopez stated I would probably say 5:30 PM for the public hearing and the Board meeting at 5 PM.

Alderman DeVries responded we don't have to set it right here right now. I can talk to you later and it might be easier.

Chairman Lopez stated well it is a Board decision, so what are your wishes? The 28th is out. We are talking about the 29th. What time on the 29th?

Alderman DeVries responded 4:30 PM for the public hearing.

Chairman Lopez asked would that be sufficient? Would that be plenty of time for everybody and any other items we might want to take up?

Alderman Greazzo stated I don't believe that 4:30 PM on a weekday is going to be very conducive to getting public input.

Chairman Lopez asked what about 5:30 PM?

Alderman Shea replied why don't you just say a time and have people raise their hand and majority rules. I mean you are going to be here all night trying to set a time. Just say a time.

Chairman Lopez stated okay 5:30 PM on the 29th. Are there any objections?

Alderman O'Neil stated we may have some other business that can be brought up that evening. Why don't we hold the public hearing at 6 PM? Are you looking for a vote that night, Bill? So it is a just a public hearing and if for some reason Alderman Shaw and others have to leave they can leave. Does that sound reasonable?

Alderman Shaw responded yes that is reasonable. I was just confused because usually you have a public hearing prior to a meeting. The public hearing can be after the meeting?

Alderman O'Neil replied correct.

Mayor Gatsas stated I would ask this Board because we are moving forward with the RFQ that we should take a vote to move it forward subject to the public hearing.

Alderman O'Neil asked conceptually? Is that what you are asking?

Mayor Gatsas answered yes.

Alderman O'Neil moved to approve the concept of the Public Safety Complex project and move forward with an RFQ. Alderman Shea duly seconded the motion.

Alderman DeVries asked the concept that we are looking to embrace this evening does not yet include the disposition of the soon to be vacant police station or the Rines Center. Is that correct?

Mayor Gatsas answered that is correct. I am just giving those out as possibilities.

Alderman DeVries responded I am just clarifying the motion. The concept will be back to this Board in far greater detail before we are engaged or before we encumber funds, correct? I guess I am asking you is this in concept only that we are agreeing? We are not going out for any bonding or encumbering anything without coming back to this Board with greater detail correct?

Mayor Gatsas replied we are going to have to pass a Resolution on July 6th. Mr. Sanders, what is the timeframe for going out for bonding?

Mr. Sanders responded I was thinking we would be going out for bonding no later than late November, probably in the October/November timeframe to give the grant hunt as much time as possible and make sure that we are at a spending rate where we are using the money.

Alderman DeVries asked so this is the piece I believe Alderman Long was trying to get to...the way that we are going to be designing and building this we are bonding a more conceptual amount of money or our Resolution will be based on the concept and then you will go out and design it?

Mayor Gatsas answered I would hope, Alderman, that by the time mid-November comes that we have a firm price in hand and a construction manager as we go forward. He will be working with the design team to put those designs together.

Chairman Lopez stated it doesn't mean that if we approve the Bond Resolution on July 6 that between now and November when he goes out...we might not go out for all of those bonds because we might get some money for Congress or other places. Keep that in mind. We just need a Resolution in order to move the project forward.

Alderman DeVries stated I think the hiccup for me is I have the process more in mind that we followed in the design/build for the schools; the \$110 million. There was a very substantial volume of what was going to be in the bid specs that were driving the discussion at the Board level before we were asked to come and approve a Resolution. I am missing detail here this evening.

Mayor Gatsas responded let me try and help you with the detail. If you go to the development schedule that is in the book, the blue binder that is probably ten pages in it says pre-construction 149 days. That will commence from June 22nd,

which is this evening to January 14, 2011. The next one below it is design and that is 149 days and that starts from today and ends in January also. Then you have site acquisition between there. So those three line items that you see is probably an \$8.5 million expenditure. I don't think you are going to see much more of a plan other than as I said hopefully we get a construction manager who gives us a guaranteed price. That, I think, is the biggest concern we have so that by the time we go to bonding someone has said to us it is not \$43 million it is \$93 million and this Board makes a decision to not go forward. I think there has to be an idea. If someone comes in and says it is \$40 million then we have an opportunity at that point to say yes let's go forward. I think that those are the timelines we must be looking at and that is why that timeline is a very tight one. I think that by November we should have somebody on board that says here is the price and here is the guarantee.

Alderman DeVries stated one final comment if I could because I believe what is missing this time from what we had previously when we did the design/build project for the schools was they had the Parsons-Brinckerhoff study that we were able to refer to. That was the map that we were following that had all of the detail of what needed to be accomplished and we just wrote the bid specs I believe to that study. There have been some studies that have been done on the needs for the parking garage. Do you have anything that would be similar to that Parsons-Brinckerhoff study?

Mayor Gatsas responded I think that design...correct me if I am wrong but I think it was done...Kevin can you come up?

Mr. Kevin Sheppard, Public Works Director, asked can you repeat the question?

Alderman DeVries answered the question originated referencing back to the design/build project that some of these Board members participated in – that \$110 million bond. By the time we were asked to go out for the bonding resolution, which we are hoping to accomplish July 6th, we would have seen and I think it was Mr. Clougherty who had the Parsons-Brinckerhoff study that evolved into the bid specs that he was using for the RFP process. So I am trying to see...it just seems to be missing here today and I would have expected if we were going to be ready by the end of this year in meeting our deadline that we would have some of that work done already and I am just grasping here to see what is missing.

Mayor Gatsas stated maybe you can tell me how we can expect to pay for it.

Alderman DeVries responded well I thought that is what the \$1 million expenditure was for a couple of years ago.

Mr. Sheppard replied that was actually the planning process. That was the beginning of the planning process. About half of that money was used for that. Now we are in the design process. We have some money to start the design but we need the money to continue the design, as well as to bring on a construction manager and at that time we will be developing the cost of the project. We can make a presentation to this Board. We can have our consultants make a presentation regarding the concept that you see on the boards here. We are currently working with them on the design but because of the condensed time period that we have to get these projects out by the end of the year our consultants are working on that design as we move forward. We have actually had meetings with them talking about the Highway garage and Highway Department because that is earlier in the stage and then they will be meeting with the Police Department as well to go over the final design of that building. Where this is such a condensed schedule to get this project moving forward, I don't want to say it is

similar to a design/build but it is being designed right now by our consultants so that we can bring on the construction manager.

Alderman DeVries asked can we meet our deadlines on this, Kevin?

Mr. Sheppard answered no question.

Alderman Greazzo asked can you get us an outline of where that \$1 million was spent on planning?

Mr. Sheppard answered I don't have that with me tonight.

Alderman Greazzo asked can you get that to us?

Mr. Sheppard replied yes. The Mayor has actually asked for that as well and we will get that out to everyone.

Chairman Lopez called for a vote on the motion to approve the concept of the Public Safety Complex and move forward with the RFQ. There being none opposed, the motion carried.

Mayor Gatsas asked Alderman O'Neil do you have some guests?

Alderman O'Neil answered I do, and thank you for the personal privilege. I would like to welcome back to our great City Councilman Scott Summers from the city of Mesa, Arizona. He flew in tonight. He is here on a combination of business and some pleasure and he is joined by an old friend of many of ours, former Destination Manchester Coordinator and now the Economic Development Director for the City of Mesa, Bill Jabjiniak. Welcome Councilman Scott

Summers and Bill Jabjiniak to the City. I think they are on their way to one of our fine eating establishments on Elm Street. I am sure they would love to be sitting here with us this evening.

CONSENT AGENDA

Mayor Gatsas 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. Ratify and confirm phone poll of the Board of Mayor and Aldermen conducted June 2, 2010 accepting the report of the Committee on Finance.

Approve under supervision of the Department of Highways

- C. Pole Petition:

11-1268 (2 poles) South Porter Street

Information to be Received and Filed

- D. Approved minutes from the MTA Commission meeting held April 27, 2010, April 2010 Financial Report, and April 2010 Ridership Report submitted by Jaimee Bellissimo, Assistant Executive Director MTA.

REFERRALS TO COMMITTEES

COMMITTEE ON COMMUNITY IMPROVEMENT

- G. Amending Resolution and budget authorization for acceptance of \$2,000 for the FY 2011 Hands Across the Merrimack Bridge Project, CIP #714211.

COMMITTEE ON FINANCE

H. Resolutions:

“Amending the FY 2010 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Hundred, Fifty Thousand Dollars (\$150,000).”

“Amending the FY 1999, 2003, 2005, 2007, 2009 and 2010 Community Improvement Programs, authorizing and appropriating funds in the amount of Eight Hundred, Seventy-Nine Thousand, Six Hundred, Thirty Dollars and Ninety Five Cents (\$879,630.95) for the FY 2010 CIP 810210 Information Technology Upgrades/Improvements Project.”

“Authorizing the Finance Officer to transfer \$1.5 million from the 2010 general fund surplus for Fiscal Year 2011.”

“Amending a Resolution “Amending the FY 2001, 2002, 2003, 2005, 2007, 2009 and 2010 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Eight Hundred One Thousand, Two Hundred Fifty-Five Dollars and Twenty Six Cents (\$801,255.26) for the CIP 310210 School Improvement Project,” so as to include CIP 511502 School Site Improvements in the list of projects from which to transfer balances.”

“Authorizing the Finance Officer to effect a transfer of Twelve Thousand, Three Hundred, Twenty-Six Dollars and Three Cents (\$12,326.03) for the 2010 CIP 310210 School Improvement Project.”

COMMITTEE ON PUBLIC SAFETY, HEALTH AND TRAFFIC

I. Communication from Jim Brown, Manchester resident, regarding traffic problems on neighborhood streets.

REPORTS OF COMMITTEES

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

- J.** Recommending that St. George Greek Orthodox Cathedral be permitted to hang a banner across Hanover Street from September 17, 2010, until September 19, 2010, for Glendi 2010.
(Unanimous vote)
- K.** Recommending that Cigna HealthCare be permitted to hang a banner across Elm Street on August 12, 2010 to mark the official start line for the 18th Annual CIGNA/Elliot Corporate 5K Road Race.
(Unanimous vote)

COMMITTEE ON COMMUNITY IMPROVEMENT

- N.** Recommending that the Board support the Southern New Hampshire Planning Commission in the Community Technical Assistance Program Build Out Project.
(Unanimous vote)
- O.** Recommending that a request for sewer abatement for 304 Manchester Street be granted and approved in the amount of \$1,547.95, as recommended by EPD.
(Unanimous vote)
- P.** Recommending that a request for sewer abatement for 252 Orange Street be granted and approved in the amount of \$89.52, as recommended by EPD.
(Unanimous vote)
- Q.** Recommending that a request for sewer abatement for 908 Mammoth Road be granted and approved in the amount of \$775.85, as recommended by EPD.
(Unanimous vote)
- R.** Advising that the communication from Mayor Gatsas regarding CBDG funds has been received and filed.
(Unanimous vote)

- S.** Recommending that the Highway Department be authorized to complete work, outlined within, as part of the City's Drain Program, as funding becomes available.
(Unanimous vote)
- T.** Recommending that the funding sources for several EPD Projects be changed from EPD Enterprises to EPD Bond allocations and for such purpose an amending Resolution has been submitted.
(Unanimous vote)
- U.** Recommending that the Planning and Community Development Department be authorized to accept funds in the amount of \$319,117 from NH DHHS and \$23,000 from Medicaid to be used to perform services associated with Health Department programs.
(Unanimous vote)
- V.** Recommending that the Planning and Community Development Department be authorized to accept funds in the amount of \$6,000 from NH DHHS to be used to help support the School Based Dental Services Program.
(Unanimous vote)
- W.** Recommending that Amending Resolutions and budget authorizations providing for acceptance of private donations for the following projects: the World Championship Chili Cook-off, the General John Stark Statue Restoration, the Mammoth Road Subdivision Curbing, Rails to Trails and Wagner Park be approved.
(Unanimous vote)
- X.** Recommending that the Planning and Community Development Department be authorized to accept additional funding from NH DOT for the Nazaire Biron Bridge.
(Unanimous vote)

- Y.** Recommending that the request from the City Clerk for a third vehicle to be added to the department's complement be approved and further that the City Clerk work with the Highway Department in identifying a vehicle.
(Unanimous vote)

- Z.** Recommending that the request from the Manchester Community Resource Center for funding support of the Neighborhood Pride Youth Employment Program be approved.

The Committee further recommends that the balance of \$29,542.44, of the previous CDBG allocation, be used for the program.
(Unanimous vote)

- AA.** Recommending that the request for various CIP Project extensions be approved.
(Unanimous vote)

- BB.** Recommending that the Mayor be authorized to transfer City owned property located at 401 Spruce Street to Families in Transition for the development of a day care facility.

The Committee further recommends that the Planning & Community Development Department be authorized to enter into an agreement with Families in Transition that will allocate up to \$300,000 of Neighborhood Stabilization Program funds towards said development and additional public green space within the property.
(Unanimous vote)

- CC.** Recommending that the attached requests for loans to NeighborWorks Greater Manchester be approved.
(Unanimous vote)

- DD.** Recommending that the recommendation from the Highway Department, to purchase a replacement vehicle for both the Building Regulations Division of the Planning & Community Development Department and the Health Department and should funds become available an additional replacement vehicle for the Building Regulations Division, be approved.
(Unanimous vote)

COMMITTEE ON PUBLIC SAFETY, HEALTH AND TRAFFIC

- EE.** Recommending that an Ordinance be drafted amending Section 70.36, prohibiting parking within five (5) feet of a fire hydrant.

The Committee further recommends that the Ordinance be referred to the Committee on Bills on Second Reading for technical review.
(Unanimous vote)

- GG.** Recommending that the following streets be closed off for the 2010 World Championship Chili Cook-off (October 1, 2010 through October 3, 2010):
Merrimack Street from Chestnut to Franklin Street
Central Street from Chestnut to Elm Street
Elm Street from Merrimack to Central Street
Pleasant Street from Elm to Franklin Street

(Unanimous vote)

- HH.** Recommending that the Communication from Alderman DeVries regarding speed and traffic issues on Hazelton Avenue be referred to the Southern New Hampshire Planning Commission for review and recommendation.

(Unanimous vote)

- JJ.** Recommending that the request from Gloria Pilotte, Member of the Committee for Celebration of La Fete St. Jean, for permission to paint the Fleur-de-Lis on Elm Street in front of City Hall and in front of the Franco-American Centre for French Heritage month (June 24, 2010 to July 14, 2010) be approved.

(Unanimous vote)

- KK.** Recommending that temporary “No Parking” signs be placed on the following streets for Glendi 2010:

On Amherst Street, south side, from Highland Street to Kenney Street

On Central Street, south side, from Kenney Street westerly to 605 Central Street

On Kenney Street, east side, from Lake Avenue to Amherst Street

On Laurel Street, south side, from Kenney Street, easterly and westerly to the dead ends

On Merrimack Street, north side, from Hanover Street to Cass Street
(*Unanimous vote*)

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

Information to be Received and Filed

- E.** Communication from Alderman Long, Ward 3, regarding Bed Bug Action Committee update.

Alderman Long stated I just wanted to update the Board on the Bed Bug Resolution that was passed. There is a meeting to follow-up with the departments, in particular Health, Highway, School, Police and Welfare and the information we will get will further protect us from infestation.

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

REFERRAL TO COMMITTEES

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

- F.** Communication from Alderman Arnold regarding fees for Dunbarton Road Drop-off Facility.

Chairman Lopez asked isn't this being referred to Committee? Do you want to talk about it now?

Mayor Gatsas stated I think it is being referred to Committee.

Alderman DeVries stated that is actually what I had hoped to speak to, so after Alderman Arnold...

Mayor Gatsas asked are we going to have discussion on it here or are we sending it to Committee? Why are we talking about it if it is a referral to a Committee?

Alderman DeVries answered I didn't pull it. Alderman Arnold did.

Alderman Arnold stated I want to introduce it and I will be brief. Item F is a memorandum from me to the Committee on Administration/Information Systems. This item, like many items at City Hall, came up as the result of a phone call from a constituent who had an unfortunate experience with City government. The memorandum in question concerns fees over at the Drop-Off Facility at Dunbarton Road. All I am asking for in the memorandum is that the Administration Committee take a look at the fee structure, see if the fees remain justified and see if there is not a better way to serve our City residents and taxpayers by modifying the fee structure. New Hampshire is far more tax friendly than many other states but something we also have plenty of in the state is fees. So if we can figure out a way to modify any of the fee structures we have to better serve the citizens I think we should.

***Alderman Arnold** moved to refer this item to the Committee on Administration/Information Systems. **Alderman Long** duly seconded the motion.*

Alderman DeVries stated the reason that I would have pulled it if I hadn't been beaten to the punch by Alderman Arnold is the fees that are in question actually I believe were discussed originally in the Solid Waste Committee. When I read the request from Alderman Arnold, I wondered why we were not referring this to the

Solid Waste Committee since much of it really deals more with that Committee's work rather than Administration.

Alderman O'Neil moved to amend the motion and refer this item to the Solid Waste Committee. Alderman Osborne duly seconded the motion. Mayor Gatsas called for a vote. There being none opposed, the motion carried.

- L. Recommending that the City Solicitor add language to the proposed agreement between the Gold Star Mothers Memorial Association and the City to address potential relocation issues and present to the Board on June 22, 2010, for consideration.
(Unanimous vote)

Alderman DeVries stated I will be very brief with this item. The one correction I would like to make would be the recording of the vote, which was not unanimous. I did vote in opposition at the Committee level. The second reason that I asked to have this pulled is my recollection of the discussion at the Committee, and I believe it was Alderman Osborne who made the suggestion, did include that if the statue could not be at Stanton Plaza then Veteran's Park across the street would be an obvious location for it to go. It seems that the referral before us today had come out including Victory Park and I didn't quite recall that being part of the discussion at the Committee.

Alderman Osborne stated Veteran's Park was first after Stanton Plaza and Victory Park was third. We mentioned both places. I did anyway. I gave a choice of those two locations. I can't think of another place in Manchester you would put this anyway.

Alderman DeVries asked if I could ask further about the intent from Alderman Osborne, is it your intent that there be absolutely no discussion if the location is one of those three?

Alderman Osborne answered I think it would be up to the Board of Mayor and Aldermen to make the decision on where it would go. We all went along with Stanton Plaza and I did also. It wasn't my first choice but I went along with it. I think that this particular statue belongs in Veteran's Park with the veterans. I think that is the closest place you can get. If the hotel should happen to sell or whatever might happen and that statue has to be moved, the best place would be Veteran's Park so they are overlooking the veterans. The World War II memorial is there and things of that sort. I can't think of a better place to put it in the first place.

Alderman DeVries asked can I ask a question of the Solicitor? The amended language...if you could point out and maybe explain to us exactly how the process is going to work if this Board decides that they want to place the statue at Victory Park?

Mr. Thomas Clark, City Solicitor, responded Tom Arnold will address that because he worked on the contract.

Mr. Tom Arnold, Deputy City Solicitor, stated in response to the concerns expressed by the Committee, I proposed an amendment to the contract that basically said that if it was placed at either Veteran's or Victory Park that there wouldn't be discussion because those were both viewed as reasonable places. If the City were contemplating it any place else they would notify the Gold Star Mothers Memorial Association and an opportunity would be extended to them to consult with the City over the placement of the statue should it have to be moved

from Stanton Plaza. I contacted Kathy Sullivan, who is representing the NH Gold Star Mothers Association. She responded in a letter that I saw today and my understanding was that it was going to be distributed to all of the Aldermen. It contained the Gold Star Mothers Association response to my suggestion.

Alderman DeVries asked and what was your understanding of that response?

Mr. Arnold replied my understanding of the response is that they felt that the language that was in the original agreement that the City considered was appropriate. They laid out the reasons for that in their letter coherently and I would recommend that the Board read it. The letter, I think, speaks for itself far better than I could.

Alderman DeVries responded Mr. Arnold when this discussion was being had at the Committee, I asked you explicitly if it was your interpretation of the language that the Board still controlled the authority and that we were not giving veto authority over to the Gold Star Mothers Association. Do you recall how you answered me?

Mr. Arnold answered absolutely. I said that the language in the original agreement stated that the Gold Star Mothers Association had the right to approve a location and such approval not to be unreasonably withheld. My interpretation of that was that if a new location was found that was reasonable that the Gold Star Mothers Association probably wouldn't be able to object to that location but that would involve some discussions with them obviously and opportunity for their input. As I explained then they can't unreasonably withhold their consent.

Alderman DeVries replied if I could ask an additional question because I think it is important that we hear...it seems like we are right back at the Committee like we were a few months ago with the Gold Star Mothers Association and our fear that they were going to withdraw from bringing this to Manchester. Can we ask a representative of the Gold Star Mothers Association, and I don't know who that would be, what is going to happen with this change in this letter before us now? Is there somebody who wants to represent them and tell us what they...

Mayor Gatsas interjected this is not normal procedure but certainly I will allow it for clarification.

Alderman DeVries responded I think it is important to our vote.

Ms. Debbie Murphy stated I will speak on behalf of the New Hampshire Gold Star Mothers Memorial Association. Everything that we have ever brought before this Board of Mayor and Aldermen we have gotten the support from the 13 committee members. The proposal that we brought to the Committee on Administration, I thought we were doing what was asked. I thought that if there were issues, and I am speaking for the committee...our understanding was that after May 10th if this other Committee...because we had gone before the Committee on Lands & Buildings for the location of the statue and then we had to come back before the Board and then we had to go to the Committee on Administration, our feeling as a committee was that when it got to the Committee on Administration it was simply to have everything agreed upon between both parties in order to get our signature and the Mayor's signature on this contract and if there were any issues that the Mayor would ask the people on that Committee to be in touch with us and iron out that stuff because we should be able to get some resolution because I don't know of any change in use of Stanton Plaza to date. We can't say ten years from now what is going to happen there. We want to be able to

have a representative. We will be dissolved as a committee and we all have the intent to turn that over to the appropriate party and we want them at the table with you if you are there ten years from now when that proposal is there to discuss the best location. I hear what Alderman Osborne is saying. I have heard what Alderman Lopez has said. There are some sites that today...you know we should move to Veteran's or Victory and I don't think that was our intent ever from the beginning, which is why we continue to come back here and just try to get these two signatures. We don't want to veto. We want to work with you if the change occurs at Stanton Plaza. I haven't heard that there is going to be any change there. So to answer the question in a long winded way, tomorrow we have a meeting. We are at D day. We sent a second large check. She is coming up here on August 18th. It is a big event at Fisher Cat Stadium for all of you who want to come. I don't know if she is going to end up at Stanton Plaza because we can't get the contract signed. So we are going to have to decide tomorrow what we do as far as where she is going to sit after the unveiling on August 18th.

Alderman DeVries asked if we can just reinsert your intent that you have a seat at the table for discussion should there be a move of the statue from Stanton Park, would you be comfortable?

Ms. Murphy responded first of all I don't have any wording in front of me of what Paragraph 7 is going to say. All I have is a statement that says there is some insertion that will happen. I asked for it but I don't know what you are trying to change in the contract. So to answer that, I don't know what it is being changed to.

Alderman DeVries replied that is fine and I realize that but the intent...if your attorney and our attorney could draft the intent that you have a seat at the table that is all you want, correct? You want to have a voice in the discussion? We have the vested authority from the City of Manchester to make the decision but you want to be part of the discussion with us and that is really what you are looking for correct?

Ms. Murphy answered correct.

Alderman Greazzo asked Attorney Clark, one question I have is after they turn this statue over to us and they dissolve how then are they going to have the ability to sit at the table and decide where the statue may be moved? I don't see anyone envisioning that the statue will ever move but worst case scenario I think it is probably prudent for us to come up with a place and have it in the contract rather than have to worry about getting together with an organization that may not exist in the future. How do you propose accomplishing that task?

Mr. Arnold answered basically there is language in the agreement that states that we will send a notice to the Gold Star Mothers Association at the last address they provide to the City and they have 30 days to respond. If they don't respond, the location is deemed approved.

Alderman Greazzo replied and this is all worst case scenario if, in fact, the statue has to move in the future, which nobody foresees happening.

Ms. Murphy responded that is right. When this organization was formed as the 501C3...there is a dissolution once she is erected and the funds are turned over to wherever she was going to land. We weren't sure where she was going to be when we started this in 2007 and the intent then was the NH Gold Star Mothers

Memorial Association becomes non-existent and the decisions are made before we dissolve as to the funds and the future involvement, which we see right now but we haven't taken the vote as a committee to be the NH Gold Star Mothers Chapter. That is a different chapter from the NH Gold Star Mothers Memorial Association.

