

BOARD OF MAYOR AND ALDERMEN

December 21, 1999

7:30 PM

Mayor Wieczorek called the meeting to order in joint session with the Library Trustees.

Mayor Wieczorek called for the Pledge of Allegiance, this function being led by

A moment of silent prayer was observed.

The Clerk called the roll. There were fourteen Aldermen and four Library Trustees present.

Present:

Board of Aldermen

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

Library Trustees

Kevin Devine, Roger Duhaime, Karen Sheehan-Lord, Kathleen Sullivan

Mayor Wieczorek stated I am going to rearrange this agenda little bit inasmuch as we have an item of business to take care of before we have the official part that is on the agenda with this joint meeting, so I will defer to the Clerk and have her explain what we are doing.

Deputy Clerk Johnson stated a view of the records indicated that a motion would be in order to fill a vacancy created by Carlos Gonzalez to succeed himself, term to expire October 1, 2005.

Alderman Girard moved to nominate Carlos Gonzalez to succeed himself as a member of the Manchester City Library Board of Trustees, term to expire October 1, 2005. Library Trustee Devine duly seconded the motion. There being none opposed, the motion carried.

Mayor Wieczorek advised that nominations are in order to fill a vacancy on the Manchester City Library Board of Trustees, such nominee to succeed Kathleen Sullivan, term to expire October 1, 2006.

Library Trustee Devine stated on behalf of the Board of Trustees, we seek confirmation of the Board of Mayor and Aldermen of Kathleen Sullivan to succeed herself as a member of the Manchester City Library Board of Trustees, term to expire October 1, 2006. Alderman Rivard duly seconded the motion.

Alderman Pariseau moved to close nominations. Alderman Cashin duly seconded the motion. There being none opposed, the motion carried.

Alderman Cashin moved to suspend the rules. Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

Alderman Sysyn moved to confirm the nominations as presented. Library Trustee Devine duly seconded the motion. There being none opposed, the motion carried.

There being no further business to come before the joint session, on motion of Alderman Wihby, duly seconded by Library Trustee Devine, the meeting was adjourned.

Mayor Wieczorek called the regular meeting to order.

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

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

8. Presentation of the John J. Gunther Blue Ribbon Best Practices Awards to the Community Resource Center, Manchester Police Department and the Summerbridge Program.

Mayor Wieczorek stated I know we have Mr. Hatin and Mr. Harrity here from the Department of Housing and Urban Development and if you would please come forward.

Mr. Harrity stated, good evening, I realize you have a full agenda this evening, so we will be brief but concise to the point. As you know or perhaps you don't know that almost a year ago now we began a practice of studying the activities that we were doing nationwide and from that came something called Best Practices and this July they just passed...there was a Symposium held in Kansas City and three nominations were submitted on behalf of the City of Manchester and I am very pleased to tell you tonight and I will have Mr. Hatin explain a little bit more about it but the City was selected to have three best practices. Basically what this is, is a practice that is being done here in the City of Manchester that will be replicated in other cities throughout the nation. Instead of reinventing the wheel since we do work on a nationwide basis, what we have done is taken the best practices that we have selected as best practices and kind of incorporated them into daily operating practices of the department so that each of the new cities coming on board that do something similar to what you have done already we could use some of the things that you have already adopted and incorporated here. There are over 3,750 nominations statewide and region wide, as well as nationally and I am very pleased to tell you that you were selected for three of them so congratulations to all of you.

Mr. Hatin stated Mr. Mayor and Board of Aldermen and ladies and gentlemen here this evening, it is also important to notice that this is also the 25th year that the City has been receiving community development block grant funds and those important resources that come from the United States Department of Housing and Urban Development are used many times to invest into some of these kinds of projects. In fact, some of these are receiving some of those resources as well and we are rather proud of that program. It has been strongly supported for 25 years and Manchester has done extremely well with the resources that it has received during that time. On behalf of Andrew Cuomo, the Secretary of HUD and Cardell Cooper, the Assistant

Secretary for Community Planning & Development, I would like to present these three awards. Let me first begin with the Community Resource Center and I will ask, after I read this brief announcement on that, I will ask Amanda Parenteau to invite up a representative from that to receive the certificate. The Community Resource Center, ladies and gentlemen, is the centerpiece of Manchester's Enterprise Community Program and is a newly constructed facility. The Center houses classroom space for job preparation training, language classes and a daycare facility. The Center is a unique environment providing necessary services under one roof and as a result of this project, low and moderate income people now have access to employment and related services in their own neighborhood and that is quite an achievement and is now a model for other communities throughout the northeast and throughout America so if we can introduce those folks.

Ms. Parenteau invited Douglas Huser, the Chairperson of the Manchester Community Resource Center Board to come forward please.

Ms. Parenteau stated next I would like to invite Chief of Police, Mark Driscoll forward please.

Mr. Hatin stated as the Chief comes up here we are going to describe the success of this program. The Community Policing Program is a particularly successful project and I might add that I reviewed all three of these recently on-site and interviewed staff and I am particularly impressed with these three projects and this one is doing an outstanding job. This particular community policing program is working with input from the Citizen's Advisory Board. The City of Manchester provides additional resources to this program as well. This program targets assistance with three additional police officers, a police sub-station and a cruiser to the Enterprise Community area, the center city. It has had a dramatic effect on public safety; growth in the area and it has reduced crime in gang activity. Once a permanent Police Sub-station is completed, its original space will be rehabilitated to provide much needed affordable housing to low-income families. I must say that the statistics on this particular project are outstanding and I have reviewed those recently and it is a great credit to the City of Manchester that this is a success.

Mr. Hatin stated it is also a pleasure to bring accolades to projects and this is another project that Manchester, alone, has created and it is an outstanding role model for projects around America. The Summerbridge Project is an educational enrichment program for 5th and 6th graders that offers its participants a six-week summer session, weekly after school activities, cultural and career related outings, college planning services, etc. The Manchester Enterprise Community made a contribution of \$91,000 to the program's endowment. In return, Summerbridge has agreed to take a minimum of three qualified students per year from the Enterprise Community for the life of the program. As a result of the innovative use of Enterprise Community funds, a significant number of highly motivated students, many of them from low or moderate income center city families, now have the opportunity to participate in a program that puts them on the pathway to great success. This is another great achievement for the City of Manchester and community leaders.

Ms. Parenteau invited Nancy Boddiker, the head of the Derryfield School to come forward. The Derryfield School houses the Summerbridge Manchester Program.

Mr. Harrity stated I just want to close by thanking all of you for your time and your attention. It really is through the leadership of all of you that the City has been able to garner these awards. I appreciate the support you have given HUD's programs in the past and we continue to look forward to working with all of you in the future. Again, thank you very much.

9. Presentations by Mayor Wieczorek.

Mayor Wieczorek asked Dave Jensen and Clark Dumont to come forward. On behalf of the City, I would like to present a plaque to Anthem Blue Cross/Blue Shield of New Hampshire. It reads, "In grateful appreciation for your continued support of the City of Manchester. Anthem Blue Cross/Blue Shield remains the epitome of a model corporate citizen for Manchester." This is for the many programs that you have supported, plus you being one of the main contributors and supporters of the Christmas Parade. On behalf of the City, I want to express my thanks to you. Thank you very much.

Mayor Wieczorek stated good evening. Before I begin my last regularly scheduled meeting of the Board of Mayor and Aldermen, I would like to share a few thoughts as my 10 years of service comes to an end. First, I would like to recognize my wonderful family who has very graciously joined us tonight. Without them, my service to the City of Manchester and its people would certainly not be possible. Seated in the front row are my beautiful wife, Susan, my son Rob and his wife Grace, my son Jim and his wife Mel, my daughter LeeAnn and her husband, Jay McCarthy and we have some that are missing here today. My daughter, Patricia who is here joining us tonight and Kristen, my other daughter, is not well tonight and David is working and my granddaughter is in bed. Thank you all for being with me this evening and for all of the sacrifices that you have made over the last 10 years. I would also like to thank all of the elected officials that I have had the privilege of serving with over the years on both the Board of Aldermen and the Board of School Committee. Elected officials very rarely get the credit they deserve for the significant commitment that they make to their community. At this time, I would like to also thank the City department heads for their leadership, perseverance and cooperation. My special thanks to all of our first class City employees and teachers who work so diligently day in and day out to provide an excellent service to the taxpayers of Manchester. Our City is lucky to have these dedicated and talented people working on their behalf. While I am on the subject of City employees, I would be remiss if I did not thank my loyal staff who have been part of my success. Thank you Craig Annis, Sean Thomas and Adam Schmidt and Lee Adams who has also been working with us for all that you have done to help me serve the people of Manchester. As I look out among the audience tonight, I see a lot of people who have played a significant role in my administration. To all of you and to those who are not with us this evening, I thank you from the bottom of my heart for your support and encouragement. I cannot begin to tell you what a truly remarkable experience the last 10 years has been for my family and I. Throughout my service, I have always tried to do what was in the best interest of

