BOARD OF MAYOR AND ALDERMEN

March 18, 2003 **7:30 PM**

Mayor Baines called the meeting to order.

The Clerk called the roll.

Present: Aldermen Wihby, Gatsas, Guinta, Sysyn, Osborne, Pinard, O'Neil, Lopez, Shea, DeVries, Garrity, Smith and Forest

Absent: Alderman Thibault

Presentation by Raymond E. Pinard, Chair of the Mayor's Select Finance Committee.

Mayor Baines stated the first presentation will be by Raymond Pinard who chaired the Mayor's Select Finance Committee. As you know, I formed a committee with input from the Finance Officer of respected individuals within our community around financial issues to reflect on some proposals that have come forward about consolidation of financial functions in City government. It has actually received an awful lot of publicity in the paper but Mr. Pinard wanted an opportunity to come in and present the proposal to the Board and answer any questions. I also want to announce that I have asked Kevin Dillon to Chair a Task Force made up of department heads that is going to be reacting to the report and also looking at the adoption of some parameters of discussion with the mission statement that the committee is recommending tonight and to report back to the Board of Mayor and Aldermen within 60 days. Having said that I would like to introduce Ray Pinard and thank him for his service on this very important responsibility.

Mr. Ray Pinard stated thank you, Mayor, for inviting me here this evening. First on behalf of all of the committee members I would like to thank the Mayor for asking us to serve the City with regards to this study and also I would like to thank all of the department heads that were very cooperative in our process and made our job much easier. Also I would like to give a special mention to Seth Wall who was our staff liaison for this project and did a great job. Thank you Seth. As you gathered from the report that was supplied to you late last week you can see that the proposal was met with some opposition and the opposition was in part directed at the proposal itself and in part directed at the process. The committee does believe that a review of consolidation opportunities in all aspects of City government is a worthy goal and it is something that should be pursued by the Board of Mayor and Aldermen and the department heads, not just in Finance but in any other areas that would offer better expenditure and use of City tax funds that are collected and other efficiencies. On close examination of the plan and in looking at the process, the committee found that there were some prerequisites that we would recommend before starting the process. The first

prerequisite that we would recommend is that the Board of Mayor and Aldermen would adopt a mission statement with regard to departmental consolidation or at least with regard to examining some type of consolidation plan. Establishing clarity of mission as you can all appreciate is very important when somebody undertakes this project. As the Mayor explained, in conjunction with Section D of our report, the action plan, he has appointed a task force to study this issue and the respective department heads and other impacted departments will have input into the process. We think that it is very important that we give the departments an endorsement of their work, that they are going in the right direction and something that is worthy of them to be spending their time on that the Board of Mayor and Aldermen should adopt a mission statement so as to establish clarity of what the mission is. Second, it is important that there be buy in to the plan and we have also provided a statement in our report for the department heads to adopt with regards to buying into the plan. This isn't about a department or a function. I think that this is about spending the taxpayer's money in a wise manner, which is what I am sure we are all committed to but I think that needs to be said. As the Mayor mentioned he has established a task force and we have provided an outline in our report for the task force to follow. They may choose to do so as presented or obviously it can be…we don't have any issue with it being modified to fit the need at the present time. Two other issues that we believe deserved attention with regard to City finance and I think that you may find similar issues in other departments as you examine them and these are particular to Finance but one is the role of the City audit function. As it exists right now, the City audit function resides with City Finance. That is in business and in most corporations today a very unusual situation and we would highly recommend that City audit be removed from the Financial function or out from under the CFO of the City and be established as a separate department reporting either directly to the Mayor or a committee of the Board of Mayor and Aldermen that has strictly audit responsibilities and supervisory authority. This is very common in business today. A very good example are banks that have supervisory committees that are totally separate from the day-to-day operations of reporting within the financial structure of the bank or the reporting structure and they report to the CEO or the Board. Also I think that it would be important in defining the role of City Finance, while separating the audit function, to also clarify who the City Finance Officer reports to. Right now with City Finance having audit and finance responsibilities they feel, and rightfully so, that in some situations because of their responsibilities they feel that the audit role at times precludes them from getting involved in issues to the extent that they should be or that department heads may want them to be on an advisory capacity for instance. They feel that there is a conflict in advising somebody that they are going to be auditing. There is definitely a conflict there and I would suggest that that be closely examined so that the City Chief Financial Officer clearly doesn't have an audit responsibility and reports directly to the Mayor as the CEO. With that, I will wrap up my comments and I would be happy to take questions.

Alderman Shea stated, Ray, I think Kevin Clougherty will attest to the fact that I have asked repeatedly for an internal audit of the City from almost Day 1 since I was a member of this

Board because I realized the conflict that you brought up tonight and I believe that it is very difficult to conduct an external audit and to have people within the department conducting so to speak internal audits because they are really auditing themselves in a sense when they go from the external to the internal. Could you explain for the general public the difference between an external audit and an internal audit if you would?

Mr. Pinard replied my background is finance so I will give you a business person's version on this. An internal audit is to insure that the systems that have been implemented are functioning properly and that is normally conducted by a small staff that can jump from one department to another and examine various pockets of information if you will either at the request of a department head in this situation or doing some type of a wholesale examination of let's say accounts payable or accounts receivable or they can go to Highway and monitor some processes there. Those are done internally. The external auditor will examine the internal auditor's work but will not depend upon or use that information to provide an opinion to the City from their perspective. They will go through their entire process external to whatever has been done internally in the City.

Alderman Shea stated I think an explanation is when an outside auditor comes in and audits the books, he audits the books that are presented to him by the Finance Office or by financial departments within the City whereas an internal auditor as it were can go in and examine anything they want to without having to necessarily audit what is presented to them by the department itself. In a sense, they can really go into situations that normally or necessary they wouldn't be exposed to if they didn't examine more closely…

Mr. Pinard interjected I understand what you are saying. If what you are saying is that sometimes and internal auditor may be more detailed or may dig more than an external auditor I would state that the answer is probably yes just by virtue of the time that the external auditor has and they have their guidelines of what testing mechanisms they have to use to insure that they can give a clean audit.

Mayor Baines stated the key part of the recommendation as I understand it is you are saying or the committee has said that the internal audit function should not be part of the Finance Department but should have independence from the Finance Department and report to the audit committee. Some veteran Board members may remember that I recommended this about three years ago right after I became Mayor because after working, especially through the transition when I was coming into office, that was an issue that was identified that needed some independence and for whatever reason that was generally not accepted. So it was interesting to see this group look at that independently and come to that conclusion. That is the way it functions in business.

Mr. Pinard stated yes. We had two CPA's on our committee, Dick Charpentier and Chuck Hungler. Dick Charpentier's career was as a partner in a public CPA firm and Chuck

Hungler started in public work but then ended his career as the CFO at Jac-Pac. They met with the external auditor. I can't remember who it is. They came away with that specific recommendation that the audit function be removed from the City Finance Department.

Alderman Guinta stated thank you, Ray, for the report. I actually have a question that I think can be answered by the Mayor. Can you repeat your comments about…you are going to have a rebuttal team for this report?

Mayor Baines replied no. We are actually following the recommendation of this committee. The committee recommended that we form a task force made up of departments impacted by these things so I asked Kevin Dillon to Chair it. Kevin has the unique role of being in an Enterprise but the initial group that is going…he is going to convene a meeting of all of the department heads and start to work through the recommendations in this report and they will also report as recommended by the committee back to the report. I am really just following the recommendation.

Alderman Guinta asked and you are looking for a response from that committee in 60 days.

Mayor Baines answered Kevin felt that they could come back to the Board in 60 days.

Alderman Guinta asked do you feel, Ray, that that meets the requirements of your committee's recommendation.

Mr. Pinard answered that process, yes. In Section D we outlined 13 steps to follow. Whether they follow it to the letter that is not the material issue as long as they follow a process that is inclusive and has buy-in.

Mayor Baines stated I would ask for consent from the Board to allow them to use these statements suggested by the committee as guidelines for their discussions. Could you just list the members of the committee so the Aldermen know who served on the committee?

Mr. Pinard replied yes. Dr. Sylvio Dupuis, Steve Camaan, Dick Charpentier, Alison Pitman Giles, Chuck Hungler, John Madden, John Miles, Maurice Pratt, and Georgie Thomas.

Mayor Baines stated with the consent of the Board they will use the statements in the report as the guidelines for the department heads to continue their work.

Presentation by the Manchester Historical Association.

Mayor Baines stated we all have a handout.