Alderman Greazzo asked so it will exist in some fashion?

Ms. Murphy answered yes. If we didn't exist for some reason and that group becomes defunct and non-operational, we have the National Gold Star Mothers Association. We will have someone named when we become dissolved as a point of contact and that has always been our intent from the inception of this project.

Alderman Greazzo asked so Mayor as far as I understand it this puts the statue in Stanton Plaza and the only thing at issue here is the potential movement of it in the distant future if that may occur correct?

Mayor Gatsas replied that is my understanding.

Alderman Greazzo asked and once we work out that bit of language is everything able to move forward?

Mayor Gatsas answered we have been trying to work out that language for awhile.

Alderman Lopez stated I moved this along in Committee so that they can move the statue to Stanton Plaza. I think what bogged everybody down in Committee and Attorney Arnold was going to work it out, but I see a letter here from Attorney Kathy Sullivan and she is not working it out with the attorney. Is that what you are

saying here Mr. Arnold? It says unreasonably withheld standards. You agree that that is in the standard contracts and the way I am reading it is as Debbie said that somebody will be at the table and be notified in the event that we are going to move the statue. If they don't respond within 30 days they give up that right. She quotes Page 14, Section 8.1 of the Verizon Wireless so do you as an attorney agree that that doesn't take away veto power?

Mr. Arnold replied as is pointed out in the letter the City certainly has used the unreasonably withheld standard on a number of contracts. It is common language and no I do not believe it gives a veto power because they cannot reasonably withhold their consent.

Alderman Lopez stated I think we have a lot of business to accomplish here tonight and I would just like to move this forward. I am satisfied with the attorney's answer. I don't believe that they hold veto power and in the spirit of cooperation, I would like to move this forward.

Alderman O'Neil stated at the Committee meeting unreasonably withheld was referred to us as veto power so that is why we suggested that it get taken out. Now we are hearing tonight it is not veto power. So I think the lawyers have to make up their mind as to what it means. They can have a seat at the table or they can bring the table if it ends up having to move. I would expect that it won't move from Stanton Plaza but the way it was written and the way it was explained to us at the Committee level they had veto power if it had to move. Tom, if there is a different interpretation now of what that means, I am fine. Let's move on.

Mayor Gatsas stated so for the record your understanding is that there is no veto power?

Alderman O'Neil answered correct.

Mayor Gatsas asked is that the understanding of this full Board?

Alderman Osborne stated going back to the agreement here, what you are trying to say is if it is removed from there, which I don't think it ever will be, it is just if, and 'if' is the largest word in the dictionary right so what you are trying to say is that the Gold Star Mothers want to move this statue to another city instead of going to Veteran's Park or Victory Park? Is that what you are saying?

Ms. Murphy responded I can't look in the crystal ball and say what can or can't happen as I am sure you can't. I guess I would envision that if the use of the park changes and however many of you are in existence and you have to bring it to the table, whoever has been named as the people will come forward. My thought is that if you have followed the publications that came out after our April meeting and the various commentaries and I don't know if any of you saw the NECN posting on May 31st talking about the statue and Stanton Plaza and Veteran's Park but I think it would just get into a discussion. We can't say what the other parks are going to be like. I am not saying she would move. We don't know what would occur.

Alderman Osborne stated you already said you would like to have it looking over the veterans so you can't put it up at the north end somewhere overlooking the veterans. What I am trying to say is if we had it all in there like we said we were going to it would make it all a lot easier. I am not trying to say it is going to happen. I think it is going to be there and we will all be in Pine Grove Cemetery. I am not trying to move the statue here. I am just saying that my first preference was Veteran's Park. I think it still belongs there but I went along with it for your organization. All I did was say that we would go along with you and if you agreed

to Veteran's Park or Victory Park, but seeing that you don't have any veto power or anything you just want to sit there and listen then. Is that what you are saying?

Ms. Murphy responded I am sure there would be discussion.

Alderman Osborne replied they will have discussion but in the long run it is still up to the Board of Mayor and Aldermen right?

Ms. Murphy stated I am sure people will have other views just like in April when we came here.

Alderman Osborne responded I don't want to prolong this but in the long run it is still up to the Board of Mayor and Aldermen at the end. You can say all you want but that will be it.

Ms. Murphy replied yes.

Alderman DeVries moved to approve the contract as presented to the Committee on Administration. That was the agreed document that came from the Solicitor as well as Attorney Sullivan.

Mayor Gatsas stated I don't know if that added any clarity because of the look on many people's faces.

Alderman Lopez asked Mr. Arnold, are you satisfied that that meets the requirements of the committee, what Attorney Sullivan wrote that is in the contract?

Mr. Arnold answered the contract that was presented to the Committee had the original language that basically stated that the City shall provide written communication to the Association of the City's intent to move the Gold Star Mothers statue and the proposed location at the Association's above listed address or such address as the Association may designate in written notice to the City. Should the Association not respond to the City's notification in 30 days, the location is approved. I am sorry I started reading too far down. The Association or successor designated by the Association shall have the right to approve of the new location. Such approval not to be unreasonably withheld. That, I think is the language that Alderman DeVries just moved be approved.

Alderman Lopez asked can't we take Attorney Sullivan's letter and put it with the agreement so that there is no misunderstanding?

Mr. Arnold answered I think Attorney Sullivan's letter is basically asking that the language I just read to you be retained.

Mayor Gatsas stated let me try and make this a little clearer. Are you okay with that wording?

Mr. Arnold answered yes.

Mayor Gatsas asked you are fine with that wording? It is not a veto situation?

Mr. Arnold replied it says as I said "not unreasonably withheld". I do not consider that to be a veto power. I never considered it to be a veto power and that is what I believe I said at the committee meeting.

Alderman Lopez moved to approve the contract as presented to the Committee on Administration. Alderman O'Neil duly seconded the motion.

Alderman Roy asked we are moving on the contract that is included in our packet, correct? That is what he read. I want to make sure what we are voting on. That is why when you said you were going to make it clear it really didn't help me a lot.

Mayor Gatsas asked are you okay with the letter that is in the packet Alderman DeVries? Is that what you are suggesting?

Ms. Murphy asked do you want me to read paragraph 7?

Mayor Gatsas stated let's just read the letter in the packet before us or somebody has a document that they need to pass out. We just can't...I certainly have a lot of faith in Attorney Sullivan and I certainly wish she had more faith in me sometimes.

Alderman DeVries responded the language about unreasonably withheld is in there.

Alderman Lopez stated we will go with Attorney Arnold's interpretation.

Mayor Gatsas asked is that in the letter that is before this Board?

Alderman Roy stated yes, it is in the packet and that is what we have been talking about.

Mr. Arnold responded you are voting on the contract that is in the packet.

Mayor Gatsas called for a vote on the motion. There being none opposed, the motion carried.

- M.** Recommending that the request from Jack Donovan, Executive Director of Business Finance Authority, for the City to waive its \$8,966,000 allocation of Recovery Zone Facilities Bonds allowing it to be added to the statewide pool be denied.
(Unanimous vote)

Alderman DeVries stated the vote on this one was also incorrect. In fact, at the Committee I had indicated that I needed to be recused and once again this evening I will be recused from the vote.

Alderman Shea moved to accept the report and adopt its recommendations.

Alderman O'Neil duly seconded the motion. Mayor Gatsas called for a vote. The motion carried, with Alderman DeVries recusing herself.

COMMITTEE ON PUBLIC SAFETY, HEALTH & TRAFFIC

- FF.** Recommending that the following regulations governing standing, stopping, parking and operation of vehicles, be adopted pursuant to Chapter 70 of the Code of Ordinances of the City of Manchester and put into effect when duly advertised and the districts affected thereby duly posted as required by the provisions of that Chapter and Chapter 335 of the Sessions Laws of 1951:

Section 70.36 Stopping, Standing, or Parking Prohibited
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CROSSWALKS:

On Belmont Street, north and south of Grove Street
Alderman Osborne

RESCIND NO PARKING ANYTIME:

On Norris Street, east side, from a point 100 feet north of Somerville Street to a point 90 feet northerly (Ord. 9290)
Alderman Shea

RESCIND NO PARKING 7AM - 3PM/MONDAY-FRIDAY:

On English Village Road, west side, from a point 775 feet south of Dunbarton Road to a point 700 feet west (Ord. 9698)
Alderman Arnold

NO PARKING 7AM - 3PM/MONDAY-FRIDAY:

On English Village Road, west side, from a point 775 feet south of Dunbarton Road to a point 557 feet west
Alderman Arnold

NO PARKING ANYTIME:

On English Village Road, west side, from a point 1332 feet southeast of Dunbarton Road to a point 178 feet east
Alderman Arnold

On Titus Street, north side, from a point 145 feet west of Floyd Avenue to a point 55 feet west

On Ross Avenue, west side, from Sewall Street to a point 90 feet south
Alderman Shaw

On Laxson Avenue south side, from South Willow Street to a point 177 feet east
Alderman DeVries

ACCESSIBLE PARKING SPACE:

On Belmont Street, east side, from a point 220 feet north of Cilley Road to a point 18 feet north
Alderman Shea

RESCIND STOP SIGNS:

On London Street at Pennsylvania Avenue – NEC, SWC (Ord. 0261)
Alderman Roy

STOP SIGNS:

On Pennsylvania Avenue at London Street – SEC, NWC
Alderman Roy

RESCIND 1 HOUR PARKING 8AM-6PM:

On Wilson Street, east side, from Harvard Street to a point 50 feet north (Ord. 8109)
Alderman Shea

1 HOUR PARKING 8AM-6PM:

On Wilson Street, east side, from a point 20 feet north of Harvard Street to a point 42 feet north

Alderman Shea

PARK 30 MINUTES:

On Wilson Street, east side, from a point 62 feet north of Harvard Street to a point 40 feet north
Alderman Shea

RESCIND 1 HOUR PARKING:

On Wilson Street, west side, from Harvard Street to a point 90 feet northerly
(Ord. 8072)
Alderman Shea

30 MINUTE PARKING:

On Wilson Street, west side, from Harvard Street to a point 90 feet north
Alderman Shea

RESCIND 1 HOUR PARKING 8AM-6PM:

On Wilson Street, east side, from Prescott Street to a point 60 feet north
(Ord. 8111)
Alderman Shea

30 MINUTE PARKING 8AM-6PM:

On Wilson Street, east side, from Prescott Street to a point 60 feet north
Alderman Shea

NO PARKING LOADING ZONE (EMERGENCY ORDINANCE):

On Wilson Street, west side, from a point 20 feet south of Clay Street to a point 26 feet south
Alderman Shea

NO PARKING ANYTIME (EMERGENCY ORDINANCE):

On Hayward Street, north side, from a point 130 feet west of Porter Street to a point 48 feet west
Alderman Shea

RESCIND ONE WAY STREET:

Huntress Street, from Prince Street to Summerside Avenue – Northbound
Alderman Greazzo

ONE WAY STREET:

Huntress Street, from Summerside Avenue to Prince Street – Southbound
Alderman Greazzo

METERS - 10 HOURS (EMERGENCY ORDINANCE):

Elm Street east side, from Auburn Street to a point 153 feet south of Green Street
Alderman Long

METERS - 10 HOURS (EMERGENCY ORDINANCE):

Elm Street west side, from Auburn Street to Valley Street
Alderman Long

15 MINUTE PARKING (EMERGENCY ORDINANCE):

Elm Street east side, from 153 feet south of Green Street to a point 36 feet
southerly
Alderman Long

METERS - 10 HOURS (EMERGENCY ORDINANCE):

Elm Street east side, from a point 189 feet south of Green Street to Valley Street
Alderman Long

RESCIND METERS - 10 HOURS:

Elm Street both sides, from Auburn Street to Valley Street
8am-10pm, Monday-Saturday
Alderman Long
(ORD 8254)

**RESCIND PARKING FOR MOTORCYCLES ONLY –
MAY 1- NOVEMBER 1:**

On Mammoth Road, east side, from a point 1435 feet south of Bridge Street to a
point 183 feet south
(Ord. 9317)
Alderman Roy

NO PARKING ANYTIME:

On Silver Street, north side, from a point 62 feet west of Union Street to a point
65 feet west
Alderman Long
(*Unanimous vote*)

Alderman Greazzo stated after this came out of Committee there have been some issues raised by folks in that neighborhood so if this could lay over until the next meeting for me to resolve those I would appreciate that. That would be the rescinding of Huntress Street as a one-way northbound and making it a one-way southbound.

Mayor Gatsas asked so you are not looking to table the whole report?

Alderman Greazzo answered no, just the one-way street on Huntress.

Mayor Gatsas asked so we will put those two items on the table and accept the rest of the report.

Alderman Greazzo moved to table the two proposed traffic regulations regarding Huntress Street and to accept the report and adopt its recommendations.

Alderman Shea duly seconded the motion.

City Clerk Matt Normand asked is that the southbound or northbound?

Alderman Roy asked since this has already passed the Committee, should we refer this back to Committee? What he is asking?

Mayor Gatsas answered I don't have a problem if we table it here or refer it back to Committee; whichever is easier.

Alderman Roy stated let's refer it back to Committee and then we can discuss it again when he has some clarity.

Mr. Clark stated this is a traffic regulation. It would be more proper to refer it back to Committee because this Board cannot amend it. It can only accept or deny.

Mayor Gatsas asked is that okay with you Alderman Greazzo?

Alderman Greazzo answered yes.

Alderman Long asked is it northbound and southbound?

Alderman Greazzo answered it is both.

On motion of Alderman Greazzo, duly seconded by Alderman Ouellette, it was voted to refer the traffic regulations regarding Huntress Street back to the Committee on Public Safety, Health & Traffic.

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

- II.** Recommending that the request from Alderman Osborne for signage to be placed on Maple and Beech Streets be approved

The Committee has requested that the Traffic Division of the Police Department conduct a study of vehicle traffic and speed on these streets and report to the Board of Mayor and Aldermen for the special meeting on June 22, 2010.

(Aldermen Shaw, Osborne and Long voted yea; Aldermen Roy and Ouellette voted nay.)

Alderman Roy stated this is about the signs that some people want to put on Maple and Beech Street. I won't get into the whole discussion but now what I will say is that we had asked the Traffic Department and the Police to come forward with a traffic study on the speeds on those two streets because we didn't know if there was excessive speeding going on without that study. In fairness to my colleagues on that Committee we passed it on with the understanding that the study would be presented to us before this evening so that we could look at it to see if it was really warranted to have those signs. That study didn't come forward so I would ask that this be referred back to Committee as well.

Alderman Osborne stated the study is here. Chief Mara should have it with him. I have the figures here in front of me. Do you want to know the speeds? 75% of the people going northbound on Maple Street go over the speed limit. That is all I have to say.

Alderman Roy asked when was this report produced and why didn't everybody on the Committee get it?

Alderman Osborne answered I have no idea. I asked Lt. Tessier this morning and she gave me the report. She said that Chief Mara would be here this evening with it. Now that could have been copied and passed out this evening.

Mayor Gatsas stated I guess where we are if we wait for the Chief...let's move this item along right now and go to the next one until he comes back. Is he gone for the evening or is he coming back? Can we just move this item and take up the next one and then come back to this one if he comes back in? Can we do that?

Alderman Lopez stated I think the problem is that we are getting too deep in the Traffic Committee. The Traffic Committee voted. The only thing we can do is send it back to Committee or accept the report. It doesn't make a difference what anybody says. We can't change it.

Alderman Osborne stated the only question here is what were the speeds on those streets and I just told you.

Alderman Lopez stated I am trying to say that the Traffic Committee has full authority on traffic. We only approve it. If we don't want to approve it, we send it back to Committee. That is all we do.

Alderman Ouellette stated the problem with this issue is that I asked for information and Alderman Roy at the meeting asked Lt. Tessier if we were going to have the information before tonight's meeting because I wanted information before tonight's meeting to make a decision on whether or not these signs were actually warranted. I wanted to know what the speeds were. I thought that was information that I was entitled to have to make an informed decision. If we don't have the information...Alderman Osborne has the information so that tells me the information is readily available and I am upset that we don't have it.

Alderman Lopez moved to send this item back to the Committee on Public Safety, Health &Traffic. Alderman O'Neil duly seconded the motion.

Mayor Gatsas stated my opinion is that Maple Street and Beech Street should be turned into two-way streets. That is what I think should happen but we can have that discussion at another time.

Alderman O'Neil stated just a quick comment in defense of the Police Department, traveling Maple Street regularly Lt. Tessier had both trailers up there as well as the units that go on the poles collecting the data. Now why it wasn't distributed sooner I don't know but it would be proper to send it back to the Committee to get that information.

Alderman Ouellette stated I know the information was available because I saw it too. I just don't understand why we don't have it.

Mayor Gatsas requested a roll call. Aldermen O'Neil, Lopez, Greazzo, Ouellette, Arnold, Craig, and Roy voted yea. Aldermen Shea, DeVries, Shaw, Ludwig, Long, Osborne and Corriveau voted nay. There being a tie, Mayor Gatsas voted yea. The motion carried.

LL. Recommending that the proposed contract between E&R Cleaners and the City providing for the lease of a parking lot on Lake Avenue for a period of five years be approved.

The Committee further recommends that the related Ordinances be referred to the Committee on Bills on Second Reading for technical review.

(Unanimous vote with the exception of Alderman Osborne, who voted in opposition)

Alderman DeVries stated I pulled this off of the agenda to try to get a little bit more background from whoever would like to come forward and offer that up.

Mayor Gatsas asked is Brandy here?

Alderman DeVries stated I wouldn't have guessed it was Brandy. Was there a discontinuance of City streets that was part of this property?

Mayor Gatsas answered it was done by a previous Board.

Alderman DeVries stated that is why I am surprised to see Brandy come forward. We previously discontinued a City street to facilitate enlarging the parking lot and now we are becoming a tenant...what is that arrangement going to be?

Mayor Gatsas responded we will be the lessor of the property. The renovations will be done by the owner of the property. They will stripe and retar the entire lot. We will then under a five year lease...the first \$50,000 will go to the owner and I think the next \$17,000 comes to the City for their expenditure and then there is a revenue sharing of 75/25 up to \$200,000 and then it goes to a 50/50 split.

Alderman DeVries asked so do we pick up 25% of the maintenance...no 75% of the maintenance? Does that include the...

Mayor Gatsas interjected we pick up 75% of the profits.

Alderman DeVries replied but it says that the City operating expenses will be split 75% to the City and 25%...oh I am sorry I read that wrong. The purpose of this is to facilitate additional parking for whom?

Mayor Gatsas responded I think the purpose of this is that we have some real estate that is sitting down there and we have a developer that is looking to develop that entire block. Right now not having an opportunity to put some of the other packages together, we have an opportunity with the courthouses coming into play along with revenue that we are looking to get it gives us about \$22,000 in the first year of revenue. Is that correct? I don't have anything in front of me but from memory...I think it enhances our position as we go forward. We have a Chili Fest that is coming into town. It will certainly offer parking for that venue. There are an awful lot of things like when you talk about the new Market Basket there is going to be parking taken away from people who have parked in that parking area and gone to the Verizon. I think this is an opportunity for the City. Now in five years if the City doesn't want to do it, the owner cannot have a parking lot there. This is only used by the City, not the owner. It can't be reverted back. There is no parking lot available to the owner.

Alderman DeVries stated I know you know this deal inside and out but I don't. I am trying to keep up with you. So you are creating a parking lot that can be used by City employees or other...

Mayor Gatsas interjected no we can rent it out.

Alderman DeVries asked and we are receiving a portion of the proceeds from the rental of that but yet the cost to develop the parking lot is being done by the owner of the property or the landlord? This is staying on the tax roles?

Mayor Gatsas answered that is correct.

Alderman DeVries asked so we are not losing taxes?

Mayor Gatsas answered that is correct.

Alderman DeVries asked but we are a tenant?

Mayor Gatsas responded I think you have the agreement in front of you, Alderman. I think that sums it up pretty clearly. The terms of that agreement have been vetted out by the City Solicitor and the Committee.

Alderman DeVries stated I guess I just don't totally have in my mind who the winners and losers are here.

Mayor Gatsas replied the winner is the City because we...

Alderman DeVries interjected because we are controlling the property for five years and hope that a tenant comes along. I heard that.

Mayor Gatsas stated because of the revenue situation that the City is picking up.

Alderman DeVries stated Brandy is doing a great job answering these questions.

Mayor Gatsas replied as you said I try to get myself familiar with anything that is on this agenda so that I can address whatever questions you may have.

Alderman DeVries asked and the cost to the City is what, Your Honor?

Mayor Gatsas answered zero. You don't get better deals then that.

Alderman Greazzo asked can you or Ms. Stanley explain the fee structure for the parking? Will it be Pay & Display or permit?

Mayor Gatsas responded if you take a look at the structure during the day it will be a Pay & Display. The kiosk will be put in the middle of the lot. During an event, there will be somebody manning the lot and receiving the revenue.

Alderman O'Neil asked the additional salary and wages...no additional staff? It is coming from existing employees, correct?

Mayor Gatsas answered all existing employees. No new employees.

Alderman O'Neil asked where are they going to be brought from if they are going to man this for \$10,000? What will they not be manning?

Mayor Gatsas responded I am not sure. I think there are two people over in the federal lot.

Ms. Brandy Stanley, Parking Division Manager, stated we would be bringing one of our existing staff members in who normally doesn't work and adding another staff member for an event. That overtime cost is actually figured into this \$10,000 number.

Mayor Gatsas stated Alderman O'Neil, I will not be signing any new hire.

Alderman Lopez moved to accept the report and adopt its recommendation.

Alderman Shea duly seconded the motion. Mayor Gatsas called for a vote on the motion. The motion carried, with Alderman Osborne being duly recorded in opposition.

MM. Recommending that a 3-way stop sign on Greenwood Street at President Road be approved.

(Unanimous vote with the exception of Alderman Roy, who voted in opposition)

Alderman Roy stated I just wanted to bring to the Board's attention that two years ago I think it was Alderman O'Neil brought up and we adopted the Uniform Traffic Code. It has very specific language in it that says when you can put up a 4-way stop or in this case a 3-way stop and warrants have to be met. This is the second one since I have been Chairman of this Committee that has gone through and there haven't been any warrants. I think it is going to create problems for us down the road. If anybody wants to see what those warrants are, it is on file. They have a copy of it down at the City Clerk's office.

Mayor Gatsas stated I would hope that this Board, before we start putting stop signs in this area, we wait to find out what is going to happen with the jurisdiction of the WalMart in court. I think that once something happens there, I would hope...we haven't put a stop sign there for a lot of years. If the WalMart situation changes by court order I don't know if this Board is looking to put a stop sign there or not but I would think that we would wait to see what happens in court and then come forward if the neighborhood is looking for a 3-way stop. Certainly that is something we should consider but I don't know if it is something we should consider today.

Alderman Shaw stated right now the situation concerning this street is not part of the litigation in court with WalMart. President Road was voted to stay open. The problem on President Road is where these stop signs are supposed to go is the exit from a residential area into a commercial area and the entrance from a commercial area into a residential area. It is very crucial that these stop signs be there. Even though the numbers of vehicles did not match the criteria, the speed was over the top. There was one car clocked at 87 MPH entering the residential area and another one that was clocked at 64 MPH and a large percentage were between 40 and 60 MPH. This is a dangerous situation and it is something...the recommendation was for more enforcement. The Police Department is already aware of the situation. They have already beefed up their enforcement there but they can't be there 24 hours a day. There is commercial traffic using a no commercial traffic street and it is a very serious situation. I ask the Board to support the 3-way stop.

***Alderman Shaw** moved to accept the report and adopt its recommendation.*

Alderman O'Neil stated this is no disrespect to Alderman Shaw but I am a firm believe as is Alderman Roy in using these standards. We failed to use them for years. We probably have...the City is probably liable at intersections across the City where there are 3-way and 4-way stop signs because they do not meet the standards in the Uniform Traffic Code. Unfortunately this is another case. When I read this it is recommended against a permanent all-way stop installation. That is the recommendation from the standard. We are either using the standards and they were adopted by state law I believe or we are not. I think there is a liability to the City when the standards say don't put them up and we put them up. That is my personal opinion. No disrespect, Alderman Shaw, but I have not voted for a 4-

way stop sign. I might have abstained or was silent on the one that came in earlier.

Alderman Roy stated just to clarify that the Uniform Traffic Code was developed by the Feds and adopted by the State and then adopted by us. In that code it says that “a stop sign is not a speed control device.”