the taxpayers and residents of our City. In doing so, we have managed to amass a number of significant accomplishments that I believe have transformed the face of our City. We have solidified our fiscal foundation and in the process have improved countless areas of our City. With the help of thousands of dedicated people all across this great City, we made a number of positive changes in the Queen City. This was a job that I could never get sick of because each new day brought another challenge and another opportunity to move our City forward. There are a number of things that I will miss when I leave City Hall. What I will miss most, though, is the opportunity that you have as Mayor to help people find solutions to their problems. Many people think that the longer you spend in public office, the more removed you get from the people you serve. Well I can assure you that when you are Mayor you spend a good portion of each day addressing the concerns of people who bring their real life problems right to your office. Unfortunately, many times the Mayor's Office is their last resort and when that happens, we are always happy to help in any way that we can. I want to wish our new Mayor and the new Aldermanic Board the best of luck with the tasks that they have at hand. As we enter the new millenium and our new leaders assume responsibility for our City, I would like to share a quote from Dr. Genetta B. Cole who said, "the best leaders follow their hearts as well as their heads and they never, ever leave their principles behind." If you continue to stay focused on the people and what is in their best interest over the long term, then I have no doubt that your work will be fruitful. So, in two weeks I begin the next chapter of my life; a chapter that I am very excited about. No matter where this new chapter takes me, one thing is certain, from this point forward I get to spend more time with my family and my friends. This is something that I have been looking forward to for a long time. This is not the end of my participation. I intend to continue to be an active member of our community because it has always been my belief that community service is the cornerstone of any successful municipality. Finally, thank you to the people of Manchester for providing me with this wonderful opportunity to serve you over the last decade. I hope that in the end you can all say that Ray Wieczorek did the best he could with what he had to lead the City that he loves.

Presentations:

Mayor Wieczorek presented his wife, Sue, with a key to the City and flowers. He stated for honorably serving as the First Lady of Manchester for the last 10 years, without you by my side none of this would have been possible. While the City faced many turbulent times throughout my five terms as Mayor of Manchester, your unconditional loyalty and love have helped strengthen me. Thank you for supporting me and always letting me know that my work, while at times very difficult, was well worth the effort. I love you.

Mayor Wieczorek presented a tray to Dianne Roy. He stated at our previous meeting, Dianne, the Board had voted to accept your resignation and since you have a key they said if you have too many keys you won't know what door it is going to open so they felt it would be appropriate to present you with a tray that is symbolic of the work that you have done there. It says, "In grateful recognition and appreciation for your nine years of service as Chairperson and Citizen Representative of the Safety Review Board. Your dedication and professionalism to that post

have made the workplaces of city government safer for our employees and have saved taxpayers hundreds of thousands of dollars. Your leadership will be missed.”

Mayor Wieczorek presented a key to the City to Alderman Hirschmann. He stated, Keith, as chief watchdog of the Board of Mayor and Aldermen, you could always be counted on to watch out for increased spending. Your service on behalf of the City and the people of Ward Twelve is greatly appreciated. I want to present you with this key for the six years that you have served with me. Thank you very much.

Mayor Wieczorek presented a key to the City to Alderman Thibault. He stated a gentleman always; I enjoyed serving with you as a member of the Board of Mayor and Aldermen. The last two years were very productive ones for Manchester and I appreciate your efforts on behalf of the people of Ward Eleven and the citizens of Manchester. Thank you very much.

Mayor Wieczorek presented a key to the City to Alderman Cashin. He stated, Alderman Cashin, Dean of the Board, 30 years, do you believe that? It has been an honor and a privilege to serve with you for the last 10 years as a member of the Board of Mayor and Aldermen. Your leadership and historical perspective as Dean of the Board were very helpful to my administration and on behalf of the City of Manchester and the people of Ward 10, I thank you for your 30 years of service.

Mayor Wieczorek presented a key to the City to Alderman Pariseau. He stated it is with the deepest respect that I thank you for your service as a member of the Board of Mayor and Aldermen. Your wit, professionalism and humor have made the last eight years very enjoyable. Your dedication to Ward 9 and the City of Manchester is greatly appreciated.

Mayor Wieczorek presented a key to the City to Alderman Rivard. He stated your service on behalf of the people of Ward 8 is appreciated. It was a pleasure serving with you as a member of the Board of Mayor and Aldermen over the last two years and I hope that whatever you are going to be doing that you are going to enjoy and enjoy going down to Florida. Thank you.

Mayor Wieczorek presented a key to the City to Alderman Shea. He stated it has been a pleasure, Bill, serving with you as a member of the Board of Mayor and Aldermen over the last four years. Your tenacity as a tax-fighter and your advocacy on behalf of Manchester's children is greatly appreciated by the City and the people of Ward 7.

Mayor Wieczorek presented a key to the City to Alderman Girard. He stated your two years of service as Alderman At-Large is greatly appreciated by the people of Manchester. Your dedication to place your family ahead of your political career has deepened my respect for you. I wish you success in the future and I appreciate the five and a half years that you served with me in my office. Thank you so much.

Mayor Wieczorek presented a key to the City to Alderman O'Neil. He stated, Danny, I have served with you on both ends. Both when I came and now when I am leaving. I want to thank you for your service to the City of Manchester, both as Alderman in Ward 4 and Alderman At-Large. During the four years we worked together, I gained much respect for you and the manner in which you address the concerns facing the City. I want to express my thanks to you.

Mayor Wieczorek presented a key to the City to Alderman Pinard. He stated I commend you, Real, for your dedication to the City of Manchester and the people of Ward 6. I enjoyed working with you as a member of the Board of Mayor and Aldermen over the last two years. Your constituent services are second to none. Thank you very much.

Mayor Wieczorek presented a key to the City to Alderman Clancy. He stated I have enjoyed serving with you as a member of the Board of Mayor and Aldermen over the last five years. Never before has Ward 5 been represented by such a dapper individual.

Mayor Wieczorek presented a key to the City to Alderman Sysyn. He stated it has been a privilege serving with you as a member of the Board of Mayor and Aldermen for the last six years. I have great respect for you and the work that you have accomplished on behalf of Ward 4 and the Center City. I appreciated the good business sense that you brought to the Board and I want to thank you very much.

Mayor Wieczorek presented a key to the City to Alderman Reiniger. He stated, Tim, through your commitment to Ward 3 and the City of Manchester, you have helped change Manchester for the better. Your service as a member of the Board of Mayor and Aldermen over the last six years has earned you the respect of many and I am certain that you will continue to enjoy similar success in your future endeavors. Thank you.

Mayor Wieczorek presented a key to the City to Alderman Klock. He stated, it has been a pleasure serving with you as a member of the Board of Mayor and Aldermen for the last two years. Your commitment to your principles has been admirable and I have enjoyed serving with you. I wish you luck in whatever you do.

Mayor Wieczorek presented a key to the City to Alderman Wihby. He stated, by gosh, you and Billy have been here longer than I have and you are the two who have been here through my five terms. David, it has been an honor to serve with you over the last 10 years. The leadership that you have demonstrated as a member of the Board of Mayor and Aldermen on behalf of the City and the residents of Ward 1 is commendable. I expect great things from you in the future.

Alderman Wihby stated, your Honor, we would like to present something to you. As Chairman of the Board, Alderman Wihby presented a print of the Hanover Street view of City Hall from a 1987 painting by Jo Ann Stover.

CONSENT AGENDA

Mayor Wieczorek 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.

Minutes Accepted

- A. Copies of minutes of meetings held on August 3, 1999 (two meetings); August 23, 1999; September 7, 1999 (two meetings); September 22, 1999; October 5, 1999 (two meetings); and October 19, 1999.

Informational to be Received and Filed

- B. Communication from the Economic Development Director submitting a spreadsheet showing expenses paid through 11/30/99 in connection with the Phase II Civic Center budget.
- C. Communication from the Public Works Director submitting a copy of a letter sent to State Senator Fernald relative to the proposed "Bottle Bill" for the State of NH.
- D. Communication from Executive Councilor Colantuono submitting the December 15, 1999 agenda of the Governor and council meeting.
- E. Communication from the Chief Project Manager of the State of NH, Department of Transportation submitting the First Emendation to the Report of the Commissioner relative to the Candia Road Reconstruction Project.
- F. Communication from former Alderman John G. "JB" Batalis expressing his appreciation to the Board for the honor bestowed upon him with the placement of a plaque at the Veterans Park Comfort Station.
- G. Communication from the Chair of Kids Voting New Hampshire expressing appreciation to the City for its encouragement and participation and particularly Leo Bernier and Tricia Piecuch for their organizing the Kids Voting Rally held on September 28, 1999.

REPORTS OF COMMITTEES

COMMITTEE ON HUMAN RESOURCES/INSURANCE

- M. Recommending that the following requests be granted and approved:
 - 1) request of Airport Director to create a new position of Property and Contract Administrator;
 - 2) request of Health Officer to fill a Public Health Specialist II (Environmental Toxicologist) position funded by EPA Combined Sewer Overflow settlement; and
 - 3) request of Public Works Director to create a second full-time Inventory Control Specialist, Grade 16 and eliminate a Laborer-1, Grade 10 position

- N. Advising that it has approved Ordinance:

"Amending Sections 33.024, 33.025 and 33.026 (Conservationist) of the Code of Ordinances of the City of Manchester, NH"

and recommends same be referred to the Committee on Bills on Second Reading for technical review.

