

## BOARD OF MAYOR AND ALDERMEN

**January 5, 1999**

**7:30 PM**

Mayor Wieczorek called the meeting to order.

The Clerk called the roll. There were fourteen Aldermen present.

Present: Aldermen Wihby, Klock, Reiniger, Sysyn, Clancy, Pinard, Shea,  
O'Neil, Girard, Rivard, Pariseau, Cashin, Thibault, Hirschmann

### **CONSENT AGENDA**

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

### **Informational to be Received and Filed:**

- A. Communication from Lorraine Lamontagne tendering her resignation as the Ward 11 School Board Committee member effective January 31, 1999.
- B. Minutes of a meeting of the Airport Authority held on November 17, 1998.
- C. Communication from the Public Works Director advising of the I-93 Ramp closures as a result of the State of New Hampshire's bridge rehabilitation project noting that a public hearing will be scheduled at a later date.
- E. Communication from State Representative Vaillancourt submitting copies of a series on the education-funding situation in the State of New Hampshire which ran during the week of December 21st in *The Concord Monitor*.

### **Accept Funds and Remand for the Purpose Intended:**

- F. Communication from the Deputy Finance Officer advising of the receipt of funds in the amount of \$66,558.86 representing the City's share of drug forfeiture monies.

### **REFERRALS TO COMMITTEES**

#### **COMMITTEE ON BILLS ON SECOND READING**

- G. Petition to rezone a certain parcel of land located near the corner of Sheffield Road and Mammoth Road from Residential Suburban Multi-Family (R-SM) to Industrial Park (I-2) submitted by Attorney Head on behalf of Norman and Lillian Lee.

## COMMITTEE ON FINANCE

### H. Resolutions:

“Amending the 1999 Community Improvement Program, authorizing and appropriating funds for the 1999 CIP 420699 Local Law Enforcement Block Grant Program.”

“Amending the 1999 Community Improvement Program, authorizing and appropriating funds in the amount of One Thousand Four Hundred Dollars (\$1,400) for the 1999 Community Improvement Program 510999 Fun in the Sun Program.”

“Amending the 1999 Community Improvement Program, authorizing and appropriating funds in the amount of Fifty Million Dollars (\$50,000,000.00) for the 1999 Community Improvement Program 650699 Manchester Civic Center.”

“Amending the 1999 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Eight Hundred Seventy-five Dollars (\$10,875.00) for the 1999 Community Improvement Program 711099 Hackett Hill Road Area Improvements.”

“Authorizing the Finance Officer to effect a transfer of Twenty-five Thousand Four Hundred One Dollars (\$25,401) from Contingency to the 1999 Community Improvement Program 420699 Local Law Enforcement Block Grant.”

## REPORTS OF COMMITTEES

### COMMITTEE ON BILLS ON SECOND READING

### I. Recommending that Ordinances:

“Amending the Code of Ordinances of the City of Manchester by deleting a portion of 110.02(C), License and Business Regulations, providing for changes in licensing regulations.”

“Amending the Code of Ordinances of the City of Manchester by repealing Chapter 116, Alcoholic Beverages, providing for local regulation of establishments selling, dispensing, or distributing alcoholic beverages.”

“Forbidding the Possession of a Dangerous Weapon on School Property.”

“Authorizing the Mayor to dispose of certain tax deeded property known as Map 222, Lot 52 in the vicinity of River Road and Chestnut Street.”

“Authorizing the Mayor to dispose of certain tax deeded property known as Map 222, Lot 79 in the vicinity of River Road and Chestnut Street.”

“To establish means to prevent, prohibit and remove graffiti from structures and surfaces on public and private property in the City of Manchester.”

ought to pass.

**COMMITTEE ON COMMUNITY IMPROVEMENT**

- K.** Recommending that a request to extend CIP Projects until June 30, 1999, attached hereto, be granted and approved.
- L.** Recommending that a petition for discontinuance of a portion of Westland Avenue westerly of Dunbar Street be denied and that the Board of Mayor and Aldermen find that same has been released from public servitude under the provisions of RSA 231:51.

**COMMITTEE ON HUMAN RESOURCES/INSURANCE**

- M.** Advising that it has approved the Human Resources Director's recommendation relative to the YDA Compensation and Classification Study as follows:

*“that all department heads submit a transition plan for their employees and their departments to the Mayor and the Oversight Committee by Monday, January 12, 1999. The Mayor and the Oversight Committee may wish to meet with department heads to review these plans. By Monday, February 1, 1999, we may publish changes or adjusted public service hours for all departments to the public and through the media..”*

The Committee notes that matters of this nature be referred back to Committee for review prior to final approval

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

Alderman Cashin asked if we vote on the Consent Agenda, are we voting for the recommendation of the Phase II Civic Center Project, are we going for that.

Alderman Pariseau replied I removed that item from the Consent Agenda.

- D.** Communication from the President of the Board of Water Commissioners submitting their fiscal budget for the year ended December 31, 1999.

Alderman Hirschmann stated I compliment the Board of Water Commissioners on not passing any increases onto the general public, but I want to temper that with my disappointment for a street named Straw Road. Still, as of this date, not getting water service in the City of Manchester. Every time I see a water extension for Hooksett, for Bedford, for Londonderry, it upsets me greatly that my people in my ward on Straw Road don't have water...this is a fight that Alderman Girard and myself have been fighting behind the scenes with the Water Commissioners and I'm ready to bring it to this table to say we want water for residents on Straw Road, help us, and I'm not really willing to wait till the year 2000 or 2001. I want them to act, they were supposed to budget for this, your Honor. It's not my style to get up here and fight but I have to fight for the people on Straw Road and I'm asking this Board to endorse a communication that they budget for a water line on Straw Road.

Mayor Wiczorek stated I believe they're on a calendar year, if I remember correctly. So, their budget is already done for this fiscal year. Kevin, is that right.

Mr. Clougherty replied that is right. What they're doing is transmitting to you a copy of the budget that they've adopted.