Gail Nessell Colglazier stated several people asked me as I came in this room are you here to lobby for LCHIP tonight and I said no actually I am not. I have been here several weeks doing that but I am here tonight to tell you about the Historic Association's project that is being sponsored in part by LCHIP that will benefit the Historic Association and certainly the City as well. There is information in the packets and you can certainly read it at your leisure. Just a few highlights. The MHA opened its new museum in the Millyard in 2001 thanks in part to a loan from the CIP Program so there was some City funding involved and since we opened we have greatly expanded the services that we offer the residents and visitors. In 2000 before we opened we had 367 school students take part in our programs. Last year we had 10 times that number of children who came in and learned about Manchester's important role in the industrial revolution. In 1999, 3,332 people attended educational programs at our museum. Last year we more than doubled that number and over 15,000 people visited or participated in our activities in one way or another. We are proud of our museum. We are proud of Manchester's history and of our role in sharing that history with residents and visitors. I know that this Board has had at least one meeting in the museum. You have all been there with the Board of School Committee. That may not have been the best way to get acquainted to the museum so I hope you will come back at your leisure. There is a complimentary pass in your packet of information and I would love to see you. Our current project now that we have the museum open in the Millyard is renovating our historic Amherst Street headquarters for a modern and accessible research center. The building was constructed in 1931 and has its original wiring, its original plumbing and its original drafty windows so we cannot make coffee and toast a bagel at the same time and we sweat a lot in the summer. The LCHIP grant will go a long ways towards making the renovation possible. It is a $1 million project. The goals are to make the building accessible to everyone by installing a ramp and elevator and accessible bathroom. It will make it easier for researchers and visitors to use the selections by making a new, large library and we will be providing better storage for the treasures in our collection by installing a new heating system and our first ever air conditioning. In case you are curious about what might be in this center, do you or does anybody here have a relative that worked in the mills? If so, we probably have their personnel records in our library. Does anybody here or does anybody's friends or family own a business in Manchester or have worked a long time in a business? We probably have records of the business in the museum. Here is one that everyone can answer yes to. Do you or have you ever worked or spent time in an old building in Manchester? You are all spending time in an old building in Manchester at this very moment and we have lots of records about it in our library. The general point is lots of information about the history of City residents and for visitors. If that doesn't interest you, I can tell you how many lawyers were practicing in Manchester in 1844. Any guesses? It was only 9 and there were 12 physicians so malpractice may have been an issue back then. The best prize in 1906 for the best pigeons in the Queen City Poultry Association Show, which may have been held at City Hall because they did such things there, was a package of a product called Death to Lice donated by Vericks Department Store and if that doesn't tell you that we have a wide and bizarre collection of things in our library I don't know what will. Anyway, why am I telling

you all this? I am asking you to help spread the word about our organization and what it offers to the City of Manchester. I would like you to read the information I gave you. I would be happy if you came to visit me in the Millyard or Amherst Street and see what we have done in the Millyard and see the potential we have on Amherst Street. Tell your friends. Tell your relatives. Tell your business associates. Last but not least, I have to do the commercial. Contributions are welcome. There is a card in your packet and I would be happy to talk to anybody this evening or any time in the future. Thank you and I appreciate your time and support.

Mayor Baines stated at 1 PM tomorrow we will be convening a meeting of all of the people involved with first responders to review all procedures and protocols as we do whenever we go into an orange alert and obviously with the country on the brink of war I thought it was essential to bring all of the different departments together just to once again review policies, procedures and protocols to insure that we are as ready as we possibly can be.

CONSENT AGENDA

Mayor Baines 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. Approving a request from Kevin Dillon, Airport Director, to allow him to execute an indemnification agreement related to the issuance of performance and payment bonds in the amount of $252,500.

Approve Under Supervision of the Department of Highways

B. PSNH Pole Petition #11-975 located on Webster Street.

Informational – to be Received and Filed

C. Minutes of two meetings of the Manchester Airport Authority held on October 24, 2002 and December 19, 2002.

D. Minutes of a meeting of the Mayor's Utility Coordinating Committee held on February 19, 2003.

E. Minutes of three meetings of the MTA Commission held on January 21, January 23 and January 27, 2003, and the financial and ridership reports for the month of January.

REFERRALS TO COMMITTEES

COMMITTEE ON FINANCE

G. Resolution:

"Amending the 2003 Community Improvement Program, authorizing, appropriating and transferring funds in the amount of One Hundred Thousand Dollars ($100,000) for the 2003 CIP 511303, PAL Center Project."

H. Bond Resolution:

"Authorizing The Issuance of Bonds and Notes for Demolishing the existing Derryfield Golf Course Club House and Constructing, Originally Equipping and Furnishing a New Derryfield Golf Course Club House ($2,300,000), Authorizing the Execution of a Management Agreement between the City and BLL Restaurant, Inc. for the Operation of the new Derryfield Golf Course Club House and Authorizing the Mayor and Any other Designee Thereof to take any and all Other Actions to Accomplish the Purposes of this Resolution."

REPORTS OF COMMITTEES

COMMITTEE ON COMMUNITY IMPROVEMENT

J. Recommending that a request from Chief Kane to accept FEMA grant money in the amount of $79,275 for the purpose of purchasing a brush firefighting truck and to have $33,975 (City match for remaining costs) appropriated under a CIP project account as stipulated in the grant be referred to the MER budget process.

K. Recommending actions as follows regarding the relocation of Singer Park: a) the bleachers be moved to West Memorial Field; b) the lights be given to Parks & Recreation for future use; and c) a cash proposal from the developer, Manchester Downtown Visions, be accepted and put in the City's Special Revenue Reserve Account.

L. Recommending that the City donate the ice skating rink previously located at the Hampshire Plaza Mall to Manchester Downtown Visions and that the City continue to pay the cost of storage until such time as the developer has the facilities to officially acquire the ice apparatus.

M. Recommending that the Board authorize transfer and expenditure of funds in the amount of $100,000 (CDBG Program Income) for the FY2003 CIP 511303, PAL Center Project, and for such purpose a resolution and budget authorization has been submitted.

COMMITTEE ON HUMAN RESOURCES/INSURANCE

O. Recommending that the Board adopt a proposed policy for the Bright Ideas Program, which was developed by the Quality Council, as enclosed herein.

COMMITTEE ON LANDS AND BUILDINGS

(Note: referral of related ordinance to Committee on Bills on Second Reading)

P. Recommending that the Board of Mayor and Aldermen find property located at 243 East High Street surplus to City needs and further that:

In accordance with RSA 80:80 the Mayor be authorized to dispose of certain property situated at 243 East High Street known as Map 0410, Lot 0007 by executing deeds releasing all rights, title interest, or claims in said property. Said property formerly owned by Bryan P. Durette and Nancy Hendrickson, was acquired by the City of Manchester by virtue of Tax Collector's deed dated May 15, 1992 and recorded in Hillsborough County Registry of Deeds on May 21, 1992, in Volume 5341, Page 0018.

The Committee advises that it finds just cause to dispose of such land through sale to an abutter because it contains no structures, is approximately 4,067 square feet and is an unbuildable lot. The Committee further recommends that said property, Map 410, Lot 7, be offered for sale to Edib and Miryana Karic, owners of Map 410, Lot 8 abutting the property, which is also an undersized lot. The Committee recommends that condition of the sale require that Lot 7 and Lot 8 be merged into one lot, and that the sale price be Eight Thousand Three Hundred Fifty-eight Dollars ($8,358.00), an amount higher than the $6,000.00 value deemed reasonable by the Board of Assessors.

The Committee further recommends that the Tax Collector and City Solicitor be authorized to proceed with disposition and prepare such documents as may be required, and that the Finance Officer be authorized to credit tax deed accounts as deemed necessary. Pursuant to statute requirements, enclosed is an ordinance which is recommended for referral to the Committee on Bills on Second Reading.

(Note: referral of related ordinance to Committee on Bills on Second Reading)

Q. Recommending that the Board of Mayor and Aldermen find property located at Map 484, Lot 29 Hartt Avenue surplus to City needs and further that:

In accordance with RSA 80:42 I. and II. the Mayor be authorized to dispose of certain property situated at Hartt Avenue, now known as Map 0484, Lot 0029 by executing deeds releasing all rights, title interest, or claims in said property. Said property, formerly owned by Ida B. Hunt and formerly known as Map 0484, Lot 43 on Zorona, was acquired by the City of Manchester by virtue of Tax Collector's deed dated September 15, 1945 and recorded in Hillsborough County Registry of Deeds on September 17, 1945, in Volume 1086, Page 0146.

The Committee advises that it finds just cause to dispose of such land through sale to an abutter because it contains no structures, is approximately 0.06 acres, is situated off Hartt Avenue, an unbuilt paper street, and is essentially non-buildable due to its size, steep grade and landlocked location. The Committee further recommends that said property, Map 484, Lot 29, be offered for sale to the abutter, Jimmy B. and Katia Lapointe, whose 72 Peabody Street property most directly abuts this city property. The Committee further recommends sale to the abutter for the sum of Two Thousand Five Hundred Dollars ($2,500.00), a value deemed reasonable by the Board of Assessor's.

The Committee further recommends that the Tax Collector and City Solicitor be authorized to proceed with disposition and prepare such documents as may be required, and that the Finance Officer be authorized to credit tax deed accounts as deemed necessary. Pursuant to statute requirements, enclosed is an ordinance which is recommended for referral to the Committee on Bills on Second Reading.

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

S. Recommending that certain regulations governing standing, stopping, and parking and operation of vehicles be adopted and put into effect when duly advertised and posted.

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.

F. Communication from Jerry Reese, Manager of Government Affairs announcing Comcast as the new cable provider in New England.

Alderman Gatsas stated the communication from Jerry Reese…where are we at with getting some clarity on movement of channels.

Mayor Baines stated Alderman Gatsas and I have had personal discussions in my office about the issue relating to channels and moving Channel 96 down to a lower tier and hopefully in the near future we are going to be getting some indications on the feasibility of that. I remain optimistic that there will be a solution to that in the next few months.

Alderman Guinta asked can you be a little more specific.

Mayor Baines answered no.