Alderman Lopez stated this has been going on for about ten years. Solicitor Clark is it the authority of the Traffic Committee to put 3-way stop signs up?

Mr. Clark responded the Traffic Committee issues traffic regulations and this Board can either accept or deny them.

Alderman Lopez asked so then we would be covered?

Mr. Clark answered you can deny the traffic regulation.

Alderman Lopez responded well my point to you is that I know one Alderman doesn't like them and is always against them and then Alderman Roy mentioned the state law. My question to you is we have to put this thing to bed because it happens every month. We get a 3-way or 4-way stop sign. If the Traffic Committee votes for a stop sign and the Board either approves it or denies it and that is the end of the ballgame, correct?

Mr. Clark replied that is the process. Just to be clear, this Board adopted the Uniform Traffic Code and my recommendation to this Board is always if you adopt a program you follow it.

Alderman Lopez responded that is the point I want to make. So if we keep doing this we are going to argue it for another 11 years. We have to follow the rules we adopted and the Traffic Committee has to stop sending these to the full Board. I know that if each Alderman in each ward wants a stop sign the Committee is going to approve it. We have to be consistent here otherwise we keep having arguments all the time.

Alderman Shea moved to accept the report and adopt its recommendation.

Alderman Shaw duly seconded the motion.

Alderman Ouellette stated I voted for this in Committee. I saw the study done by the Police Department, which showed excessive speed. However, obviously I agree that speed is not the sole reason to put in a stop sign. I think it should be part of the decision-making process but it is not the sole reason because they are not speed control devices; tickets are. That having been said, I think this intersection in the very near future depending on how the court case comes out is going to have a lot of changes. That intersection may end up being very confusing. So although we have a Uniform Traffic Code, I still think that the Traffic Committee is there to take things up on a case-by-case basis. Some things are going to be approved and some things aren't. I am going to support this like I did in Committee because I think there are a lot of changes that are going to be going on over there and I feel that in this instance it might be better to ere on the side of caution.

Alderman Greazzo stated I am adamantly opposed to 3-way stop signs. We have all taken a driving test. The main artery has the right of way and the intersecting street must yield. The stop sign should be at the intersecting street and that is it. 4-way stops are a different story. Those are traffic mitigation. They are not to stop or slow down traffic and I agree that tickets are the way that we need to solve

speed in the City. We have plenty of people speeding in the City and we don't have enough speeding tickets.

Alderman Osborne stated I guess someone said it. It is a case-by-case decision for the Aldermen. I guess the Aldermen in the wards have to take care of their wards the best they can with the constituents who are in there. Again, I mentioned a million times that President Road is going to be a four lane highway before we know it so in the meantime the residents in the area should be protected somehow. Those kind of speeds are ridiculous, especially in areas like that.

*Mayor Gatsas called for a vote on the motion. The motion carried with **Aldermen Greazzo, O'Neil, Corriveau, and Roy** duly recorded in opposition.*

NN. Recommending that the “bump out” at the intersection of Elm Street and Auburn Street be removed.
(Unanimous vote with the exception of Alderman Roy who voted in opposition)

Alderman Roy stated I want to point out that there was a mistake and it was not a unanimous vote. I voted against taking the “bump out” out. My own belief is that when that area is developed the developer is going to have to work on those intersections and they should pay for that, not us. I wanted to make that correction. I voted no.

Alderman Long stated the “bump out” is part of a plan that costs \$1 million to take care of South Elm Street. What we did out of the plan is take out ¼ of the plan and put in this “bump out.” I believe the “bump out” is a safety problem. I believe it is a roadway problem. I believe it is a traffic problem if you are sitting in the lane you are supposed to be in and there are cars coming on your right hand side cutting in front of you and you are waiting for a set of lights. Who knows

when the Market Basket is going to be ready to move? I think this thing needs to be removed and I think it needs to be removed now.

Mayor Gatsas responded I think this Board may remember that I sent a letter in to remove the “bump out” long before Market Basket came forward but I can tell you after having conversations with them that they are willing to put up a bond to do what we want to do and they will pay for it up to a \$10,000 amount for the mitigation on Elm Street. I think that the “bump out” should go whether they were coming or not. I think it has been a hazard for a long time.

***Alderman Ouellette** moved to accept the report and adopt its recommendation.*

***Alderman Lopez** duly seconded the motion. **Mayor Gatsas** called for a vote. The motion carried with **Alderman Roy** being duly recorded in opposition.*

Alderman Lopez asked can we go to item 20 because that is the ambulance contract?

Mayor Gatsas answered I have no problem with that if there are no objections from the Board. So we are going to take up all three items from the Committee on Administration?

Alderman Lopez answered yes.

20. Reports of the Committee on Administration/Information Systems

The Committee on Administration/Information Systems was respectfully recommends, after due and careful consideration, that the Finance Officer be directed to transfer \$25,000 from the City’s Economic Development fund to the Façade Improvement Program. The Committee notes that Board

approval of this transfer from a Special Revenue Reserve account requires an affirmative vote of ten (10) Aldermen.

Alderman Arnold stated I think this needs a correction. If memory serves me this passed Committee unanimously. Unless the Committee Chairman recalls otherwise it is listed on the print out we have that there were two nay votes but I don't believe there were.

City Clerk Normand responded there were two people opposed.

Alderman Lopez stated I think it was a unanimous vote in Committee.

Mayor Gatsas replied yes it was unanimous from what I remember when I was watching it. The next item was a 3-2 vote.

***Alderman Arnold** moved to accept the report and adopt its recommendation.*

***Alderman Lopez** duly seconded the motion. **Mayor Gatsas** called for a vote. The motion carried with **Alderman Greazzo** duly recorded in opposition.*

The Committee on Administration/Information Systems respectfully recommends, after due and careful consideration, that a request from the Derryfield Restaurant to operate a food and beverage cart at the Derryfield Country Club be approved and further that the City Solicitor be directed to incorporate a revocable agreement which coincides with the expiration of the Derryfield Restaurant's current contract with the City.

***Alderman Roy** moved to accept the report and adopt its recommendation.*

***Alderman Ludwig** duly seconded the motion.*

Alderman Ouellette stated I can't think of a worse thing we can do to this facility. I just think that this is a city municipal golf course. We don't allow

alcohol at Gill Stadium and we don't allow alcohol at any of our other parks or pools or whatnot. I just see this becoming a big liability issue and a nightmare. How are we going to police who is actually bringing booze on the course and differentiate who is buying it and who is just bringing it on the course? What is going to end up happening is you are going to have people underage bring it on the course in their bags and we will have no mechanism to handle that situation or even do anything about it. The second thing is I know that my nephew is 12 years old and I certainly wouldn't want him following a group of 18, 19 or 21 year olds who are coming up to the 17th or 18th hole who have been drinking all day and are hitting into him. I see nothing but problems with this. I think it is going to be a nightmare. I think it is going to drive some of the longtime members away. I couldn't be anymore opposed to anything than this. I think this is a bad, bad idea for this great facility that we have in our City.

Alderman DeVries stated it is my belief as well. Although I am probably not as fundamentally opposed, I certainly tried to look at this and tried to get there. I still have concerns about how we will control the drinking and I hadn't even thought about someone carrying on. I certainly hope that the mobile cart if approved will not be selling beer cans because you are absolutely correct. With that being said it is my opinion that the attempt to improve the language by adding the revocable agreement years from now when the Derryfield contract comes back up for reconsideration without any kind of escalator and without any kind of reconsideration by this Board in testimony to the Committee. We were told that the 2% that the City might share in revenues might equal somewhere between \$1,000 and \$2,000 but yet the City Clerk was able to tell us that a prime location for a food cart, not a beer and food cart, but a food cart alone here outside of City Hall brought \$5,000. Now it is bringing \$2,000. So certainly contractually obligating for many years without our review into an agreement that is somewhere between \$1,000 and \$2,000...I think we are giving this away. I think that if this

went out for any kind of an RFP process, not that I am advocating for that but if this was open up to the public I think we would get considerably more from another vendor and I just would hope that this individual would step up and make a better deal to the City or at the very least that we go with the original concept that I think Alderman O'Neil suggested that this be a one year probationary contract to see if we have any concerns from the public and to see if we have the kind of problems with carry on alcohol and not being able to discern. To see if the public is telling us that this is not the kind of City park that they wish to have.

Mayor Gatsas asked but didn't I understand you to say that Alderman O'Neil...I think as I was listening to the Committee that there is a revocation clause in this agreement. So this Board has the ability if there is a problem tomorrow to revoke it. I think it is pretty clear that the revocation that Alderman O'Neil brought in and I believe Alderman Corriveau brought in at least for the term of the lease would be in place if this Board found that the outcry from golfers...we are going to hear it and I am sure at that point that we would turn around and take action on it.

Alderman DeVries answered I heard that and I considered that. I can think of several other revocable leases that we have entered into as a body and not one of them have come back under the scrutiny of this Board since we entered into them. I am sure that we have since forgotten some of them.

Mayor Gatsas asked can you give me an example?

Alderman DeVries responded sure. There is a private property owner, somebody who previously was in the employment of the City who had mistakenly built a shed on City property. We entered into a revocable agreement there. That is probably going on a decade and the property has since been sold. Who has looked at the revocable agreement? It falls off our radar screen and that is my concern.

Mayor Gatsas asked do you know if that shed is still there?

Alderman DeVries replied if it had come back for scrutiny I am sure you will know and I am sure, Your Honor, that you will be checking on that now.

Mayor Gatsas responded first thing tomorrow morning.

Alderman DeVries stated there are other revocable agreements on Rails to Trails to allow for parking on future Rails to Trails. I think the prior Parks & Recreation Director had some concerns at the time the revocable agreements were entered into. Have they been back before us for any scrutiny? They have not and that is my concern.

Mayor Gatsas replied I certainly agree with you Alderman but I think if a trail was coming into play as it went up Belmont Street, I think at that point the revocable lease would come back to this Board and we would revoke it but I have not heard of a trail that because of what we have done has interfered with any expansion of the trail system.

Alderman DeVries stated but to my point, and I certainly hope that we are not going to continue to debate because I know that we shouldn't be doing that from the floor, but to my point, I have called on many occasions that there needs to be a contract compliance officer in the City, somebody who oversees all of these agreements that we enter into. For budgetary reasons for a decade we haven't gotten there and I think that you and I have been in agreement when we have discussed this. There needs to be oversight of all of the different deals and agreements that are made. Until we have that person in place that is keeping and tracking all of the different arrangements, I am not comfortable. I would prefer a

short-term with a revocable clause certainly for certain issues but a short-term agreement that assures that this item will be back in front of the Board.

Mayor Gatsas asked are you looking for a response from me? I don't want to be debating you on it.

Alderman DeVries responded that is not necessary, Your Honor.

Alderman Lopez stated I am going to be very brief. Let's move this motion. People go on the golf course all of the time and bring beer. This is a professional person doing this. We contracted with the Derryfield Restaurant and built the Derryfield Country Club. He is paying most of the bond. He has an investment of \$12,000. We are not going out to bid. It is in our best interest that somebody professionally run it. We are just kicking a dead horse here. Either vote it up or down.

Alderman Shea asked where is this cart going? Is it going where the old establishment used to be?

Mayor Gatsas answered I think the cart drives around on the golf course.

Alderman Greazzo stated I support this. The only issue I have is people with open containers of beer crossing the street in their golf carts. I don't know if the Chief wants to comment on that but I believe that is not an acceptable practice to be driving a golf cart on the street with an open beer. Aside from that, I think it is a great idea.

Mr. David Mara, Police Chief, responded it wouldn't constitute an open container as far as driving a motor vehicle. The motor vehicle code wouldn't come under effect but of course if you have an open container of alcohol there is a City ordinance for that. That technically would be a violation.

Alderman Greazzo asked so this would have to be structured that if you are having a beer in your cart you can't cross the street?

Mr. Mara answered I think you would have to also consider whether or not the Derryfield Country Club is considered a park. You might have to ask the City Solicitor. I think you might have to do something as far as an ordinance.

Mr. Clark stated the ordinance is in place which allows for the designation of drinking areas in parks. We do it at Veteran's Park and the Mayor is going to do it for the Chili Fest.

Alderman Greazzo stated so it is my understanding that you don't have a problem with people driving a golf cart across Mammoth Road with an open container of beer.

Mr. Mara answered I am not saying I don't have a problem with it. I would rather not have it happen.

Alderman Greazzo stated that is the situation that this is going to create, Chief. People will be crossing Mammoth Road with a container of beer potentially while driving a golf cart.

Mr. Mara replied I can tell you that I am not taking a position on the actual issue. The only thing I am taking a position on is your question. Technically I think it would be a violation of an ordinance.

Mayor Gatsas asked you are not going to ask them to put up a sign saying “finish your beer before crossing” are you?

Alderman Greazzo asked Mr. Clark what liability does that open the City up to if somebody has an accident?

Mr. Clark responded we are going to require that the Derryfield Restaurant carry the appropriate insurance to cover us and indemnify.

Alderman Ludwig stated for 35 years while I worked at the Parks Department we were against alcohol on the course. This is a different situation that we are in today. We are drinking on sidewalks and we are drinking in Fisher Cats Stadium and we are drinking with kids. I am not for any of that. I am still not for it but quite frankly now the golfers are without any kind of service on the golf course at all. Our Seventh Heaven has gone away. The gentleman has passed away and the property is up for sale probably never to operate again because it was under a special exclusion the way it operated years ago at any rate. So Mr. Lanoie has come forward as just about every other golf course in New England and probably anywhere has and offered a beverage cart. This is not huge profits. It is a hot dog cart. In order for him to make it work, he is asking to sell beer. A real golfer who plays that game halfway seriously is not going out there and drinking ten beers at \$5 a beer. So with all due respect to Alderman Ouellette, this will put more control on the golf course. By the way, the golf pro now checks every cooler that goes on any cart or if he sees somebody walking that goes off the first tee. Mike Ryan, the golf professional at the golf course, does that every single day or has his

staff do it. I am offended by the fact that you think that people are walking around the Derryfield Country Club like it is a lounge. That is not true. Are there people who sneak beers out in their bags? There are and when we see them walking around the greens with them, the pro pulls them off. I think this is a way to provide better control. It gives the people a service where they can get a soda or something. There are other things besides beer. I don't think you are going to find at \$5/beer that anyone is going to particularly go out to play golf and drink ten beers for \$50. I am in favor of this. I see no problem with this at all. Mr. Lanoie is properly insured for all accounts. The golf pro is properly insured on all accounts and there is really no issue here.

Alderman Ouellette stated I would like to respond to that because I think Alderman Ludwig might have taken my comments out of context. I did not mean to in any way talk about the golf pro not doing his job. I am saying that if you pass this it will be harder to catch people doing and it will be harder...well you can shake your head all you want Alderman. That is fine. That is your opinion and I respect it. I just wish you would respect mine. I think that it will make it easier for people to bring beer on the golf course. That is my opinion.

Alderman Craig moved the question.

Alderman Ouellette requested a roll call vote. Aldermen Ouellette, Long, DeVries and Greazzo voted nay. Aldermen Arnold, Craig, Ludwig, Roy, Osborne, Corriveau, O'Neil, Lopez, Shea, and Shaw voted yea. The motion carried.

The Committee on Administration/Information Systems respectfully recommended, after due and careful consideration, that the City of Manchester enter into a contract with American Medical Response of Massachusetts, Inc. (AMR) to provide ambulance service for the City, effective January 1, 2011 to December 31, 2012 with extension provisions as recommended by the Fire Chief.

Alderman Lopez moved to accept the report and adopt its recommendation.

Alderman Corriveau duly seconded the motion.

Alderman DeVries stated it doesn't surprise anybody who has listened to the conversations that I haven't supported this item in Committee. I know that Rockingham Ambulance for 17 years has provided exemplary service to the City of Manchester. As an Alderman I haven't once had to respond to a constituent who brought forward any kind of complaint or concern about the response that they received or the service that they received from Rockingham Ambulance. I just do not know for what has turned out to be \$85,000 a year change of revenue why we are discharging them with so little thought. There has been a lot of discussion but I don't think there has been a lot of thought as to how that is going to change potentially the lives of many of our citizens at a time when they need to have a very rapid response to their homes. If it was easy with every single back alley or address to know all of the nuance addresses and locations of our City I probably wouldn't have as many concerns but it is not that easy. It takes time and knowledge to really become familiar with the many...we are not laid out as true City blocks. Let's face it, it is not easy finding some of the addresses you get off of back alleys. Some of them are on the main drag. We know that we go and hopefully the Fire Department goes with you because they know that there are keys in the Fire Department boxes out front where they can gain entrance. I know when I served on the ambulances the Fire Department wasn't always there but we knew where to find the keys but it took time. It took time for us to develop that

skill set and there was a lot of fumbling that occurred prior to that. If we had a lot of complaints that had come into us I would understand the change of service but that hasn't been the case. For a very small increase of revenue...and I am glad, Your Honor, that you pursued this. You got us an increase in revenue. But the difference between these two contracts is just not significant enough for me to be saying let's go out after 17 good years of service and knowledge of the City of Manchester for \$85,000 a year. That wasn't enough to get me there. Your Honor, many will want to speak and we are getting exhausted with each issue. We are going to speed up with each issue but let's have others speak.

Mayor Gatsas stated certainly first I would like to applaud Chief Burkush and his staff and the committee that was put together to go through this process. I didn't take it lightly. I was there when they opened the bids the first time. I think that group of people did an incredible job bringing forward this idea and I remind the Board that this isn't about \$85,000. This is about \$235,000 and this Board, when I was an Alderman, suggested that we do this. I think the looks I got were this will never happen and we will never get a nickel for it. Lo and behold, it is not an \$85,000 difference. That is not the case. The bid that was before them was \$100,000. The company that came in was \$235,000. The existing company had the opportunity to meet that number on two different occasions and it didn't happen. So let's not for one second think that the Chief and that group of people who put this bid together didn't work their utmost to give everybody a fair opportunity at the table because I was sitting there with them most of the time. I applaud the staff and the people who were on that committee. With that, I have made my remarks.

Alderman Greazzo stated I have gotten more e-mails and phone calls on this issue than anything else we have done so far. I think Rockingham is a great company and AMR is probably a great company but I also think that the

Manchester Fire Department is a better fit. We used to provide the service and I think that it is something we should provide again. We send out a fire crew every time there is an ambulance dispatch so we are there anyway. I think there was a different culture in the Fire Department that made this more of a punishment and I think that under the leadership of Chief Burkush it could be considered a privilege. I think we should consider bringing it back to the Manchester Fire Department.

Alderman Roy stated first of all Rockingham did give us 17 good years. There is no doubt about it. They are quality people. Just to address a couple of concerns that one of my colleagues had about not knowing where to go, all of the ambulances are going to be fitted up with GPS so my line is “can you say Tom-Tom.” You talk about a delayed response and we were talking about the golden hour in Committee. There is a standard within the country and it is a five minute response. Why? Because when you have a heart attack your brain needs oxygen within five minutes. There are some areas of this City that don’t get that response and it is not because of the ambulance or the Fire Department. I should say it is not because of the ambulance but because of the Fire Station locations within the City that we have to correct. The reality is that we haven’t had any complaints as Aldermen because I know from experience that when you walk in the door as a firefighter stepping off a pump or ladder truck responding to a med call that the person on the call with 911 says oh the ambulance is here. They have no idea that we are not from the ambulance company. They think that we are with the ambulance company and we are on a pump. So that is why we don’t get any complaints about a delayed response from the ambulance. Another point I wanted to bring up is I have been hearing that it is an \$85,000 difference. First of all, is it just about the money? Yes it is. All of the apples and oranges are equal and since when if everything is equal is it bad to worry about the money? We are in some tough times and we are looking for some new revenue. I think we did a heck of a job. Now we are hearing \$85,000. That is not accurate. It is about \$140,000

because that was the bid during our procurement process. Lastly I would just like to read a little bit from the procurement process. It says “no proposal shall be handled so as to permit disclosure of the contents of any proposal to competing offerors during the process of negotiation.” As soon as our contract with AMR was made public, negotiations are over so for the other company to come in here tonight and say oh we will give you \$150,000...if I did that I guess I would be told to leave because I hadn't been bargaining in good faith to begin with. It is not appropriate. It does not meet our procurement code. We are talking about a \$140,000 difference per year and I think it is significant and I think that is what we should do for the taxpayers.

Alderman Osborne stated as it stands right now it is \$85,000 anyway, and to weigh the whole thing \$85,000 for...and I have said this a million times and I am tired of saying it but 17 years of experience with the City. So we have to start fresh again and just because you have a gadget in your ambulance telling you where to go it still takes you time to figure out where you are going. If somebody has been to an address several times over a 17 year period and they say Cedar Street north back alley, so on and so forth, they know where they are going right off the bat without even looking at the dash. It all takes time. It takes time to understand the City and the people in it and the hospitals and whoever they are dealing with. They have to start all over again and to have to worry is it going to work for \$85,000. We can't slap their hand because they said they would give \$100,000. Maybe that is all they could afford at the time or whatever it may be but if you give money you have to subtract it somewhere. So those things we don't know. The extra money they are offering is coming from where? Who knows? Who has more employees? Who is going to lay some off? Who is not? It is too close of a figure to throw away 17 years of service plus the families. There are families behind this who live in the City and whose children go to the schools. They are going to have to make other arrangements. Not all of them

maybe but most of them. So you have to think of people here also and not just the mighty dollar. It doesn't always work that way and \$85,000 isn't going to make the City any richer. Maybe it is going to be poorer at the end here. That is what we have to worry about so you have to have it on your conscience and you have to sleep tonight.

Alderman O'Neil stated my Central High math says the difference between \$235,000 and \$100,000 is \$135,000 so I don't know where this \$85,000 is coming from. It is a \$135,000 difference. Alderman Osborne's point is well taken but there is no one to blame for making this change but Rockingham Ambulance. They made...and it was probably made by their parent company...a business decision. We know the number of \$235,000 is a good number because a third company proposed the same amount if I recall. We know it is a good number. They made a business decision, so if employees get laid off they should blame their parent company for that, not the City of Manchester. Your Honor, you said they had two opportunities and I think they might have had four to change their numbers. I think there were three official and I think the Chief called them an additional time. So they had every opportunity to change their number. This was a unanimous recommendation made by 13 people, including people who are out on the line every single day for us. Captains, lieutenants, firefighters and the president of the union were part of the committee. We need to stand behind the people who are responsible for this contract. Rockingham has served the City well for 17 years. Chris Stawasz has done a great job leading them in that time period but I don't believe Chris had the decision on the financials. Somebody above him did and they made the decision. I will be voting with AMR tonight.

Alderman Craig stated there is no doubt that Rockingham has done a phenomenal job over the last 17 years but in looking at the two proposals as many of us have said, they were virtually identical except for the revenue that was

coming back to the City. We talked about the \$235,000 but in 2012 they have committed to \$253,000 and I think we do have to consider that heavily in this decision. It is not an easy one but I will be supporting AMR as well.

Alderman Corriveau stated I will be brief because serving on that committee what really swayed me was the credibility of the people on the ad hoc ambulance committee who made this decision. All of them are public safety professionals and all of them have the best interest of the City at heart. In fact, it is their duty to do so. That is good enough for me.

Alderman Ouellette stated I am going to be supporting Rockingham. No disrespect to the committee members. I understand and respect the decision and if they prevail I will do whatever I can to help AMR succeed in the City of Manchester. Some of the e-mails...I concur wholeheartedly with Alderman Greazzo's testimony in terms of working towards having our own Fire Department do the service but I think the testimony I have had in terms of the service to me is not a dollars and cents issue. It is a service issue and Rockingham has given 17 years of great service. I listened to the testimony of some of my own family members who have talked about this but also I thought that former Alderman Hirschmann was very moving in his testimony as well. I have no disrespect to the committee members or professionals of both companies but that is the reason I made my decision.

***Alderman Lopez** moved the question and requested a roll call vote.*

Aldermen Lopez, Shea, Shaw, Arnold, Craig, Ludwig, Long, Roy, Corriveau and O'Neil voted yea. Aldermen DeVries, Greazzo, Ouellette, and Osborne voted nay. The motion carried.

5. Communication from Will Infantine advising the Board of his resignation from the Trustees of Trust Funds.

On motion of Alderman Arnold, duly seconded by Alderman O'Neil it was voted to accept the resignation with regret.

6. Nomination(s) to be presented by Mayor Gatsas, if available.

Trustees of Trust Fund

Laura Provost to succeed Will Infantine, term to expire January 1, 2013.