Alderman Hirschmann stated then I will express my disdain for the communication because they told Alderman Girard and myself in June that they would absolutely budget for a water main project on Straw Road and that's what I'm going to express.

Mayor Wiczorek stated well then, Alderman, it would be entirely proper for you to make a motion and get a vote of the Board here to send a letter to them, maybe they do have it in their budget, did you scrutinize that budget that they do or they don't.

Alderman Hirschmann stated yes I did and I did not see that and moved that the Board endorse a communication to the Water Works Commission. Alderman Wihby duly seconded the motion.

Alderman Girard stated I just want to add a little to what Alderman Hirschmann said. We will be meeting with Commissioner Robert, Commissioner Provencher, Director Bowen and others regarding the Straw Road project and what really upsets me about this, your Honor, is that Alderman Hirschmann and I hosted a couple of meetings for the residents at the Water Works, two different meetings...people came...there was a fair amount of interest expressed by the residents and the Water Works, at the very least, said that they would do whatever tests they needed to do to determine the costs and give us a set of numbers and to date we still have not seen those numbers. So, I would ask the Board to support Alderman Hirschmann's motion, so that we are able to get the information we need to get.

Alderman Pariseau stated no one from the Water Works is here, your Honor, but I'm under the impression that homeowners were offered water, but they refused to pay for the installation from the street to their property.

Alderman Hirschmann stated out of the entire street it was only offered to about five homes, it wasn't offered to the entire street, it's not true.

Mayor Wiczorek stated I think it's going to be very simple to get a response from them.

Alderman O'Neil asked what's the motion, your Honor.

Mayor Wiczorek replied it is to send a communication to the Water Works indicating that they had promised or indicated to Alderman Hirschmann that they were going to be doing something about that in this fiscal year.

Alderman Hirschmann interjected in the 1999 budget process.

Alderman O'Neil asked are we looking for them to pay for the whole thing.

Alderman Hirschmann stated no. They budget for the capital project and the owners pay the portions as they are put on-line.

Alderman O'Neil stated we're not looking to do anything out of the ordinary.

Mayor Wieczorek called for a vote on the motion. The motion carried with Alderman Pariseau duly recorded as abstaining.

Alderman Wihby stated I've got something else on that. I guess it's nice to say that they don't have an increase in water rates, but I have a feeling that every time they come to us they don't increase the water rates, they keep it at the same but that they could go down and as you know, last year I questioned Mr. Bowen on that while he was sitting in the front row over there and I asked him it's nice not to have an increase, but how do we know we can't have a decrease. I checked with the Finance Officer at the time and he said there could be an audit that was done, so when I brought it up to Mr. Bowen at this meeting when we were doing the same thing last year okaying their budget and actually we don't okay their budget, but we probably should, we probably should have some time to see it before they actually vote on it and have some input with the commissioners. But, I asked them to do an external rate analysis audit, Mr. Bowen said he would do it, it would be part of his budget and that he would have it for us this year and I noticed that it's not done and if it was it wasn't included and at this time, your Honor, I think somebody should look at it outside to determine whether or not rates are too high and if so, they should lower the rates not just keep them steady.

Alderman Wihby moved to let Mr. Bowen know and the Water Commissioners that this Board wants that rate analysis audit done, externally done and that we want what they said they were going to give us last year and didn't get this year. Alderman Hirschmann duly seconded the motion.

Alderman Shea asked would that include sewer rates as well as water rates or just the water rates.

Alderman Wihby replied it's a different department. This was just water that he told us that he had no problem with doing this...an analysis, that it could be easily done and that they had money in the budget that could do it and that it would tell us exactly what I had argued that maybe rates should be lowered and not just held steady.

Alderman Shea stated you're just talking about the water rates and not the sewer rates.

Alderman Wihby replied in the affirmative.

Alderman Thibault asked wouldn't that affect the sewer rate though. This is where the problem would be because the sewer rate is based on the water usage.

Alderman Wihby replied usage.

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

Alderman Wihby moved to table Item D until after they get back to us. They already have their budget, I think they still should bring the budget to us and we should have it ahead of time before the commissioners vote and I think...it maybe doesn't mean much, but it shows them that we're kind of upset with them and we want that study done, it doesn't hold up anything.

Mayor Wieczorek stated we could have them come at the next meeting and give the Board an explanation, a little fast walk through.

Alderman Thibault duly seconded the motion to table Item D.

Alderman Pariseau asked what is the motion.

Mayor Wieczorek replied the motion is to table Item D. We have two letters that are going to the Water Works as a result of this item, now Item D is being tabled.

Alderman Pariseau stated I think we have to be mindful of the fact that the Water Works is an enterprise account and here we are interfering in the operation of their business and I don't think that we, as a Board of Aldermen, have any right to interfere with their activity. If we do that, then let's bring in the Parks & Rec.

Mayor Wieczorek stated that sounds like a great motion, Aldermen, don't interfere with any of the activities.

Alderman Pariseau reiterated I don't think we should get involved in the enterprise business, they're doing well, leave them alone.

Alderman Wihby stated I had asked for a study to be done...that they promised to have it done this year and would incorporate it in their budget to us. They did not do that and I want to make sure that the rate isn't unjustifiably high, that it could have been lower. I have a feeling the rate could have been lowered and instead they decided to keep it level and I don't know why they didn't do the study, I don't know why they're not here today if they want us to accept this.

They already have the budget, it's done already. This is just letting us know, it's not holding up anything, but I think they should be coming to us and telling us why they didn't have it done.

Mayor Wieczorek called for a vote on the motion to table noting the City Clerk will notify them that we'd like them at the next meeting to give people an idea of what the budget is. The motion carried with Aldermen O'Neil, Pariseau and Cashin duly recorded in opposition.

Alderman O'Neil stated I just want to make it clear I support the first two motions, but I think we got our message across and it's kind of a no point in delaying the approval, we have no say over it anyway.