Alderman Guinta stated I understand that this is a sensitive issue but I still don't get Channel 96 and I do get a lot of phone calls from constituents. I can appreciate the position that we are in but in fairness to the community we should really act on this in a very aggressive manner.

Mayor Baines responded we are. As you know there has been a change in the ownership and management. It has gone from AT&T to Comcast. Alderman Gatsas and I have met with the new representative from Comcast. There has been some favorable indication that they are going to look at moving that channel.

Alderman Guinta asked and does the responsibility rest with Comcast.

Mayor Baines answered yes in order to move one of those channels. They give us three channels.

Alderman Guinta asked who decides which channels are provided. Comcast?

Mayor Baines answered yes.

Alderman Guinta asked so they will say you have Channel 96.

Mayor Baines answered yes it is totally their decision. That is correct.

Alderman Guinta asked so the decision rests with Comcast.

Mayor Baines answered yes and they are very aware of our desire to have that changed.

Alderman Wihby asked who decides what is on Channel 16, 22 or 96.

Mayor Baines answered that is decided, I believe, by MCTV.

Alderman Wihby stated the other two channels come out fine and there are duplicate programs on those channels and sometimes there is nothing on those channels. Can't they put some of the programs on Channel 96 on the other two channels?

Mayor Baines replied I would assume they could. That would be a policy decision of the School District that supervises that operation.

Alderman Wihby asked so in the budget process they still come under the City budget right.

Mayor Baines answered we do give them an appropriation and there is a reverse chargeback.

Alderman Wihby asked can we send a letter to the School Department asking them to put some of the programs from Channel 96 on the other two channels until something changes.

Mayor Baines replied this Board could send a request.

Alderman Wihby moved to send a letter to the School Department to explore the possibility of showing some of the programming currently on Channel 96 on Channels 16 and 22 instead of running duplicate programs until the issue is resolved. Alderman Guinta duly seconded the motion.

Alderman O'Neil stated for some reason sitting on the Committee on Administration some of the choices on why certain channels are as they are had to do with what other towns get those channels. I think the education channel goes to Candia where the other two don't or something. I mean there is a reason why they are on the channels they are.

Mayor Baines replied the request as I understand it is to have them explore the possibility of looking at…

Alderman Wihby interjected instead of airing reruns all the time or blank screens they could put some of the shows on.

Alderman Gatsas stated I don’t ever remember that they came to the Board for permission to allocate channel positions.

Alderman O'Neil stated I don’t think it is our jurisdiction. I think it is the School Board’s jurisdiction.

Mayor Baines replied that is what we said. The Aldermen are just going to send a request to the School District.

Alderman Lopez asked what is the request.

Alderman Wihby replied basically asking them that whenever there is duplicate programming or blank programming that they put some of the programs from Channel 96 on the other two channels.

Alderman Lopez stated but I am still confused. Who makes the decision as to what channel because now we are being told something different in this letter? Does the School Board make the decision?

Mayor Baines replied the School Board has not to my knowledge ever gotten involved in that decision. I think it has been an operational decision by the station. That is my understanding.

Alderman Lopez asked can we get a definite from the School Board as to who is responsible to designate the channels.

Mayor Baines answered we can do that but I still don’t think that…yes we can do that too. I will talk to Dr. Ludwell tomorrow. I think the motion speaks for itself.

Alderman DeVries stated Channel 96 which is public access, there are no restrictions on content on public access TV is that correct.

Mayor Baines responded I don’t think there are any. I think there are guidelines that they have to follow.

Alderman DeVries stated but it is not always the most tasteful and I am wondering if we are sending a letter asking them to co-mingle our public access channel with the school channel when there is vacant time or available time if that is going to become an issue.

Mayor Baines replied they may come back and say we can't do it or we can do it. All we are doing is sending a request over there.

Mayor Baines called for a vote on the motion to send a letter to the School Department to explore the possibility of showing some of the programming currently on Channel 96 on Channels 16 and 22 instead of running duplicate programs until the issue is resolved. The motion carried with Alderman DeVries being duly recorded in opposition.

I. Bond Resolution:

"Authorizing Bonds, Notes or Lease Purchases up to the Aggregate Principal Amount of One Hundred Ten Million Dollars ($110,000,000), Which May Be Issued As General Obligation Bonds, Notes or Lease Purchases, Municipal Revenue Bonds, Notes or Lease Purchases or Any Combination of the Foregoing as the Mayor and Finance Officer May Determine, to Finance Costs Associated with the Manchester Schools Improvement Program and for the Payment of all Other Costs Incidental and Related Thereto."

Alderman Gatsas asked are we going to have a presentation.

Mayor Baines answered yes.

Alderman Gatsas asked when is that presentation going to come.

Mayor Baines replied Kevin can talk about why procedurally this is on tonight. All we are asking is that this get referred to the Committee and tabled.

Alderman Gatsas stated I was asking if we are going to get a presentation this evening. If we aren't getting one this evening since the last time this happened you told me I had to do my homework, I have done my homework and taken it off the agenda and if we are not getting the presentation this evening I would like to make a motion to table.

Mayor Baines asked, Mr. Clougherty, could you explain why we are asking that this be referred to Finance.

Alderman Shea stated I think this is being referred to Finance so shouldn't we discuss is in Finance and just refer it there.

Mayor Baines replied that is the issue.

Mr. Clougherty stated the normal course for consideration of a Bond Resolution is that it is introduced at a regular meeting of the Board and referred to the Committee on Finance. That takes a simple majority to refer it to the Committee. The Board can either take action or

table it. Then at a subsequent meeting, usually the meeting of the Board following, it takes 10 votes of the Board to pass the bond. The reason for putting it on tonight was to start the process. There are some contractors that would like to take advantage of the spring construction season if possible. We decided to start the process understanding that there will be a presentation to the Board sometime in the next two weeks…

Mayor Baines interjected March 31. So the motion would just be to refer it to Finance and table it.

Alderman Shea moved to refer the bond resolution to the Finance Committee.

Alderman Gatsas stated I just made a motion to table it.

Mayor Baines replied I am not accepting a motion to table. The Chair is asking for a motion to refer it to Finance.

Alderman Shea asked when it comes to Finance tonight we can table it or we can…

Mayor Baines interjected that is what our recommendation would be.

Alderman Shea stated we are going to discuss it tonight at Finance. It is Item 3 on the Finance agenda.

Alderman O'Neil duly seconded the motion to refer the bond resolution to Finance.

Alderman Gatsas stated we should all understand that once we move this item off the agenda and into Finance that the timetable starts moving. We are moving a timetable without any information. Before we move this timetable to Finance so that we can get a discussion going in March my belief is it should sit on this table so that nothing is moving until we get some definite numbers on where we are going. I understand that, you know, somebody is going to stay that we have another bite at this apple. Well we need to let the apple sit on the tree until we get all of the information about whether it is ripe to be picked or not.

Alderman Shea responded I have no objections to doing that. All we have to do is move this…it is a referral to the Finance Committee and in Finance if we want to kill it there which I am in agreement to, we will kill it there. That is it. Am I misconstruing something your Honor?

Mayor Baines replied again this was a recommendation of the Finance Officer that it be moved into Finance and tabled. No action would be taken at all until obviously some decisions were made. Let me just explain a few things and this may ease some of your concerns or it may not. On March 24 the School Curriculum Committee is meeting to

discuss issues relating to curriculum and school facilities and obviously there are some issues that happened recently. One of the suggestions that came out of the meeting is obviously Alderman Shea's issues about gifted education and Alderman Gatsas' issue about special education. We have asked them to discuss that and how this would fit in any school programming going forward. On March 27 there will be a special meeting of the School Board and the Building & Sites Committee. The Building & Sites Committee is going to be looking at the project and looking at the vote that recently occurred and then looking at the entire project and finalizing some recommendations to come to Gilbane, which is the recommended company at this point in time. On March 31 there will be a joint Board of School Committee and Board of Aldermen meeting. No action will be requested. It will just be a presentation from the School Board in terms of their recommendations and a presentation by Gilbane in terms of what they are going to recommend. That is the process moving forward.

Alderman Shea stated I don't mean to interjected here but according to NH State law RSA 199:3 Construction in Cities it has to be done by the Joint School Building Committee and the Manchester School Committee under Rule 1.10. When you refer items to a committee other than this committee it is against State law, your Honor. This is State law.

Mayor Baines asked Solicitor Clark to respond.

Solicitor Clark stated the construction will be done under the jurisdiction of the Joint School Building Committee. There is no doubt about that but they are not at that point yet, not until the funding has been approved and they are ready to do a construction contract. It will be under that jurisdiction.

Alderman Shea responded it is not under that jurisdiction. It is under the Building & Sites Committee of the School Board, not under the Joint Committee.

Solicitor Clark replied it is under the Joint School Building Committee by law.

Alderman Shea stated the Mayor did not make reference to that initially.

Solicitor Clark replied we are not at that point yet.

Mayor Baines stated we have consulted with the City Solicitor's Office and also legal counsel of the School District and they have assured us that all legal processes are in fact being followed.

Alderman Lopez stated I have the same concerns as Alderman Gatsas and I wonder if Carol could explain it a little bit better because I spent 15 or 20 minutes with her today and I think…well let me have her explain what the process is here because it is very important.