Mayor Gatsas stated this motion will lay over until the next meeting of the Board pursuant to Rule 20 of the Board of Mayor and Aldermen. Your consideration of the nominee is appreciated.

7. Confirmation to be presented by Mayor Gatsas.

Parks, Recreation & Cemetery Commission

George "Butch" Joseph to succeed Dennis Smith (term limited) as a member, term to expire July 1, 2013.

On motion of Alderman Shea, duly seconded by Alderman Ludwig, it was voted to confirm the nomination as presented.

8. Communication from Matthew Normand, City Clerk, submitting a warrant pursuant to RSA 466:14 to be issued to the Chief of Police for civil forfeitures for unlicensed dogs; requesting authorization for the City Clerk to remove names from the listing as deemed appropriate.

On motion of Alderman Shea, duly seconded by Alderman Craig, it was voted to authorize the City Clerk to remove names from the warrant as deemed appropriate.

9. Communication from Selectmen of Ward 1, requesting the polling location be moved from Derryfield School at 2108 River Road to the auditorium within Webster School at 2519 Elm Street.

Alderman Craig moved to approve the request. Alderman Ludwig duly seconded the motion.

City Clerk Normand stated there is a request from the Selectmen to do diagonal parking.

Mayor Gatsas asked is that part of the request?

City Clerk Normand answered yes.

Mayor Gatsas called for a vote on the motion. There being none opposed, the motion carried.

10. Communication from Mayor Gatsas requesting endorsement of the Task Force on Immigrant and Refugee Integration and approval of the text of the attached letter to be sent to the named individuals and to our congressional delegation.

Alderman Long moved to approve the request. Alderman O'Neil duly seconded the motion.

Alderman Long stated I would like to notify the Clerk if the Aldermen are okay with it that I would like to add Kim Calhoun to the list and also copy the two federal departments that are on page 10-3.

Mayor Gatsas responded I apologize for the omission of Kim Calhoun.

Alderman Long replied and on page 10-3 if we could also copy the two federal departments.

Mayor Gatsas stated this issue is a very important issue. We met yesterday in this Chamber with refugees from various countries. The discussions that we heard...one was there were interpreters here to interpret different problems that they were seeing in their community. That they were coming to an apartment with seven people and they were put into a two bedroom apartment or two separate apartments at the time and the husband and wife, because of the make-up of the children, didn't have their own bedroom for almost a year. So there are issues that are happening out there and I know we are all concerned with them. Certainly the effect on the school system is something we all look at and wonder how we are going to fix that problem. As you know the Superintendent and I have sent letters to the Department of Education so that we not test people immediately coming into this country because I think you will find that that is having an effect on our scores. So I think that this Task Force...I will expect them and I know that

Alderman Long is the person I put on there...that they report back in a very quick fashion because I think it is imperative. In October the allocation for the number of immigrants coming to communities will be structured. Actually it's August and I think it is important that we have something coming back from this Board in response. I think it is important that we take a very proactive position on this and I think that the members of this committee are a good nucleus. There were discussions yesterday when we met on various issues and I asked the simple question how many of you are going to school to learn the language and what they are telling me is they have interpreters talking English to English. So there was a gentleman in the back of the room and I asked what is that on your head take it off your head and give me a name for it? Well they could give you a name in their native tongue but they couldn't tell you it was a hat. Once you said hat they still didn't respond with hat they responded in their native tongue. So I think there is something that we need to do educationally. I have had conversations with the Superintendent that maybe we can move our adult education courses from MST into Beech Street and Bakersville where the amount of time that people have to travel and having the buses get in and out of there would be an opportunity for some of those families to come in. The amazing thing is the last question I asked and I think Alderman Long was probably just as amazed but I asked how many of you in the room have a driver's license. Well I can tell you that everybody's hand went up. There were only two people doing the interpreting for a group of people there. I think this Task Force certainly is prepared to do the work and again we need them to report back quickly.

Alderman O'Neil stated I applaud you for your willingness to set up the Task Force and I want to especially recognize Alderman Long for his leadership on this issue. This, knowing most of the people on the list, is a group of doers and I think we are going to be very pleased with their work and the recommendations they come back with. Well done.

Alderman Craig stated I was just curious as to whether this Task Force is replacing the current committee that is in place?

Mayor Gatsas responded no this is a Mayor's Task Force. Actually it is not a Mayor's Task Force. I would like to call it a City of Manchester Task Force. I think that is certainly something this Board should come forward with and we can send a very strong message that we are all united in this effort.

Alderman Craig asked on the draft letter on Page 10-3, I would suggest that we ask a question to get to the bottom of how much money these entities are spending with families and for how long that lasts because that is a question that we have been asking for years and we don't ever seem to get the answer.

Mayor Gatsas called for a vote on the motion to approve the request to endorse the Task Force on Immigrant and Refugee Integration and send the text of the letter to the named individuals and to our Congressional Delegation.

11. Contract between the City and Employee Management Resources, LLC relating to the Employee Assistance Program.

Alderman O'Neil moved to approve the contract. Alderman Ludwig duly seconded the motion.

Alderman Roy stated I believe it was Mr. Jordan and Ms. Cooper who were retiring and we were going to hire them back and we didn't do an RFP but I don't see Ms. Cooper in here. Has it changed?

Mr. Clark responded the partnership is Mr. Kelley and Mr. Jordan. Ms. Cooper is an employee of theirs.

Mayor Gatsas called for a vote. There being none opposed, the motion carried.

12. Contract between the City and Manchester Public Television Service, Inc.

Mayor Gatsas stated I know there is an amended contract before you. Have you folks had an opportunity to look at it? I think there are some minor changes in that contract that aren't material. If I could have Deputy Solicitor talk about those changes please.

Alderman Lopez asked do we have a copy of that?

City Clerk Normand answered it was passed out tonight.

Mr. Arnold stated there were two minor changes to the contract. The first was that I believe, as stated in the letter on Section 14, there was a sentence added to the end of paragraph 14A providing that the amount to be paid would be made available on the first day of the City and Manchester Public Television Services fiscal year. That was merely to put in the contract when the Manchester Public Television Service would be paid. The second change was to paragraph 17 if I remember correctly. It would be 17B. The original contract provided that Manchester Public Television Services would have their books audited every year. As you are aware, they are a small organization at this point so the language was changed to state they shall have an annual review conducted unless the City shall require an audit. So the City at any time could require an audit of their books and there is an additional paragraph that is unchanged in that agreement that provides that we, on reasonable notice, can go in and audit their books at any time.

Alderman Lopez moved to approve the contract. Alderman Shea duly seconded the motion. Mayor Gatsas called for a vote. The motion carried, with Alderman Roy being duly recorded in opposition.

13. Communication from Alderman Ouellette regarding the current complement of the Highway Department.

Alderman Ouellette stated thank you for the opportunity to address this issue. As you know, Your Honor, a few months ago this Board decided to merge Parks & Recreation into the Highway Department. I voted against it at the time as you all know and the reasons I stated were because there were two long-time employees who were of value to the City and have been dedicated to this City and in my opinion deserved an opportunity to engage in conversation with the department heads to come up with something that would keep them employed. I think the merger has been successful. I think the merger has done some good things for the City and it has been efficient. I applaud everyone for working within the merger but Alderman O'Neil and Alderman Lopez and myself worked with City staff to come up with what I think is something. It is the best case scenario. We spent many hours in meetings on this but I just want to say that there is going to be...it is a very difficult thing to do but I would like to

Alderman Ouellette move that the Board of Mayor and Aldermen authorize the Director of Public Works to fill the vacant Recycling Coordinator position, Grade 20 and to fill and add an additional Accounting II, Grade 17 position to the complement of the Environmental Protection Division. *Alderman Shaw* duly seconded the motion.

Alderman Ouellette stated the biggest issue right now is money. Is there money in the Highway Department's budget to cover these costs? The answer is no. Last night we found that there is a CIP project, \$72,000 that would go to filling a very big hole in the terms of paying for these positions. There are monies in EPD for the Accounting position and there are also some other CIP projects to cover that position. Is it possible that the department head in the future will be asking this Board to do something in helping his budget out? Absolutely. I am not going to steer this Board in the wrong direction. That is absolutely true. The department head will tell you that he does not have the money in his budget to cover these positions but, Your Honor, I would like to do everything I can in my power to work with these people to make sure that these people continue to be employed with us going forward. There is also some money in a C-MAC grant that we might be able to use come September or October. The C-MAC grant is to continue the Rails & Trails system through Manchester. With that, I have made the motion and I hope the Board supports me in retaining these two individuals.

Mayor Gatsas asked as maker of the motion are you prepared to answer some questions?

Alderman Ouellette replied if I can. Otherwise I will defer to City staff.

Mayor Gatsas asked if you would like to defer it now I can ask City staff those questions. I think in this City we have a process and I am not too sure the motion takes care of the problem that the Aldermen are trying to address. It is not really about money. It is about process. I know that we all advocate process in this room. Never, at least in the ten years that I have been here and probably...I will look at Alderman Shea and Alderman O'Neil who have been here longer than I have, but never has there been a designation for an employee in a position. That position has always been posted and people applied. I hope we are not changing

that today because there is no guarantee that what you are talking about once that position is open that those employees get those positions. So tell me what we have done if you aren't successful at the procedure that you are attempting to do, circumventing the process of employment in this City? That is wrong. That is absolutely wrong. The nepotism that will be flying around in this City if that is done today you will never, ever stop again because those postings of positions won't matter. I can't believe that we think that posting these and allocating employees to these positions is the right thing for this City. I think the taxpayers are watching. This is something they should pay very close attention to because it is a process and it is a wrong process because there is no guarantee that those individuals are going to be the two people who qualify for that job unless somebody, as they say, has already talked to somebody about how that process was going to work. So I think it is wrong. I know this Board is better than that. I think we took the opportunities in the budget process. We did the things that were right and we moved forward. I applaud my colleagues for their sensitivity but there is no guarantee and if they don't get hired what mess have we put ourselves into creating two positions that aren't in the budget to tell somebody tomorrow by the way the Highway Department...you must overspend your budget because we think you should hire somebody. I don't think that is what this Board is telling somebody to do. I would hope they aren't but that is the direction I feel this is going in. As I said, I feel your compassion and I understand your compassion but process is process. We are all elected to follow the process. Let me go on beyond that because I think everybody thought I was going to talk about money.

Alderman O'Neil asked can we take these one at a time?

Mayor Gatsas answered we certainly can. If you have a comment on the process certainly jump right in, Alderman.

Alderman O'Neil stated I stand corrected if I am wrong but I can think of at least two examples. We took the Deputy Director of Traffic and moved him into Public Works. He is no longer the Deputy Director of Traffic. I believe his position was reclassified. He didn't apply for that. He was moved here.

Mayor Gatsas replied I think it was a change of title.

Alderman O'Neil stated we also took a number of privately employed individuals who became public employees of the Parking Division because at the time the Board thought it was in the best interest of the City to take a group that was already experienced and bring them over to the City side. I think in some very unique situations the process has changed.

Mayor Gatsas responded well I stand corrected and if that process happened we violated our own oaths.

Alderman O'Neil stated we may have suspended rules or ordinances to make it happen at the time but I believe it has happened and if we go back and look it probably has happened other times. It doesn't happen regularly here. It is rare. Sometimes it has happened as part of consolidations and the Parking Division situation was very unique.

Mayor Gatsas stated let me ask the maker of the motion what spot on the scale pay matrix you are planning this individual to be at.

Alderman Ouellette responded the Recycling Coordinator would be a Grade 20.

Mayor Gatsas asked can you tell me what the wage difference is from the beginning of the scale to the end of the scale?

Alderman Ouellette replied I don't have that information in front of me.

Mayor Gatsas stated let me see if I can help you. A Grade 20 starts at \$48,088. The top of that scale is \$68,000. Now I guess my question would be for the Human Resources Director. If someone is promoted to this position how is the salary calculated?

Ms. Jane Gile, Human Resources Director, responded it isn't a promotion. If an employee gets a promotion basically that employee moves up to the higher grade that is at least a 10% increase from the salary they were at prior to the promotion.

Mayor Gatsas asked Solicitor Clark do you concur?

Mr. Clark answered that is what the ordinance states.

Mayor Gatsas stated let me ask the question in regards to a demotion because that is basically what we are talking about. So talk to me about a demotion.

Ms. Gile replied that is also set by ordinance. In the event that an employee takes a voluntary transfer to a lower grade or demotion, that employee would go to the lower grade based on years of service. For example, if they had been employed by the City for six years, they would go to a seven on the lower scale.

Mayor Gatsas asked and if they were here 15 years?

Ms. Gile answered if they were here 15 years they would go to the end of the regular performance scale to a 13 plus they would go up to the longevity step based on 15 years. They would be at the first longevity step.

Mayor Gatsas asked and if they were here 20 years?

Ms. Gile answered they would go to the second longevity step.

Mayor Gatsas stated so really there is no demotion even though we call it a demotion. It is not putting somebody at a lesser pay scale. By the time they are done if they have 20 years or 25 years they could be comparable to where they were or ahead of it.

Ms. Gile responded the only exception to the ordinance says they can't make more than they made at their prior grade. So they would have to be placed at a lower rate than what they previously made prior to taking the demotion.

Mayor Gatsas replied if I understand what Alderman O'Neil was saying, we are not going to...and I guess this is for the department head if Kevin Sheppard could please come up. How or will these positions be advertised?

Mr. Sheppard answered typically we would start by advertising in-house and look at the pool from the in-house applicants and if there are no applicants in-house we would go outside.

Mayor Gatsas asked were these positions brought forward during the budget process or even discussed?

Mr. Sheppard answered no.

Mayor Gatsas asked wouldn't you agree with me that this is the biggest position right now that you have vacant and maybe I should ask this of Alderman Craig who is the Coordinator for Recycling? We are making advances in this City to find out how we are going to do the recycling that is the best venue for the taxpayers of this City.

Mr. Sheppard answered correct.

Mayor Gatsas asked so we are now going to vacate that position and put in something else when we are going tomorrow to federal bankruptcy court to testify against the Corcoran deal so when we come back here we can give you the news that the court has not accepted that contract but we are not going to have a position open? I don't think that is right. If we do come back and we say it is gone we are going to have to hire somebody else, which is going to put more stress on his budget. So I look at this and say we aren't doing right for us as a group or the taxpayers of this City. I don't question the sympathy that we have for employees because I have that same thing but I think we can walk the streets of Manchester and people who are watching are probably saying I am without a job too, can you guarantee me work? I worked for a company for 35 years and I am no longer employed. I think it is clear that we as a Board worked very hard for this budget. I applaud Alderman Ouellette. He voted against it but he sat here and said it is working. It is working. We did the right thing. The efficiencies are there. The department has changed and the people are happy. I see them. I talk with them. So let's not take something and change the effect of what we have done in this City because we don't know what the outcome is. That is wrong. I know every one of us is better than that. It is not the right decision. It is not a fair decision for the taxpayer. We worked intensely to keep the tax rate down. We did that. Every one of us worked on it. This is a more unified front than I have ever seen on a Board that I have served on in ten years. This shouldn't be the process that we

have before us. I posted a position and I think we got a great tax collector in Pat Harte. I posted that position because it was the right thing to do and it was the fair thing to do and she is going to be the best qualified candidate and she will get the position but that is what we have done and I brought her in and I told her. That was the right thing to do. What we are doing this evening is wrong. The taxpayers have something better than this coming. I can go on with the questions I have but I hope the predetermined decision that you are about to make that at least the discussion that I have had with you will leave this Board in a unified position no matter what the vote is and I think that is important. It is a wrong message we are sending. It is wrong to every employee in this City. It means if by chance we have a problem in a budget how do we ever say to somebody, 'Sorry I have to lay you off'? Somebody is going to say, 'Well wait a minute; you did a consolidation and gave two people a job. Why are you getting rid of me?' I think that ties our hands. That is bad business in this City.

Alderman O'Neil stated Your Honor, I appreciate your recognizing that there was an effort by some to have some sympathy for what went on. It may have been that if it didn't follow the parallel course as the same time as the budget process there might have been a different result. I can't say for sure. I think in some of the discussions that went on amongst our colleagues there were some skills that each of them had. They may not have been the perfect matches in their current positions and it may be why they needed to move on from those but we had a CPA and a Certified Landscape Architect and there was a thought process that there might have been some needs in the City...maybe not specifically full-time positions but accumulated they could be full-time positions with money to cover them on both the accounting side for one of the individuals as well as the recreation design and planning side for the other. It has been a roller coaster. In my involvement and in my discussions you go from one day thinking you have identified sources of funding that we might be paying a consultant for and a week

later finding out that wasn't exactly true. That wasn't correct information. I think others may share that as well. It has been a roller coaster ride trying to identify funding sources. I need to applaud Alderman Ouellette for trying to bring this as close as he could. I believe he encouraged input from the members of the Board. I know there were many people from City staff involved in trying to search out information. I agree with you that no matter what happens with this vote we need to move on after it. I think the intent of Alderman Ouellette and myself to try to see if there was an opportunity here was sincere, and again, I think the belief was that there were some needs that these people could play a role and help out with.

Mayor Gatsas responded remember I have not talked about personalities in this issue at all. It is about process and it is about where is the money going to come from. That is the issue. I don't care who the individual is. It is not right. We have a lot of employees in this City who are paying attention and look there are great employees from top to bottom but I would hate to think that because of a decision we make tonight it absolutely ties our hands for anything we do in the future. We can all sit here and say no it doesn't but next week maybe if Aldermen A, B, C and D have a soft heart for those employees and comes back to every one of you and say, 'I supported you in your vote, where is your support for me to keep this employee on?' That is what is going to happen and once it starts it is very difficult to get off that slippery slope.

Alderman Roy stated I admire Alderman Ouellette for his passion in this. I want to say that first. I did vote for the consolidation but when I voted for that I did not vote because I wanted to lay people off. I voted because I thought there were going to be a lot of pluses by putting the two departments together. I think that we all understood that night when we did that that there were some layoffs that were going to occur. I agree with you, Your Honor, about the process. As a matter of fact I have up on my screen here the personnel ordinances of the City of

Manchester and you covered some of the stuff I wanted to talk about so I will ask Kevin. I know from working in the City there are always job postings that come up and there are always requirements and experience and education. Now do these individuals fit these requirements or if you were being fair and you put this out normally would you say maybe one or both of them don't fit them and we are not going to be able to interview them? That has happened in the past as well and that is one of my concerns here. We have standards that won't be met because the people don't have the education or experience, especially with the Recycling Coordinator position.

Mr. Sheppard responded I believe both individuals have the potential to be qualified for each position but the Mayor is correct. We do have to go through a posting process as you understand and we will be going through an interview process. There is nothing that is guaranteed and we have said that from the beginning for any position we post.

Alderman Roy asked so it is going to be posted and you are going to get a list of people that you are going to interview and then you are going to make the decision?

Mr. Sheppard responded right, we post it and the applications go through the Human Resources Department and they determined who is qualified and send the applications over to us and then we do the interviews.

Alderman Roy asked if this were to happen, what is the cost?

Mr. Sheppard answered I don't have that.

Mayor Gatsas asked are you asking me?

Alderman Roy responded I am asking anybody who might know what the cost is.

Mayor Gatsas replied I might have it.

Alderman O'Neil stated I can take a stab at this because of some of the discussions that went on. I don't have anything in writing but my understanding is there might be 20 hours a week with the EPD Division for the Accountant II.

Alderman Ouellette responded right and that is a labor grade 17.

Mayor Gatsas stated let me interrupt Alderman Ouellette because if it is a labor grade 17 with 25 years you are going to go up and give me a number please because I think you are going to see...

Ms. Gile interjected he has 15 years. It will go up to a labor grade 17, step 15.

Mayor Gatsas asked what is the dollar amount?

Ms. Gile answered it would be \$59,375 and some change.

Mayor Gatsas asked can someone tell me what he was earning currently?

Alderman O'Neil answered he was a Business Services Officer at two labor grades above that with the same number of years. What is two grades above that?

Ms. Gile asked are you asking for his current salary? It is \$83,681 and some change.

Mayor Gatsas replied so we are at \$59,000 for this position and the other position goes to a what?

Alderman Roy asked is it going to be \$59,000 or half of that because it is 20 hours?

Alderman O'Neil answered I didn't finish.

Mayor Gatsas asked can we just get the other labor grade and I will come back? What is the grade?

Alderman Ouellette it would be a labor grade 20 with 10 years.

Ms. Gile stated it would be a labor grade 20 at step 11 and it would be \$64,626 and some change.

Mayor Gatsas responded my rough math tells me it is about \$119,000.

Alderman O'Neil asked can we get the current salary on that position?

Ms. Gile asked what the person is currently earning? \$77,523 and some change.

Alderman Roy asked so I am hearing the cost is about \$119,000?

Mayor Gatsas answered without benefits because we haven't gone there yet.

Alderman Roy asked so is it \$119,000 or are we supposed to divide it in half on one of those?

Mayor Gatsas responded that is what it is.

Alderman Shea stated without benefits though.

Alderman Roy stated so it is \$119,000 without benefits and benefits are 55% so we are talking another \$55,000.

Mayor Gatsas replied let me help you with that number because I think I have it.

Alderman Roy stated I think benefits are about 55%.

Alderman Lopez stated we can throw numbers out all night.

Mayor Gatsas responded I think throwing out the numbers is just about process. We should know what we are telling the department heads...

Alderman Lopez interjected just a clarification. I think what Alderman Ouellette is saying is authorize two positions, period. I think what the Director of Public Works is saying is he will post those positions and within five days within his department he will select an individual for those positions. That is authorized under the City Charter. When we talk about Enterprise money versus General Fund money, EPD is Enterprise so it doesn't have an effect on the general fund. So whatever number we come up with and it could be a couple of hundred thousand dollars or \$230,000. You have to divide that in order to get a true figure for the general fund. The general fund could possibly be with the numbers she mentioned, \$100,000 versus the \$230,000.

Mayor Gatsas stated but Alderman, you still haven't addressed the question if the Superintendent is posting what guarantee does anybody have...

Alderman Lopez interjected there is no guarantee. That is the process.

Mayor Gatsas asked so are we going to come back and post it again?

Alderman Lopez responded let me finish answering your question. The process is what it is. If we authorize the department head to fill these two positions then he posts it within five days. If he has people in his department who are eligible then he selects them and it doesn't have to go outside. There is no guarantee. There is no guarantee that we are saying at least we are not saying that it is fool proof that he will select these individuals. We are talking about people here.

Mayor Gatsas asked so can you answer a question? Do we keep posting it and have to get 15 positions in place until these people get a job?

Alderman Lopez answered no I think the ordinance is very clear.

Mayor Gatsas stated let's assume on this round the Superintendent hires two different people and it is not the selection of the two people we are trying to protect. Could an Alderman come back in in a week and say wait a minute let's have two more postings of positions because those people weren't selected?

Alderman Ouellette responded we are just giving him the authority to do it. No one is forcing him to do it. We are just giving him the authority to do it. He doesn't have to hire anybody if he isn't happy with the applicants.

Mayor Gatsas asked so when you send that to me if I hold it and not sign it that is okay too because that is the process we have? Isn't that correct?

Alderman O'Neil answered unless the Board votes otherwise, Your Honor.

Alderman Roy stated the reason I am asking is I am being asked to vote on this tonight and I want to know what the cost is. I still haven't gotten a firm number on the cost and then I want to know where it is coming from. What is the cost we came up with? \$120,000 without benefits?

Alderman O'Neil responded I might be able to take a stab at that. If I am doing my quick math correct, the Account II is about \$90,000 in salary and benefits. Does that sound reasonable?

Mayor Gatsas replied no, I think you are down around \$59,000 according to what we were told.

Alderman O'Neil stated plus benefits. It is about \$90,000.

Mayor Gatsas responded I think you might be a little high for a single person. I think the gentleman we are talking about is single.

Alderman O'Neil stated I believe there is about \$45,000 identified in EPD of needed services. That was the half time of 20 hours a week. It was also identified that starting October 1 there was \$30,000 available in CIP for...I know that you and I had a discussion on this. Is it committed or isn't it committed?

Mayor Gatsas answered it is committed.

Alderman O'Neil asked Leon, give me a yes or no. Is it committed?

Mayor Gatsas answered \$17,000 is committed.

Alderman O'Neil stated we thought that got that particular individual down to around \$15,000 total that we needed to fill the void.

Alderman Roy asked do you mean we were short \$15,000 and had to come up with that?

Alderman O'Neil answered correct.

Alderman Roy asked but we are still spending \$90,000?