Alderman Hirschmann stated the Transit Authority went to the fiscal calendar, how come this authority is the only one left on the calendar process.

Mr. Clougherty replied it's the way the Legislative Statutes were enacted. There's a different authority for each one of those that were established and according to the Water Works authorization from Concord they have the authority to do the adoption.

Alderman Wihby asked what does that mean, they can't go...do they have to go the calendar year or they could go to the fiscal year.

Mr. Clougherty replied it's my understanding that the fiscal year is set by Statute, but we'll take a look at that and revisit that if you'd like us to.

Alderman Cashin asked isn't the Water Works governed or at least reportable to the Public Utilities Commission (PUC).

Mr. Clougherty replied in part, Alderman. When they set the rates for outside the City, they have to do to the PUC and that in part gets to the whole issue of why they were set up with a separate legislative mandate that allows them to adopt those rates.

Alderman Cashin stated so their rates are approved by the PUC.

Mr. Clougherty responded some of their rates are.

Alderman Girard stated a question for the City Solicitor. Could this Board issue the Water Works a directive to conduct the audit that Alderman Wihby has brought up.

Mayor Wieczorek stated wait a minute, Alderman. We already have a letter that is going to them, let them respond before we start beating them up.

Alderman Girard stated I'm not looking to beat anybody up, your Honor, I'm simply asking the Solicitor a question...does this Board's authority to issue directives apply to the Water Works because if it does perhaps rather than tabling this item so that they know we are upset with them maybe we could issue the directive to have them do it so that we don't have to wonder and wait whether or not they're going to do it.

Mayor Wieczorek stated you're not going to have my support for it.

Solicitor Clark replied this Board has the right to issue a directive to any department including the Water Works.

**Report of Committee on Community Improvement**

**J.** Recommending that requests for acceptance of funds for various projects be approved as follows:

An amending resolution and budget authorization allowing for the acceptance and expenditure of additional U.S. Dept. Of Justice funds of \$228,611 for the 1999 CIP 420699, Local Law Enforcement Block Grant Program.

An amending resolution and budget authorization allowing for the acceptance and expenditure of increased funds of \$1,400 (Other) for the 1999 CIP 510999, Fun in the Sun.

An amending resolution and budget authorization allowing for the acceptance and expenditure of additional Bond/Enterprise funds of \$50,000,000.00 for the 1999 CIP 650699, Manchester Civic Center.

An amending resolution and budget authorization allowing for the acceptance and expenditure of additional funds of \$10,875 (Other) for the 1999 CIP 711099, Hackett Hill Area Improvements.

and for such purpose amending resolutions and budget authorizations have been submitted.

Alderman Shea stated under Item J, an amending resolution and budget authorization allowing for the acceptance and expenditure of additional Bond/Enterprise funds of the \$50,000,000.00 for the 1999 CIP 650699, Manchester Civic Center I'd like to ask the Finance Officer would he define for me what is meant by enterprise funds.

Mr. Clougherty replied the way that that is written, Alderman, is to allow as we explained at the last meeting the broadest possible allowance for the Civic Center to operate. If it's determined that the best way for it to operate is under an enterprise arrangement with private management and that's what we're looking at then that is why that language is in there.

Alderman Shea stated we've just discussed about enterprises meaning the Airport and the Water Works and so forth, does this come under that particular aegis under that particular type of definition. In other words, we're using, I assume, Rooms & Meals revenue, is that correct.

Mr. Clougherty responded that is correct.

Alderman Shea stated we're saying that we are using enterprise funds, I'm a little bit confused here.

Mr. Clougherty stated I think the reason it's "Enterprise" is so that it describes the fact that this is a commercial enterprise. This would be different than the enterprises you're talking about setting up for your airports and water departments and utility operations.

Alderman Shea stated my second question follow-up...does acceptance of this amendment mean that other public funds other than revenues from the Rooms & Meals source may be used to finance and build the proposed Civic Center.

Mr. Clougherty replied not public funds, Alderman. What we talked about there is trying to maximize the private flow of funds, the commercial enterprise funds through the building; that is the only public dollars would be the Rooms & Meals.

Alderman Shea stated in other words there can be no other funds but Rooms & Meals.

Mr. Clougherty stated not unless you authorize it.

Alderman Shea stated I just wanted clarification because we're using words here that have different meanings to different people. So, basically I'm not going to move on this item.

Alderman Wihby moved to accept, receive and adopt the report of the Committee on Community Improvement. Alderman Girard duly seconded the motion. The motion carried with Alderman Clancy, Shea and Cashin duly recorded in opposition to the Manchester Civic Center resolution.

**Report of Special Committee on Civic Center**

- N. Recommending that Phase II of the Civic Center Project as outlined herein at a total cost of \$2.6 million, be approved.

Alderman Pariseau stated I have concerns, I don't see where the City or someone from the City is going to be able to monitor these funds. It appears that we don't identify anyone from the City to monitor these funds and I'd like to...I'd feel better if I was made aware that somebody...whether it's CIP or Finance is going to monitor the disbursement of these funds. It looks like we're just going to give Lavallee/Brensinger \$1.567 million and that's it.

Mayor Wieczorek stated I think that's a fair question.

Mr. Clougherty stated if you look at the Finance Committee agenda Item 3, the start-up forms governing the \$2.6 million you'll see that the administering department is the Manchester Economic Development Office which is Jay Taylor's office which is the way Phase I was administered, so that all of those proposals and all of those payments will have to be processed through that City department and will have to follow-through the monitoring in the CIP process in the normal fashion.

Alderman Pariseau stated that is what I was looking for but didn't get to it. How do we know for a fact that Brensinger is going to actually expend for fees, the whole thing \$1,562,0325...who is going to tell us that yes, they have expended that amount of money.

Mr. Clougherty replied the Economic Development Office will be responsible for monitoring the budget and processing it through the normal CIP process and reporting system.

Alderman Pariseau asked why is everything geared to 9.5 months.