Deputy Clerk Johnson stated what is before the Board now is a bond resolution and it is being requested that it be referred to the Committee on Finance and as I understand it the concern is whether or not this speeds up any process if you send it into the Committee on Finance. In reality it doesn't. The next step is at the Finance Committee level you could table it or amend it or you could say it ought to pass and layover but if you table it, it comes back to the Finance Committee at another meeting, the Finance Committee then has to say ought to pass and layover or amend it or they can still table it but at the point that it ought to pass and layover, that report goes out to the Board and it still will take another Board meeting before it is passed. You are really getting two bites of the apple or actually three bites of the apple but minimally at two separate meetings even if you table it tonight. If you were to table it at this point in time it will appear on the Board's agenda as a tabled item every time you meet and in reality when you are ready to take it up a special meeting of the Board could be called or a special Finance Committee meeting could be called followed by a special Board meeting and you are still going to end up having to lay it over to another meeting. Either way, you are not going to change your time slots at all by whether you refer it to Finance or not. If your intent is to table it tonight, either way you can. It might be more confusing actually to table it at the Board level than at the Finance level. I think that is the piece that Mr. Clougherty might have missed.

Alderman Lopez stated thank you very much for that explanation. I am also concerned with the additional $10 million. There are a lot of unanswered questions. I really believe that the process has to go into the Finance Committee and as somebody indicated it is going to take 10 votes to bond it and we are going to get all of the answers at some point.

Mayor Baines replied March 31 and again we are not going to take any action on March 31 either. I will call for a vote on the motion to refer the bond resolution to Finance. A roll call vote was requested by Alderman Guinta. Aldermen Guinta, Pinard, Garrity, Wihby, and Gatsas voted nay. Aldermen Sysyn, Osborne, O'Neil, Lopez, Shea, DeVries, Smith, and Forest voted yea. The motion carried.

Report of Committee on Community Improvement

N. Recommending that the Management Agreement between the City of Manchester and BLL Restaurant, Inc. for the Derryfield Country Club Clubhouse be approved with amendments and that the Mayor be authorized to execute same for an on behalf of the City subject to review and approval of the City Solicitor. The Committee also notes that it has reviewed a Resolution:

> "Authorizing the Issuance of Bonds and Notes for Demolishing the existing Derryfield Golf Course Club House and Constructing, Originally Equipping and Furnishing a New Derryfield Golf Course Club House ($2,300,000), Authorizing the Execution of a Management Agreement between the City and BLL Restaurant, Inc. for the Operation of the new Derryfield Golf Course Club House and Authorizing the Mayor and Any other Designee Thereof to take any and all Other Actions to Accomplish the Purposes of this Resolution."

and recommends that same be adopted. The Committee further notes that it has reviewed Ordinance:

> "Establishing a special purchase procedure for the Derryfield Country Club Clubhouse Project."

and recommends that same be ordained under suspension of the rules and without referral to Committees at the Board meeting to be held on
March 18, 2003.

Alderman DeVries stated my question would be for the City Solicitor. Just a clarification first on the addendum that we drafted. I just want to check and I apologize that I didn't make the phone call to you but the items that we added, specifically C and D does this in any way…how does this interplay with the existing items addressing insurance and the audit within the contract. Does this supercede other language? Is it instead of?

Solicitor Clark replied this just adds to it.

Alderman DeVries asked so it does not in any way…

Solicitor Clark interjected it doesn't in any way change the insurance or audit requirements of the contract. It just adds another level.

Alderman DeVries stated an additional comment that I had is I also note that we are looking to suspend the rules tonight and not send this to Bills on Second Reading and I think that is an oversight. I would hope that this Committee would send this back through Bills on Second Reading.

Alderman O'Neil stated I believe the suspension of the rules specifically had to do with the delivery method of construction management. Timing is very important with this project. They need to not only have an architect selected and I believe they may be close to that process but they need to have a construction manager on board soon in order to start the project sometime in August or early September in order to deliver it for the opening of the following golf season. If it gets tied up…it has already been to two committees and if it gets tied up in another committee we could jeopardize the building being ready in April or May of next year. That was the intent. It was just what delivery method would be used to construct the building.

Alderman Shea moved to refer this item to the Finance Committee.

Deputy Clerk Johnson stated this is a report of the Committee and it is actually dealing with three separate items. The Bond Resolution that is listed as part of that has been referred to the Finance Committee. The Ordinance will appear on the agenda later on for ordaining. It is three separate pieces that you are looking at in this one report.

Alderman Shea asked but if we refer something from the agenda to Finance can't we discuss the same items that we want to discuss individually when it is a report of the Committee when we discuss the bond issue. This is Item 4.

Deputy Clerk Johnson answered you would be referring an ordinance to the Finance Committee and you would be referring a management agreement to the Finance Committee and typically those are dealt with at the Board level. It is up to the Aldermen.

Alderman Shea stated for point of clarification when something is referred by a Committee and it is also on the Finance agenda can't you discuss the same items there in Finance as you do prior to that or is that a misunderstanding on my part.

Deputy Clerk Johnson replied there is nothing that would prohibit you from discussing this in the Finance Committee if that is what you want to do. You don't typically send a management agreement and an ordinance to the Finance Committee and the bond resolution has already been referred. When you accepted the consent agenda you accepted that so it will appear in Finance anyway, that piece.

Alderman Shea asked so your answer is…

Deputy Clerk Johnson interjected well if you accept this report you are accepting the management agreement so you may want to send that to Finance and we can send it back out.

Alderman Lopez asked can I have Randy Sherman come up here please. I think it is important, Randy, if you can explain something because there was a public hearing tonight and an individual was concerned that we were using tax dollars and that so for the public's purpose could you explain the process.

Mr. Sherman replied I heard those comments this morning and I think what she was concerned about was the same thing that Alderman DeVries was concerned about that the ordinance wasn't going to the Committee on Bills on Second Reading. The way this deal is structured is that all of these bonds will in essence be Parks Enterprise bonds and not be general fund debt. Parks Enterprise will own the facility and all of the debt will be on their balance sheet. It will have no impact on the City's tax rate for this debt and it will have no impact on any future project that you want to do as a general fund project.

Alderman DeVries stated if we were not going to go forward with the stadium complex, which would be funding a portion of the Gill Stadium renovations is there still going to be available assets within the Enterprise to also take on the Gill Stadium project. Do they have that kind of bonding capacity?

Mr. Sherman responded Gill Stadium itself generates very little revenue for the Enterprise. That is probably one of the few components of that operation that actually operates at a loss. It is real tough. Most of their funding on that comes from the School District so they would actually have to pass that on through the chargeback process. It is pretty tight over there. The reason that you can do this one is because they are getting 69% of the debt paid back from the restaurant, which reduces their impact.

Alderman DeVries asked so are you saying that the Enterprise fund does not take care of any of the facilities at Gill Stadium.

Mr. Sherman answered no they do but…

Alderman DeVries interjected so my question specifically is if we take on this debt and then we do not have the renovation that we hope will take place through the stadium complex are we still going to have the capacity within this Enterprise to take on the debt for Gill Stadium. It was a line of questioning when Derryfield was first brought in and we still do not have closure to know that Gill Stadium is out of the picture.

Mr. Sherman responded that is true but they didn't have the capacity before this project to do the entire Gill Stadium renovation. They are trying to do it piece meal - $100,000 here and $100,000 there. I guess the answer is no they don't. I don't believe that this project has really impacted that.

Alderman DeVries stated that was the main reason that I was looking to send this through one more Committee, Bills on Second Reading, just so we could hopefully make sense with the baseball and make sure that Gill Stadium, which looks for funding from the Parks & Recreation Enterprise is off the books so that we know the other projects that are competing for the Parks & Recreation capacity for bonding.

Alderman Gatsas stated to put the Alderman from Ward 8 at ease, there is $740,000 that I know that is in abeyance that I am sure this Board will earmark if the baseball project does not happen. That $740,000 that came from Singer Park will definitely be earmarked for Gill Stadium. I am sure that this Board would agree to that. Just to follow-up on Alderman O'Neil, we are suspending the rules for the design and build project. Is that what I understand?

Alderman O'Neil responded they have sent out RFP's for architects. I know that they short-listed but I don't know if they have selected yet. The actual delivery method would be construction management. Maybe Mr. Thomas could better explain it but my understanding is that Parks & Recreation sat down with Highway and this is the recommendation from those two agencies. One of the factors is the timing factor. Secondly the fact that there is a

tenant involved. They believe that this is the most flexible method…I know that Randy has been involved in some of these discussions so he might be able to help me out a little bit on this but it was the best of all of the delivery methods and allowed the best flexibility to stay within the price.

Mr. Sherman stated that is the key is staying within that $2.2 million. This method gives you the ability to address that easier.

Alderman Gatsas stated that really wasn't my point. My point was closer to the procurement code that I have been patiently waiting for for three years so that we don't have to worry about whether we are within procurement or not within the procurement code. I guess I am just checking to see where it is at now.

Alderman O'Neil responded you are correct, Alderman. If we did get the procurement code changed this would be an allowed practice and not have to be amended.

Alderman Gatsas stated I just think that we are looking to do consolidation and a whole lot of things in this City but I would think that the most important issue we should be looking at to alleviate some of the pressure on how we do business n this City is a new procurement code. I guess I have been patient. I haven't brought it up in probably some 18 months but maybe you can put this under your wing, your Honor, and find out where it is at.