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- O.** Advising that it has approved the purchase and use of pedestrian crosswalk cones on Mammoth Road at the Derryfield Country Club, on Russell and Bridge Streets, and on Belmont and Bridge Streets.
- P.** Recommending that certain regulations governing standing, stopping and parking, be adopted and put into effect when duly advertised.

HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN THIBAUT, DULY SECONDED BY ALDERMAN GIRARD, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.

- H.** Communication from the Deputy City Clerk submitting an ordinance:

"Amending Chapter 33. Human Resources Policy of the Code of Ordinances of the City of Manchester by deleting the word "Policy" from the title of said Chapter."

On motion of Alderman Shea, duly seconded by Alderman Clancy, it was voted to add deletion of the wording "Procedures" in Chapter 38 Title as well, and refer this item to the Committee on Bills on Second Reading.

- I.** Communication from the Economic Development Director submitting an ordinance:

"Authorizing the Mayor to dispose of certain tax deeded property known as Map 9, Lot 11, known as 1037-1045 Elm Street."

Alderman Wihby stated we would like to take this off and send it...

Deputy Clerk Johnson stated we just want to refer it to the reports of CIP that will be coming in later.

Mayor Wieczorek asked you want to refer this to the CIP report.

Alderman Wihby answered right instead of sending it to Bills on Second Reading.

On motion of Alderman Wihby, duly seconded by Alderman Pariseau, it was voted to refer this item to the CIP reports.

- J.** Communication from James Bennett requesting the tennis courts at Memorial High be named after Robert Rivard, and that Alderman Rivard be recognized for all he has given the community.

Alderman Wihby stated this is a communication suggesting that we name the tennis courts after Alderman Robert Rivard for his hard work and dedication in doing that. I know that during the budget process every time we talked about doing things, this came up and Bob was instrumental in doing that. Instead of sending it to the Committee, your Honor, I would like to approve it tonight while he is here and honor him by doing this.

On motion of Alderman Wihby, duly seconded by Alderman O'Neil, it was voted to name the tennis courts after Robert Rivard.

Alderman Rivard stated, your Honor, this is obviously quite a pleasant surprise and I am humbled by this honor this evening. I first saw this this afternoon when Joe Levasseur read the letter to me, which was a surprise and I want to thank Mr. Bennett for taking the time to write these nice words. It is people like this in our great City that make this difficult job enjoyable. There are a lot of good memories and obviously it is people like Mr. Bennett who afford us this opportunity. Obviously, this couldn't happen without the support of my colleagues. You folks funded this project and Parks & Recreation supported it, along with all of the students, parents at Memorial High School and residents of Ward 8. It has been long overdue. I thank you for the tennis courts. They thank you for the tennis courts and I thank you for this great honor. God Bless you all.

- K.** Communication from St. Joseph Communication Services, Inc. submitting a funding request to the City in the amount of \$29,100.

Alderman Shea stated this is in reference to a letter that was sent by St. Joseph's Communication Services sending a funding request to the City in the amount of \$29,100. What I would like to do is refer this to the CIP budget process because this is actually funding for next year.

Mayor Wiczorek replied that is right, it is going in for next year.

On motion of Alderman Shea, duly seconded by Alderman Pariseau, it was voted to refer this item to the FY2001 CIP budget process.

Report of the Committee on Accounts, Enrollment and Revenue Administration

- L.** Recommending that the School Department and the Airport Authority keep the Committee apprised of their activities pertaining to finances.

Alderman Girard stated this item is a report of the Committee on Accounts, Enrollment & Revenue Administration regarding financial reporting for the School Department and the Airport Authority for accounting to the Committee. Your Honor, I unfortunately missed that

meeting and I have a question of the Chairman as it relates specifically to the Airport. Alderman Hirschmann, what exactly is the intent in having the Airport come to the Committee on a regular basis? What sort of information is the Committee hoping to receive and review?

Alderman Hirschmann stated you did miss that Committee meeting, but you were at the previous full Board meeting when I said that I would like a spreadsheet analysis of the \$50 million parking garage and all of the various other projects totaling \$100 million that the Airport has and I thought that seeing it was still under our purview that they should report to us like everyone else does.

Alderman Girard asked so you just want to review...

Alderman Hirschmann interjected Kevin fully agreed. Kevin Dillon, as the Department Director, said he would gladly come in and keep everything above board so that the taxpayers can...I had to earn this plaque you know.

Alderman Girard asked so it is something that the Committee wants to keep tabs on the bond issue so we are not looking to oversee the construction. It is for no particular reason?

Alderman Hirschmann answered it is to keep an eye on the \$100 million of activity at the Airport.

Alderman Girard replied okay. I just wanted to make sure that the Airport wasn't being singled out.

On motion of Alderman Girard, duly seconded by Alderman Shea, it was voted to accept, receive and adopt the report.

There were no nominations presented by Mayor Wiczorek.

- 12.** Confirmation of nominations to the Arts Commission as follows:
Althea Haropulos, term to expire December 1, 2000;
Georgina M. Reagan, term to expire December 1, 2001; and
Grace F. Freije, term to expire December 1, 2002.

Alderman Wihby moved to confirm the nominations to the Arts Commission as presented.

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

- 13.** Confirmation of the nomination of Janice Higgins to succeed Sr. Carol Descoteaux as a member of the Conduct Board, term to expire October 1, 2002.

Alderman Hirschmann moved to confirm the nomination of Janice Higgins to succeed Sr. Carol Descoteaux as a member of the Conduct Board, term to expire October 1, 2002. Alderman Girard duly seconded the motion. There being none opposed, the motion carried.

- 14.** Confirmation of the nomination of Christopher L. Hall to succeed Jack Rice as a member of the Conservation Commission, term to expire August 1, 2002.

Alderman Rivard moved to confirm the nomination of Christopher L. Hall to succeed Jack Rice as a member of the Conservation Commission, term to expire August 1, 2002. Alderman Hirschmann duly seconded the motion. There being none opposed, the motion carried.

- 15.** Confirmation of the nomination of Walter A. Stiles to succeed Nathan Bowen as a member of the Elderly Services Commission, term to expire January, 2003.

Alderman Klock moved to confirm the nomination of Walter A. Stiles to succeed Nathan Bowen as a member of the Elderly Services Commission, term to expire January, 2003. Alderman Wihby duly seconded the motion. There being none opposed, the motion carried.

- 16.** Confirmation of the nomination of Dr. Richard B. Friedman to succeed Dr. Robert Duval as the physician representative of the Board of Health, term to expire July 1, 2001.

Alderman Pariseau moved to confirm the nomination of Dr. Richard B. Friedman to succeed Dr. Robert Duval as the physician representative of the Board of Health, term to expire July 1, 2001. Alderman Wihby duly seconded the motion. There being none opposed, the motion carried.

- 17.** Confirmation of the nomination of Thomas M. Robert to succeed himself as a member of the Water Commission, term to expire January, 2003.

Alderman Thibault moved to confirm the nomination of Thomas M. Robert to succeed himself as a member of the Water Commission, term to expire January, 2003. Alderman Girard duly seconded the motion. There being none opposed, the motion carried.

- 18.** Confirmation of the nomination of Brooks M. McQuade to succeed himself as a member of the Retirement Board, term to expire January 1, 2003.

Alderman Klock moved to confirm the nomination of Brooks M. McQuade to succeed himself as a member of the Retirement Board, term to expire January 1, 2003. Alderman Wihby duly seconded the motion. There being none opposed, the motion carried.

A report of the Committee on Bills on Second Reading was presented, recommending that an ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the B-3 (Highway Business) zoning district to include land of Manchester Executive Center Associates (TM 757, Lots 2A & 2B), currently zoned R-1B (One-family Residential) and having a total area of approximately 10 acres.”

ought to pass; and further that the Ordinance be effective upon certification by the Planning Director that a buffer shall be provided that is acceptable to the City.

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

A report of the Committee on Bills on Second Reading was presented, recommending that ordinance amendment:

“Authorizing the Mayor to Dispose of Certain Tax Deeded Property Known as James Pollock Drive, Map 579, Lot 83.”

ought to pass.

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

A report of the Committee on Community Improvement was presented, recommending that a request of the Planning Director for extension of projects as enclosed be granted and approved.

On motion of Alderman Reiniger, duly seconded by Alderman Pariseau, it was voted to accept, receive and adopt the report.

A report of the Committee on Community Improvement was presented, recommending that the Board of Mayor and Aldermen approve the purchase and sales agreement for the so-called Rubenstein property subject to the review and approval of the City Solicitor.

On motion of Alderman Pariseau, duly seconded by Alderman Girard, it was voted to accept, receive and adopt the report.

A report of the Committee on Community Improvement was presented, advising that it has approved an Ordinance authorizing the Mayor to dispose of certain tax deeded property known as Map 9, Lot 11, known as 1037-1045 Elm Street. The Committee recommends that such Ordinance be placed on its third and final reading by title only without referral to the Committee on Bills on Second Reading or the Committee on Accounts, Enrollment and Revenue Administration under the suspension of the rules.

Deputy Clerk Johnson stated, your Honor, the Committee has asked that this report be accepted and then that the Ordinance be placed on that final reading and the rules be suspended. It is my understanding that there was some discussion as well at Bills on Second Reading this evening.