Mr. Clougherty replied it is geared to 9.5 months because that is the schedule that the consultants and perhaps I should let Skip speak to this, but that's the time frame that has been proposed in order to get a facility on-line for 2001.

Alderman Pariseau stated being a public/private partnership asked why are we contributing \$330,750 to Ogden Entertainment...they're part of the private sector.

Mr. Clougherty replied again, I'll defer to Skip Ashooh who is here on that, but my understanding is that in preparing the budget there is the need for a group to go out and do some marketing of the premium seating and the sky boxes and that an amount was put in under Ogden, but that doesn't mean that Ogden would spend that, in fact, my understanding is probably that Ogden would not.

Alderman Pariseau stated my concern too in that same Ogden Entertainment thing is \$90,000 for brochures, suites, club seats, presentations, and public relations. Also, Scheer Management (\$179,500) for program management, revenue development services...there's nothing there yet I don't know why we're spending that money...and also the feasibility study down below for \$50,000 and something about the "insurer may require for rooms, meals, bonds"...I don't know

what that is. And, the comparable venue cost (\$25,000)...site tour is going to cost...are you referring to the Staples site or what for \$25,000. I don't know, we just have to tighten things up.

Mr. Clougherty stated the monies that are being proposed here for the feasibility for the insurer is if we get to the point where the project is ready to be financed one of the things that we'll be looking for is for one of the bond insurers to come forward and guarantee the debt which is an important piece of the equation that the Board has asked for. One of the things that may be required at that time and is not uncommon in financing is a feasibility study to be conducted by an independent accounting firm like an Arthur Andersen or a Peat Marwick or something like that. You may recall that a similar study was done for the Airport and it was done by Lee Fisher. If we are to be able to go ahead and secure the issuance we're just providing in that likelihood a budget line item to make sure that the funding would be available to get that done in a timely basis. We hope that you wouldn't have to do that, but in the likelihood that you do we feel it's important to make sure that there's a provision for those dollars and I think that's the case on all of these. The comparable venue site tour as I understand it is to take a look at the more recent stadiums that have been built around the country to try and find out the best ways to maximize revenues in these buildings. Some are very successful in how they've designed the buildings to make sure that every advertising opportunity that can be exploited is. All of the items that are listed here both through Scheer Management and through the feasibility and comparable venue are aimed at trying to maximize the design of the building so that every advertising and private revenue possibility can be built into this new building, thereby maximizing the private share and hopefully reducing the amount that the City would have to put in to build it, but I will defer to Skip who has worked on this and has prepared this budget and hopefully I haven't misstated anything.

Alderman Pariseau asked who is included in that countryside tour.

Mr. Ashooh interjected if you'd like, Alderman, I can answer that. The comparable site...my committee meets tomorrow morning at seventy-thirty and you're more than welcome to join us. We're going to be talking about defining exactly who essential personnel are on a comparable site tour. This is part of every development project of this type, of this nature that takes place and it's essential for us to learn from those who have gone before us what works, what doesn't work, and how we can make this building the best we can. To answer your question on who goes, where this is a study of development that have been done we're going to be talking tomorrow about exactly those things. Is it important for the architect to be there, the building manager, someone from the City. Is it important for an Alderman to be there, is it important for the Chief of Police to be there. Those are the discussions we have. We've set aside a budget that we think will allow us to effectively visit enough venues that represent a wide enough variety that we'd learn from them and send the most important people there to do that job and then come back and develop a better building here in Manchester. So, that is the proposal for the site tour.

Alderman Pariseau asked members of your committee and who else.

Mr. Ashooh replied if I were to outline who would go at this point, we'd be looking at someone from the design side, someone from the architectural side, building management, finances...as Kevin stated one of the most important parts in designing a building is how you maximize revenue and find out what things take place in a building that cost you money so that someone from the Finance Department and someone from our bond consultant would go along to take a look at those revenue items...what works in a building, what doesn't work in an effort to make sure that we get the best revenue out of the building that we possibly can. My understanding would be that it would be important for someone from my committee to go on that tour so that as you interact in each of these buildings, we're talking about three or four different sites that the point is made at that time when you see a building and you hear from the building management what works, what doesn't work...when you hear from their finance department how they did this that it's transmitted to my committee most directly. Outside of that what we're really talking about is seven or eight key individuals that we think would be essential personnel...we'll flush that out a little bit more and what we'd like to do is take that part of it and then have a meeting with the Aldermanic Special Committee on the Civic Center to talk to them about the site tour and what is the first of essential personnel to go on this. This is not a junket, we are talking about possibly four venues nationwide that we want to see covered in three days, so it's going to be a working trip.

Alderman Pariseau asked when do you plan on going.

Mr. Ashooh replied the venues that we're thinking about would be Bakersville, California; West Valley, Utah which is outside of Salt Lake City; Grand Rapids, Michigan; the Bi-Lo Center in Greenville, South Carolina...this mix of four facilities covers a number of different types of facilities and a number of different management companies...Ogden is represented in one of those properties. SMG Volume Services, we have a number of different architects involved...so the idea is to see what other people have done in other communities, how they handled downtown facilities, how they handle their parking and then bring that knowledge back here while we're in the design phase of this building. So, before we dig a hole we've seen how other communities deal with all of those issues.

Alderman Pariseau asked wasn't that the purpose of the Peoria trip.

Mr. Ashooh replied that was one facility, that's absolutely correct. But, that was done on an economic development basis. Now, we're talking about doing something that's geared exactly towards the development of a specific building here in Manchester rather than economic development. I think you saw and it was very valuable for those Aldermen who did go...you saw what happens with an economic development project. Now, we're talking about taking that same effort but seeing how we can use that knowledge to improve the building that we're talking about building in Manchester before we start putting this on the ground.

Mayor Wieczorek asked is there anyone else.