Mayor Baines responded well Mr. Thomas is here.

Alderman Gatsas stated I think Mr. Thomas is going to tell me that he sent it to the City Solicitor.

Solicitor Clark replied that is correct. It is being reviewed and worked on.

Mayor Baines asked when do you anticipate it coming to the Board.

Solicitor Clark replied within 30 days.

Mayor Baines stated mission accomplished.

Alderman Gatsas replied thank you, your Honor.

Alderman Shea stated just by way of my understanding, if Gill Stadium is part of Parks & Recreation, if funding is done isn't it done through the CIP Committee. Isn't that part of the…

Mr. Sherman interjected it still runs through the CIP Committee but it is funded through the Enterprise fund.

Mayor Baines asked what is the motion.

Deputy Clerk Johnson answered I think you are looking to accept the report at this point.

Alderman O'Neil moved to accept, receive and adopt the report. Alderman Pinard duly seconded the motion. Mayor Baines called for a vote. The motion carried with Alderman DeVries being duly recorded in opposition.

Mayor Baines stated I would like to ask the Board's indulgence. I had met to request that Item K be subject to a reconsideration so that we could discuss that thoroughly because I think there are a number of us who feel that there should be further discussions with Parks & Recreation and the developer. I talked to Ron Ludwig recently about fine-tuning some of the priorities within his department in terms of recreational facilities and there may be an opportunity for us to get a better situation in fact if we worked with the developer to create an additional recreation facility. I want it clear because I watched, even though I was suffering from the flu, I watched the CIP Committee meeting last week and we are not talking about relocating Singer Park as the entity Singer Park. We are talking about creating additional and perhaps better facilities for kids around the City. I would ask that we have a motion for reconsideration so we can discuss that a little bit further this evening.

Report of Committee on Community Improvement

K. Recommending actions as follows regarding the relocation of Singer Park: a) the bleachers be moved to West Memorial Field; b) the lights be given to Parks & Recreation for future use; and c) a cash proposal from the developer, Manchester Downtown Visions, be accepted and put in the City's Special Revenue Reserve Account.

Alderman O'Neil moved to reconsider Item K. Alderman Gatsas duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Alderman O'Neil stated I think item a) we were all in agreement with that it made sense to relocate the bleachers to the visitor's side at West Memorial field. I don't know if you want to take these separately. Would that be appropriate?

Mayor Baines responded I thought if we could table this item and engage Mr. Ludwig…we have already started conversation with the developer and really talk about some of the options that we could bring back to the CIP Committee in terms of relocation or the construction of the facility as I said earlier. We may come back to this anyway. That is always an option.

Alderman O'Neil replied on the bleacher issue, the timing is probably right if we are going to move forward to get that done so it is ready for the fall season at West Memorial. That one I don't remember having a lot of discussion on in the Committee. I think there was an agreement on that so I will move on item a).

Alderman Lopez stated I thought we were discussing the whole thing.

Mayor Baines responded that is fine.

Alderman Gatsas stated I was able to have some discussion through Alderman O'Neil and the CIP because the first understanding that we had was that the transformation of the fields would be at Derryfield Park. My concern was that it was not going to be a venue as Singer Field, that that kind of a venue would be kept for Gill Stadium, and that the fields that we would produce at Derryfield Park would be for youth, not for…and I understand that they're going to have people to come and watch games but it would not be of the magnitude that Singer Park had. It would be more for the youth, soccer teams, softball teams, and I think that we would probably get a bigger bang for our buck by allowing the developer to do the work. Probably get it done in a quicker manner, because we will not have to go through the old procurement process. But we could get something done much quicker and probably get it in by late summer and it doesn't have to be of the level of the field at Singer Park was. That's why I think it would make sense for us to move on Derryfield Park. To get some of those needed field that the youth can use, and that Parks & Recreation can distribute to the different teams that are looking for fields.

Alderman Shea asked is Alderman Gatsas suggesting the money that is going to appropriated for Derryfield Park be removed from the budget and this substituted in its place? Or does…I assume there is a certain amount of money that has been allocated for Derryfield Park in the Parks & Rec budget. I don't know if we're…

Mayor Baines interjected first of all it's the CIP budget. That'll be my budget that I'll be announcing sometime next week.

Alderman Shea asked that hasn't been completed.

Mayor Baines replied no. The only thing I'm asking Aldermen tonight, really that the issue be tabled. There are perhaps some things…just to allow Ron some more time to fine tune some of the priorities. I know that Alderman O'Neil reviewed the 10-year report that they had put forward. I know he was in the process of getting that out to the entire Board so you can look at what the department had been looking at over a 10-year period. And then come back and revisit the issue. You may make exactly the same decision. But as I watched that meeting the other night, there was really a lack of understanding that the department had actually looked out ten years. And actually as you look at that report…and I think actually

Alderman Lopez had brought up the report that night. When you look at it and see what we've done I think we should be very proud of what we've done. All I'm asking is some more time for Ron and his department to fine-tune that. Looking at priorities of the City going forward to sit down with the developer and come back to the Board and looking at what some of the other options might be. There are south end issues that Alderman DeVries brought up. There's a lot of different issues in the City and talking about what Alderman Gatsas said earlier, we may end up getting more value if in fact we work with the contractor to create a facility as opposed to taking cash, going through all the processes and procedures that we have to go through in City government. And may not end up with the best value on the amount of money. I think that's all we're talking about here.

Alderman Shea stated I'm not sure if Randy would clarify that situation, because I believe that when he was discussing it, he mentioned something about the fact that you could not use that money for that purpose. If I'm incorrect, you can correct me Randy.

Mr. Sherman stated what I was speaking of was that we couldn't take that money and use it for an alternate purpose. What the original deal was, was that they would reconstruct a soccer facility, a soccer field in place of the soccer field that they're going to be bulldozing under. So, if the Board agreed to allow them to go over to Derryfield and pick out the current soccer field and the two softball fields, and reconstruct that, that's well within the confines of the agreement that we have.

Alderman Shea added but if they were to reconstruct two baseball fields there, that would not be possible. Is that correct? They have reconstructed a soccer field that is similar to the one at Singer Park.

Mr. Sherman replied I believe that's the way the agreement really is. It was referring to the soccer. Now again if we want to cut those two softball fields into the soccer field, I don't see any problem with that. But when we were starting to talk about using it over at Memorial or going around and putting $100,000 here and $100,000, I think that's when we started running into problems.

Alderman Shea stated my understanding in discussing about Derryfield Park was that there were two field for softball there, two baseball fields that are in bad shape. So what would happen actually you would have to either take one or both of those fields and make it a full-length soccer field so that that would possibly not be accomplishing what our youth program would be all about, I guess.

Mr. Sherman stated what you have is a soccer field that has a softball field, two softball fields in opposing corners, on opposite ends. And I think that's what Mr. Ludwig is saying is if you're going to put the field back there, he would like to have those softball fields retained. Again, I don't think that's outside of the parameters.

Mayor Baines stated and all I'm asking is for the Parks Director to look at all the different options and come back to the Board.

Alderman Shea stated but your Honor I think Alderman O'Neil raised a good point here. The bleachers have nothing to do with a second field and neither do the lights. I think those are the two points. Maybe the third point could be discussed, but I think A and B would be…I would like to make that motion to keep that in place. Nobody cares about A and B in terms of a third field or whatever, but moving the bleachers over to West High because I think they're willing to do that and I think we should take advantage. And I think the lights themselves…so I'd like to make that motion that we accept A and B and refer C back to…

Alderman Shea moved to accept items a) and b) and refer c) back to the Committee on Community Improvement. Alderman Guinta duly seconded the motion.

Alderman O'Neil stated just a point your Honor. We need to…I don't know…I am no expert on sports lighting, but I did spend 20 something years in electrician. We need to make sure they physically, not only physically fit it at Memorial, but they were designed specifically for Singer Park. Memorial with a track they are going to have to be pushed out further. Can they put more heads on the light? Can the poles…so it's not as easy as just saying those lights will work.

Alderman Shea replied nobody is suggesting they go to Memorial. We said that they would be given to the Parks & Recreation for future use. We are not saying they are going to Memorial.

Alderman O'Neil replied that's fine.

Mayor Baines stated the motion would be to accept a) and b) and table c).

Alderman Lopez noted the motion was just for a) and b). There's a question on item c). I didn't have an opportunity to discuss it.

Mayor Baines replied we can discuss it.

Alderman Lopez stated no I am ready to move a) and b). That is his motion.

On a motion by Alderman Shea, duly seconded by Alderman Guinta, it was voted to accept items a) and b).

Mayor Baines asked Alderman Shea to make a motion to refer item c) back to the Committee on Community Improvement.

Alderman Shea moved to refer item c) back to the Committee on Community Improvement. Alderman Guinta duly seconded the motion.

Alderman Lopez stated I think in the Committee as we talked about defining this cash, there's already a plan for Derryfield, and there's money in the CIP budget. But I think the most important thing that Randy Sherman brought up is the one-time use of this money that we could put into the reserve fund. What that one-time use is might be more important of taking that money and…let's just for an example say that we might need vehicles for the police department that we can't find any money for. To me that's more important than taking that money and not putting any money in the CIP for Derryfield, if that was the intent. There must have been some conversation some place that I missed some place along the line. To take that money and have them go over and construct a soccer field over there, it takes the money away from us putting into the reserve to be utilized for something that might be more important than Derryfield. It could be used for vehicles. It could be used for a soccer field down in the south end, or whatever the case may be. I think staff was going to come up with recommendation as well as Ron Ludwig was supposed to come up with some recommendation. I don't know what went on between the Committee meeting and tonight's meetings. I think the money should go under reserves.