On motion of Alderman Wihby, duly seconded by Alderman Reiniger, it was voted to accept, receive and adopt the report.

On motion of Alderman Sysyn, duly seconded by Alderman Clancy, it was voted to suspend the rules and place the Ordinance on its third and final reading by title only.

On motion of Alderman Girard, duly seconded by Alderman Shea, it was voted that the Ordinance be read by title only, and it was so done.

“Authorizing the Mayor to Dispose of Certain Tax Deeded Property Known as James Pollock Drive, Map 579, Lot 83.”

This Ordinance having had its third and final reading by title only, Alderman Reiniger moved on passing same to be Ordained. Alderman Sysyn duly seconded the motion. There being none opposed the motion carried.

A report of the Committee on Community Improvement was presented, recommending that the Board of Mayor and Aldermen approve the proposed contract with Intown Manchester with revised Attachment A as submitted by the Planning Director subject to the review and approval of the City Solicitor.

On motion of Alderman Pariseau, duly seconded by Alderman Sysyn, it was voted to accept, receive and adopt the report.

A report of the Special Committee on the Civic Center was presented, recommending that it has accepted the terms presented through a communication from the Finance Director dated December 21, 1999 and further that everything being presented be referred to the full Board for review.

On motion of Alderman Wihby, duly seconded by Alderman Klock, it was voted to accept, receive and adopt the report.

Alderman Hirschmann stated, your Honor, in Committee we did take up this matter and the team did bring to us all of the documentation on the civic center. One piece did not have the signatures from the five banks on the private 20% funding, but I did ask the City Solicitor, as well as the Solicitor from the Manchester Housing & Redevelopment Authority, to craft a motion that would be acceptable to this Board to proceed with the civic center. The terms and conditions of the 20% note state that we will apply tomorrow for the loan. We will pay a \$25,000 fee for that privilege. They will go and do their due diligence and they will report back to the City Solicitor and to the officers within 21 days. In 21 days they will tell us if they will grant that 20% money or they will not. I would like to read a motion into the record, your Honor that was drafted by the City Solicitor and the MHRA Solicitor.

Alderman Hirschmann moved that the Board of Mayor and Aldermen approves of the documents presented tonight [December 21, 1999]. The staff is instructed to proceed to work with the banks to secure the private financing. Upon certification by the City Solicitor and the Finance Officer that the private financing is obtained, and in place, the City shall proceed with the acquisition of the site by negotiation or eminent domain and shall further proceed with the construction of the civic center project. The Board of Mayor and Aldermen further finds that the site which was the subject of the public hearing on November 22, 1999 is deemed to be the most suitable site for the construction of a civic center. The civic center project is hereby found

to be a public purpose providing public benefit to the citizens of Manchester and therefore is a public need and necessity to acquire the land by negotiation or eminent domain. The Mayor and/or the Finance Officer are hereby authorized to execute any and all documents relating to the project subject to the final review and approval of the City Solicitor. The Mayor is authorized to execute the amended cooperation agreement between the City and the Manchester Housing and Redevelopment Authority but the terms thereof are not to be implemented until the private financing is obtained as set forth above.

Alderman Girard duly seconded the motion.

Alderman Shea asked, Solicitor Clark, could you break this down for us please in simple language. What are we committing ourselves to if we vote for it? What aren't we committing ourselves to if we vote against it and do we have the necessary funding at this time in hand to make a judgment as far as this is concerned?

Solicitor Clark stated the public portion is in hand. The private 20% portion at this time is not in hand. If you move forward tonight, you are authorizing staff to continue working with the banks to see if we can finalize that final 20%. The provisos that are placed in the motion state that we will not spend a dime to acquire the land or to construct the civic center until both myself and Kevin Clougherty as Finance Officer have certified that the 20% private financing is in place and available to the City. However, we will continue to spend some money on documents and moving forward with that part of the project.

Alderman Shea asked so will a final vote be taken with this particular Aldermanic Board or will a final vote be taken into the next year. What does it mean?

Solicitor Clark answered this would be the final vote unless we come back and tell you that the financing is not in place.

Alderman Shea asked so we are voting before the financing is in place. Is that correct?

Solicitor Clark answered that is what the motion says, yes.

Alderman Shea stated so people on this Board are going to commit themselves to a project when we don't have the funding at hand, correct.

Solicitor Clark replied that is the motion.

Alderman Shea asked what about the insurance for this bonding. In other words, we are insuring the bonding for the \$50 million and I believe we are spending \$1.7 million to insure that bond. Is that correct?

Solicitor Clark answered the Finance Director would have those numbers. I believe the number was \$1.7 million.

Alderman Shea asked and how much are we spending to insure the bonding for the \$21 million that we need or the \$11 million or whatever it is.

Solicitor Clark answered there is no insurance on that. That is private.

Alderman Shea asked who pays that in case there is a default on that. Does the City pay that?

Solicitor Clark answered the bank. The banks absorb that if they are the default.

Alderman Shea asked is that where the hang up is, that the bank doesn't know whether they are going to get that money or not because we didn't have any problems with the \$50 million. How come we are having problems with the other amount, which is much less?

Solicitor Clark answered I can't speak for the bank on where their hang up is. I know that they have told us that it is going to take them approximately 21 days to finish their reviews before they will give a final commitment.

Alderman Shea asked and that is on how much money.

Solicitor Clark answered approximately \$12 million or just under \$12 million.

Alderman Shea asked so we have to wait 21 days while they examine carefully what \$11 million is and we have no problem with \$50 million. Thank you.

Alderman Thibault asked if we vote on this tonight, what we are voting for is that if, in fact, that private money does not come in this dies. Is that what I am hearing? If we vote for this tonight and that private money doesn't come in, this project dies?

Solicitor Clark answered correct. If that money does not come in, the Finance Officer and myself will not certify to it and it will not go forward.

Alderman Thibault stated on behalf of myself as Alderman of Ward 11, I am going to vote for this tonight, your Honor, because my constituents by 287 told me in the last referendum that I should support this project. The real problem with this is that most of the people who do not support the civic center want to be sure that it does not become a burden onto the taxpayers. We can't blame them for that. These are our taxes also. As we sit here on the Board, it is our taxes that we are also talking about. I believe that this Board has been very diligent in making sure that, in fact, we do not spend any taxpayer money on this project until it goes through with all of the recommendations that we had put in. Your Honor, on August 25 I passed out a letter to the Board of Mayor and Aldermen suggesting that one way to be sure that the City of Manchester will always gain some revenue from this civic center as it goes forward is to charge a \$1 surcharge on every ticket that is sold at that civic arena and I am going to reiterate that again

tonight and I am going to ask to make this a motion and ask this Board to in fact support me in making sure that every ticket that is sold in that arena, that the City right off the top gets \$1 for every ticket that is sold at that arena. This way, I think that we can take this burden of a 30-year bond down to 20 or 21 years possibly and save millions of dollars in interest costs alone.

Alderman Thibault moved to add \$1 surcharge to every ticket sold at the civic center.

Deputy Clerk Johnson stated the question is whether or not Alderman Thibault is attempting to amend the motion on the floor by adding the \$1 surcharge to the conditions.

Alderman Thibault stated no that is not what I want to do. If, in fact, there is a vote on the civic center tonight and it does pass, I would like to have the support of the Board to add \$1 surcharge on every ticket that is sold.

Deputy Clerk Johnson suggested that the Mayor stay with the main motion on the floor and allow Alderman Thibault to make the motion following the votes.

Alderman Hirschmann stated there is no doubt that this is a very good proposal and we did discuss this in the Civic Center Committee many times. In fact, Alderman O'Neil, myself, yourself, your Honor, Alderman Wihby when we went down to South Carolina and did our due diligence part, we decided ourselves that possibly \$1 surcharge would be needed for the police protection portion anyway. This is a valid motion and I maybe I should second it, but I would like to refer this to the team to make sure that we are not breaking any contracts or messing the deal up.

Alderman Thibault stated I have checked with the City Solicitor, with the Finance Officer, Mr. Ashooh, Mr. Sterns and everybody else involved in this project and none of them can find a reason why this cannot be imposed. That is why I am bringing it up again tonight and I would like to see this Board move on it when the time is right.

Alderman Girard asked, Solicitor Clark, have you had an opportunity to thoroughly review the materials from the MDC Civic Center Committee.

Solicitor Clark answered yes I have. I have reviewed all of the documents.

Alderman Girard asked have they, to your satisfaction, with the exception of the bank financing which I will ask you a couple of questions about in a moment, have they to your professional expertise and that of Mr. Clougherty also, have they met all of the criteria set by this Board with the exception of that bank financing.

Solicitor Clark answered yes, at this point they do.

Alderman Girard asked so in your opinion the guarantees that this Board was seeking have been adequately set in place.

Solicitor Clark answered yes, they are.

Alderman Girard stated from what I understand, the City has a letter of terms from the banks.

Solicitor Clark replied yes. A term letter.

Alderman Girard asked could that term letter be construed as a tentative commitment to the City pending the finishing of their due diligence.

Solicitor Clark answered a term letter sets out conditions that have to be met before they would lend money. The conditions do conform with the agreement that we have in place, however, it is not a commitment and there are no guarantees that they will give the money even if you meet all of the conditions.