Alderman O'Neil answered correct, in funds that we were going to use to hire people to potentially do those jobs. The other position, I will use \$97,000 as the total. We learned last night and this is part of the roller coaster ride, that there was \$72,000 available for a design project. There is potentially that CMAC money for the South Manchester Rails to Trails. We believe if the CMAC money comes through there might be potentially \$60,000 in design funds available.

Alderman Roy asked so we are short \$37,000 there?

Alderman O'Neil answered I came up with \$25,000 because we were told last night there was \$72,000 available.

Alderman Roy responded we will say \$25,000. That money isn't needed for Rails to Trails?

Alderman O'Neil stated well, we were going to pay a consultant to do the design work and the thought was we could design it in-house and charge those funds towards the salary and benefits. That doesn't even count the discussion about the Recycling Coordinator.

Alderman Roy asked so we are talking about \$187,000 - \$90,000 and \$97,000?

Alderman O'Neil answered that is a ballpark figure I believe.

Alderman Roy stated I heard the term nepotism before and the only thing I will say is my thought is cronyism. That is a more appropriate term. There is nothing wrong with cronyism until you start changing your standards and your policies to make it happen. We have to go by the policies here I believe.

Alderman O'Neil responded we have done it before and we can go back and look. In my 20 years I will say it has been done. It hasn't been done regularly but it has been done.

Alderman Roy replied that is okay that it has been done before but that doesn't mean that it is okay for me to do it.

Mayor Gatsas stated Alderman, I probably would agree with you that it was done but it wasn't done when a department didn't have the funding or wasn't allocated for funding and I guess I will come to Mr. Sanders and ask him the pertinent question. Is this a budgeted expense?

Mr. Sanders responded no, it is not to my knowledge.

Mayor Gatsas asked Kevin Sheppard, do you have the dollars in your budget to employ people without the funding?

Mr. Sheppard answered no.

Mayor Gatsas stated I think that during the budget process this Board was pretty clear to you that not only did you have to live within your budget but you had to find another \$100,000 in that budget to survive as we told Police and as we told Fire. Is that correct?

Mr. Sheppard responded correct. We took a \$400,000 salary cut as part of our budget, as well as a \$100,000 cut and we managed that \$400,000 salary cut.

Alderman Arnold asked were either of the two individuals in question displaced due to job performance? I guess that is directed at you, Your Honor.

Mayor Gatsas answered they weren't displaced because of job performance. They were displaced because we did a merger and we had a BSO at Highway that could do the function and we had somebody who was coming in...I think there were applications from people who applied for the P&R job. So this is not about displacing people or getting rid of people because of any personalities or ability to do the job.

Alderman Arnold asked so that is a no?

Mayor Gatsas answered that is a no.

Alderman Arnold stated I guess my comments then would be that they lost their jobs as you pointed out because we merged two departments. I voted for that consolidation and I knew at the time that it might result in the displacement of two employees. Many members of this Board knew that and we have to live with that. It remains true, however, that they were displaced because of an action that this Board took. They weren't fired because of bad job performance. They weren't simply laid off because we could no longer afford them. They were displaced because this Board made a policy decision that we felt synergies could be realized by merging and consolidating two departments. When you said a few minutes ago that the action being called for tonight is the result of a soft heart and sympathy, I don't think those statements are entirely accurate because what is being called for tonight as Alderman Ouellette said...there is no guarantee. We are simply offering an opportunity and authorizing the Public Works Director to pursue something. We are doing it in response to something that we did.

Mayor Gatsas asked do you want my response? Alderman, I certainly respect every member of this Board and I respect you highly. I have watched you over a very short time. You have taken the opportunity to analyze situations. You have come in and asked me questions about what I thought processes were going to be and I think I have always been fair in giving you the answers that I believed in my heart were the right answers but if the process here is about two individuals that we have changed the process for and they may not be the two people who are hired, then why are we taking a department and putting them in jeopardy of not being able to meet their budgetary needs? He may come forward in eight months or ten months and say I have to lay some people off because I can't meet my budget requirements. Are we going to say first in, first out or you make the selection? Right now what we are saying is that employee with 25 years has the overage on the employee who just got hired. There isn't a department here today that any request that they have sent to my desk...I have read every one of them

and the turn around time is quicker than they have ever had in the past. Less than 24 hours they get back my response and I have not refused anybody to hire any employee in this City. Now I ask you the question. Of all of those positions that you brought to me, have these people applied for any of those positions?

Mr. Sheppard answered no.

Mayor Gatsas asked so I guess my question is how hard is somebody looking for a job?

Alderman Arnold stated I have further comment. You are right. On many occasions I have come to you and asked questions and I found your feedback always useful and I appreciate that feedback, particularly when it has related to process. I hope you know that the members of this Board respect your opinion and regardless of how the vote turns out tonight I share Alderman O'Neil's and your hope that we continue to work together on things we agree with in the future. For me, this is not...what we are doing tonight is picking up after something that we did. We are not making any guarantees. We are simply saying that this Board did something and the majority of the Board members, including myself, felt that it was justified. There was collateral damage and as you, yourself, pointed out they weren't displaced because of job performance. That suggests to me that we have two perfectly good City employees who were just kicked out because of a decision we made. Now sometimes that is going to happen no doubt but when we have an opportunity to do something about it, I don't think we are outside the realm of what people expect us to do by bringing something forward. We could debate hypotheticals all night; what is going to happen in six months, twelve months and eighteen months after that. All we are doing tonight is asking to give the authority to the Public Works Director to hire two people for two positions.

Mayor Gatsas stated I know that he brought forward to me that he is looking for four new positions. What am I supposed to do with those?

Alderman Ouellette asked can I ask for clarification on one of the answers that Kevin just gave. Didn't one of those individuals apply for the Director position?

Mr. Sheppard answered you are correct. I was thinking of Highway positions, not Parks positions, but yes. One of those employees did apply for the P&R Director position.

Alderman Ouellette stated I know the other one has been applying to another department as well.

Mr. Sheppard responded I am not sure about that.

Mayor Gatsas stated I can back Alderman Arnold when I say that this Board will not succeed in anything in 30 days if those aren't the two chosen people other than putting the department at risk of not meeting their budget. If they aren't hired, you have not accomplished what you are looking to accomplish and now we have taking a Recycling Coordinator off the table and we have somebody who is working pretty hard on recycling. She has put in a lot of work and a lot of hours to learn what is going on in recycling. Every time I have a meeting, I bring her in. I think it is absolutely disingenuous for this Board to say we are taking a position away when we are in the middle of talking about millions and millions of dollars that we have to face as a City. We just changed the recycling on the back alleys of Elm Street. We just started that. We took a vote tonight. We took a vote tonight on \$43 million and I said to you it is a tough vote. It is something we should all be proud of but the budget process and the numbers are tight. Yet an hour later we are looking to move two positions for \$120,000 and we don't even know if what

we are trying to do we will accomplish. That is what I don't understand. If somebody said to me we are putting those two people in those two positions, then make the statement. Be brave enough to say it but don't say we are going to post them and let the Superintendent make the decision because somebody within that department could apply for either of those and then they are gone and we haven't accomplished anything.

Mr. Sheppard stated I need to correct myself. Actually both people applied for the Chief of Parks, Recreation and Cemetery position. I apologize.

Alderman Shea stated it is always easier to speak for something than against something and certainly I am speaking against this petition. I am looking here at the Highway Department and there are nine openings as far as I can see. A total in the City of 75 vacancies. Forty are funded and 31 are not funded. We all respect and I think we all hold dear the Governor of our state. He had to lay off people unfortunately. He probably laid off people who had been there several years. I am not quite sure exactly where the people who were laid off came from. Last year there were teachers, competent teachers, who had to be laid off because the budget was not there for them. It is not an unprecedented kind of situation.

Alderman Roy made the distinction that when people voted for the merger there certainly were going to be people laid off. People were interviewed for positions and people were selected on the basis of whether or not they showed in your judgment, the interviewer, competency. So it wasn't predicated on personality or whatever else. It was predicated upon competency. So basically as far as I am concerned I feel badly for the people. I certainly do. They are competent and they are probably not able in this economy to do as well as they have done but I am sure if they put the efforts forward they will probably be rehired in certain capacities. I feel as the Mayor has indicated that we are certainly judged according to what we do and precedent does set certain kinds of parameters or

certain kinds of positions that Boards take. We cannot feel sympathetic for everyone who has lost their job. I say that as far as I am concerned it is not a proposition that I would support but I respect my colleagues. We all have one vote and they can vote according to their conscience.

Alderman Greazzo stated I echo the Alderman's sentiment. We have employees that we value and who do a great service for our City but they are only employed to the extent that we need them. I am pretty sure that the taxpayers want to see that that continues. We can't keep people just for the sake of keeping people. We all did vote to merge these two departments and understood the consequences. I also believe that during the budget process Director Sheppard said that he would not need to hire anybody this year. I am not sure if that is actually the case. I thought you said you could get through the year without needing any additional people because you have become some efficient?

Mr. Sheppard responded what we do is manage vacancies so as we lose positions or people retire or leave, we will go to the Mayor and request a position to be filled. So we do manage our vacancies but we do hire when necessary.

Alderman Greazzo asked have you lost or had people retire that you have to fill those vacancies?

Mr. Sheppard answered we actually had our Chief Inspector move over to Chief of Parks, Recreation & Cemetery so that position is currently vacant and all of the other vacancies are typically ones that are there. Sometimes we maintain labor vacancies or refuse collector vacancies. Our most recent vacancy I guess is the Chief Inspector's position.

Alderman Greazzo asked would either of these individuals qualify for that? Would these two candidates who everyone seems to know who they are, qualify for that position?

Mr. Sheppard responded I think if you are asking if they would qualify for the Recycling Coordinator position, there is a potential that one of them or both of them could qualify. I am not too sure of the extent of their backgrounds and qualifications but there is a possibility that they could qualify for it.

Alderman Greazzo asked how many people in your tenure here, Your Honor, has the City laid off on the City side, not the School side?

Mayor Gatsas answered I can't remember and again this was not a lay off. I can't remember any employee that we have ever laid off during my tenure as Alderman and my six months as Mayor.

Alderman Greazzo stated I believe that in the times we are in now not laying off anybody is pretty good considering that the state is laying off 200 people. I think we are in a good position. I don't see that filling two positions just to keep employees...if I change from cable to satellite, I don't keep my cable provider just because I feel sorry for them or think that I should somehow be obligated to continue to fund them. I sympathize with these two individuals that everybody is talking about but I also believe that we owe it to the taxpayer that if we have an employee or a position that is no longer needed just keeping it for the sake of keeping it because we have a soft spot in our heart does not do the taxpayer any service.

Alderman Shaw stated I could not express my feelings any differently than what Alderman Arnold did. I think what he said is exactly how I feel and how several other people on this Board feel. I commend Aldermen Lopez, O'Neil and Ouellette for the work that they have done in trying to...and all of the Aldermen for trying to find a place where two qualified individuals who unfortunately were relieved of their duties where there is oftentimes positions that are filled from within in this City and it has happened often and by just changing a few things around and opening the opportunity to retain these two individuals to me is not going against process and it is the right thing to do.

Alderman DeVries I have a question first for the HR Director. The City of Manchester doesn't pay into the unemployment fund for their employees correct?

Ms. Gile answered that is correct.

Alderman DeVries asked so that means when we terminate employment for an employee we have to come up with 100% of the unemployment costs correct?

Ms. Gile responded correct.

Alderman DeVries asked and that would be what for these two employees for the next year?

Ms. Gile answered I believe they would be eligible for the maximum amount, which is \$427/week or something in that range.

Alderman DeVries stated I guess my point and I haven't done the math...

Mayor Gatsas interjected I have a calculator.

Alderman DeVries responded you always have the calculator, Your Honor.

Mayor Gatsas stated \$22,000.

Alderman DeVries responded for one employee times two. So Mr. Sheppard is that in your budget? You are assuming the employees and their costs?

Mr. Sheppard replied I am not sure if that comes out of our budget.

Mayor Gatsas stated let me just help the Alderman because that doesn't come out of Highway. It comes out of a separate fund. So the \$44,000 is still 1/3 of the \$120,000 that we are going to pay individuals.

Alderman DeVries responded it is a piece of it, Your Honor, and it is not budgeted.

Mayor Gatsas stated yes it is budgeted. It is in there. There is money in there to pay people if they get laid off. It is there.

Alderman DeVries asked what line is that?

Ms. Gile answered there is a line item for unemployment.

Alderman DeVries asked and what are we funding it with?

Mayor Gatsas stated I think it is about \$45,000 or \$50,000.

Ms. Gile responded yes it is in that vicinity.

Alderman DeVries asked so there is \$45,000 available for that? Is that what you are saying?

Mr. Sanders stated my recollection is there is about \$70,000 in the FY11 budget for unemployment.

Alderman DeVries stated well that doesn't pan out as I thought it might but that being said, one of these individuals, and I wouldn't know other than the prior Parks and Recreation Acting Director, who was here for each and every one of our meetings and we know who he is very well each and every one of us. He was here in the room but the BSO employee I don't know. I can remember one budget or one item that I think was the Derryfield Restaurant Agreement when he was here. We don't see him frequently and I probably wouldn't know him if I met him on the street. What I did hear from that individual and what has been confirmed here tonight and I confirmed previously is this individual was two years shy of accomplishing his pension. Two years shy and because he doesn't have the 60 years of age, when he is terminated he is being terminated without that. That gave me pause to consider and I think it gives most of the individuals in this City who have lost their jobs in similar circumstances and it is not a fun place to be. Pushing 60 years old looking for a job? You are not allowed to have age discrimination, but I don't know too many people in their 50's and 60's looking for a job right now who would say that there isn't age discrimination out there. It is hard to get a job and that individual...we are offering him something and I wish it was better but it is not. He will have to take at least a \$23,000 cut in wages in order to be eligible for his pension. That pension will be forever reduced because of this but there might be a pension for him at the end of the day and that is a value that we all work towards. That is something that every employee in the City of Manchester hopes to have at the end of the day and that is why they give us 150%

every time we call on them because we don't always have the greatest wages. We do have good benefits with the pension being a piece of it. If we undercut this individual two years shy and unlike the state where they have their employees covered under agreement so there is a pecking order when there is a lay off and you usually wouldn't see somebody two years shy of a pension losing their job because it is last in first out. This bothers me. We will be year to year looking for the opportunity to fund this. No guarantees. Next year it might not come together as we think we have pieced it together this year but we are going to try to at least carry this individual for two years for his pension.

Mayor Gatsas replied let me understand you. Are you prepared to bring that name forward to fill this position based on the procedures that we have in the City? Is that what you are prepared to do? I keep hearing about people that we are going to hire yet we are saying post it. What happens if...you know either you are brave enough to step up and say you are going to hire this person and let's talk about it in public or you are not, because I can tell you that the issue before us is about two positions and if the two people aren't hired that you are trying to put in there and somebody else gets hired we have done a disservice to the supervisor and to the taxpayers of this City because there is no justification why these positions would be there unless you were putting somebody in those positions. So either somebody is brave enough to bring it forward and take the vote publicly or leave it alone.

Alderman Shea stated in other words when these people or when the positions are advertised, and I don't even know what ones they are, then you are in a position to select the best person possible and I can tell you that I have never, ever called a department head and asked them to hire anyone in 16 years. Never. Not once. I didn't get a relative or member of my family. I said hire the best person possible. So it is your responsibility to do that and if these people are not the best

people possible for the positions they will not get the positions and if the Mayor does not want to fund these positions then he won't, so I am not sure whether we are doing things that we all understand what is going on but could you comment on that Kevin?

Mr. Sheppard responded you are correct. Again, the process is that applications go to HR and they review the applications for qualifications. They forward to us the qualified candidates. We review those applications and typically will pick three to five candidates for a position if there are that many applicants and we will do interviews. Then we complete the interviews and follow-through with reference checks and hire the most qualified candidate. I think it is obvious that that is what we do in our process. The recent position that we filled not necessarily everyone agreed with but we felt that we were hiring the best person for the position and that is how we operate. We hire the best person for the position.

Alderman Shea stated there are department heads here who would be very happy to have positions that are vacant in their department filled and they can't fill them simply because of budgetary restraints.

Mayor Gatsas stated I guess my final comment would be this: Kevin, if the two people you select, and this is going to be an abstract question, but if the two people you select aren't the two people that the Aldermen have keen interest in and I don't sign the document to hire them, I guess this Board wouldn't say anything to me. I guess. I don't know. Somebody needs to tell me that. If we post these positions and we fill them and I don't sign them in this Board okay with me not hiring those people?

Alderman Lopez stated I am going to answer it this way. I believe that this Board votes for the Superintendent to fill these two positions. It is up to the Superintendent to fill these two positions, not you, Your Honor.

Mayor Gatsas asked and if I don't sign the document he can't fill those positions.

Alderman Lopez answered if it is the will of the Board that the Superintendent fill those two positions then I will yield to the City Solicitor if I have to.

Mayor Gatsas stated my question is are you just looking to fill positions even if it isn't the two people that you are looking to protect?

Alderman Lopez responded no, Your Honor. We are authorizing the Superintendent to fill two positions. The Superintendent has the authority under the Charter to do the selection and hire. If we give him the authority to do so, he has that authority.

Mayor Gatsas replied yes and I guess my follow-up question to that, Alderman Lopez is if the two people in question weren't here would this Board be telling him to fill two positions?

Alderman Lopez responded we have done that in the past.

Mayor Gatsas asked would we be doing it today if we didn't have those two employees? Would we be doing it today?

Alderman Lopez answered probably not.

Mayor Gatsas stated not probably. We wouldn't be. That is the honest answer. We would not be.

Alderman O'Neil stated let's everyone stop dancing around this thing. The intent here is for those two people to become employed or remain employed with the City. Let's not dance around this posting process. It has been done here before in the City. Whether we have these rules or not it has been done before and not just once. It was done during the Traffic consolidation. Originally there was no Deputy Director of Traffic moving over. The budget was readjusted and the position moved over. So it has been done here. Let's stop dancing around it. The intent is for these two employees, and you are right Your Honor, if there weren't these two people we wouldn't be having this discussion. I don't want to hear that it has to be posted and all of that. They are going to work there. It has been done before. Whether people agree with it or not, it has been done before.

Mayor Gatsas responded I hear you and I understand but certainly as I said to you I think we have the right person right now as the Acting Tax Collector. I don't think it would be fair to her if we didn't follow the process. I don't think it would be fair to any other employee if we didn't follow the process. So all I am saying to you is I had conversations with her and she understood the process and she agreed with the process. There was no question that I think she is going to be the candidate that I select without a doubt but the process had to be followed. I think when we take the oath to take these seats that is the oath we take: to follow the Charter and the rules of the Board. I don't think this is something we should be playing with. I agree with every one of you that there is compassion in everybody's heart. There is probably more compassion in my heart than in anybody else's.

Alderman O'Neil stated if people are going to dance around this issue we should just call for the vote right now. They are either going to stand up and say we want these two employees to take these two positions or we don't. If we don't, then let's move on.

Alderman Osborne stated in this situation I guess I won't feel guilty at all because I voted against consolidation anyway, not because we were losing employees but I am against consolidation. Whether it was Traffic or the consolidation with P&R, I was always against all of those so I won't feel guilty at all no matter which way I vote.

Alderman Shea stated I think Alderman O'Neil made a comment and I am a little bit confused about that. In other words, if the vote is to put these two people to work someplace does the Board have the right according to you Mr. Clark to be able to do that and the Mayor has no power at all? In other words, they have to be hired and that is a mandate or is there some sort of...is he correct in saying what he is saying in other words?

Mr. Clark responded this Board cannot mandate Kevin Sheppard to hire anybody. By Charter he is the only one who can hire a person. This Board can request him to hire an individual. If this Board is requesting him to hire two specific individuals, they are going to have to amend their ordinances.

Alderman Shea asked they have to put that in an ordinance?

Mr. Clark answered you are going to have to amend the ordinances exempting this process from the personnel ordinance.

Alderman O'Neil stated that is my point. It has been done before. We have amended the ordinance for a specific situation.

Mr. Clark stated I don't know if has been done before or not. I am not contradicting you. I just don't know.

Alderman O'Neil responded it has been done. We have suspended the ordinances and made the issue fit and then reverted back to the ordinance. It can be done and it has been done.

Mayor Gatsas replied I certainly take you at your word, Alderman.

Alderman DeVries asked are you calling for a vote? I would like to request a roll call vote.

Mayor Gatsas asked Alderman O'Neil is your motion going to be to install these two employees or just to post the position?

Alderman O'Neil answered my motion is not to post. My motion would be to...

Alderman Lopez interjected I think there is a motion on the floor.

Mayor Gatsas responded well I guess I would ask for clarity because the motion on the floor allows the Superintendent to do the hiring and if those two individuals aren't hired we have just blown up our budget.

Alderman Ouellette stated I wholeheartedly agree with Alderman O'Neil. I think that we know what we are doing. We know what the vote is. I don't know the proper wording but if Alderman O'Neil would like to make an amendment to the motion I would certainly second the amendment.

Alderman O'Neil moved to amend the motion to suspend the ordinance regarding hiring in the City and move the two employees to the two vacant positions in the Public Works Department as outlined in the framework of the money that was talked about. Alderman Ouellette duly seconded the motion.

Mayor Gatsas asked do you want to mention the names?

Alderman DeVries answered not in public session. I don't think that is appropriate.

Mr. Clark stated as I said before they can amend the ordinances to exempt this process of posting but they cannot direct Kevin Sheppard to hire anybody. They can only request him to do so.

Mayor Gatsas asked do we need an ordinance? Do you have an ordinance in your hand?

Mr. Clark responded no I don't. It would have to be drafted.

Mayor Gatsas asked does anybody in this room have an ordinance to change this so we can take the vote?

Alderman Lopez stated I need a clarification from the City Solicitor. You are saying we need an ordinance in place to change?

Mr. Clark responded if you want to request Kevin Sheppard to fill these vacancies without following the normal process of posting them, then you have to amend the ordinance on the classification and compensation plan to exempt this process from that ordinance.

Alderman Lopez asked and what is the process?

Mr. Clark replied you would introduce an ordinance and you would have to suspend the rules and ordain it under suspension of the rules.

Alderman Lopez asked how long would that take?

Mr. Clark answered as quick as this Board wanted to do it.

Alderman Lopez asked could it be done tonight?

Mr. Clark replied it could if that was the will of the Board.

Alderman Lopez asked can somebody read the motion again?

Mayor Gatsas asked does anybody have an ordinance? That is my question.

Alderman Lopez replied my question to the City Solicitor is am I misunderstanding something? Do we need something or do we have the authority to do it?

Mr. Clark stated if you are going to request Kevin Sheppard to fill a vacancy without posting the position you will have to pass an ordinance tonight.

Alderman Arnold asked didn't the City Solicitor just say that it could be passed tonight?

Mayor Gatsas answered yes he did, with an ordinance.

Mr. Clark stated you will have to take a recess if you want us to draft an ordinance.

Alderman Arnold stated thank you for that clarification.

Mayor Gatsas stated we are going to some real extremes, real extremes. I think that the extremes we are going to, I am not too sure how beneficial it is to the rest of the employees that we value in this City.

Alderman Shea asked how many votes does an ordinance require? Does it require eight or ten or how many?

Mr. Clark answered to pass an ordinance takes a majority vote unless there is a veto and then it takes ten votes.

Alderman Lopez stated I guess the only way we can do this then according to the City Solicitor is to take a recess.

Mayor Gatsas responded or we can withdraw the motion.

Alderman Arnold stated point of order. There has been a motion made and a roll call vote requested.

Alderman Lopez stated it hasn't been recognized.

Mayor Gatsas responded yes I recognized the motion and the roll call. I guess I am letting you ask a parliamentary question.

Alderman Arnold stated we need to vote on something.

Mayor Gatsas stated unless you want to withdraw your roll call.

Alderman Lopez stated we have two issues here. If we proceed as Alderman O'Neil and Alderman Ouellette said, then we have to amend the ordinance and we need a recess so the Solicitor can go do that or we go with the original motion that Alderman Ouellette made in reference to authorizing the Superintendent of the Highway Department to fill these two positions. It is the wishes of the Board as to which way they want to go. If we want to take a recess then the Solicitor can type up the ordinance and we can suspend the rules. Those are the two issues ladies and gentlemen.

Mayor Gatsas replied I think everyone has made their decision. If you want to withdraw your roll call you can withdraw it or you can leave it there.

Alderman Lopez responded I didn't call for a roll call. Alderman DeVries did.