Mr. Ashooh interjected before you do that, if you don't mind, Alderman Pariseau brought up a number of items and let me just run down a couple of the things...under Ogden Entertainment the funds that actually flow to Ogden Entertainment is an amount of about \$65,000. The \$47,500 and the \$19,000 in expenses are actually to compensate Ogden for their time and effort in the building. The balance of those funds...marketing sales and materials...Kevin I think touched on this and I'd like to elaborate. Those are funds that are going to go to someone who we commission with the task of the sales and marketing effort that would go in selling all of the luxury suites and the 600 club seats. So, it may go to Ogden...Ogden has communicated to me that they are probably not the ones that should be in receipt of those commissions, those should go to someone else because there may be a conflict there, that's their position, that's our position. So, that is money that we thought was conveniently placed there, but may very well go to another organization. It may be an independent sales and marketing organization. The feasibility cost...Kevin touched on the comparable site tour, we touched on program management for Scheer Management encompasses a whole realm of things and the scope of services involved there includes...as the owner's representative on this project. They would be the ones, as you can imagine neither myself, Ray Pinard or Dick Charpentier have enough time to be on-site every day. We need someone who will act as our representative on the ground, on-site dealing with all the contract negotiations resolving the issues, reporting to us and to the City, being accountable to us; that is really what a lot of those fees are for.

Alderman Shea stated I must compliment Alderman Pariseau, I asked many of those same questions at the last meeting and I'm glad you brought them up again because they're worth reviewing. I wondered, is Ogden a board or aren't they are board. Have they made a commitment.

Mr. Ashooh replied Ogden at this point...we've gone through an RFP process, we started with seven companies, we went back and forth with negotiations and after six or seven different negotiating rounds Ogden was the one that had the highest quality guarantee, the highest financials, made the commitment to the City to deliver what we asked for. What that in essence gets them is a seat at the bargaining table to negotiate the contract which is the Phase II. So, now we would sit down with Ogden Entertainment and we would actually negotiate the contract that would bind them to the promises that they made in Phase I. So, at the completion of Phase II Ogden or someone like Ogden will be on board. Right now, our commitment is to negotiate with Ogden, Ogden's commitment is to negotiate with us in good faith to meet those standards that we set.

Alderman Shea stated so they have indicated that they're not interested, they are still interested.

Mr. Ashooh stated we have a Memorandum of Understanding from Ogden that lays out exactly what they see the shape of this deal is and we've agreed on those on terms.

Alderman Shea stated I have a sheet here and I'm jumping ahead, but this line item budget...who prepared this. Did the Manchester Development Corporation, did the Finance Office...

Mr. Ashooh stated the budget that you have; that budget that you have, the start-up form is, in essence, the same budget here and that was prepared in part by the Finance Department, my committee, and William R. Hough and Company our Financial Consultant on this and it's based on the experience of a number of other communities and their costs associated with this same thing. It also represents the feedback we got back from each of those parties involved in this...the law firms involved in, in Ogden...is an estimate of their costs of involvement in Phase II.

Alderman Shea stated is says "Other \$236,800", do you know what "Other" this might be.

Mr. Ashooh replied that is a standard contingency that was built-in and part of the reason for that contingency is that if you take a look under Lavalley/Brensinger in the first item there's an expense figure there for \$237,000 and it includes site testing and surveying assuming one site. If something were to happen on our examination of the Staples site...contamination, environmental problems, whatever we wanted to have an ability to finance a Plan B to go to a second site and do site testing and that contingency would in part provide for that. It is probably rare being my first time, but it is probably rare I assume that every unforeseen circumstance can be foreseen. So, it's not unusual to have a contingency.

Alderman Shea stated the other is "Overhead \$510,000" would you explain that.

Mr. Ashooh stated that is not on this sheet, but it's more likely than not a compilation of a number of these other items probably broken out differently. The bottom line budget on this \$2.6 million. The line items may vary from breakdown to breakdown, but the bottom line is the \$2.6 million. My committee about three weeks ago accepted a motion from Committee Member Pinard and seconded by Committee Member Charpentier that our focus on this is to preserve as much of the contingency as we can so that we can turn money back on this project. We think we can do that, but we need to give you a budget that we think is fair and an assessment of what we can do with a not-to-exceed basis. We don't want to have to come back to this Board and ask for more money for a project that we underestimate. So, we've tried to be perhaps generous but with a recognition of our duty to turn back funds on this, not to consume everything that we get.

Alderman Shea stated there were two companies involved...Ogden and Enron.

Mr. Ashooh stated Enron Energy Services.

Alderman Shea asked are they still interested as well.

Mr. Ashooh replied yes.

Alderman Wihby moved to accept, receive and adopt the report of the Special Committee on the Civic Center. Alderman Girard duly seconded the motion. The motion carried with Aldermen Clancy, Shea and Cashin duly recorded in opposition.

5. Confirmation of the nomination of William F. Kelley to succeed himself as a member of the Highway Commission, term to expire January 15, 2002.

On motion of Alderman Sysyn, duly seconded by Alderman O'Neil, it was voted to confirm the nomination of William F. Kelley to succeed himself as a member of the Highway Commission, term to expire January 15, 2002.

6. Confirmation of the nomination of Catherine A. Schneiderat to succeed herself as a member of the Highway Commission, term to expire January 15, 2002.

On motion of Alderman Klock, duly seconded by Alderman Cashin, it was voted to confirm the nomination of Catherine A. Schneiderat to succeed herself as a member of the Highway Commission, term to expire January 15, 2002.

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

Mayor Wieczorek called the meeting back to order.

#### **OTHER BUSINESS**

9. A report of the Committee on Finance was presented recommending that Resolution:  
"Amending the 1999 Community Improvement Program, authorizing and appropriating funds in the amount of Fifty Million Dollars (\$50,000,000.00) for the 1999 Community Improvement Program 650699 Manchester Civic Center."

ought to pass and be Enrolled.

Alderman Klock moved to accept, receive and adopt the report of the Committee. Alderman Sysyn duly seconded the motion. The motion carried with Aldermen Clancy, Shea, and Cashin duly recorded in opposition.