Alderman Girard asked but you, if this motion passes, and Mr. Clougherty are going to continue to work with the Civic Center Committee and the banks to finalize terms that comply with the dictates of this Board.

Solicitor Clark answered yes. If this Board tells us to go forward, we will make sure that those funds are in place or we will not go forward.

Alderman Girard stated, your Honor, over the last two years and even longer this Board has set-up some very stringent conditions on this project and candidly I think that some of the conditions were proffered by opponents of this project in the hopes that no reasonable individual would hold the City as harmless as these agreements appear to hold the City. I think it is a tribute to the people who have worked to develop this proposal from the Manchester Development Corporation and from this Board and yourself that we appear to have met all of the terms that this Board has set. I am confident in the staff and the other individuals who continue to work on this that if they do not obtain the final piece, which is a critical one, that this project will not be built. This City, as a member of this Board once said, has been talking about building a civic center since Moses parted the waters. It seems to me that everything that can humanly be done to bring this together has been done. This, in conjunction with a lot of the other work that has taken place downtown, this project I think completes the picture of what this City needs to do to revitalize the area. As you know all too well, your Honor, the City lost \$1 billion or about a quarter of its tax base back in the late 80's and early 90's. The only area of the City left that has yet to see a rebound in its value is the downtown and that value that we are missing around the City is in the downtown. I think given the extraordinary work that has been done to develop this proposal and the examples throughout the nation of how projects such as this have been instrumental in turning around dying downtowns...I think it is time that we cast a vote of confidence in our City as we did with the Airport some time ago. We give credit to the

people of the City who have worked on this project and people all around the State and New England area who will come to Manchester to participate in the activities at this facility. I think it is about time Manchester moved forward and stopped asking the “what if” questions and painting the worst scenarios. When I ran two years ago for this office, one of the challenges I gave to people time and again was to dare to dream great dreams and have the courage to make them come true. We stand on that premise today with the civic center. I would urge my colleagues on the Board to support this proposal, to have confidence in this City and the people who are leading it to make this project a success. When you do call for a vote on this, I would like to be on record as requesting a roll call.

Alderman Clancy asked, Kevin, how much private money do we have committed for the civic center as of now.

Mr. Clougherty answered the private financing commitment from the banks is roughly \$11.8 million.

Alderman Clancy stated not from the banks, from the private individuals or corporations. How much money do we have?

Mr. Clougherty replied there is approximately \$1 million that has already been committed contractually for suites and club seats.

Alderman Clancy stated so we are looking at the banks for \$12 million and yet we can get \$50 million. It doesn't make sense. In other words, we have 4/5 of the puzzle done, but we are lacking that 1/5. The banks have not given their final okay for this project as of today. Is that right?

Mr. Clougherty replied that is right, Alderman. The banks have laid out what they feel are the basic terms that this City would have to meet and that the project would have to meet for them to award the balance of the private funds.

Alderman Clancy asked how could we go ahead and vote on this when we don't have the full puzzle.

Mr. Clougherty answered as staff, we have been asked to provide you with documents and we have provided those documents. The document that we have with respect to the banks is in your package and I believe it was handed out tonight. It has a copy of what the bank has stated, as well as the terms that they would like to see us meet.

Alderman Clancy asked will this cost the City or taxpayers any money if we don't get this \$11 million or \$12 million.

Mr. Clougherty answered as I think the Solicitor has said, if you don't receive this private money, we are not going to authorize to move forward. This is one of the basic criteria that the Board has asked us to insure is going to be in place before the project moves forward and we will honor that. If the bank, after we submit our application and provide all of the information, does not see fit to award the private funding, we will not move forward.

Alderman Clancy stated well I don't think we should vote for it tonight until we get the proper funding. What is the rush?

Alderman Wihby stated there are members on this Board that even if we had the proper funding wouldn't vote for this today anyway. We set out in 1998 and I have a document in front of me that I just want to go over. This Board said we want a civic center, we want to look into it. The voters voted for it and one of the issues was that we set some parameters up. I just want to go over them today and tell you which ones we have and which ones we don't, but one thing that we said at the very beginning was that we were going to give up some money, as far as revenue received in, because we didn't want to have any risk to the taxpayers. I remember sitting here and saying I don't care if we make \$1 on this project as long as we don't lose \$1 on this project. The taxpayers don't want their money spent on a civic center. We set-up this procedure and the way this ended up to do that so that the taxpayer is covered and we are not going to spend a penny of taxpayer money. I just want to go over...in 1998 this was written. No property taxes used to construct or operate the facility. That has been met. With this proposal, that has been met. The City will own the building. That is met. The City will contribute a maximum of 80% of capital costs in Rooms & Meals tax monies or tax exempt insured bonds backed by those monies. That is met. Rooms & Meals tax-exempt insurers bonds shall not exceed \$50 million. That is met. Debt service structured to provide a 30% coverage ratio cushion. That is met. Private businesses will invest a minimum of 20% of total project budget. That is met. Ogden will guarantee the City against any operating deficits and prohibit any general fund appropriation. That is a biggie. That is one of the ones that we gave up making money in the civic center because we didn't want that risk to the taxpayer. That is met. Construction risks will be assumed by construction manager. That is met. The City and Ogden will share excess facility cash flow. That is even better than we thought we were going to get. That is met. Project financing and operations will be a non-recourse to the taxpayer. Another biggie. That is met. Insurance commitment on tax exempt bonds. That is met. The final thing, underwriting commitment on private financing is the only thing that is not met and by assuring that the City Solicitor and the Finance Director have to have that in place before we go any further and that is what we are doing today. We are saying we are fine with everything here. You make sure that this final commitment is made. We are going to vote on it today, but we know that that one step still has to be met. We could sit here and talk...we already knew who was going to vote in favor and against even if we had everything today those same people would be voting against this project, your Honor. The finance commitment is going to be there. It is not quite there yet, but if it isn't there you know what, the project won't go forward because that is the condition we are putting on this.

Alderman O'Neil stated the vote tonight more than anything has to do with process. I was a member of the Civic Center Committee and thought that we had an agreement that we would thoroughly review all of the documents to be presented to the Committee and then refer those documents onto the full Board. The most critical ones that we received today, or one of the most critical ones is the management agreement. We received it about 5:30 PM. Nobody has had a chance to review it. We still, and Solicitor Clark I am going to ask this question, do we have a commitment on the private financing?

Solicitor Clark answered no we don't.

Alderman O'Neil stated but we are going to move ahead with this project. That is wrong. We are afraid to let this go to the next Board. If this is a great deal and the private financing comes through, we should let it go to the next Board to make a determination. There are 10 of us returning. I never, in my eight years of being an Aldermen, have never seen a process like this – approving a \$65 million project subject to financing and not bringing it back to the full Board for approval. It is wrong. It is wrong. Thank you.

Alderman Shea asked how much is this going to cost. Does anyone really know how much this is going to cost? Alderman Hirschmann, are you the contractor?

Does anyone know how much this is going to cost? Kevin, do you know how much this is going to cost?

Mr. Clougherty answered yes, Alderman. As we presented to you at a prior meeting, you may recall that we had a slide on the wall that showed what the different project costs were, as well as the bottom line and we are still within the parameters of what we had projected on the wall.

Alderman Shea asked what is that.

Mr. Clougherty answered it is under \$67 million.

Alderman Shea stated it is under \$67 million. Now in reviewing, at the beginning my understanding was that it was considerably less and some costs were added to that. How about any overrun? Who is going to pay for that? Let's assume that it costs \$72 million. Who picks up the extra \$5 million?

Mr. Clougherty replied you have with you tonight, Alderman, Peter Levy who has a management agreement or a guaranteed price commitment from the contractor and I would let him explain it. I would say, Alderman, that one of the things we have worked on with both Tom and Bill is to make insure that the City and the taxpayer does not have to have...there is no recourse to the taxpayer in the event of any of these issues.

Mr. Levy stated the only overrun that we are going to have...we are doing what is called a guaranteed maximum contract, which means that the construction manager guarantees top

dollar. The only thing that could change that is a scope change in the project. The scope basically is controlled by the construction team, which is the architect, engineers, and construction manager working together as a team to control those costs and guarantee again that it isn't going to exceed the construction cost. There are some issues that are unknown. You do not own the land yet. There is a potential of some risk in purchasing the land and finding unsuitable soils, etc., which have been tested but not for environmental reasons and that is basically the biggest risk that I am aware of.

Alderman Shea asked if that were the case, who pays for that.

Mr. Levy answered that would come out of contingency. Not only does the construction manager carry contingency in his numbers, but we have a contingency in the overall project budget that covers issues such as that.

Alderman Shea asked so you are saying now that the cost of this will not be more than \$67 million. Are you willing to put that in writing?

Mr. Levy answered I only address the costs of the guaranteed maximum contract, which is around \$44 million. I can't address the overall budget. I am just in the construction side.

Alderman Shea asked so there is the possibility that there could be an overrun.

Mr. Levy answered it is a possibility, but a remote possibility.

Alderman Shea asked does it happen in other projects of this magnitude.

Mr. Levy answered it does happen, yes.