Mayor Gatsas asked Alderman DeVries do you want to withdraw your roll call?

Alderman DeVries answered I would defer first to the maker of the motion and ask if he wishes to withdraw his motion and look for a substitute.

Alderman Ouellette stated I think we all know what we are trying to accomplish here. One way or the other that is what we are trying to accomplish. I think regardless of what we need to do, suspending the rules and coming up with an ordinance just puts the rubber stamp on it. I think this gives the authority to the department head to go ahead and do the same thing and Alderman O'Neil you can correct me if I am wrong but if we just go ahead on the original motion we can still get the same thing accomplished can we not?

Alderman DeVries asked we are allowed to recess to ask to speak with counsel on personnel issues so maybe that is the most appropriate use of our time right now to get a little better clarity on the ordinance that has to be written up at this point.

Alderman O'Neil asked so we don't waste anymore time is there a motion that can be made on the concept of this and if there aren't enough votes then we can just move on?

Mayor Gatsas answered I would hope that my impassioned plea to every one of you and it is a strong message that I am trying to send and it is not about any one individual but it is about the process of this City and what people are watching and paying attention to. I respect every one of you in this room. Every one of you as I said rolled up their sleeves and worked on this budget. We are not even into the budget and we are trying to circumvent it. I think that is wrong. I don't think that is the right message that we are sending to anybody. It is not the right message we are sending to employees. So I am asking you all to withdraw the motion and leave this alone because I don't want to veto something because I respect every one of you. The issue is too important to this City to be decided with a Mayor's veto. With that, if you want to move the motion, move the motion and let's see where the votes take us.

Alderman Lopez asked what is the motion?

Mayor Gatsas answered the motion is to authorize the Superintendent of Public Works to fill a vacant Accountant II position at EPD and a vacant Recycling Coordinator position at Highway.

A roll call vote was taken. Aldermen DeVries, Shaw, Ouellette, Arnold, Craig, Ludwig, Long, Osborne, Corriveau, O'Neil and Lopez voted yea. Aldermen Greazzo, Roy and Shea voted nay. The motion carried.

Mayor Gatsas vetoed the motion.

Alderman Ouellette moved to override the Mayor's veto. **Alderman Arnold** duly seconded the motion.

Mayor Gatsas stated I hope this doesn't mean we are drawing a line in the sand. If it is, I welcome it. I just hope it is not.

Alderman O'Neil responded Your Honor, I don't believe we are drawing a line in the sand. I believe there are just some very strong feelings by a majority of the Aldermen. That is not drawing a line in the sand. I don't want to start with a threat from you about it either.

Mayor Gatsas replied there is no threat.

Alderman O'Neil stated this is just a difference of opinion. You have a different opinion than a majority of the Board on this issue. I respect your position but I have a different opinion and obviously eleven other Aldermen have a different opinion. It is not drawing a line in the sand and it would be a mistake if we start that discussion over this one issue. It hasn't happened in six months and it doesn't need to happen now.

Mayor Gatsas responded I am sure we will have another opportunity to have a long discussion again this evening.

Alderman DeVries requested a roll call vote and asked for clarification on the motion.

City Clerk Normand responded the motion is to override the veto.

Aldermen DeVries, Shaw, Ouellette, Arnold, Craig, Ludwig, Long, Osborne, Corriveau, O'Neil and Lopez voted yea. Aldermen Greazzo, Roy and Shea voted nay. The motion carried.

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

Mayor Gatsas called the meeting back to order.

16. Reports of the Committee on Finance

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

“Amending the FY 2010 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Hundred, Fifty Thousand Dollars (\$150,000).”

“Amending the FY 1999, 2003, 2005, 2007, 2009 and 2010 Community Improvement Programs, authorizing and appropriating funds in the amount of Eight Hundred, Seventy-Nine Thousand, Six Hundred, Thirty Dollars and Ninety Five Cents (\$879,630.95) for the FY 2010 CIP 810210 Information Technology Upgrades/Improvements Project.”

“Authorizing the Finance Officer to transfer \$1.5 million from the 2010 general fund surplus for Fiscal Year 2011.”

“Amending a Resolution “Amending the FY 2001, 2002, 2003, 2005, 2007, 2009 and 2010 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Eight Hundred One Thousand, Two Hundred Fifty-Five Dollars and Twenty Six Cents (\$801,255.26) for the CIP 310210 School Improvement Project,” so as to include CIP 511502 School Site Improvements in the list of projects from which to transfer balances.”

“Authorizing the Finance Officer to effect a transfer of Twelve Thousand, Three Hundred, Twenty-Six Dollars and Three Cents (\$12,326.03) for the 2010 310210 School Improvement Project.”

ought to pass and be enrolled.

Alderman Lopez moved to accept the report and adopt its recommendations.

Alderman Shea duly seconded the motion.

Alderman O'Neil stated after last night I think some of the school projects are going to have to be cleaned up and there will be a CIP Committee meeting on July 6 because it wasn't clear. We need to clearly identify the projects per a

conversation with Mr. Sanders today. It can't be broad. We have to clearly identify the projects.

Mayor Gatsas responded I think those projects will come forward as cleared up. I think they cleared them up at the last meeting so they will be presented to you in a cleaned up manner.

Alderman O'Neil stated and the intent would be that we refer them to the Board that same night and Mr. Sanders said it was important as part of when the bonds go to get sold and all of that that everything is in order on that.

Mayor Gatsas called for a vote on the motion. There being none opposed, the motion carried.

17. Report of the Committee on Lands and Buildings

The Committee on Lands and Building respectfully recommends, after due and careful consideration, that the Mayor be authorized to enter in a purchase and sale agreement with Brady Sullivan Properties LLC for property located at 195 McGregor Street for the purpose of relocating School District administrative staff subject to the review and approval of the City Solicitor.

Alderman Shea moved to accept the report and adopt its recommendations.

Alderman O'Neil duly seconded the motion.

Alderman DeVries asked who is answering questions on this for us?

Mayor Gatsas replied I am right here.

Alderman DeVries asked you are answering all questions? Do you want to step down or are you answering from the podium?

Mayor Gatsas replied I can give the podium up to Chairman Lopez so that we can debate this.

Alderman DeVries asked the parking spaces, why was that not covered in the appraisal? There is a \$700,000 expense above the appraisal.

Mayor Gatsas answered I think it is clear, Alderman, if you had been following the process, that we sent out some RFP's for the \$9 million the City has in redevelopment zone dollars. I think that if you are talking about the large spaces being built and offered to the City at \$10,000 per space I think you would say that that is a pretty good deal for the City, probably way below market.

Alderman DeVries stated my question was why wasn't that part of the appraisal?

Mayor Gatsas responded because they aren't built.

Alderman DeVries replied the agreement says that there are 70 spaces that are put aside in the temporary lot and then later in the garage as well if the garage is ever built.

Mayor Gatsas stated there are temporary spots that are offered to the building. There are 70 spots for the condominium space. Obviously the 70 spots in the garage are not there because it has not been built and the funding hasn't gone forward by this Board's approval. So the spaces are there and allocated to those people.

Alderman DeVries stated maybe you can shed some light on the garage because as you said it has not been built or approved.

Mayor Gatsas responded we were fortunate enough to receive funding from the federal government that we were going to turn back. As a matter of fact I think it was in a motion that was made tonight wasn't it? It was. It was on our agenda this evening that we denied sending it back to the BFA for them to fund it. We kept it here in the City. We sent out RFP's for companies that were looking to do economic development. I believe that Jay Minkarah is still in receipt of those. There have been two or three that have come forward and those funds are being allocated and certainly will come before this Board for final approval.

Alderman DeVries stated for the record that would be the item that I recused myself from previously and tonight. In reference to the question, I thank you for that clarification. For the parking spaces, are you familiar with the other contracts? I tried to pick it up through the comps that were given to us in the appraisal that was done by Kraft as well as looking at some other previous transactions that had gone through. I am sure you are familiar that the state has property, Health & Human Services...

Mayor Gatsas interjected let me ask Ms. DeFrancis what the vote was from the School Board on this project. Can you tell me what that vote was?

Ms. Karen DeFrancis, School Finance Officer, responded I believe it was one abstention.

Mayor Gatsas asked one abstention or one person voting against it?

Ms. DeFrancis answered I don't think anyone voted against it.

Mayor Gatsas asked so it was a unanimous vote with one abstention.

Ms. DeFrancis answered right.

Mayor Gatsas stated and I think they vetted the process at the School Board or is somebody saying back there that they voted against it?

Alderman DeVries replied they are but it doesn't matter.

Mayor Gatsas stated I think the process has been vetted. The confusion that I have is that the School District is paying the bill. They have looked at the process, they have vetted the process and here we are trying to change a decision of the School Board. That has never happened before.

Alderman Shea stated we don't have a quorum.

City Clerk Normand responded yes, we have a quorum.

Mayor Gatsas stated maybe you should lead me to the question you want to ask? Are you looking to overturn the School Board's decision?

Alderman DeVries replied I thought I just had and I didn't hear the answer so I will ask it again.

Mayor Gatsas asked are you looking to overturn the School Board's decision?

Alderman DeVries answered I thought I had the floor to ask the questions. I did start by asking about the parking spaces and if you were familiar with the other arrangement because I couldn't find any other sales that included the cost at \$10,000 or other for parking spaces and it wasn't part of the appraisal. In fact the comps that were shown in the appraisal included for a lesser dollar amount than what we are negotiating the cost of parking. So I am just trying to make the reach because you are asking us to spend \$700,000 above an appraisal. By the procurement code we are not authorized to do that. We can only spend up to an appraised amount as the Solicitor has noted on many occasions. So that is my line of questioning.

Mayor Gatsas replied again, we are not asking you to spend anything because the only thing you can spend is the \$1.7 million. That is for the building that exists. The \$700,000, if your garage doesn't get built, you aren't spending. It is not being spent because there is no garage there. So it still has to go through the Planning Board process and meet all of the requirements that come forward. So there is no garage and there is no spending of \$700,000 unless there is a garage that is built. Then I am sure people will be back to ask for that same appraisal to be done so that we can identify its location.

Alderman DeVries asked can I get clarification from the Solicitor on that. Referencing the P&S agreement and I realize you brought forward an updated one but I don't think it is on this item but the Mayor just indicated that the \$700,000 difference is not incurred until after such time as after the garage is built. Is that your understanding?

Mr. Clark answered I did not have an understanding of that one way or the other. The P&S agreement doesn't read that way and if that is the understanding then that has to be changed.

Alderman DeVries responded I would agree that the P&S agreement does not read that way. Obviously you are the perfect person...is the intent that the \$700,000 is after the garage is built?

Mayor Gatsas replied if there is no parking garage there would be no reason to purchase spaces at the garage.

Alderman DeVries stated I would concur and let's start there. So is there any additional motion...you will help us with the amended language Mr. Clark in order to get that changed?

Mr. Clark responded whatever this Board wishes me to do I will go back to the Brady Sullivan attorney tomorrow and revise the language.

Alderman DeVries stated I have an additional question for you. On the Quit Claim Deed, Mr. Clark, and we spoke very briefly and you said that you had questions and referred it to your own staff. I couldn't see that it was...it is not usual and customary but a Warranty Deed is usual and customary in a transaction.

Mr. Clark replied normally when the City is paying fair market value for a property we ask for a Warranty Deed. Many times a seller cannot give you a Warranty Deed or they are unwilling to give you a Warranty Deed depending on what kind of deed they got. They may have gotten a Quit Claim Deed and they are only comfortable giving another Quit Claim Deed. In the instances when we are getting a Quit Claim Deed, we would recommend that the City get title insurance so that it is protected and that would take care of it. I do have a call into the School District. I know that Tom Brennan was at a retreat today so he is not available but I need to discuss with him the procuring of title insurance.

Chairman Lopez stated this is a recommendation from the Lands & Buildings Committee. I think the Solicitor is saying he has to go back to the School District. This is a standard contract. I don't understand if he is going to go back and make sure that everything is fine before the Mayor signs it. That is what we are voting on. I don't understand the issue here.

Alderman DeVries asked which issue? On the parking spaces? The \$700,000 that isn't part of the appraisal or are you talking...

Chairman Lopez interjected if there is a clarification that needs to be done regarding the \$700,000...

Alderman DeVries interjected we had moved on from that and I think that the Mayor...

Chairman Lopez interjected so you are satisfied with that then? I just want to make sure that we understand that the City Solicitor has to review and approve this and the Lands & Buildings Committee already approved it. We have to take into account the School District's authority in pursuing this. I just don't understand where we are going with this. If you have something specific that you want the Solicitor to look into before he signs it, let's do it.

Alderman DeVries replied why don't I ask the City Solicitor to repeat the answer he just gave me in reference to the usual and customary practice for the City regarding Warranty Deeds?

Mr. Clark responded usually the practice is that when we take fair market value for a property we request a Warranty Deed. I did discuss that with counsel for Brady Sullivan today. He is going to go back and determine why they put Quit Claim Deed and he wasn't sure if there was a reason they did it. However, in order to protect the City with the Quit Claim Deed I would suggest that we get title insurance. In discussing that with Brady Sullivan's counsel today, they have had a number of sales down there and nobody has ever been denied title insurance because of the sale. So I am comfortable that we can get it; it is just the process of getting it.

Alderman DeVries asked so the request would be to you that you work towards getting a Warranty Deed in place or send an addendum back to us as to why you were not able to get there?

Mr. Clark answered if that is what the Board would like, sure.

Alderman DeVries stated to your point, Chairman Lopez, that is what I am trying to do. I would like to see a Warranty Deed and the reason I would like to see a Warranty Deed is because on occasion title insurance companies fold and then we are held with a Quit Claim Deed that has no expressed warranties behind it. I would feel, as the City Solicitor feels, that you are better served by a Warranty Deed.

Chairman Lopez asked and is that what you are saying Mr. Clark?

Mr. Clark replied we will request that.

Alderman DeVries asked so the purchase price is being reduced to \$1.7 million because the garage hasn't been built and I am assuming that we will in the future come back with an agreement at such time when the garage is built and we will have a P&S and such exercise at that point in time?

Mayor Gatsas answered if this Board wants to do that, remember that if doesn't happen during the fiscal year that the jeopardy of the 40% for building aid is in jeopardy. So if that is what this Board wants to do certainly I don't have a problem with that and you can have your idea that the School District will be paying more money because there will be no building aid coming in but that would be up to you, Alderman DeVries.

Alderman DeVries stated maybe we will talk with the Solicitor before we are done and consider that and get the timeline of where you think that is going to be. I am definitely uncomfortable exercising a document for something that seems to be speculative and above our procurement code. We are not allowed...

Chairman Lopez interjected Mr. Clark, in reference to the conversation, if we approve this on the condition that you look into the Warranty Deed before you sign off on it, if later on the garage comes into play and the School District accepts whatever deal it can make, does it have to come back to this Board?

Mr. Clark stated any purchase would have to come back to this Board. If you are purchasing a condominium or an easement it would have to come through this Board. I believe what the Mayor was indicating was there is a June 30 deadline for state building aid so if this P&S doesn't cover the \$700,000 whether it is paid or not right now, it may not be eligible.

Chairman Lopez asked so we want to get that in there?

Mr. Clark answered I think you would want to reference it in the P&S agreement. I don't think you have to pay it right up front; that can be worked out but it should be in the contract.

Alderman DeVries stated I would like to at some point recess to have that conversation with you because there are a couple of legal questions I have and I would like to do that in non-public session. Let me ask my next public question that I have for you on the environmental report.

Chairman Lopez responded let me just make sure that we understand that it is getting late and in reference to the \$700,000 Mr. Clark, you are going to put in the P&S that we don't have to pay it but it is just there?

Mr. Clark replied whatever directives this Board gives me I will have a meeting with the Mayor and the Mayor and I will meet with Brady Sullivan and work out the language.

Chairman Lopez stated we want to meet that deadline.

Mr. Clark responded that is my understanding.

Chairman Lopez stated I just want to clarify that so whatever side conference you have, if this Board approves the report, we are approving what we just said.

Alderman DeVries stated I will let you repeat that motion again to me later but I had a question on the environmental studies that were done. I noticed in the appraisal that the appraisal was done with the assumption that there were no environmental hazards whatsoever and there was a note that that would have

affected...if there were environmental hazards it would have affected the...and we didn't do the costs but it would have affected their results. So my question on the environmental studies is since we weren't given the attachments that might have indicated to me where the environmental issues occurred in the building...there were some highly toxic chemicals apparently in the air and do we know if that is in the unit or in the part of the Mill building that they had the positive results or throughout the Mill building? What is the level of concern and what is the liability if our staff starts to develop headaches and become sick because there is some sort of toxic environment?

Mayor Gatsas stated I guess you will have an opportunity to read this letter because I think someone was prepared for your question.

Alderman DeVries responded I think there was a Committeeman last night that started this on the school side.

Mayor Gatsas stated the remediation was very explicit in the contract. Mr. Clark was that put into the contract that we need remediation? I guess you missed that section of the contract, Alderman DeVries.

Alderman DeVries replied that is probably the handout that was given to us tonight. I have been here in meetings since 3 PM and haven't seen it.

Mr. Clark stated there has been language placed into the P&S agreement that states that the seller will be responsible for all environmental remediation in the future. We will have to firm that up to make sure that there is a contractual obligation there but there is language presently.

Alderman DeVries stated my question is what does that mean? Does that mean if we have claims, worker's compensation claims, that Brady Sullivan would be paying them?

Mr. Clark answered no.

Alderman DeVries asked what does the liability release mean?

Mr. Clark answered what they have agreed to is if we have to do remediation and remove soil and clean out lead paint or other matters of that nature they would be responsible for that remediation. I do not think they have agreed to any liability if an employee gets sick or anything of that nature.

Alderman DeVries stated so they would improve the scenario within the unit. Do we know, because the report wasn't attached so we couldn't see it, but what part of the building was it in? Was it the unit we are buying?

Mayor Gatsas asked are you familiar with some of the tenants that are in that building?

Alderman DeVries answered I know CMC is there and that is one of the first things...

Mayor Gatsas interjected the State of NH is in there. The Moore Center is in there.

Alderman DeVries stated but we don't know if they...because there is a firewall that separates parts of the Mill building that is why I am trying to find out where they had the hazardous material and where the testing was done.

Mayor Gatsas replied I think Ms. DeFrancis can answer your question.

Ms. DeFrancis stated we had sent packets out to all of the Board members. It was a packet that we had dropped off at the City Clerk's office on Thursday or Friday I believe. Were those packets delivered to the Aldermen because they did have the environmental study in there?

City Clerk Normand responded they went out the same day we received them.

Mayor Gatsas asked have you not had an opportunity Alderman to look at it?

Alderman DeVries answered it didn't tell us where. It told us what was found for a chemical but it didn't tell us where in the Mill building it was. I couldn't put it on the site plan and say oh it is not this unit and there is a firewall there, so I am not going to have to worry and it certainly isn't an issue because it isn't bothering CMC or State of NH.

Mayor Gatsas stated I think it is more where the parking garage is going to be built is what this letter says from the environmental company but you should read it because it just came out...I didn't see it until just now. It addresses the question that was brought up by Committee Member Beaudry. Why don't you read it into the record?

Ms. DeFrancis stated it reads:

Based on the analytical results over the past four years, the past releases of #6 Oil and PCE solvents that occurred several years ago at the property has significantly reduced. In 2006 extensive remediation efforts of soil removal and the injection of potassium permanganate has actively reduced the concentration of contaminants at the site.

From year to year the analyses show a decrease in PCE, a spike in PCE breakdown byproducts, followed by a subsequent decrease in concentrations of these breakdown byproducts that suggests the injection of potassium permanganate has actively reduced the contaminants that previously adhered to the soil. The subsequent decrease likely indicates that the active remediation has reduced the total mass of contaminants at the site resulting in lower groundwater concentrations as well.

It is the professional opinion of Les A. Cartier and Associates, Inc., that the construction of the pending Mill West garage facility will only serve to enhance this trend as most of the affected soil, if not all, will be removed from the area. If you have any further questions, feel free to contact the office.

Alderman DeVries responded thank you and that is helpful to know. I have one or two additional questions. Since you are looking for this to go through tonight and we don't get further due diligence, and the period for the Solicitor to do due diligence is extremely short by his own account, the end of the month, and there can be some exceptions if he runs into Warranty Deed issues or lack thereof, I think we can get an additional 30 days but had you already looked to see how the rest of the occupants of that building are going to be given spaces or the agreements they have with the parking garage being built out? I just don't want to end up paying for something that has been given free to other entities. What has Brady Sullivan indicated to you? How are they going to handle that?

Mayor Gatsas replied I am not too sure that anyone has been given free spaces in the parking garage. I don't know where you are getting your information from.

Alderman DeVries answered I am not getting information. I am asking a question. What did he indicated to you? From all of the background research I could do there is not another individual that has paid separately for parking and to your own comments we are paying for parking in the parking garage when it is built. My question to you is have you had that conversation with the owners so that we know that \$700,000 that we are being asked to pay isn't just deep pockets and every other person who is a current tenant is going to have to pay \$10,000 per space to have the privilege of parking in the parking garage? Is that your understanding Your Honor?

Mayor Gatsas stated I guess I am confused with the line of questioning that you have been coached on.

Alderman DeVries responded I haven't been coached. These are my own questions.

Mayor Gatsas replied it doesn't look like you have been reading the agreement. We are buying spaces in a parking garage. Those go with the process. There is no guarantee that anybody else is going to have those spaces other than the City.

Alderman DeVries asked so in the appraisal that was provided to us by the School District we can see the comps, which are comparable properties. We can see comparable property from right within the exact same complex. They have not paid \$10,000 to park in the lot. My question is are those tenants going to have to pay \$10,000 per space for the privilege of parking in the parking garage or will it be given to them for free? It affects what we pay for this property. We shouldn't be paying, because we are the City of Manchester, \$700,000 when it is given in a previously agreed tenant price, which our own appraiser noted to be considerably less.

Mayor Gatsas answered I think those are the ground spaces that are not designated to a particular space. We have been fortunate enough that they have even designated ground space to us until the parking garage is built.

Alderman DeVries stated I would like to ask the Solicitor a question. You will ask the question of the attorneys for Brady Sullivan tomorrow as to whether each and every tenant that is given the privilege of parking in the parking garage when it is constructed will also have to pay \$10,000 per parking space and you will let us know before exercising the agreement?

Mr. Clark replied are you asking me to come back to the Board for a vote before I have the Mayor sign the agreement?

Alderman DeVries answered yes I guess I am because otherwise we are going to be breaking our own procurement code and not following the process. We have been told we can only pay to an appraisal price.

Mayor Gatsas stated I am glad we are back to process, Alderman.

Mr. Clark responded I am not sure which procurement code we are breaking.

Alderman DeVries stated I have been told and actually I think I can quote Deputy Solicitor Arnold...

Mr. Clark interjected no we have told you in the past that you can't pay more than fair market value. The appraisal came back and said the fair market value is \$1.4 million. The Mayor has said that we won't be paying the \$700,000 until the garage is built.

Mayor Gatsas stated the fair market value is \$1.725 million.

Alderman DeVries responded the point is that if other people have paid at the \$1.4 million...

Mr. Clark interjected we will make sure that there is an appraisal in place before the \$700,000 is paid.

Alderman DeVries stated that is a good way to do it; to have an appraisal done. The point is if others have paid \$1.4 million and they were given the parking garage parking spaces for free, why should we...we can't pay \$700,000 for them, Your Honor.

Mr. Clark replied I can confirm that with them tomorrow. I had a general discussion with their attorney today on the parking spaces in the garage. I don't believe they have offered spaces in that garage to anyone else at this point because it is so new. In fact, they are not even sure if the City will be buying a condominium in that space or just be getting a permanent easement for those spaces.

Alderman Roy stated just to try to help the Alderman from Ward 8, PCE you said was one of the contaminants. That is tetrachloroethylene. It was used as a degreaser. ENE on the end means the carbon is double bonded. What it is is a volatile organic compound when it is being used but those vapors readily dissipate. The big problem with that is when it gets in the soil and then it contaminates the ground water. Apparently they have a program already in place to try to strip that out of that and the other one was #6 fuel oil. That was a heavier oil than the #2 that we have in our houses. That again sits in the soil and the

simple remediation for that is to dig it out and take it away. They will test it before the closing and it will be given a clean bill of health by Les Cartier I am sure.