A second report of the Committee on Finance was presented recommending that Resolutions:

"Amending the 1999 Community Improvement Program, authorizing and appropriating funds for the 1999 CIP 420699 Local Law Enforcement Block Grant Program."

“Amending the 1999 Community Improvement Program, authorizing and appropriating funds in the amount of One Thousand Four Hundred Dollars (\$1,400) for the 1999 Community Improvement Program 510999 Fun in the Sun Program.”

“Amending the 1999 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Eight Hundred Seventy-five Dollars (\$10,875.00) for the 1999 Community Improvement Program 711099 Hackett Hill Road Area Improvements.”

“Authorizing the Finance Officer to effect a transfer of Twenty-five Thousand Four Hundred One Dollars (\$25,401) from Contingency to the 1999 Community Improvement Program 420699 Local Law Enforcement Block Grant.”

ought to pass and be Enrolled.

On motion of Alderman Cashin, duly seconded by Alderman Clancy, it was voted to accept, receive and adopt the report of the Committee.

Mayor Wieczorek withdrew Item 10 relating to lease negotiations for Office of Youth Services space.

11. Communication from the Director of the NH Baseball Dinner seeking authorization to insert fliers with employee paychecks relative to the January 18, 1999 NH Baseball Dinner.

On motion of Alderman Pariseau, duly seconded by Alderman Girard, it was voted to authorize insertion of fliers with employee's paychecks as requested.

12. Resolutions:

“Amending the 1999 Community Improvement Program, authorizing and appropriating funds for the 1999 CIP 420699 Local Law Enforcement Block Grant Program.”

“Amending the 1999 Community Improvement Program, authorizing and appropriating funds in the amount of One Thousand Four Hundred Dollars (\$1,400) for the 1999 Community Improvement Program 510999 Fun in the Sun Program.”

“Amending the 1999 Community Improvement Program, authorizing and appropriating funds in the amount of Fifty Million Dollars (\$50,000,000.00) for the 1999 Community Improvement Program 650699 Manchester Civic Center.”

“Amending the 1999 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Eight Hundred Seventy-five Dollars (\$10,875.00) for the 1999 Community Improvement Program 711099 Hackett Hill Road Area Improvements.”

“Authorizing the Finance Officer to effect a transfer of Twenty-five Thousand Four Hundred One Dollars (\$25,401) from Contingency to the 1999 Community Improvement Program 420699 Local Law Enforcement Block Grant.”

On motion of Alderman Pariseau, duly seconded by Alderman O'Neil, it was voted that the Resolutions be read by titles only, and it was so done.

Resolution:

“Amending the 1999 Community Improvement Program, authorizing and appropriating funds in the amount of Fifty Million Dollars (\$50,000,000.00) for the 1999 Community Improvement Program 650699 Manchester Civic Center.”

Alderman Wihby moved that the resolution pass and be Enrolled. Alderman Reiniger duly seconded the motion. The motion carried with Aldermen Clancy, Shea and Cashin duly recorded in opposition.

Alderman Cashin moved that the remaining resolutions pass and be Enrolled. Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

**NEW BUSINESS**

Alderman Thibault moved to nominate Russell Ouellette to fill the unexpired term of Mrs. Lorraine Lamontagne, subject to her resignation effective January 31, 1998 as the member of the Board of School Committee from Ward 11.

Mayor Wieczorek stated the nomination would lay over until the next meeting of the Board on January 19, 1999.

Alderman Thibault stated let's do it tonight. There's no sense in holding back knowing that he can't start until February 1st anyway, so I would appreciate someone to second my motion.

Alderman Klock duly seconded the motion.

Alderman Girard stated as you know I had intended to bring former Alderman Tom Robert's name in to this nomination tonight. After speaking with your before the meeting and speaking with others, I've decided not to do that, but I wanted to say that the reason why I'm not doing that and one of the reasons I was considering bringing former Alderman Robert's name in is because I really don't believe the process that's been gone through here has been an open process and I don't believe it gave the residents of Ward 11 to really express their interest as was commented on in the paper sometime ago. This deal was sealed and I really have a problem with the way it was done. But, having spoken with several people and knowing that the deal has been cast I don't think it would serve any purpose to bring former Alderman Robert's name in and I wanted to also make a statement that after speaking with Mr. Ouellette I am hopeful that he will be an objective participant on the School Board and I am hopeful that he will well-represent Ward 11, so I will not bring in Alderman Robert's in and thank you for the opportunity to make a statement.

Alderman O'Neil stated with all due respect to my colleague this position is a Ward 11 position. Alderman Thibault represents Ward 11, to me it's his call as to who he thinks can best serve the

people of Ward 11 as would be the case with any other member of this Board, I respect their opinions for their wards and that's why I support Alderman Thibault 110 percent.

Alderman Thibault stated I just want to say that this follows very much in the footsteps of what happened in Ward 4 this year when Alderman Sysyn brought in the name of Chris Herbert and the Board went right along with it because she's the representative of Ward 4 and I see no reason why anything else was done that's not customary here. So, I don't know where my colleague is coming from here, but he has a right to speak and he did.

Alderman Shea stated I question where he's coming from most of the time, your Honor, but at any rate I was going to reiterate what Alderman Thibault indicated that it is up to the Aldermen to appoint whoever or whatever person they desire and requested a roll call vote at this time.

Alderman Girard stated with all due respect to my ward colleagues do not believe that the process that the name have been brought in through whether it's past practice or not really has served the public interest and while other Aldermen have done it that way, I don't think the way this has been done really allows the people who are brought into be judged objectively for the credentials they bring to the table and that's the only purpose I made in making that comment. For while they each, Mr. Herbert and Mr. Ouellette, may be very capable and able people when the nominations are brought in as they have been and we rely on past practice, we don't I think serve the public trust and it was my only point in mentioning this.

Deputy Clerk Johnson wished to clarify the motion on the floor prior to the vote being taken. The motion being to elect Russell Ouellette to the School Board, effective upon the resignation of Lorraine Lamontagne to represent Ward 11.