Alderman Shea stated I would like to ask Kevin Clougherty this question. In discussing this issue this evening with an Alderman that is going to be assuming a seat on the next Board, he indicated that our bonding is now at such a level that other types of projects and I could read them to you, such as the proposed police station, a possible parking garage, the purchase of PSNH, development of Hackett Hill, and I can go on, this would be affected because our bonding would be in serious trouble. Is this correct or not? Did you indicate that to an Alderman?

Mr. Clougherty replied no and I wouldn't, Alderman, because we are not issuing the bonds. The bonds will be issued by the Housing Authority.

Alderman Shea asked would we be affected by the fact that our bonding is at a level now...let me reword it. Is our bonding at a level now so that other projects would have difficulty being enacted?

Mr. Clougherty answered our bonding level is affected by two things, Alderman. The one determinant on how much you have the capacity for for the future is in part what you retire in the past as well as increased valuation. My concern is with increased valuation of the City. Now this project does not affect and will not have an effect on our capacity.

Alderman Shea asked what is our bonding now. How much are we bonded for now?

Mr. Clougherty asked at what level.

Alderman Shea asked how much is the City bonded at all levels.

Mr. Clougherty answered as you know, there are different categories of bonds. There are those bonds that are supported by taxes and those bonds that are supported by revenues other than taxes like your sewer fees and Airport. Are you asking me what is the total debt issuance of the City or what is tax supported issuance?

Alderman Shea replied I am asking you what are we bonded for. First for the City and then for the other.

Mr. Clougherty responded total bonds authorized and unissued, the whole nine yards, is \$475,040,293.00.

Alderman Shea asked so we are bonded now for \$475 million. Now as far as the taxpayers are concerned, how much are they bonded for?

Mr. Clougherty answered the amount subject to the City's debt limit is \$105,544,148.

Alderman Shea asked without endangering losing any kind of Moody's AA bonding, how much can we go to.

Mr. Clougherty answered again, Alderman, that is a factor of how much more valuation is being brought into the City and we are presently calculating that, but you would have some capacity. This project is not going to interfere with your capacity to do general projects.

Alderman Shea asked if we wanted to introduce a police station and we needed to bond \$12 to \$14 million, would that have an adverse affect on our bonding.

Mr. Clougherty answered it depends on how you are going to do it, how it is going to be structured over time, how it is going to be paid out, and whether it is in conformity with your own CIP criteria and we will calculate that along with all of these other projects and that is part of the CIP process and we will give that to you.

Alderman Shea asked so you don't think that it would have that much of an adverse affect, right.

Mr. Clougherty answered this project isn't going to determine whether you do the Police Department.

Alderman Shea replied I realize that. I am just going onto the other subject because people are correlating the two and saying one thing and I would like to clarify that. You say that our bonding is in pretty good shape as far as different City projects are concerned?

Mr. Clougherty responded you are going to have to take a look at what your capacity is and we will calculate that based on the most current valuation numbers and we will take a look at what we have retired in debt service and we will give you those projections.

Alderman Shea stated what I am getting at subtly here is the fact that if we had the Rooms & Meals money to use rather than having to pay it to the Manchester Housing Authority that would indirectly affect our capacity to fund City projects, which in my judgment are much more important. That is what I am getting at, okay? Do you get the picture now?

Alderman Cashin stated Kevin, you said that in private monies we have raised \$1 million so far, is that right.

Mr. Clougherty replied it is my understanding that \$1.2 million has been contractually obligated for the suites and club seats.

Alderman Cashin stated Solicitor Clark says that we do not have the \$12 million from the private sector, from the banks at this point in time. Is that right?

Mr. Clougherty answered that is true.

Alderman Cashin stated this Board is on record, if I am not mistaken, all of us, that we would not accept this project unless it was 100% complete. This evening it is obvious that it is not 100% complete. Solicitor Clark, in your professional opinion, do you feel that this is a prudent thing for the City to do tonight?

Solicitor Clark replied, Alderman, I think you have all had a lot of experience with the way I do business and the way I advise the Board. It is not my normal practice to recommend that the Board move forward on projects that aren't complete or that aren't totally tied up. I have been asked to prepare the motion and I did, along with Atty. Craig. I believe we built in the necessary safeguards to make sure that the project is tied up before it goes forward. Legally, the Board can do it. Whether you want to...I am not trying to get out of it, but it is a policy decision for this Board to make.

Alderman Cashin stated you are not answering, all right. Well, in my opinion it is not a prudent thing for the Board to do.

Alderman Hirschmann stated just to recap and close up on this issue, six years ago there were a lot of groups asking me if I believed in Manchester and if I believed in downtown Manchester and thought that we could ever bring it back and did I believe that we could bring it back into a retail Mecca or anything of the sort. I knew that we needed a magnet downtown and we needed a project of this nature. For four years I have followed this project and done the work that I never thought I could do to think about 24 hours a day of all of the different aspects and facets of this project. What we are doing is we are asking everyone in this room that does believe in Manchester not to kill this project tonight because we have already sunk \$2.6 million, if you want to call it taxpayer's money, it is taxpayer's money, Rooms & Meals or whatever you want to call it. We have already spent \$2.6 million on this project. The Solicitor did say that he tied up that loose end at the end. If we vote on this, we are saying that we believe in Manchester and what we are doing is we are asking the following five banks, Citizens Bank of NH, Centrex Bank & Trust, Bank of New Hampshire, Fleet Bank and Key Bank. We are asking them if they believe in Manchester and we are putting the onus on them because I already believe in Manchester and you know what, I think they believe in it to. When you sign a contract to buy a house and you give the sales agent a check, you don't close that day. You come back and they tell you the terms and conditions have been met in a reasonable amount of time and you close. In 21 days, the offer sheet says that they will give you an answer and I am willing to put my entire reputation on the line as an Alderman and as a citizen of this town. I don't want to waste money. I don't want to waste \$2.6 million. I don't want to waste anymore money. In 21 days, if this is a good project, then we will have a civic center. In 21 days, if it is not then we will have wasted \$2.6 million. Thank you.

Mayor Wieczorek stated we have been for 34 months now working on this project. I think this has been beat to death every way that it possibly can be. I think there are probably more safeguards built in here than there are in any one of these projects anywhere in the country. I am going to take a vote right after Alderman O'Neil speaks.

Alderman O'Neil stated I don't disagree, Alderman Hirschmann, with what you said but if we have faith in that system why don't we allow it to come back to this Board if the banks approve it and take a vote on it then. That is the purpose. If we have that faith, then we should allow the banks to approve it and then come back to either this Board or to the next Board to approve it. That is my whole point tonight is the process of this.

Mayor Wieczorek stated well we do have a motion on the floor and that was a very lengthy motion. Does anybody want to rehear it or are you ready to vote?

A roll call vote was taken. Aldermen Girard voted yea.

Alderman Shea stated I believe in Manchester as much as anyone on this Board. I have lived here all of my life and I believe that a house divided against itself shall not stand. I vote nay.

Alderman Rivard stated for several weeks now I have been publicly taken to task on a community television program with misleading facts about myself and my family accusing me of voting for the civic center, if I do vote for the civic center, to line my pockets with money to make hundreds of thousands of dollars in an area in Manchester where my father started a business in 1940 and we have worked tirelessly for 60 years in downtown Manchester owning property, running businesses, giving people employment, paying taxes and for that individual to question my integrity on a vote that is so important to the City of Manchester is very upsetting as you can see. I could go quietly here this evening, ladies and gentleman because you probably don't need my vote for this important project but that is not my style. I don't go quietly. I am an honest man who has lived here all of my life, more than some people who are against this project. So, before I voted or thought about voting, I went to Solicitor Clark and asked him to review the documents that were executed in 1993 as it relates to my property on Elm Street. 1993. Solicitor Clark reviewed the documents. I ask the individual who is making these statements to look at the documents. Take a look at it. See what it says. The price of the property in 1993 is the same price in 1999, 2000, 2003. My property doesn't increase one dime to my family or I. Maybe to the individual who will buy it, it eventually will. This is not a moneymaking deal for me. This is an insult. I have been publicly embarrassed by this barrage of untruths. I want the people of Manchester to know...they are not going to buy this. They are smarter than that. They are not going to buy this deal. They know that I am not in this business to make any money. I have been a public servant in the City of Manchester for over 25 years. I have given time, effort, money. I have been in every organization in this City. This job does not pay much money and I have been accused of voting possibly for a project that is going to give me hundreds of thousands of dollars. It is a personal insult and it borders on slander as far as I am concerned. I have confidence in the City of Manchester. You bet your life I do so I am voting for the civic center.

Alderman Pariseau stated I just want to reiterate my statement. I have sat on this Board when the Center of New Hampshire was bandied about and at that time I was opposed to the Center of New Hampshire. My colleague to my right persuaded me otherwise; that it would be the shot in the arm for downtown Manchester. Well, the Center of New Hampshire was, let's call it a half a shot to date and I think the civic center would be that extra effort to revitalize downtown so I support the civic center.