Alderman Long stated just to comment, I was hesitant at first for the School Administration to get into a condo but I realize that on September 30th we have to get out of that lease or renew it and spend the \$1.5 million. I want to thank the School Department for sending the information that they did send. I got it in plenty of time to read it. I applaud you for that information. With respect to the parking, in my personal opinion I don't foresee us staying here. Maybe we will but I don't see us staying in here. So I am looking at a resale value and with the parking I believe our resale value...our market is higher with 70 parking spaces. At \$10,000 each I am not a parking expert but I would think that is a fair market at \$10,000. I think it would behoove us to agree to the parking spaces. That would just make our condo more marketable. I spoke with the Assessor and he convinced me that the \$1.725 million was fair so the \$1.7 million I believe is fair. I think beyond this immediate need I feel that once again it will be more marketable and we need the parking. Without the parking I don't know what it would be worth if parking is full, which it could be or if Brady Sullivan decides to charge \$300/month for a parking spot to lease it or what have you.

Chairman Lopez asked can somebody make a motion to accept the Committee's report understanding that the City Solicitor is going to look at the Warranty Deed and the \$700,000 and the environmental letter was already read and if he finds anything that doesn't protect the City I am sure that he and the Mayor will bring it back to us. He is here to protect the City and I think he will.

Alderman Shaw moved to accept the report and adopt its recommendation. Alderman Long duly seconded the motion. Alderman DeVries requested a roll call vote. Aldermen DeVries voted nay. Aldermen Shaw, Greazzo, Ouellette, Arnold, Craig, Ludwig, Long, Roy, Osborne, Corriveau, O'Neil, Lopez and Shea voted yea. The motion carried.

18. Report(s) of the Committee on Joint School Buildings

There were no reports.

19. Report(s) of the Committee on Accounts, Enrollment & Revenue Administration

There were no reports.

Mayor Gatsas stated the Finance Officer wants to go over some numbers. I know it is a little late.

Mr. Sanders stated you were handed out a copy of the last forecast for FY10. Very quickly we are currently projecting that we will close the year, which is only eight days away, with a general fund operating surplus of nearly \$2.9 million made up of a very slight revenue shortfall of \$34,000 and an expenditure surplus of \$2.9 million. As reported in prior months, the bulk of the expenditure surplus is attributable to the departmental operating surpluses, which are pretty much in every department. We have had a lower than budgeted debt service of about \$1.6 million and a Homeland Security Grant of about \$460,000. These positives have been partially offset, however, by our negative experience in health insurance and worker's compensation and CGL but we do expect to have a \$2.9 million surplus as I said that will enable us to put the \$1.5 million in the health insurance reserve and would right now leave us with an estimated surplus of \$1,300,000.

Mayor Gatsas stated I would ask this Board...we have already allocated \$1 million - \$500,000 to reduce taxes and \$500,000 to go into the rainy day fund. That leaves roughly \$370,000. I would ask this Board that we put it into the medical reserve account to make sure we have enough money there in case we start looking at the deficits that we see in this number at \$1.1 million as we go forward.

Mr. Sanders stated the Solicitor says we are in a special meeting and you can't...

Mr. Clark interjected if it is not on the agenda you can receive the information but you cannot act on it tonight without unanimous consent.

Mayor Gatsas asked so what you are saying is I need to put this on the agenda for June 29th?

Mr. Clark answered or take it up under unanimous consent tonight.

Mayor Gatsas asked is everybody prepared for unanimous consent on this item or do we want to put it on the agenda for June 29th?

Alderman Lopez moved for unanimous consent to take up the issue. Alderman O'Neil duly seconded the motion. Mayor Gatsas called for a vote. There being none opposed, the motion carried.

Alderman Lopez moved to transfer \$370,000 in the health insurance reserve account. Alderman Shea duly seconded the motion. Mayor Gatsas called for a vote. There being none opposed, the motion carried.

21. Resolutions:

“Amending the FY 2010 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Hundred, Fifty Thousand Dollars (\$150,000).”

“Amending the FY 1999, 2003, 2005, 2007, 2009 and 2010 Community Improvement Programs, authorizing and appropriating funds in the amount of Eight Hundred, Seventy-Nine Thousand, Six Hundred, Thirty Dollars and Ninety Five Cents (\$879,630.95) for the FY 2010 CIP 810210 Information Technology Upgrades/Improvements Project.”

“Authorizing the Finance Officer to transfer \$1.5 million from the 2010 general fund surplus for Fiscal Year 2011.”

“Amending a Resolution “Amending the FY 2001, 2002, 2003, 2005, 2007, 2009 and 2010 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Eight Hundred One Thousand, Two Hundred Fifty-Five Dollars and Twenty Six Cents (\$801,255.26) for the CIP 310210 School Improvement Project,” so as to include CIP 511502 School Site Improvements in the list of projects from which to transfer balances.”

“Authorizing the Finance Officer to effect a transfer of Twelve Thousand, Three Hundred, Twenty-Six Dollars and Three Cents (\$12,326.03) for the 2010 310210 School Improvement Project.”

On motion of Alderman O'Neil, duly seconded by Alderman Lopez, it was voted to waive reading of the Resolutions.

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

22. Bond Resolutions:

“Authorizing Bonds, Notes or Lease Purchases in the amount of Two Million Four Hundred Thousand Dollars (\$2,400,000) for the 2010 CIP 310310 – School Administration Offices Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Million One Hundred Thirty Thousand Dollars (\$1,130,000) for the CIP 310410 – School Building Energy Efficiency Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Two Million Eight Hundred Seventy Thousand Dollars (\$2,870,000) for the 2010 CIP 310510 – School Facility Improvements.”

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

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

TABLED ITEM

- 23.** Report of the Committee on Administration/Information Systems recommending that the letter from Manchester Community Access Media, Inc. (MCAM) regarding the termination of the public access television agreement with the City of Manchester be accepted with the provision that the City only assume the associated building and equipment leases related to this agreement.

(Unanimous vote)

(Note: Tabled 6/1/2010; attached is a letter from Will Infantine, MCAM Board of Directors, accepting the proposal from the City to terminate the contract, with the understanding that the City will assume obligations under the related leases. MCAM, Inc. further agrees to waive the 120-day notice period effective June 30, 2010.)

Alderman Ouellette asked is there an update on the MCAM situation?

Mayor Gatsas answered let's take it off the table if we are going to have a discussion. I see the Clerk nodding his head.

On motion of Alderman Ouellette, duly seconded by Alderman Lopez, it was voted to remove this item from the table.

City Clerk Normand stated there is an attached letter here from Chairman of the Board of MCAM, which accepts the City's proposal to terminate the contract with the understanding that the City assumes those liabilities that were discussed related to the leases and they agreed to further waive the 120 day notice period effective June 30, 2010.

Alderman Ouellette asked so they are agreeing to what we asked?

City Clerk Normand answered yes.

Alderman Ouellette moved to accept the report and adopt its recommendation. Alderman Lopez duly seconded the motion.

Alderman Lopez stated I think in conversation with the City Clerk and going down there and looking at equipment with other people, what kind of safeguards are we going to have between now and July 1st to insure that stuff doesn't just disappear?

Mayor Gatsas replied that is a great question. I think we are in the process right now of taking inventory. I know that we are going to be asking for the employees down there to assist us. I think we have a good list of equipment or I believe we do.

City Clerk Normand stated yes we have identified everything that is associated with the lease or all of the leases. There are three equipment leases and the related equipment has been identified and tagged with City asset tags. Everything has been videotaped and I know the new non-profit or actually MCTV has dedicated employees to be positioned at MCAM and work out of the MCAM site during the day until June 30th.

Alderman Lopez stated the point I want to make though is they gave up the 120 day notice, which started the clock the last time. We do have some authority over any equipment leaving there. I think that maybe our security officer should go down there and make sure there are procedures in place so things don't disappear before it gets to MCTV.

Mayor Gatsas responded unless we are prepared to place a guard on duty 24/7 for the next ten days I think that all of the people there are honorable and I don't think they are just going to start walking out with equipment. I think that we have a pretty good handle on it. I would hope that the transition will be as smooth as it has been for the last two weeks. I know everybody has worked collaboratively to get this process done.

City Clerk Normand stated I would also note that Kevin Buckley, the City's auditor, has been involved in the process as well and he has looked at their books.

Alderman Lopez replied okay I just want to make sure that we don't lose stuff.

Mayor Gatsas stated I can tell you that today I got an e-mail from another provider of access looking to buy some of the equipment because they are just a start-up so we may have an opportunity to sell some of it that we don't need. I

think that as it goes along we certainly will find ways to get rid of what we don't need.

Alderman Roy stated I have said it many times before. This is a mess. They want us to pay for their lease?

Mayor Gatsas responded I think that is part of the agreement we made as we came forward and asked them to relinquish the lease.

Alderman Roy replied well it certainly wasn't anything I ever wanted. I know it was in the letter. If I remember right it is \$115,000 or \$117,000 for the next 14 or 18 months?

Alderman Lopez answered \$117,000.

Alderman Roy stated the equipment to buy out that lease was over \$50,000 I believe.

Alderman Lopez stated I think it is about \$46,000 right now.

Alderman Roy stated in talking to some people from MCTV they can buy brand new up-to-date equipment for less than what those leases are going to cost us. That is what I was getting at before when I asked if we could have somebody go down there and figure out if this stuff is any good for us. It doesn't make any sense to me to pay for either of these leases, but especially equipment leases when we can buy the equipment up-to-date cheaper than what those leases are.

Alderman Lopez asked Mr. Normand did you go down there with somebody who is a professional?

Alderman Roy stated I asked a professional who went down there.

Alderman Lopez replied I am asking the City Clerk. Did he say anything about the equipment they could use?

City Clerk Normand stated Jason Cote did go down with us and he identified what he could use. There is certainly an abundance of equipment down there.

Alderman Roy stated that equipment I was told is aged. It is not state-of-the-art anymore and you can buy brand new stuff cheaper than what we are going to pay for the lease. Maybe we should check that out. Have we come up with a final cost of what it is going to cost us to terminate the MCTV employees? Sick leave and vacation and whatever their package is going to be besides the Director who we all saw in the paper?

Mr. Sanders responded they only qualify for vacation pay. There is no qualification for severance for any of the other employees but they will be paid for their vacation that is unused as of the end of this month and I believe that number in aggregate was somewhere around \$10,000 or something like that. I can get the exact number for you.

Alderman Roy stated there was some talk about setting up an account for them for 401K or something because they were...

Mr. Sanders interjected yes. Within the new non-profit that has been formed they will be offering what in the non-profit world is referred to as a 403D account for their retirement savings.

Alderman Roy asked and I am sure we are paying money into that account?

Mr. Sanders answered the non-profit will be putting money into the account.

Alderman Roy asked do they get their money from us?

Mr. Sanders answered they get \$500,000.

Alderman Roy asked that we budgeted to them?

Mr. Sanders answered yes.

Alderman Roy asked and how much is that going to cost?

Mr. Sanders answered they haven't yet decided. They were going to make it a percentage of payroll. I think at today's meeting it was at 5% of payroll. For every \$1,000 you make they would put \$50 into a retirement plan.

Alderman Roy asked so with the \$500,000 that we are paying and all of these other costs it looks like we are...and my math isn't always accurate because I don't have a calculator here but it is over \$800,000? Are we really saving any money here?

Mayor Gatsas answered I don't know where you got the \$800,000 from.

Alderman Roy responded well we have \$500,000 for the stations and \$253,000 for a severance package...

Mayor Gatsas interjected that is not something we are paying.

Alderman Roy asked we are all one right?

Mayor Gatsas responded sometimes I wonder.

Alderman Roy stated \$10,000 for vacation and \$117,000 for the lease and another \$43,000 or \$50,000 for the equipment. I think it is up over \$800,000. How much money are we really saving after this whole mess that we got ourselves into instead of asking them to negotiate the escalator clause? I think the five people you put on the committee are going to do a great job but when they go away how much is it going to cost us to replace them? That money won't be going to the students, that's for sure. I will leave it at that.

Alderman DeVries asked so accepting the report will obligate us for the expenditure of or the assumption of obligations and related leases?

City Clerk Normand replied that was the report out of Committee, yes.

Alderman DeVries asked so at least \$163,000 we are assuming with these vote and that is a budgeted item? How are we...where is that coming from?

Mayor Gatsas asked are we worried about budgets tonight?

Alderman Lopez replied this is for clarification.

Alderman DeVries stated it is the same question that got asked previously. Is that coming out of contingency, Mr. Sanders?

Mayor Gatsas responded let me answer the question for the Alderman because now she is concerned with spending taxpayers' money. I guess my answer to you is we have about \$92,000 in an equipment account and that board will have to come back here to pay the cost of that equipment, which is about \$46,000. So that leaves a balance of \$46,000. There is about...

Mr. Sanders interjected there is also surplus at MCTV itself, which I think is in the vicinity of \$50,000 and there is a small cash balance surplus at MCAM, which is \$10,000 to \$15,000 so there is some money to offset that.

Mayor Gatsas stated we have the ability to go out and sublease the space, which doesn't cost the taxpayer anything. Aren't you happy you heard that?

Alderman DeVries answered absolutely. If I could follow-up, the question on the \$93,000 in equipment: Will that deplete 100% the complete fund so that there wouldn't be...to the point that Alderman Roy was making that the equipment is antiquated and out-of-date?

Mayor Gatsas stated we will have \$46,000 in that account. There is \$92,000 in there and the balance owed on the lease is \$46,000 and \$46,000 from \$92,000 is \$46,000. I can even do that one without a calculator.

Alderman DeVries responded I can understand that you can be very flip when you want to be. I am asking some genuine questions and I am hoping that I can get some answers without them being flip.

Mayor Gatsas replied I gave you an answer twice, the same answer. There is \$92,000 in that account and before that equipment can be paid off that board must come to this Board to get that approved. That is where they are going to come.

They are going to come here. There is \$92,000. There is \$46,000 owed on the equipment so that leaves a \$46,000 balance so if there is any other equipment that has to be bought there is \$46,000 left in that account that somebody will have to come before us in order to purchase more equipment.

Alderman DeVries asked and Your Honor, the total obligation is \$163,000 so are we able to use that balance to pay the other obligations?

Mayor Gatsas answered no. That can only be used for capital equipment purchases.

Alderman Lopez stated point of order. The Board of Mayor and Aldermen already approved this and that is why it is tabled. They either accept our conditions or we were prepared not to move forward tonight. They have accepted the conditions that were approved by the Board. All we are doing is saying okay you accepted our conditions so let's move forward.

Mayor Gatsas responded I agree.

Alderman Lopez stated let the Finance Officer iron out the details and the money and let's move on with this public access.

Alderman Greazzo stated since we did ask these people to walk away from their obligations, they are still obligations and since we asked them to do that I think we are required to pick those up. I also haven't seen in the contract and haven't been made aware...what are we doing with the employees? We spent a lot of time looking for spaces for two specific individuals. What are we doing with the employees from MCTV and MCAM?

Alderman Lopez responded we are moving them into MCTV. We took care of it.

Mayor Gatsas called for a vote on the motion to accept the report and adopt its recommendation. The motion carried, with Alderman Roy being duly recorded in opposition.

NEW BUSINESS

Mayor Gatsas stated there is an agreement I have and I will pass it out to everybody and we can't do it tonight but I will bring it up so we can put it on the next agenda. It is about Part D access to the under 65 retirees for drug benefits that we as a City can go after. We have a couple of options of who can go chase it. It probably means between \$200,000 and \$300,000 to the City. The School District has that same opportunity. It costs us roughly \$5,300 to go after \$200,000 or \$300,000 plus 18% of whatever is recovered. I will send this to the Board and the Board can make a decision on how we want to handle it and go from there.

Alderman O'Neil stated if any one group was hit hard with the increases in rates it was the pre-65 retirees. Is there any opportunity to adjust that rate increase?

Mayor Gatsas responded not based on this because this program may not be around...this is for prescription drugs and this may not be around...

Alderman O'Neil interjected is that another one of those January deals?

Mayor Gatsas replied it is not only January but it is as long as the funds survive so unless the government is going to replenish it, they are out there just chasing these dollars now like everybody else in the country. I think that if we take a look at this by June 29 if we want them to do it we can have them do it. If we don't

want the \$200,000 or \$300,000, we can tell them not to do it but it will be up to us to make that decision.

Alderman O'Neil asked where did that come from? Who worked on it?

Mayor Gatsas answered it came forward from the consultants that we have. They brought it forward. As a matter of fact it was brought to me by somebody else that came into the office to talk to me about other issues. I called the consultant and asked if it was available and he said yes, so that is where we are with the process. This company is out of Michigan. I have looked and there is nobody locally doing it. Certainly we can have those discussions and I will get it to the Solicitor and the Board members and put it on our next agenda.

Alderman O'Neil stated if the Board would indulge me on a very quick item. We can do this in 30 seconds on unanimous consent. It is regarding the Homeless Service Center. I need the support of my colleagues to bring this in.

On motion of Alderman O'Neil, duly seconded by Alderman Roy, it was voted to allow Alderman O'Neil to bring an item in by unanimous consent.

Alderman O'Neil stated I would like to request that the Board ask Tim Soucy, our Public Health Director, to update the Board on the status of the Homeless Service Center at the July 6th Board meeting. I hear there are some good things and some not so good things going on and I think the only way we will find out...Tim has worked very closely on the homeless issue in the City and if at all possible I would like to have him report back on what he can find out at our July 6th meeting.

Alderman Shea asked isn't there a coordinator that we pay a certain amount of money to who is working among the homeless?

Mayor Gatsas answered I don't think it is on this project here. I know that we funded it as a Board. I know that we put some funding into this project. I think that what Alderman O'Neil is looking for is for Tim Soucy to go in and make sure that everything that is being proposed is happening and have him report back to us.

Alderman Shea asked but wouldn't he want to work with the coordinator?

Alderman O'Neil responded you are talking about Susan Howland. He could work with her but she is not the one directly involved with this. It is a combination of Helping Hands and New Horizons I believe. This is the old Eagles Club at Central and Pine Streets.

Mayor Gatsas stated I think it is more suited for the Health Officer to go in and look at it and report back to this Board. He directly works for us.

Alderman Shea asked so what we are saying is the woman's work is going to be separate from what Tim is going to do?

Alderman O'Neil answered she is still the part-time person as far as the United Way coordinating the homeless issue but this is just to check on whether the agreement is being lived up to and are they doing everything they said they were going to do. I really think the Public Health Director is in the best position to do that.

Alderman Shea asked so in other words it is a check?

Alderman O'Neil responded correct.

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

Alderman DeVries stated I have additional new business and hopefully equally as quick. I am asking for unanimous consent in order to bring in another piece. As you know, with our contractual...

Mayor Gatsas interjected what are you trying to bring in? As you know we need a vote first.

Alderman DeVries stated as you know with our contractual negotiations last year there was a 1.5% raise that was given up in order to save the City money. An agreement was penned by the City and somehow through actions or grievances and reports by arbitrators there is not parity in the way that agreement is playing out for our employees, specifically Police and Fire. So I am asking that with the surplus of the Fire Department make those employees whole and fulfill the contractual agreement that I believe we all entered into in good faith many moons ago.

Mayor Gatsas asked so you are looking to amend the Firefighter's contract and revisit the budget process because that is something I was just told had to be on an agenda in order to do. If you are looking for one item why don't you at least bring it forward and we can have discussions on how you want to pay for it, but you need unanimous consent to get it forward.

Alderman DeVries answered I am aware that I need the unanimous consent.

Mayor Gatsas called for a vote on the unanimous consent to bring this item forward. Alderman Shea was opposed. The motion failed.

Alderman Arnold stated with all due respect to Alderman Shea, I move to suspend the rules and allow this item to be brought forward. Alderman Ouellette duly seconded the motion.

Mayor Gatsas asked Mr. Clark, do I have to accept that motion?

Mr. Clark responded you don't have to accept it but the Board has a right to appeal.

Mayor Gatsas stated I don't have a problem with discussing this because it will take at least another hour.

Alderman Arnold asked are you accepting the motion?

Mayor Gatsas answered I accept the motion and defer to Alderman Shea.

Alderman Shea asked wouldn't this be unusual...I know that I have been called by firefighters who have been waiting patiently but wouldn't this be a matter to be referred to the Human Resources Committee? This is something that I was made aware of at the last minute by one of the Aldermen from the Fire Department. People have been working behind the scenes naturally as they do in other matters and I became part of the loop I guess by accident so basically the way I reason it is a lot of people are working behind the scenes and doing things that we used to do in Committee. They are now being done arbitrarily. Of course, I respect my colleagues and their motivation but I think that we are setting precedents here that have existed before, whether it is paying people that we really don't have any kind

of idea where the money is coming from or retroactive pay or things of that nature. I guess as a Board now we can do mostly anything we want. We don't have to go to Committees. We can be concerned about certain matters of a financial nature but not others. I don't mean to sound out of place. It is 12:35 AM now but I think if we start usurping everything that we have set up then it is a free for all and I disagree with everything that is going on. I have made my point clear and I feel that unless we start respecting our Committees and stop bringing these things in without necessarily working through a process we are going to be obviously in a little bit of trouble.

Mayor Gatsas stated well certainly process is important and I guess what is more important is precedent. I know that we have Committee members that talked about precedent when I brought forward a \$1,680 bill for Easter Seals on a building permit. We talked about setting precedent. That is what we talked about and everything in that building is contributed, every hour of labor, and we didn't want to set a precedent by this Board. Yet this evening at least from the Aldermen that I have talked to that have been on this Board for 20 and 30 years, at no time ever has there been an arbitration ruling overturned by this Board. At no time has the arbitration ruling ever been turned over. There is no question that I had a conversation with the union and suggested that if they wanted to bring something forward as a policy matter that started July 1st going forward that would be a policy decision. That would be much different than overturning an arbitration. There is no question that what we are looking to do is based on fairness. I don't question that for a second. My compassion is there but I think when we start setting precedents as we are setting tonight, we are going to run under some sticky wicky because at that point it is not going to matter whether we have rules because we are just going to change them when we want to change them and move forward. There is no question that it is about fairness but precedent is something that is very important. I think I will leave it at that discussion because I believe

the Aldermen in this room understand that there are other discussions based on fairness to the taxpayer and based on fairness to the other employees that we represent in this City. If we want to have all of the discussions, we should have them all, every single one of them and the public should understand what those issues are. Certainly I understand that the votes are there and I am going to veto this vote also and I am sure you will override my veto but let's remember the precedent that we are setting. Never in the history of this City has an arbitrator's ruling been overturned by this Board.

Alderman Arnold asked did we take a vote on the suspension?

City Clerk Normand answered no, you didn't.

Mayor Gatsas called for a vote on suspending the rules and bringing the item forward. The motion carried with Aldermen Shea and Greazzo being duly recorded in opposition.

Alderman Roy stated with all due respect on this I remember when I was on the Fire Department and we were going for a 42 hour work week and going for the 24 hour cycle that we had an arbitrator come in and he ruled against it. That arbitrator was relieved of duty and I believe it was Brad Cook who stepped in and said why not. So I think there was a precedent set there where an arbitrator was overruled.

Mayor Gatsas responded I don't think the final arbitration came in.

Alderman Roy replied I just wanted to clarify that.

Mayor Gatsas stated I don't think the arbitration was brought forward and this Board overruled it. I think they removed the arbitrator to get a different decision.

Alderman Roy responded semantics, but okay.

Alderman DeVries stated since the precedent has been set, we did have two arbitrations on the same item. Usually in this City the precedent would say that we would send our grievances out to one arbitrator, not to two separate ones. We wouldn't be here today if that had occurred – one arbitrator. Unfortunately for the identical subject matter and the exact same contractual arrangement, two arbitrators came in with different opinions. So one has said yes it should have been part of the contractual agreement as was arranged and as most of the Aldermen here would agree was the will of the Board and those individuals have seen the benefit of the contract. It is only a very small group of them that we are talking about. We are only talking about people who were maxed out and had reached the top of their steps and had no place to go. So even to make it more egregious there is a very small sub-class of the employees that did not see the benefit of the contract that was passed. I think precedent was set when we passed the contract and when the arbitrators came in with different opinions, we knew we had to do something as a Board, the policy makers to step in and make it correct. The reason to the point that Alderman Shea was questioning earlier, the reason that we do this here tonight and don't have the luxury of going back through the Committee is we want to be in this fiscal year where the surplus exists. There is \$250,000 in surplus and we would like those dollars, the surplus from the Fire Department that I am sure was anticipating the obligation coming on board to pay the \$80,000 and then going forward it will be paid differently.