A roll call vote was taken with all members voting for ;Mr. Ouellette. The motion carried unanimously to elect Russell Ouellette to the School Board effective upon the resignation of Lorraine Lamontagne to represent Ward 11.

Alderman Pariseau stated I failed to do this in the beginning but Item A on the agenda requested that we approve sending a letter of recognition to Mrs. Lamontagne for her years of service on the School Board on behalf of the City and would also suggest that we contribute towards a Key to the City to hang up in her new living room for her years of service.

Alderman Thibault stated I was waiting for the final when she left on January 31st to present something and I was going to get to your office to do what my colleague has just suggested.

Alderman Pariseau stated I read with enthusiasm an article in last night's paper dealing with the City of Portsmouth eyeing non-profit properties and moved that the article be referred to the Committee on Accounts, Enrollment and Revenue Administration and also to the Board of Assessors noting it deals with non-profits dealing with properties to make profit and if we should have any non-profit entities in the City using non-taxable property for profit then they ought to get back on the tax roll and would like to have the Assessor's investigate the non-profits. I'll read it.

The Portsmouth Tax Assessor Boatwright said his office will be scrutinizing the City's tax-exempt properties to determine if they really are worthy of the status. At issue is not whether a group meets the IRS requirements, but that an organization's overall bottom line be non-profit. The groups must also meet different local requirements determined by how pieces of property are being used individually. For example, if an organization has a number of properties they all must be used for non-profit in Portsmouth. Any properties used for profit will not be exempt.

Alderman Hirschmann asked where an administrative policy would be in question shouldn't Alderman Pariseau's Administration Committee look at this. Why does it come to my Committee. My Committee counts how much revenue they give us not whether they give it to us or not. We're not a policy committee.

Alderman Pariseau stated I believe it should be reviewed to the Administration Committee, your Honor, I'm sorry and moved that the article be referred to the Committee on Administration/Information Systems and the Board of Assessors. Alderman Hirschmann duly seconded the motion. There being none opposed, the motion carried.

Alderman Shea complimented the Highway Department for the excellent job they did during the storm that we had and thought they did a good job under trying circumstances noting that it is not often that we as a Board compliment a department.

Alderman Shea stated there's been considerable discussion relating to electric rates and we're budgeting considerable monies in an attempt to lower both commercial and industrial and commercial rates. I know we received reports last year from the people that are in the Manchester Area Aggregation Program, I think Tina Parsons and I think it would be well if we began to get a little report in that regard...we are spending a lot of money and frankly I don't know if we're getting anything back in return for the money that we're expending in that regard. So, I would like to ask if someone could come and give us a report, your Honor.

Mayor Wieczorek stated let me get an answer to you for that.

Mr. Clougherty asked can we have one at the next meeting.

Mayor Wieczorek replied yes.

Alderman Shea stated at a future meeting as well, I think that we should receive some input as to the progress of the proposed Science Hall of Fame. I know that the City gave to Mr. Kamen about \$2.4 million in 1994 and so far we've really haven't received too much, in my judgment, in return. I know that the Science Enrichment Encounters and US FIRST are very productive endeavors, but it's also incumbent that when someone receives that amount of money from the City that in return we should get some type of report concerning what the progress of this particular type of...what stage it's at. So, I'm suggesting that we do get a report from some representative, from Mr. Kamen or Mr. Miller or someone else from that particular agency that will let us know what progress is being made, where they're at and so forth.

Mayor Wieczorek stated I think that is certainly something that you should expect, however, let me clarify one point. This is not money that was given to Mr. Kamen. This is money that was given to buy the building for FIRST. So, Mr. Kamen is the founder of that organization, but the money didn't go to him.

Alderman Shea stated but the City did give the money. Does he own, in other words is his name on the building or does he use the building.

Mayor Wieczorek replied no. It is used by FIRST.

Alderman Shea asked but who runs FIRST.

Mayor Wieczorek replied he's the founder. Should we now tell Bill Gates to buzz off from Microsoft.

Alderman Shea stated I would hope that Bill Gates were in Manchester and maybe we could put more people to your and that would be wonderful, but he's not here.

Mayor Wieczorek stated let me give you a suggestion. Why don't you go over there sometime and kind of take a look.

Alderman Shea interjected I have, your Honor, and you called me a naysayer when I was there. Remember the day I was there, I was at the opening and you said...

Mayor Wieczorek stated at the opening, that's right, you were in favor of that.

Alderman Shea stated I see no reason why someone couldn't come and say we want to have a Science Hall of Fame in the City that would kind of fit in with everything else that we're doing.

Alderman O'Neil stated with the 1999 State Legislative Session upon us, I would like to refer probably to the Administration Committee the idea of exploring whether or not we need to have a City policy with regard to State legislation. I know in my short time since January a number of times I have spoken to State Legislators and there was confusion on whether or not it was official City positions, not official City positions, and I think there's a number of issues to take a look at and instead of trying to debate it tonight, moved to refer the idea of exploring it to the Administration Committee.

Mayor Wieczorek stated we usually meet every week with the Chairman and whoever wants to come from the delegation and the Aldermen are always invited to come, usually on a Monday morning.

Alderman Pariseau duly seconded the motion. There being none opposed, the motion carried.

Alderman Thibault asked when do they meet, your Honor.

Mayor Wieczorek replied we were meeting in the Aldermanic Chambers and I am assuming we will be back in the Chambers now that we're there, but you can refer that to the Committee on Administration.

Alderman Hirschmann stated over the New Year Holiday in Ward 12, the Northwest Elementary School suffered a property/casualty loss and I'm being assured that the Insurance Committee, by Harry, is going to make sure that everything is quickly reinstated, but could we have someone oversee that to make sure...there's a lot of carpeting, the gym floor...make sure that that all get put back together in a...can someone supervise it to make sure that it all happens relatively quick.

Mayor Wieczorek stated there is an organization that adjusts the claims for the City and these are people that have an expertise in it, but I'll let Tom Clark address that.