Alderman Cashin stated this Board made a commitment that if the package was complete, that we would look at it. Tonight, the package that is being presented to you is not complete. You are \$12 million short and you have no guarantees. Now Alderman Wihby said that some of the Aldermen here wouldn't vote for this anyway, no matter what happens. I don't know who he is referring to but I just want to say this. In 30 years, I have done more to redevelop downtown Manchester than anyone on this Board and I am proud of that and if I really felt that this project was going to solve the problems of downtown, I would be the first one to support it but in my own mind, honestly, I don't believe it can do it. We don't have the package complete and I just can't vote for it. I vote no.

Alderman Thibault stated I am certainly going to support the civic center, but I would like to get this Board's support in making sure that we put a \$1 surcharge on every ticket that is sold at that arena, making sure that the City gets a guaranteed income from this civic center whether there is 100 people that come there or 10,000. Thank you. I am for the civic center.

Alderman Hirschmann stated courage of my convictions; yes.

Alderman Wihby stated, your Honor, we have worked on this for two years and it is my pleasure to vote in favor of the civic center.

Alderman Klock stated I think that if this Board votes favorable to the civic center it will be one of the finest hours that the City of Manchester will ever see and I vote yes.

Alderman Reiniger stated I agree that this is a great and historic moment, not only for downtown Manchester, but for the entire City so I vote yes.

Alderman Sysyn votes yes.

Alderman Clancy stated a lot of my constituents have questions about where they are going to park. Also, the money isn't here and everything isn't in place so I am voting no.

Alderman Pinard stated I would like to abstain from voting for one reason. I have a document that I got from the State of New York regarding a federal lawsuit against Ogden. I am not against the civic center, but I would like to know if anybody ever investigated the Ogden organization thoroughly. I have to say no.

Deputy Clerk Johnson asked for clarification as to whether Alderman Pinard was abstaining or voting nay.

Alderman Pinard answered I am voting nay.

Alderman O'Neil stated I think this process is wrong. We had made a commitment to thoroughly review everything and we failed to do that and because of that, I am going to vote no.

The final roll call tally was 9 yeas and 5 nays. The motion carried.

Alderman Thibault moved to have the Board support a \$1 surcharge added to every ticket that is sold at the civic center. Alderman Hirschmann duly seconded the motion with the stipulation that the money go for police protection.

Alderman Thibault stated I am not going to put that restriction on it. I want the \$1 surcharge to go directly to the City.

Alderman Girard asked, Alderman Thibault, is it your intent that if school athletic events take place or if youth events take place that there be a surcharge for those activities.

Alderman Thibault answered this is something that in talking to Skip Ashooh and others that we will come to an agreement on. As a matter of fact, I am seriously considering that anyone under 12 years old would also not get a surcharge.

Alderman Girard stated although in concept I don't have a problem with the request from Alderman Thibault, however, his motion as it stands now if I am not mistaken is that a surcharge be added to every ticket for every event at the civic center, which I would have to presume would include the events that I just raised and perhaps other community-oriented events. Perhaps with a vote of this Board, we would approve in concept Alderman Thibault's proposal, but send it to the Civic Center Committee so that the details can be refined as to which events and which ages will pay the surcharge. I would be happy to vote for that motion if Alderman Thibault has no problem with that.

Alderman Thibault stated I have no problem with that.

Alderman Girard moved to amend the motion to refer it to the Special Committee on the Civic Center to work out the details. Alderman Wihby duly seconded the amendment to the motion.

Mayor Wieczorek called for a vote on the amended motion. The motion carried with Alderman Shea being duly recorded in opposition.

Mayor Wieczorek stated I want to extend my thanks to the group that has been working so hard for so many months on this project. Now we talk about a project that has been underway for about 34 months. That is a long time. I think that there are many, many safeguards that are built into this project that many other communities certainly have not seen. We certainly owe a lot of thanks to Skip Ashooh, the Committee, Manchester Development Corporation, all of the folks and the Aldermanic Committee and all of the Aldermen who really are working to make Manchester a better place. I want to extend my thanks to you. It is a job well done and I think it is going to serve the City well.

Alderman Wihby stated just to follow-up on that, your Honor, it took a lot of hard work from that Committee and Skip Ashooh and those folks. I don't know if Skip is still here or not. He might have walked out there, but he stepped forward and it was something that he did and he didn't get paid to do, your Honor. He got name called by certain individuals saying he is on the take and he is going to get something out of this and other things and I think it was unfair because everything we do we ask for volunteers and people to help and with something like that happening you are going to find out that nobody is going to come forward to do anything anymore because of the way they are being treated. I personally want to thank him for the

committee work that he did and I publicly apologize for everything that he took because he didn't deserve it, your Honor.

Mayor Wieczorek stated I would be remiss if I didn't thank our own City staff that has been very involved in this. Kevin Clougherty and Tom Clark and Bill Craig who have been involved in this project. As you say, a lot of criticism and not much in the way of a pat on the back. It is hard work and every day they just keep digging and digging to make sure that they are doing the job the best they can. So, our thanks to all of the folks that have worked on the City side, too.

Alderman Girard stated I think we should also acknowledge the efforts of Mr. Ray Pinard and Mr. Dick Charpentier who are also on that committee and Mr. John Snow who early on in the process was instrumental in getting this going. As has been alluded to and well said by the Chairman, this City time and again goes to members of the community, particularly the business community for assistance with not only projects of this size but of any size and I think it is a sad day when opponents of any particular project have to resort to name calling and character assassination rather being able to deal with the merits of the issue.

Alderman Shea stated under Rule 18 I'm making a motion to reconsider - that's Rule 18 Appropriate Resolution and Penalty Ordinances, so I'd like to make that, I'd like that to be on file.

Deputy Clerk Johnson stated he's trying to give Notice for Reconsideration under the rules and that is with regard to the vote on the Civic Center, I'm presuming. We have it recorded.

22. Communication from the City Clerk requesting that the Board set the polling hours for the Presidential Primary Election scheduled for Tuesday, February 1, 2000 from 6:00 AM to 7:00PM.

On motion of Alderman Klock, duly seconded by Alderman Hirschmann, it was voted to approve this request.

23. Communication from Charles Hungler, Chairman of the Business Friendly Task Force submitting a "Guide to Development in Manchester" which will be available prior to the end of the year.

Mayor Wieczorek stated I hope that you have taken a look at the guide. I think the committee really did a fantastic job in putting this together. You know we have had so much criticism on how difficult it is to do business with the City that finally with the Manchester Development Corporation and with the help of Ray Pinard who is the Chair of that committee, I appointed a task force to work on that. Jeff Hungler was the Chair of that task force and I want to compliment you, Chuck and MDC on a job well done. It has been a long time coming, but it is going to be very helpful. Thank you all very much.

On motion of Alderman Pariseau, duly seconded by Alderman Thibault, it was voted to accept the report.

Alderman O'Neil stated this book is great, but one of the problems that we have seen is the attitude of some City staff. We almost lost AT&T because of some attitudes so we if we are going to use the book, let's make sure that we change the attitudes of some City staff as well.

Mayor Wieczorek replied I think I saw in here attitude adjustment.

Alderman O'Neil responded well some people need it, your Honor.

Mayor Wieczorek stated I don't disagree that we want to make sure that everything is done the best way we can for the citizens.

- 24.** Communication from the Chief Sanitary Engineer submitting an Effluent Supply Agreement between AES Londonderry LLC and the City of Manchester and seeking the Board's authorization to execute such agreement.

Alderman Girard moved to authorize execution of the agreement. Alderman Pariseau duly seconded the motion.

Alderman Girard stated I've asked the Clerk to distribute a letter that back in April I sent to Trolley Crossing residents in South Manchester and attached to that letter are two letters that I received from AES Londonderry. Back in August of 1998, I received, as did Alderman Rivard, several phone calls from that neighborhood in the south end about the impact of that development. After an awful lot of discussion with AES, I was able to obtain various written commitments from the company regarding sound, construction, hazard to the Airport, placement of electric transmission lines, order and traffic. I would ask that this letter, which I will not have read into the record, but I will ask that it be attached to the public record of this meeting as if it were read and I also ask that it be sent to the Planning Department and I further ask that it be attached to all documents that the City has to handle regarding this project so that the commitments made to me on behalf of that neighborhood, will forever be part of the public record and give the City some foundation to enforce them, if need be.

Alderman Girard moved to amend the motion to include the written commitments from AES with the report. Alderman Pariseau duly seconded the amendment.

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

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

- 25.** Airport easements with AES Londonderry LLC.

On motion of Alderman Pariseau, duly seconded by Alderman Rivard, it was voted to approve the Airport easements.

- 26.** Communication from the Director of Parks, Recreation & Cemetery Department submitting a Beverage Marketing Agreement and seeking the Board's approval to enter into a ten-year agreement with Coca-Cola Bottling Company of Northern New England.

Alderman Pariseau moved to approve the request. Alderman Shea duly seconded the motion. The motion carried with Alderman Girard being duly recorded in opposition.

- 27.** Communication from the Public Works Director reporting back to the Board regarding the Aggregation Program.

On motion of Alderman Pariseau, duly seconded by Alderman Thibault, it was voted to receive and file this item.

- 28.** Communication from the Public Works Director submitting a retirement request for Mr. Donald Dunn.

Mayor Wieczorek stated I think that Mr. Dunn has been here for 46 years if I remember correctly and has been a real good employee.

On motion of Alderman Rivard, duly seconded by Alderman Pariseau, it was voted to accept the retirement, with regret.