Mayor Baines responded nothing went on.

Alderman DeVries stated I very much agree with Alderman Lopez. The developer when he was at CIP indicated that he was not talking value instead of cash. They had dedicated in their minds an amount of money they were willing to spend and he was indicating to the CIP Committee that he would be taking from that dollar amount that they had put in their mind, which was somewhere between half a million and three quarters of a million, if I recall. In detracting from that the expenses for removing the bleachers and removing the lights and putting them into storage and then whatever was leftover after a) and b) was accomplished would be available either to go for field renovations wherever the City decided or CIP had decided, or go into the one-time cash reserves. If they were telling us in lieu of that dollar amount they would be doing something that was worth five times that amount, I think Alderman Lopez and I might have a different impression. But that is not what they were saying. They were saying we could either have the cash or whatever that cash would buy we could have services at another park. Whatever we chose to do. Well given that case I think we have to be prudent, we have to be frugal and we have to look ahead to the difficult times we might be facing. And we have to put this into the one-time reserve until we go through the budget process and we see where we are. If we make it through budget, and all of our necessary fire, police, highway and other necessary services are taken care, then we can look at Parks & Recreation and establish where that should be.

Alderman Gatsas stated my clear understanding from what you said Mr. Sherman, the money must be used for fields. It can't be used for police vehicles. It can't be used for fire trucks. It can't be used for baseball bats. Is that my understanding or not?

Mr. Sherman replied if you're going to do the swap, they're going to give us the in kind service, it needs to go into a soccer field. If you're going to accept the money, in lieu of that, it will go into this one-time account and you can use it for any one-time capital item. However, I would say that I would not consider police cruisers fall into that category. They have a two-year life and that's hardly a one-time purchase. Certainly you could do it for more of a fire truck that's got a 15-20 year life, but a cruiser I wouldn't say qualifies in the definition.

Mayor Baines stated you're talking about a two-year life Mr. Sherman. You should live in my household. The cars we have last at least 10-15 years.

Alderman Smith stated first of all I'd just like to explain Gill Stadium to a few of my colleagues. I've been fighting to get this out of the enterprise system because I looked over the figures and back two years ago they grossed $21,000. So it shouldn't be in the enterprise fund at all. They should get the expenditures from CIP or so forth. But my consideration and the way I voted on the CIP the other night was, we are taking away baseball fields. Six leagues play there. I imagine Trinity must play some of their girl's softball games there. I'm not quite sure. But we're displacing I think from the Parks & Recreation Director, he said over 500 kids that play baseball. I would like to say also that you're taking baseball fields and putting a soccer field. I would like to know what's going on down at Sheridan/Emmett Park, if Ron Ludwig would come up I would like to ask him a question. Are we losing a ball field for a soccer field down there?

Mr. Ludwig replied the project at Sheridan/Emmett, Alderman, there was a small ball field there. Very undersized and just about not usable in it's present condition. And what we found in that portion of the City there was more need just to create a rectangular field with dual use. We could still use the field if we had to for some little league practice, for very small kinds that don't hit the ball 200 feet. So in our opinion it made better sense to just create a rectangular field there for use in that area.

Alderman Smith replied I did play soccer in college too. We couldn't adapt that field at Sheridan/Emmett Park to a soccer field?

Mr. Ludwig answered it's no where near large enough to do that. It would be a very downsized…less than even intermediate sized field.

Alderman Smith replied there's probably 400 feet down the other end of the park. Union Street to Summer Street.

Mayor Baines noted we're getting off the reservation here, but…

Mr. Ludwig stated the area we're working on is from Union, in an easterly direction towards the school, right now. We're not doing anything from Union to Pine.

Alderman Smith replied no. I am talking about Union St. going east to Summer Street. There's Summer St. that's right across from Beech Street school. It dead-ends. There are three houses there.

Mayor Baines stated Alderman could I ask you this, I did allow you to go off the reservation on the field a little bit here. If we could just follow it up individually after another time about that particular park and we could go back and focus on the money or the project.

Alderman Smith followed what I'm getting upset about is we're displacing a great amount of kids for another program. Now it's youth sports…outward…displacing out three ball fields, without a doubt.

Mayor Baines replied I'm not in favor of displacing any ball fields whatsoever, so all I've…if you recall my original request it was simply to table that, or refer it to the CIP Committee to allow Ron a little bit more time to fine tune some recommendation and priorities. But I am not in favor of getting rid of any ballparks, because I agree with you. We can't afford to do that.

Alderman Smith stated I know the Alderman to my left was trying to get a park down on the south end and I asked the Parks & Recreation Director and they can't find a park. This is eight months. What are we going to do? Where are they going to play?

Mayor Baines replied we did talk about that too. Again, we have to fine tune where they're at and try to give some more information to the CIP.

Alderman O'Neil stated my understanding with regards to Derryfield was that the developers through their architects were going to take a look to see if they could not only maintain the two softball fields but also add the soccer field and the outfield. It might mean turning the softball field to something…I don't think that we ruled out that those softball teams need to be displaced. Could push a little bit more towards Reservoir Ave. I don't think we've agreed to displace anyone, but actually by having a professional take a look at it maybe come up with a way to do it.

Mayor Baines stated that's all we're asking. I'm not in favor of displacing any athletic field.

On a motion by Alderman Guinta, duly seconded by Alderman Sysyn it was voted to move the question.

Mayor Baines asked is there a motion to refer the question.

Alderman Shea replied no there was no motion.

Mayor Baines said yes there was…just to refer it to CIP.

Alderman Shea answered no I removed that your Honor because a) and b) was and then I removed…

Mayor Baines replied when you came out we…it's just to move the question to see if the Board wants…I will call for a vote on the motion to move the question.

A roll call vote was taken on the motion to refer item c to the Committee on Community Improvement. Aldermen Forest, Gatsas, Guinta, Sysyn, Osborne, Pinard, O'Neil, and Wihby voted yea. Aldermen Smith, Lopez, Shea, DeVries, and Garrity voted nay. The motion carried.

Report of Committee on Traffic/Public Safety

R. Recommending approval of a request for no parking on Elm Street (both sides) from Webster to Valley Streets and on Elm Street (west side only) from Auburn Street southerly (approximately 900 feet to allow for parking of buses) on Sunday, March 23, 2003 in conjunction with the St. Patrick's Day Parade. The Committee further recommends approval of the painting of shamrocks at the intersection of Elm and Pleasant Street and Elm and Hanover Street and notes that this will be done under the direct supervision of the Police and Traffic Departments.

Alderman O'Neil stated just for clarification the Clerk in taking a look at this item just wanted to clear it up a little bit.

Deputy Clerk Johnson stated we would suggest a motion to amend the report for approval of a request for no parking on Elm Street, both sides, from Bridge Street to Valley Street on Sunday, March 23.

On motion of Alderman O'Neil, duly seconded by Alderman Forest, it was voted to accept, receive, and adopt the report as amended.

Nominations to be presented by Mayor Baines, if available.

There were none.

On motion of Alderman Guinta, duly seconded by Alderman Garrity, it was voted to recess the regular meeting to allow the Committee on Finance to meet.

Mayor Baines called the meeting back to order.

OTHER BUSINESS

A report of the Committee on Finance was presented recommending that a Resolution:

> "Amending the 2003 Community Improvement Program, authorizing, appropriating and transferring funds in the amount of One Hundred Thousand Dollars ($100,000) for the 2003 CIP 511303, PAL Center Project."

ought to pass and be enrolled; and further that Bond Resolution:

> "Authorizing The Issuance of Bonds and Notes for Demolishing the existing Derryfield Golf Course Club House and Constructing, Originally Equipping and Furnishing a New Derryfield Golf Course Club House ($2,300,000), Authorizing the Execution of a Management Agreement between the City and BLL Restaurant, Inc. for the Operation of the new Derryfield Golf Course Club House and Authorizing the Mayor and Any other Designee Thereof to take any and all Other Actions to Accomplish the Purposes of this Resolution."

ought to pass and lay over.

Alderman Osborne moved to accept, receive and adopt the report. Alderman Pinard duly seconded the motion. Mayor Baines called for a vote. The motion carried with Alderman DeVries being duly recorded in opposition.

Mayor Baines stated we are going to address Item 18 of the agenda now because we do have some people in the audience waiting for this.

> Communication from Jim Conley, asking that the Board authorize the waiver of a tournament fee in order to maximize funds to be raised on behalf of Tyler Brown, a 15 year old Central High student recently diagnosed with Leukemia, for the charity golf tournament scheduled to be held June 27th.

Alderman O'Neil moved to authorize the Parks, Recreation and Cemetery Department to waive such fee for the purpose intended. Alderman Shea duly seconded the motion.

Alderman Shea stated I have the pleasure of knowing Tyler Brown. He is the greatest person you would ever want to meet. He is a wonderful young man. He played little league baseball against my granddaughter. He is just a wonderful person and we all feel so badly for him so the least we can do is do something to help him and his parents.