Solicitor Clark stated the claim came in right away and has been referred to the adjusters, John Caruso's been out there, he's explored the site. Harry's on top of it. We have placed our property carrier on notice even though it doesn't look like it will reach the deductible and we have the place to reserve on the insurance fund and we will look at any other options.

Alderman Hirschmann stated I'm just looking for quick action because the kids do have to go to school and I guess all of the carpets have to be ripped out and they still have to go to school there while it's happening.

Mayor Wieczorek stated I think everybody know that and it's already been referred.

Alderman Girard stated to follow-up on what Alderman Hirschmann is saying, I was at Northwest today and I have to say that the Principal and Vice-Principal and the teachers that I saw there today are handling it very well. But, there are two issues that I wanted to raise with the Board. In speaking with Dr. Duclos who is the Principal, I understand that it is about the fourth or fifth time that pipes have burst in that building and when they burst they burst always in the same place and he did an interesting little thing with a thermometer in the room that was 70 degrees and when he put it above the ceiling it felt like 30. Clearly, the way those sections of the building have been insulated are a problem and they weren't done correctly and in poking around today I don't know if this is true or not, but I've also been told that the new Middle School (McLaughlin) also has had some problems with pipes freezing and both buildings were built by the same architect who happens to be doing the addition to Parkside Junior High School. So, I don't know if we have design flaws here but I think whatever needs to be done to remedy those problems at Northwest to properly insulate the roofs and ceilings should be done so we don't have to go through this again. The other question and I don't know if that needs to go to the CIP Committee and we speak with Mr. Houle to make sure that that gets looked at or we get some numbers developed on what it's going to take to fix that building correctly. The other item I wanted to bring up is that there were several teachers who lost items they had supplied to classrooms themselves and I read in this mornings newspaper that they are not going to be allowed to file any claims for those lost materials. I know after speaking with Dr. Duclos that they are developing lists of all of the materials that were lost and I would like to see the City do something to either...or the insurance policy...see the City do something to either repurchase those materials for the teachers or reimburse them for whatever replacements they make because if they're going to take the time and effort to invest their own dollars and materials for the kids, the least we can do is help them after the losses that were suffered there and moved on that suggestion.

Mayor Wieczorek stated the policy won't respond to that, so you'd be asking the City to do that.

Alderman Girard stated I think we have an extreme circumstance here that may warrant that kind of a gesture. There are teachers there that I talked to that had lost materials that they'd had for 15 or 20 years.

Mayor Wieczorek stated you're not going to replace that.

Alderman Girard stated no, you're not, but inasmuch as they are going to have to replace some of those things I would see no problem with the City reimbursing them for what they lost or going out and getting the materials for them.

Alderman Klock duly seconded the motion.

Alderman Girard stated I think it's a show of good faith.

Mayor Wieczorek asked for clarification of the motion.

Alderman Girard replied the motion would be and it will probably need to go to the Committee on Human Resources/Insurance to be refined, but the motion would be to either have the City replace the personal items that the teachers lost and were using as part of their classroom instructions or to reimburse them for whatever replacements they bring on their own.

Solicitor Clark stated, Alderman, that subject was discussed in my office today with the Risk Manager, Harry Ntapalis. Items that were brought in by the teachers that were teaching aids will be considered reimbursable, that has already been discussed and things that were used to teach the children will be considered as part of the loss. Things that were personal such as if you left a jacket or a sweater there and it was lost that is a personal item that will not be replaced.

Alderman Girard stated my concern was with the teaching aids and the things for instruction, not whether or not they left a personal item.

Solicitor Clark stated it is my understanding that the School Department has already been told to compile that list.

Mayor Wieczorek stated Harry is already on top of that claim.

Alderman Girard reiterated I read in this morning's newspaper that there was going to be nothing reimbursed and I didn't think that was right.

Alderman Thibault stated I was there this morning myself about two-and-a-half hours looking at this mess and there was an awful lot of personal items that were lost and the Alderman is right and I think something should be done of some nature and I'm sure we'll follow through on it. But, the one thing that I would like to correct is that the Alderman said that there has been four breaks up there, water breaks and they have not all been in the same location. There's been two in the new additions and two in this place where it happened today and the sensors that were there did not pick it up and that's why that happened.

Alderman Girard interjected I said the same locations.

Alderman Thibault stated I must have misunderstood then.

Alderman Klock stated I wanted to ask Alderman Girard where is the list going to be posted or do you know.

Alderman Girard replied Dr. Duclos said that the teachers were going to give him the list and that he would be forwarding that list to the Superintendent of Schools and I asked him to send me a copy of the list.

Alderman Klock stated I would like a copy of that list when its available.

Mayor Wieczorek stated the Risk Manager will have that.

Mayor Wieczorek stated this is going to be the last meeting that we are going to have here at the Board of School Committee and I think that we would like to express our thanks to the administration and to the School Department for permitting us to use these facilities for the last year-and-a-half noting our next meeting will be held at the new Chambers and I think all of you are going to be very surprised and very pleased with what you see there. It's really a facility that we're all going to be very, very proud of. But, I did want to make sure that we thanked the folks here in the School Department for allowing the use of this facility for this year-and-a-half.

Alderman Cashin stated I received a letter from a Disabled Vet and I don't know if we do this or we don't and he says that he's a Disabled Vet and one of the benefits that we get from every State is free plates, even in New Hampshire. Every City but Manchester. Now, I don't know what he's referring to but I'd like to refer this letter to the City Clerk or your office so that someone can look into it.

Mayor Wieczorek stated okay, let's find out because we certainly don't issue any plates. I don't know what he's talking about.

Alderman O'Neil stated reregistration maybe.

Mayor Wieczorek stated we will find out and thank you for bringing it to our attention.

There being no further business to come before the Board, on motion of Alderman Klock, duly seconded by Alderman Pinard, it was voted to adjourn.

A True Record. Attest.

City Clerk