Mayor Gatsas stated Alderman, I think if all truth were spoken, there were eight Aldermen who signed a document for a special meeting on June 29. Certainly that

would have allowed time for Alderman Shea to have his Human Resources meeting and let a report come out of Committee. Let's make sure we put all of the cards on the table. There is no question that this could have happened on the 29th. Alderman Shea could have had his HR meeting just before that meeting and it could have gone forward.

Alderman Shea stated in fact I have an HR meeting on June 28th.

Mayor Gatsas responded well all I know is there were eight Aldermen who signed a document for a special meeting on June 29th. At least that was the discussion in the back room.

Alderman DeVries replied I need to answer that because you are absolutely correct. There was an intent because as I stated earlier on the 28th I am not available to come to Committee meetings. I will be with my husband at Mass General for a pre-arranged appointment. I am not available on the 28th for the HR meeting. We did agree earlier today without having any knowledge that there was going to be a discussion of it needing to go to HR or knowing that a Committee meeting that was already scheduled, sign a document to call a special meeting for the 29th. So for you or any Alderman to insinuate that we are being evasive...we were not. We were being duly mindful that we might not have the unanimous consent in order to get this done here this evening. We didn't at that time understand that there was an alternative process of asking for suspension of the rules. That is why we came forward with the alternative of eight signatures as our Charter allows for Aldermen to have a special meeting and we chose the 29th.

Mayor Gatsas asked do you have a copy of those eight signatures?

Alderman DeVries answered it hasn't been served yet but I am sure you will see a copy of it as soon as it is served if we need it.

Mayor Gatsas replied I am sure that I can take a look at that list and I bet there is one person on that list that as clear as day knows about suspension of the rules.

Alderman DeVries stated if you have a point you are trying to make...it is late. It is 12:45 AM and I am not understanding the point you are trying to make.

Mayor Gatsas responded I am sure when I made the point that person understood it.

Alderman Ouellette stated getting back to the issue, as a member of this Board, and I wasn't on this Board when that contract was signed, but following it in the media it was clear that both of these public safety entities entered into an agreement and both of them were to be treated equally. I wish that...what happened in the past was that when this issue came up it was not brought back in a non-public session to ask the Board for clarification and direction. This went immediately to the grievance procedure and I think that this Board who negotiates the contracts or at least agrees to the final setting of the contracts should have been offered the opportunity to ask what exactly did you mean and how do you want us to go forward. That wasn't done. We weren't given that opportunity. Instead we spent I don't know how many dollars going through an arbitration case that probably should have never been in the grievance procedure to begin with. I think it is a fairness issue in terms of the fact that we had an agreement. You can't sit here and tell me that these two unions negotiated an agreement and left their people at the top step behind. That doesn't make sense to me. I am a member of a labor union myself and we work very closely with management to take these issues and work them out before they go to the grievance procedure. A lot of

times things go to a grievance procedure and that is fine if you can't come to an agreement. That is what it is for. I don't think we were given the opportunity to head off this grievance and actually we probably wouldn't have even found out it was a grievance if Alderman O'Neil hadn't asked for a list of the outstanding grievances, which I haven't seen in awhile. Of course we didn't have an HR meeting yet this month but I am prepared to move forward with this. The arbitrator for the Police Officer's union says have a meeting of the minds and maybe they can come back. The Police Officer's union got back pay retro all the way to the beginning of the contract and I believe, Your Honor, that the firefighters aren't asking for that and are asking for less. I believe they are giving something up and I applaud them for that and I think we should approve this.

Mayor Gatsas stated I have one question. What are you folks going to do with the arbitration that is there on one police officer?

Alderman O'Neil asked police officer or supervisor?

Mayor Gatsas answered supervisor, because I know we are all for fairness.

Alderman Shea stated the hour is getting late. What did you just say?

Mayor Gatsas stated there is an arbitration going on right now with a police supervisor looking for the same thing.

Alderman Shea responded well, if the arbitrator votes against him with the precedent being set here why wouldn't he come back to the Board? I mean he is being treated unfairly too. I am just trying to be logical in my thinking.

Mayor Gatsas stated I think this Board again and Alderman O'Neil was right when he was prepared to place two names in those positions to be hired. I respect him for his honesty but right now there is an arbitration case for a supervisor. In all honesty somebody should be making a motion to take care of that person too and throw the arbitration out.

Alderman O'Neil asked has that actually gone to arbitration?

Mayor Gatsas answered it is there already.

Alderman Ouellette stated I wish it would have come back to the Board before going to the grievance procedure.

Alderman Lopez stated I have struggled with this in the past couple of months and weeks. I am for fairness also. Today I received the arbitrator's decision on both cases plus a letter, which I asked for on three different occasions. Some of the things that I read in there I guess you can say are fairness issues and some of the things you look at in negotiating is what is fair to move forward. I think it is unfair to say that the City Solicitor or anybody did something wrong. As a previous union member and a steward of the union you go to arbitration and you win or you lose. I want to talk about policy versus...and I am going to support the Chief on this. In my discussions with the Chief he doesn't have the money in his budget in either case. I have asked the HR Director and she can pass it out to the Aldermen so we know the money we are talking about. I know it is 12:50 AM and all of us are tired but we are going to continue with this conversation. I look at the numbers that were given to me before and look at them today and they are not the same numbers. So it is hard to make a decision when you look at it being \$135,000 at first and then \$87,000 for 2010 and \$97,000 for 2010 and then you look at the document we got today. Retroactive is \$89,000 and the rest of FY10 is

\$7,000 and in 2011 it is \$69,000 for a total of \$166,000. Tonight we put \$370,000 into the health insurance account, which we all know we need and there is going to be \$500,000 going into the rainy day fund. I want to support the Chief moving forward and I know, Your Honor, that you agree with the policy versus arbitration. I have to agree with the policy. I would hope that we would move forward starting the first of July and give the L step to these people but not retroactive. I think that is fair. That is what my position is going to be. I would like to make a motion to that effect.

***Alderman Lopez** moved to give the L step to these people starting the first of July.*

***Alderman Shea** duly seconded the motion.*

Alderman Roy stated I agree with your statement that it is about fairness. I have talked about fairness and how we should treat all the employees the same in the past and it didn't go over too well on this Board when I brought up healthcare for part-time employees. I still believe that all part-time employees should either get healthcare or they should all not get healthcare. That is another issue for another day but you are right. I did know about the police supervisor and I agree that even he should be treated the same way. They all should be treated equally. We shouldn't have...we have two branches of our public safety and they are going to be treated differently? It doesn't make any sense to me at all.

Mayor Gatsas asked does that mean for all policies that we have?

Alderman Roy answered fairness? Yes.

Mayor Gatsas stated there is one group of employees in the City who get an opportunity for workmen's compensation or as they say payment three times and nobody else is allowed that. Do you think that is a fairness issue?

Alderman Roy replied explain it to me because I don't know what you are talking about. Worker's compensation three times?

Mayor Gatsas responded correct. In other words, right now we have a worker's compensation policy that says or the state law says you don't have to pay an employee wages or worker's compensation is not paid until the third day of an incident. Right now, the Fire Department has the opportunity to take either vacation or sick time. Can somebody clarify that?

Alderman O'Neil replied sick time.

Mayor Gatsas stated right, to cover that time and when worker's compensation kicks in they are supposed to pay it back.

Alderman Roy responded they are supposed to pay it back and we have had problems with that in the past, people not paying it back. I sat in this Chamber and agreed with you I think in my first week of being on the Board.

Mayor Gatsas stated I don't question it. That is an issue of fairness.

Alderman Roy replied it is a matter of principle.

Mayor Gatsas responded it is about fairness and I agree with what you are saying. The only place that happens is in the Fire Department.

Alderman O'Neil stated well it is late and I hope my thoughts are clear. You talk about that issue. One of the problems is if we would get the employees on worker's compensation sooner rather than later, we wouldn't have this issue where

the number builds up...it can go on for weeks and sometimes months before the employees are placed on worker's compensation. That is not their fault. It is our fault. We allow this. I believe the first three days are supposed to be sick time and the fourth day you should go on worker's compensation. They are filling out a form, an injury form...

Alderman Roy interjected first report of injury.

Alderman O'Neil replied correct thank you. If they falsify it forget trying to get back-to-back pay. They are in violation of state law if somebody falsifies it. We need to start doing a better job. We have to stop blaming the employees. We need to do a better job on our side of getting the employees properly on worker's compensation and not questioning when five firefighters fall through a porch at a fire did they really get hurt at the fire. That is the craziness that goes on in City government. If we are going to use that as the issue, let's clean up our act first and I want to see what happens and how successful the pay back is if we get the employees on the fourth day on worker's compensation and not drag it out where they are burning sick time and until the decision is finally made by the outfit on North Elm Street that we probably should have fired five or six times by now that the employee should be on worker's compensation. This pool of money is built up on sick time so the law says they can get this worker's compensation and they don't have to pay back the sick time. That is our fault, not theirs.

Mayor Gatsas asked if you want to make a motion to bring that company in and rebid it...

Alderman O'Neil interjected I would love to because I, for one, am not happy with how they treat employees.

Mayor Gatsas stated I agree with you but we should recognize that if the next company that we hire does the same thing should we get rid of them too?

Alderman O'Neil responded when firefighters are injured at a fire they should be placed on worker's compensation and not dragged out until somebody at a private firm working for us determines if they really got hurt at the fire. I bet we can get example after example of police officers and firefighters and highway employees. People are signing a form that they are in violation of state law if it is fraudulent.

Mayor Gatsas replied that injury could have happened at another work site.

Alderman O'Neil stated but they are signing a form that says that is how the injury happened.

Mayor Gatsas responded the injury could have happened at another work site and this incident could have aggravated it.

Alderman O'Neil replied you are absolutely right. That could happen.

Mayor Gatsas stated someone has to investigate it. Someone has to look at it.

Alderman O'Neil responded I am not exaggerating that that is the norm and it has been the norm around here and we probably should have corrected this a long time ago. Let's go back to the issue at hand. It is clear from someone that was here that it was the intent of the Board of Mayor and Aldermen and I believe it was a unanimous vote and if it wasn't I stand corrected that the police officers and firefighters, including the supervisors were supposed to get this. That was clear. So that shouldn't be what is debated. I also look at this to be honest with you from a business decision. We have looked...especially with some of the increases that

have come up in healthcare costs...we have to have a serious discussion with our bargaining units in a very short time about our healthcare plan. I am not bashful. We cannot afford to continue the way we are going. We are now three years in a row over the budget on healthcare. If we have to make good business decisions, it has to include our relationships with our bargaining units. Your Honor, they can sit on their hands for the next three years and not make a single change in healthcare. You and I have debated whether there will ever be a day where we lay off firefighters and cops in this City. We have a little difference of opinion. I have never seen it in all my years here. It could happen but you know what? They are going to be the last because City Hall is going to get cleaned out before them and the Rines Center is going to get cleaned out. They are going to be the last ones standing. Some of them may get laid off and some of them may not but they are going to be the last ones standing. In my opinion, we need to take our relationships with our bargaining units to a new level and show a sign of good faith. I look at trying to resolve this issue as spending five cents to save five dollars. That is how I really look at it. Again, I have mentioned to the president of their union that no matter how this goes we are going to be having some serious discussions in a very short time, not only with the firefighters but with all our bargaining units and it is going to affect every City employee who is in here. We have to change our healthcare plan. It was unintended the way it has gone. In order to do that, we have to improve our relationships and these decisions that are made without involving us and I absolutely agree with Alderman Ouellette that this should have been brought before the Board that they were going to split this case up. For that business decision reason...

Mayor Gatsas interjected who made that decision?

Alderman O'Neil responded City staff. It wasn't the firefighters.

Mayor Gatsas replied I would assume that the firefighters or police certainly have enough years that if they didn't want to have it split up could have had a conversation with some Aldermen.

Alderman O'Neil stated well, we can get the attorney for all four of the bargaining units involved in this. He is sitting patiently in the audience. He probably got very educated this evening. I don't know the mechanics. All I know is I didn't know that there was a decision made to split the arbitration. I doubt they suggested it. So I am going to go back to this business decision. I want to make a business decision and I believe in order to have serious discussions with our bargaining units we need to start treating them better than we have been treating them in my opinion, and when I say we I mean City government as a whole. You talk about fairness. We do practice fairness because if we didn't the non-affiliated employees wouldn't get the same healthcare plans as the union employees and the same vacations, and so on. They seem to all come along afterwards and get the same exact thing in the big picture that all of the unionized employees get. So we do try to treat all of our employees the same.

Alderman Shea stated point of order. Mr. Clark when people negotiate do they have to agree to a negotiator or is that done by the City? In other words, if the Fire Department decides to go to arbitration is the arbitrator decided on by the City or is it a mutual consent?

Mr. Clark responded generally both parties agree on a list of arbitrators and it is chosen from there.

Alderman Shea asked who selects it? Is it done mutually?

Mr. Clark answered just to clarify, these arbitrations didn't refuse to be split. They were two separate grievances to start with. They are two separate unions and they went along that route.

Alderman O'Neil stated but Tom, when they negotiated they negotiated as a package and if I recall although technically they were separate agreements, they were brought in uniform by the Firefighter's Union and the Police Patrolmen's Union and the Police Supervisor's Union. So we can say they were separate but they negotiated together is my recollection of what happened.

Mr. Clark responded they may have negotiated together but there are two separate contracts.

Alderman O'Neil replied I understand that.

Alderman Shea stated my point is not that. My point is you made and I do not know if you are aware of it but you made the statement I thought that the City is the one that is responsible for negotiators. I am not sure. In other words, I think that Tom could explain how negotiators are selected.

Alderman O'Neil asked negotiators or arbitrators?

Alderman Shea answered arbitrators.

Mr. Arnold stated the way it works under the City contracts is a party, usually the union, makes a request to the Public Employees Labor Relations Board for the appointment of an arbitrator. The Public Employees Labor Relations Board then does two things. They ask the other party, generally the City, for their consent for the appointment of an arbitrator. If the City consents, as we usually do, they send

a list of five arbitrators that both parties get to rank in order of preference and based on those rankings the Public Employees Labor Relations Board makes an assignment.

Alderman Shea asked so it is possible that one arbitrator might rule in one particular way and another arbitrator another way?

Mr. Arnold answered it certainly is. That is what we are dealing with here tonight.

Alderman Shea asked do people choose arbitrators predicated on whether they feel that their side might get a favorable decision?

Mr. Arnold interjected obviously I believe that when each side ranks the list of arbitrators provided by the Public Employees Labor Relations Board we do that on the basis of an evaluation if we know the arbitrators. Often times we don't know the arbitrators or have any past experience with them. When we do, we rank them to our judgment of their ability to handle the grievance or the issue fairly and to be a neutral and not give one side or the other preference.

Alderman Shea asked so one can't question the decision of the arbitrator but one can question whether or not the actual process was correct in terms of how a contract was judged by the Aldermen?

Mr. Arnold stated obviously you can make judgments about the decision that an arbitrator rendered.

Alderman DeVries stated I guess I want to get to the fact. The fact that this group of employees that is before us looking for relief this evening voluntarily gave up a 1.5% I believe COLA that they were privileged to and had already been negotiated and previously agreed to. They gave it up in order to save the City money in a very tough budget time. In exchange for that, there was an agreement laid out for future years. Now for some reason most of the City employees that gave up that COLA have seen the benefit of the negotiation; almost all of them. It is a very short list of people. It is a sub-class of the group that was privileged in those negotiations and we need to make them as whole as everybody else has been in exchange for the bargaining in good faith that they had with the City in years past. Alderman O'Neil, you couldn't be more correct that we need to be able to turn to these same groups right now and say we need concessions. Somehow we need to contain the cost of health insurance and we are not going to do it on our own. Not for years. They are going to do it with us. I believe there are many that recognize that for their own sakes and their families' sakes and the retirees' sakes they need to assist us. I guarantee you that is not going to happen if we allow most of the employees that bargain to have the benefit of the bargaining and keep this one small group at bay and don't give them the benefit of the year that every other employee had. They gave up the 1.5%. They will never catch up because they gave that up and the way that it works. I think that we need to vote down the motion that is before us, which is looking for them not to have the benefit of any retroactive pay and to move on with a new motion that will set them straight.

Mayor Gatsas stated let me ask you a question because you talked about fairness and you talked about a 1.5% raise that they gave up and they lost. I am sure that you remember, Alderman O'Neil. We are talking about fairness and the fairness issue we have is that when we understood it as it was explained to us, 1.5% is pretty simple to figure that 3% when you take it in January assumes 1.5%. That is what we all understood on this Board. When you do the figuring it is 4.5% over

12 months. So I certainly was not going to bring it up and you brought it up so certainly talking about it is an issue that is before us and it is about fairness. I agree.

Alderman DeVries responded what they gave up by giving up at least six months, and I really don't recall because we are going back several years of that agreement...I understand that you had a different understanding of it or at least I have been told then what I clearly thought I understood. They lost the benefit of compounding for many months. That will never be recaptured for them during the course of their employment and what I do understand today is because this is a very small group there are individuals in the same class with less time on the job making more. That is just not fair.

Mayor Gatsas replied let's not rehash the issues. Let's take a vote. Alderman Lopez has a motion in front of us and we have a second.

Alderman DeVries asked for clarification. If I thought that the pay should be retroactive and not prospective I would vote no correct?

Mayor Gatsas answered at 1:15 AM you can vote whatever way you want and that is not being disrespectful. Did you request a roll call vote Alderman Lopez? I don't remember.

Alderman Lopez responded no. You can just take a vote as long as everybody understands that in moving forward we are looking for the L step effective July 1st. That is what I am recommending in my motion.

Alderman Lopez requested a roll call vote. Aldermen Lopez, Shea, Greazzo, and Osborne voted yea. Aldermen DeVries, Shaw, Ouellette, Arnold, Craig, Ludwig, Long, Roy, Corriveau, and O'Neil voted nay. The motion failed.

Alderman DeVries moved to authorize the expenditure of dollars from surplus to offer the agreement retroactive as well as going forward.

Mayor Gatsas stated when I was looking for my motion to take \$370,000 in funds and moving them into a healthcare account I didn't ask for a suspension of the rules. I was told I had to bring it to the next meeting. I could have asked for the indulgence of this Board and suspended the rules and put the money away where it should be and you wouldn't have had the opportunity to spend it. I guess I won't accept your motion and I move to suspend the rules to take the \$370,000 and put it where it should go.

Alderman DeVries stated I appeal to the Board to override your denial of my motion.

Alderman Arnold asked did you just make a motion?

Mayor Gatsas answered I said I was looking for a motion.

Alderman Lopez stated I made the motion to take \$370,000 and put it into the healthcare reserve account and I was told we couldn't do that tonight.

Mayor Gatsas responded we couldn't do it because we didn't ask for suspension of the rules.

Mr. Clark stated you would either have to get unanimous consent or suspend the rules.

CityClerk Normand responded I believe we had unanimous consent on that vote already. We did do that. It has already been done.

Mayor Gatsas stated so I guess now what we are doing is taking money from the rainy day fund and reduction of taxes because that is where it has to come from. Instead of reducing taxes by what we assumed we are putting \$500,000 in the rainy day fund and we are going to have to change that.

Alderman DeVries stated I am still waiting on my motion.

Mayor Gatsas asked where do you want to take it from?

Alderman DeVries answered I appeal to the Board.

Mayor Gatsas asked you are appealing to the Board to ask them where they are going to take it from?

Alderman DeVries answered maybe the Solicitor can clarify but the Mayor has chosen not to accept my motion.

Mayor Gatsas replied I will accept your motion. Tell me where you are going to take the money from.

Alderman DeVries stated we can take it from contingency, Your Honor. It is between now and November when that is set.

Mayor Gatsas asked taking it from what fiscal year contingency?

Alderman DeVries answered I would call for a recess so that we can have a conversation of the state of the accounts and identify an account to take it from. I would call for a recess.

Mayor Gatsas asked where is the Finance Officer?

Alderman Lopez asked can we get a clarification from Mr. Sanders? There is a potential motion that is going to be on the floor to provide retroactive pay for let's say \$97,000 for FY10 and going to FY11 another \$69,873. If the motion passes, the concern is in FY10 where would that money come from and how does that affect the tax rate?

Mr. Sanders answered the \$90,000 that is applicable up through June 30th would be charged to the Fire Department budget and it would reduce...I think they were reporting a surplus of about \$270,000 so it would reduce their surplus by \$90,000 and reduce the full year forecast that we went over this evening by \$90,000 and then the amount for next year would get charged to the Fire Department budget again.

Alderman Lopez stated tonight we took \$370,000 from the surplus and put it into the health insurance account and \$500,000 towards the taxes and \$500,000 towards the rainy day fund. Now how does this affect that?

Mayor Gatsas asked does that reduce the amount we put in the rainy day fund?

Mr. Sanders answered yes it would reduce the amount for the tax rate and the rainy day fund equally by \$45,000 in each case.

Alderman DeVries asked can I just follow-up because there is another way we can do this? That would be to reconsider and reduce the amount that was taken earlier.

Alderman Roy stated I believe at the beginning of this I heard Alderman DeVries stated that the reason we were acting on this tonight was because we were going to take it out of the surplus that was in the Fire Department's budget from this year. That is why it was important to do it this month. I just wanted to bring that up since we are all talking about where the money is coming from. I thought it was understood from the beginning that that is where it was coming from.

Alderman O'Neil stated one of the things that concerns me is that...I saw some reaction from the representatives from 856 that were here when this sheet was handed out. I don't want to speak for them and maybe we can get the president or Atty. Mullen. I have heard this in other discussions with them that these numbers that HR generated are not correct and are greatly over what the actuals are when they run them number by number, meaning it isn't \$90,000. Am I correct President Cashin?

President Cashin responded it is \$89,000.

Alderman O'Neil asked and it was \$35,000 going forward next year, correct?

President Cashin responded that is what I was told.

Alderman O'Neil replied this is saying \$69,000. I just want to get the right numbers.

Alderman Lopez asked are the numbers wrong? Is it \$35,000 or \$69,000?

Ms. Gile answered the number is \$69,000. This afternoon we identified that there was a mistake in the formula that we used to calculate the fiscal year 2011 numbers and we corrected that and it corrected the spreadsheet to come up with the true number of \$69,873 from the \$35,000 that was originally forecast.

Alderman DeVries asked is there a motion before us?

Mayor Gatsas answered you made a motion and I accepted it but I didn't get a second it.

Alderman O'Neil duly seconded the motion.

Mayor Gatsas asked can we have the Clerk read the motion?

City Clerk Normand stated the motion on the floor is to pay approximately \$97,000 from FY10 in the retro agreement and \$69,873 in FY11 to the firefighters identified in the handout.

Mayor Gatsas asked Mr. Sanders, does that reduce what we put into the rainy day fund and what we give back to the taxpayers?

Mr. Sanders answered yes.

Alderman Roy stated I have a question for staff. Jane, I have this printout sheet of yours and there are several names that have asterisks next to them and it says these additional employees are retirees. You have them calculated in for money in 2011. Is that accurate?

Ms. Gile responded no. The ones with the stars on them were ones when the union had given us a list were not included on the list and we included them. They are additional employees or retirees that should have been included on the list when the calculation was done and they were not on the list that was submitted to us.

Alderman Roy asked so there would be some retro but there wouldn't be any money going forward correct?

Ms. Gile answered only one of them is a recent retiree. The other two are not.

Alderman Roy asked and that retiree has stuff going forward right? Never mind.

Alderman O'Neil stated two of these employees are retired. How can they have money going forward? Bill Clayton and Rick Blanchette are retired. How can there be a cost for 2011?

Ms. Gile answered this spreadsheet was originally done at the beginning of June. At that time, that was the information we had. We corrected it today but I do agree with you that there are two people who have been identified as retirees.

Alderman Roy asked so this spreadsheet isn't quite accurate?

Ms. Gile answered it is pretty close.

Alderman DeVries requested a roll call vote. Aldermen DeVries, Shaw, Ouellette, Arnold, Craig, Ludwig, Long, Roy, Osborne, Corriveau, and O'Neil voted yea. Aldermen Greazzo, Lopez, and Shea voted nay. The motion carried.

Mayor Gatsas vetoed the motion.

Alderman Ouellette moved to override the veto. Alderman Arnold duly seconded the motion. Alderman Arnold requested a roll call vote. Aldermen Arnold, Craig, Ludwig, Long, Roy, Osborne, Corriveau, O'Neil, DeVries, Shaw, and Ouellette voted yea. Aldermen Lopez, Shea and Greazzo voted nay. The motion carried.

This being a special meeting of the Board, on motion of Alderman Lopez, duly seconded by Alderman Shea, it was voted to adjourn.

A True Record. Attest.

City Clerk