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

> Report of Committee on Community Improvement advising that it has reviewed proposed language relating to support of the LCHIP program and recommending the Board adopt Resolution:
>
> > "A Resolution in Support of Continued Funding for the Land and Community Heritage Investment Program (LCHIP)."

On motion of Alderman Forest, duly seconded by Alderman Osborne, it was voted to read the Resolution by title only and it was so done.

Alderman Shea moved that the Resolution be adopted. Alderman Lopez duly seconded the motion.

Alderman Wihby asked can the letter we got from Jane Beaulieu go with it.

Deputy Clerk Johnson answered if that is what the Board desires but what she is referring to is in the Resolution. We have incorporated that language in the Resolution.

Mayor Baines called for a vote on the motion. The motion carried with Alderman Gatsas being duly recorded as abstaining.

Alderman O'Neil stated just for clarification because we had this discussion in Committee this is to go to the Governor and Legislature as well as the committee that distributes the money.

Mayor Baines responded yes.

Ordinance:

> "Establishing a special purchase procedure for the Derryfield Country Club Clubhouse Project."

Alderman Pinard moved to suspend the rules and place the ordinance on its final reading by title only without referral to the Committees on Bills on Second Reading and Accounts, Enrollment and Revenue Administration. Alderman Osborne duly seconded the motion.

Alderman DeVries stated I would just like to make my final appeal. This really should be going to Bills on Second Reading and I would like to make that…well I can't make a motion on it but I would like that to be considered that the referral go to Bills on Second Reading so that the public has an opportunity after they have had the hearings that are being arranged and they can weigh in on the project and feel fully prepared and we will know where Gill Stadium and other projects are. I just think we are being premature and jumping the gun tonight.

Alderman O'Neil responded my understanding is the only thing we are doing with suspending the rules is the delivery method of construction. Nothing else would get referred to Bills on Second Reading.

Mayor Baines asked Solicitor Clark to explain.

Solicitor Clark stated the only thing you are suspending the rules for is to amend the procurement code to allow for construction management.

Mayor Baines responded right other than that it is following the regular procedure.

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

Ordinance:

"Establishing a special purchase procedure for the Derryfield Country Club Clubhouse Project."

On motion of Alderman O'Neil, duly seconded by Alderman Sysyn, it was voted to read the Ordinance by title only and it was so done.

This Ordinance having had its final reading by title only, Alderman Lopez moved on passing same to be Ordained. Alderman Shea duly seconded the motion. Mayor Baines called for a vote. The motion carried with Alderman DeVries being duly recorded in opposition.

Communication from Aldermen Sysyn and Garrity asking the Board to direct City staff to explore the possibility of the purchase of the Wiggin & Nourie site adjacent to City Hall.

Alderman Sysyn moved to approve the request. Alderman Garrity duly seconded the motion.

Alderman O'Neil stated I think it is worth taking a look at. If we try to add one person at City Hall there is no space for them and we have storage…the City Clerk has storage throughout the City. I think it is worth looking at. Nothing is wasted if we do it and in the end if it doesn't work it doesn't work but I think it is worth looking at.

Mayor Baines responded the only comment I will make without speaking about the motion is that it is a very valuable piece of property in downtown Manchester and I believe it should be kept on the tax roles. The Board has its prerogative.

Alderman Lopez asked are we going to put a timeframe on this. We don't want this thing going for two or three or four months. Can we get a report back at the next Board meeting?

Mayor Baines responded I will work on that and report back by the second meeting in April. Is that fair enough?

Alderman Lopez replied that is fine.

Mayor Baines stated we will attach that to the motion and called for a vote. There being none opposed, the motion carried.

Communication from Frank Thomas, Public Works Director, requesting authorization to enter into a contract with the NH Department of Safety, Office of Emergency Management, to accept funds and to execute any related documents that may be necessary for the Fallout Shelter Supply Removal Contract.

On motion of Alderman Pinard, duly seconded by Alderman Shea it was voted to authorize the Public Works Director to enter into a contract with the NH Department of Safety to accept funds and to execute any and all documents necessary.

Communication from Frank Thomas, Public Works Director, requesting that the Manchester Economic Development Office be authorized to expend up to an additional $13,543.88 from the communications antenna lease funds for the purpose of continuing basic maintenance, operation and cleaning of French Hall while marketing activities proceed.

Alderman Forest moved the item for discussion. Alderman Sysyn duly seconded the motion.

Alderman Forest asked, Frank, in reference to French Hall and the cleaning isn't this quite a bit of money for a building that has been closed.

Mr. Frank Thomas answered this is for a minimal effort of cleaning by ServiceMaster. It is just to get the facility clean enough so that when it is marketed it is going to be reasonably presentable. We are not in there on a weekly or monthly basis. It is like a one shot deal.

Alderman Lopez stated I don't think Frank can answer this and I don't think Jane Hill is here but wasn't Jay Taylor working on that and putting it on the market. What is the story?

Mayor Baines replied you should…some information will be forthcoming on that shortly. It has been actively marketed and there may be an offer on that property. That is going very well. There is some interest in the project.

Alderman Gatsas asked if there is a…if on the brighter scope there is a contract pending why would we want to spend $13,000.

Mr. Thomas answered in order to keep the heat going and the electricity and natural gas, etc…now obviously we have projected that we need this $13,500 to make it through this budget year until June 30. If by chance the property is sold next month obviously we will not have those expenses but right now we have to assume that we are going to have to continue maintaining that facility.

Alderman Gatsas asked is this the second allotment that we have spent on this building. Was there a $35,000 number?

Mr. Thomas answered we did get authorization earlier in the amount of about $23,000 or something like that out of the same antennae fund to again cover our costs of heating that

facility over the winter months and the other costs for natural gas and keeping the telephone lines going, etc. There has been an ongoing operation and maintenance cost that was not funded in the building maintenance budget. However, the Board authorized up to a limit of funds in the lease account. We are saying that we have run out of money that was authorized to us. We are projecting that we need another $13,500 to take us through the remainder of this budget year.

Alderman Gatsas asked when was that $23,000 allocated.

Mr. Thomas answered it was…I don't have the exact date. It was probably in the fall.

Alderman Gatsas asked so in this fiscal year we are looking to spend somewhere around $39,000.

Mr. Thomas answered in this fiscal year we are looking at spending…let's see there has been $23,500 to date and we are asking for another $23,500 approximately to carry us through the year.

Mayor Baines called for a vote on the motion to approve the request. The motion carried with Alderman Gatsas being duly recorded in opposition.

> Communication from Frank Thomas, Public Works Director, requesting authorization to apply for and accept a grant in the amount of $862.05 from the New Hampshire Used Oil Transport Grant Assistance Program, and to execute any documents that may be necessary for the contract.

On motion of Alderman Shea, duly seconded by Alderman Lopez, it was voted to authorize the Public Works Director to apply for and accept a grant in the amount of $862.05 from the NH Used Oil Transport Grant Assistance Program.

> Communication from Frank Thomas requesting that $51,000 be transferred from Contingency to the Special Projects Line Item in the FY03 Building Maintenance Division operating budget for the maintenance of the
> Carol M. Rines Center.

Alderman Smith moved to transfer $51,000 from Contingency to the Special Projects Line Item in the FY03 Building Maintenance Division operating budget. Alderman DeVries duly seconded the motion.

Alderman Wihby asked are we asking for $51,000 or $15,000.

Mr. Thomas answered $51,000.

Alderman Wihby asked which is the $36,000 that has already been paid plus the $15,000.

Mr. Thomas answered that is correct. We have incurred a cost to date which, again, was not funded in the Building Maintenance budget. We are projecting over the next five months another $15,000.

Alderman Guinta asked the City now owns the property.

Mayor Baines answered yes.

Alderman Gatsas asked is there a reason why the Health Department wouldn't pay this where they are not paying rent.

Mr. Fred Rusczek answered the Health Department is picking up a considerable portion of the costs related to the Rines Center. If you recall we only occupy a portion of the Rines Center and for a long time the Mass College of Pharmacy was there. The custodial costs that were incurred by the City were custodial costs that were related to the common areas. The area within the Health Department is maintained by the Health Department custodian and since the college has moved out, Frank and I have worked out that the ServiceMaster custodian agreement was terminated to save some money. The Health Department had about $45,000 in its rent line item. We are picking up other costs associated with the building…about $42,000 rather. We are covering all of the electrical costs, which are anticipated to be about $36,000 and incidental costs including snow removal costs from the Traffic Department and some other things that have come along. This is kind of…Frank's proposal is kind of a mixing with the parts that the Health Department is picking up within its budget from its rent and utilities line items.

Alderman Gatsas asked was there no rent coming from the Mass Pharmacy.

Mr. Rusczek answered I believe the City recovered about $75,000 in rent from the Mass College of Pharmacy but that was not part of the Health Department budget.

Mr. Clougherty stated that is revenue. It is not an appropriation.

Alderman Gatsas asked so in other words it is going into the general fund and what we are doing is taking some of the $51,000 out of the general fund or contingency.

Mr. Clougherty answered that is right.

Alderman Shea stated while we are on this when are the other departments going to be moving into the Rines Center. Do you have any idea of a timetable for the two departments that are scheduled to move in?

Mr. Rusczek replied I believe that perhaps Mr. MacKenzie could answer that.

Mr. MacKenzie stated it is hoped that…there is additional money required to complete the project. It is hoped that it will be appropriated in the CIP budget as an expedited project. If that does happen sometime in April, it is hoped that the project can be completed by the end of August.

Alderman Shea asked the end of August means that is when all of the departments are scheduled to go in there.

Mr. MacKenzie answered yes.

Alderman Lopez asked, Fred, is any money from the grant money that you receive calculated into your maintenance.

Mr. Rusczek answered the grant money that we typically receive from Federal or State grants will pay for staff support and services to the public but can't routinely be used to cover facility costs. We are working…next year part of our budget is that being in the Rines Center and the facility that it is will enable the Health Department to provide training to other public health folks around the State. We are anticipating that…we plan on recovering about $30,000 to offset some indirect costs that the Health Department will incur but that is looking ahead. In other words, when we put in a grant proposal last year we didn't have the Rines Center and we weren't using it for training and stuff so there is no way I can recapture facility costs. We did build in to the budget some funding support to pick up some of the oddball costs associated with reconstructing the Health Department. For example, ventilation systems within lab areas and a generator for the building and stuff so we have done all that we can do.

Alderman Lopez asked as you go through the budget process because it seems like there is going to be more maintenance money for the Rines Center, which you didn't have before because you were renting and I don't know exactly what the final numbers are going to be but it looks like it is going to be a costly operation and before you didn't worry about it but now that Building Maintenance does it it seems to be more costly. That is just a point. Take a look at it.

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

Ordinances:

"Authorizing the Mayor to Dispose of Certain Tax Deeded Property Known as Hobart Street, Map 0497/Lot 0008."

"Amending Section 33.046, Entrance Pay Rates (G) of the Code of Ordinances of the City of Manchester."

"Amending Section 33.024, 33.025 & 33.026 (Assessor's positions) of the Code of Ordinances of the City of Manchester."

On motion of Alderman Pinard, duly seconded by Alderman O'Neil it was voted to read the Ordinances by title only and it was so done.

On motion of Alderman Wihby, duly seconded by Alderman Sysyn, it was voted that the Ordinances, having had their second reading by titles only, pass and be Enrolled.

Alderman Gatsas stated just for clarification, and maybe I can get this from the Human Resources Director, the Assessors…didn't this Board once vote already about the Assessor's position. The rate of pay that was going to be there? We changed that in this ordinance? I'm looking for something that tells me what we're doing and there's nothing here that says we've changed that.

Virginia Lamberton replied yes the Board did vote to change the titles and to change the grades.

Alderman Gatsas asked what is this action.

Alderman Lopez stated it's amazing that you brought that up because when we go into the Accounts Committee we were going to discuss something about this and make sure that the Aldermen completely understand and I would wait for that and if you could hold your question we can take that up after the accounts committee because you have one more chance to approve this. Is that OK with you Alderman?

On motion of Alderman Osborne, duly seconded by Alderman O'Neil, it was voted to recess the regular meeting to allow the Committee on Accounts, Enrollment & Revenue Administration to meet.

Mayor Baines called the regular meeting of the Board of Mayor and Aldermen back to order and asked for the report on the Committee on Accounts, Enrollment & Revenue Administration.

A report of the Committee on Accounts, Enrollment & Revenue Administration was presented advising that Ordinances:

"Authorizing the Mayor to Dispose of Certain Tax Deeded Property Known as Hobart Street, Map 0497/Lot 0008."

"Amending Section 33.046, Entrance Pay Rates (G) of the Code of Ordinances of the City of Manchester."

"Amending Section 33.024, 33.025 & 33.026 (Assessor's positions) of the Code of Ordinances of the City of Manchester."

were properly enrolled.

Deputy Clerk Johnson noted that the Committee discussed the issues of procedures to be set by the Board of Mayor and Aldermen and possible amendments to the ordinance.

Alderman Guinta moved to accept, receive and adopt the report. Alderman Lopez duly seconded the motion.

Alderman Lopez stated if I may in conjunction with what we just did in passing the final reading on the assessor commercial position, in order to find out what the wishes of the Board is, the procedure for appointing a commercial assessor, if you take a minute and read it. We need some guidance as to the direction that you would like, or appoint a special committee as you can read it. Whatever you want to do. We need something in place so that the HR Director can provide the necessary information. I might note that…and I'll let her speak to it because there is confidentiality involved in this because it is a classified position. It's just not picking somebody and saying you're the assessor for the City of Manchester, like in the past previous. And Tom Clark can comment on it, and I think it would be helpful if they do comment on it…

Mayor Baines asked Alderman Lopez why don't we just pass what we have on the floor and then if we want to have some discussion about that, fine. Mayor Baines called for a vote on the question. There being none opposed, the motion carried.

Alderman Guinta said I don't know if there's anything to talk about, we just passed it.

Mayor Baines replied why wouldn't we ask Human Resources Director to develop a recommendation of the process going forward and bring that to the Board for approval.

Alderman Lopez replied if that's the way the Board wants it, fine.

Mayor Baines was informed that a recommendation of the process has been accepted by the Board.

Alderman DeVries stated there's a draft procedure that has been handed out the Board and I believe that's what Alderman Lopez was attempting to address in his comments, but it was kind of misplaced with the…

Ms. Lamberton stated that the Charter requires that you have a written procedure. That you recruit and select assessors, or City officers. All I did was draft something up for you for the purposes of discussion. That's all I've done. But it gives you an outline of steps you probably need to follow in order to select someone, nominate someone, confirm somebody.

Mayor Baines asked could you just outline or highlight it and we could get that approved.

Ms. Lamberton continued obviously we'll advertise for the position. We'll accept the applications, we'll review the applications and determine whether or not these individuals all meeting the minimum requirements for the position. Those applicants that don't meet the minimum requirements for the position, we'll write them a letter and tell them so and why. I am suggesting that you have some sort of screening committee that you not have candidates come to the interview done by a large group like this. Have a representative group from this Board, perhaps three Aldermen, somebody that is a certified assessor who has no vested interest in the position. And one of the people I recommended was perhaps the Director of Property Appraisal for the State of NH. Then another individual, a fifth individual that would be selected or chosen by the Committee itself. Those individuals can interview, screen, and then recommend an individual or individuals to the full Board for appointment. That's essentially it in a nutshell.

Mayor Baines stated it seems that you would be a part of that too.

Ms. Lamberton replied that would be the Board's decision.

Mayor Baines continued I would think that would be a part of any selection process that the Human Resources Director be included, and if we could just include that and accept a motion to accept her recommendation.

On a motion of Alderman Wihby, duly seconded by Alderman Guinta, it was voted to accept the proposed hiring procedure for the Commercial Assessor's position.

Ordinances:

"Authorizing the Mayor to Dispose of Certain Tax Deeded Property Known as Hobart Street, Map 0497/Lot 0008."

"Amending Section 33.046, Entrance Pay Rates (G) of the Code of Ordinances of the City of Manchester."

"Amending Section 33.024, 33.025 & 33.026 (Assessor's positions) of the Code of Ordinances of the City of Manchester."

On motion of Alderman Lopez, duly seconded by Alderman Pinard it was voted to read by titles only, and it was so done.

These Ordinances having had their final readings by title only Alderman Osborne moved on passing same to, be Ordained. Alderman Guinta duly seconded the motion. There being none opposed the motion carried.

NEW BUSINESS

Alderman O'Neil stated I just want to remind the Mayor and the members of the Board of Aldermen that they are invited to march in the St. Patrick's Parade, which steps off at 1 PM on the corner of Webster and Elm Streets and you are asked to be there around 12:15 PM and no later than 12:30 PM if you plan on marching. All are invited.

Alderman Guinta stated at the last meeting I had requested the Solicitor's Office to do some initial analysis regarding our current tax collection procedure and I am wondering where that stands.

Solicitor Clark replied presently our Statute indicates that we are required to do two. We believe we are going to need special legislation. We are trying to find out from Concord…we want to contact them to find out what they did because we believe they adopted special legislation to collect more than twice a year. I will have an answer for you next week.

Mayor Baines stated just to advise you…obviously we were shocked this past week when I learned that Chief Driscoll decided to retire. I have had some conversations with the Chief and met this morning with Ginny Lamberton and the Chairman of the Police Commission, Fern Gelinas, to review the process that we will use going forward. This is the process that we will be using. As you know the ordinance requires that the first look for a candidate will be internal and we are proceeding with that. It will be advertised for five days after which time Human Resources basically will follow the same procedure that we talked about earlier looking at the qualifications of the candidate. The interviews will be conducted by myself, the Chairman of the Police Commission, and Ginny Lamberton. Also the Chairman of the Police Commission and I will be consulting with individual members of the Commission. As you know it is the Mayor's responsibility to hire someone and this is the second time I have had the opportunity to do that. The first was Ginny Lamberton. My goal is to have a nominee before the Board of Aldermen no later than April 15. Obviously if Aldermen want to discuss this with me I will invite that conversation as well. That is the procedure going forward.

Alderman Lopez stated I promised the workers in Ward 11 that I would refer to the City Clerk their recommendation and signed document asking if the elections can't start at 7 AM instead of 6 AM.

Communication from the Chief Negotiator requesting to meet with the Board for a negotiation strategy session.

On motion of Alderman Shea, duly seconded by Alderman Garrity, it was voted to recess the regular meeting for a negotiation strategy session with the Chief Negotiator.

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

A True Record. Attest.

City Clerk