Alderman Girard asked could we send Mr. Dunn a commendation from this Board. Over the last eight years that I have been in City government, I have found very few people to be as helpful as he is and he is a real gentleman in everything he does.

Alderman O'Neil asked the Mayor for an explanation on Item 27.

Alderman Girard moved to reconsider the previous action to receive and file the Aggregation Program.

Mayor Wieczorek asked Mr. Thomas for a brief explanation.

Mr. Thomas stated after the last Board meeting, the Highway Department met with the City Solicitor's Office to determine what role the City Solicitors could play in lieu of hiring outside professional legal and engineering type help. In discussing it with the City Solicitor's Office, it became apparent that once testimony is submitted by an outside party and in the case to date it has been by outside counsel and outside consultants, that the Solicitor's Office could not then assume the role of responding to the testimony that was submitted. So the two options that are in front of you tonight are Option 1, which is pretty much to not spend any more money on legal or professional consulting services but just monitor with the existing staff that the City has. The second Option is to continue with the outside professional help. As you remember, you

authorized up to \$30,000 from the last Board meeting until now to respond to testimony. If you accept Option 2, it will be approximately another \$45,000 in legal and professional fees to take us through the settlement hearings.

Alderman Thibault asked, Frank, could you tell me how much money we have expended to this point or maybe Kevin can answer that.

Mr. Thomas stated I am sure Tina Parsons can answer that.

Deputy Clerk Johnson responded she left.

Mr. Thomas stated I believe the response on the legal and professional was close to \$750,000, but I don't have that exact answer for you. That is only from my recollection.

Mr. Clougherty stated I would agree with Frank. Since it moved to Highway, we haven't tracked it, but I think he is right. He is in the right ballpark in giving that number. I certainly can provide it to the Board at the next meeting.

Alderman Thibault asked how can we just drop this \$750,000. That is what bothers me.

Alderman Girard stated I think everybody on this Board has hashed this out. We have had several presentations by the Highway Department. We have had several presentations by the MAP Committee. I think everybody knows whether they want this or whether they don't. That being the case, I would like to move that this Board approve Option 2, which is to continue the present participation level. We are in this thing as deep as we possibly can be. For us to pull out now risks not only the investment we have already made, but puts the taxpayers at risk for that investment and frankly precludes us from realizing any of the benefits that this process will produce. I will move that we accept Option 2.

Alderman Shea asked didn't we have a motion to table this.

Mayor Wieczorek answered no.

Alderman Shea asked to receive and file.

Mayor Wieczorek answered yes; we received and filed it. We are going to bring it back.

Alderman Shea asked could we do that without having a roll call on receive and file. Let's have a roll call on receive and file before we take his motion up.

Mayor Wieczorek answered we already voted on it and it passed.

Alderman Shea asked well if we voted on something, how come we are discussing it some more.

Mayor Wieczorek stated we are reviving it because they told us that there were two parts to the question.

Alderman Shea asked what happens to our motion to receive and file.

Deputy Clerk Johnson stated the motion to receive and file did actually pass. You moved onto another item and disposed of that and then there was a request to bring this item back on the table and reconsider it. That is the discussion that is currently going on and the Mayor allowed it.

Alderman Shea asked so if another motion is made, just for my own personal information, if he makes a motion and someone seconds it, what happens then.

Deputy Clerk Johnson answered the Board can vote it up or down.

Alderman Shea asked what happens to the other motion.

Deputy Clerk Johnson answered it is subject to parliamentary procedure.

Alderman Wihby duly seconded the motion to approve Option 2.

Alderman Clancy asked how much money is going to be involved.

Mayor Wieczorek answered well Frank just said up to \$45,000.

Mr. Thomas replied that is correct. The total cost of Option 2 is approximately \$75,000 or \$76,000. You have authorized \$30,000 to date, which would mean approximately another \$45,000.

Alderman Cashin stated just so I understand correctly, you are saying that for \$45,000 we can bring this to conclusion.

Mr. Thomas replied the \$45,000 will bring the present phase of the hearings to conclusion. Now, the hearings that are going on now and the testimony that is being taken is for the settlement and at the end of this particular process, the expenditure of these monies, PUC will make a ruling. Now I can't tell you that there may not be some more discussion or questions or testimony after the ruling comes out by the PUC, but to get through the present settlement hearings that are going on, it is Option 2.

Alderman Cashin asked so after we spend the \$45,000 and Option 2 is completed you will come back to this Board before you spend any more money.

Mr. Thomas answered I may come back to you with a proposal, but I would assume that the Board of Mayor and Aldermen would tell me where to go.

Alderman O'Neil asked, Frank, this is coming out of an Enterprise Fund, which has no money in it.

Mr. Thomas answered that is correct. In the memo, I tried to answer your question. It is an Enterprise Fund that has no money. It is being free financed by the general fund as a loan to be paid back once deregulation and the sale of power takes place.

Mayor Wieczorek called for a vote on the motion.

Alderman Hirschmann requested a roll call. Aldermen Klock, Reiniger, Sysyn, Pinard, Girard, Rivard, Pariseau, Thibault and Wihby voted yea. Aldermen Clancy, O'Neil, Shea, Cashin and Hirschmann voted nay. The motion carried.

- 29.** Ratify and confirm tentative agreement with the United Steelworkers of America, Local #8938 presented on December 7, 1999.

On motion of Alderman O'Neil, duly seconded by Alderman Thibault, it was voted to ratify and confirm the agreement.

- 30.** Ratify and confirm tentative agreement with AFSCME Health Department bargaining unit presented on December 7, 1999.

On motion of Alderman Sysyn, duly seconded by Alderman Pinard, it was voted to ratify and confirm the agreement.

- 31.** Mayor Wieczorek advises that a motion is in order that all matters pending before the present Board of Mayor and Aldermen and its Committees as of January 4, 2000 be referred to the next Board of Mayor and Aldermen.

On motion of Alderman Wihby, duly seconded by Alderman Cashin, it was voted that all matters pending before the present Board of Mayor and Aldermen and its Committees as of January 4, 2000 be referred to the next Board of Mayor and Aldermen.

- 32.** Resolution:

"Authorizing Bonds or Notes in the amount of Fifty-Six Million Dollars (\$56,000,000) in Furtherance of the Manchester Airport Capital Improvement Program and Rescinding Certain Authorized but Unissued Borrowing Resolutions in the amount of Thirty-Four Million Nine Hundred Thirty Nine Thousand Dollars (\$34,939,000) Intended to Finance Certain Portions of the Manchester Airport Capital Improvement Program."

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

On motion of Alderman Thibault, duly seconded by Alderman Wihby, it was voted that the Bond Resolution pass and be Enrolled.

Mayor Wieczorek called for a recess.

Mayor Wieczorek called the meeting back to order.

33. Update relative to the Manchester Police Headquarters Facility Construction project.

Chief Driscoll stated I will be very brief. There is a letter that I hope the Clerk has passed out to each and everyone of you. It outlines most of the information that you've seen before, it talks about the history of our project, how we started out in the fall of last year...we looked at a renovation, the renovation was a \$6.9 million project, it gave us 14,000 square feet and 29,000 renovated square feet. We looked at that upon examination and we determined that that was not the best course of action for the City. We came back to you through the CIP process with the idea of building a new building. That was approved. It was budgeted. You folks, as you remember gave the Police Department in this year's CIP budget, \$2,350,000 with the understanding that we would go ahead with planning, architectural engineering, design and land acquisition. We have moved forward on that. Some of the supporting documentation relative to a new police station versus a renovation is in your packet. Once again, it is nothing new. It is stuff you have seen before that I have presented to this Board before. We are convinced that that remains the best alternative for this Board. I came before this Board on October 5 and asked that this Board support obtaining a parcel of land bordered by Laurel Street, Merrimack Street, Pine Street and Union Street. The Board, at that time, voted to select that site.

Alderman O'Neil stated I think the addition that had been considered was a waste of taxpayer's dollars. It was a Band-Aid approach. I think this Board has gone on record as trying to get out of that concept that has been the practice here for a long time. We did the right thing with Parkside. We were going to build 16 classrooms. We did put 16 additional, which we thought were going to be spare and they are now utilized. We did the right thing there. I think the addition is a Band-Aid approach. My understanding in some of the conversations I have had is most of the homeowners in the block considered are interested in selling their homes. It may be the only opportunity that they get to. I think it is financially the best investment we can have. It is a redevelopment project. There has been some discussion about possibly decentralizing the Police Department and making it operate out of numerous buildings throughout the City. I have had discussions with the Chief and some of his top staff, including Captain Leidermer and they have indicated to me that that is not in the best interest of the Manchester Police Department. It could have, and I don't want to speak for them, but I remember some discussion about increased

costs in manpower in order to do that so I hope we continue to go forward. I believe there is a public hearing scheduled for January 10 and I hope we go forward with that.

Alderman Wihby stated I would like to echo those same comments, your Honor. We decided when we did this last budget process that we were going to fund a new police station. It seems like every time we rehab something it ends up not working. We took that into consideration. This plan worked and it worked with taking the rent money from a few agencies and using that and putting them in that facility. We have been talking for five years about moving them out of rental quarters. If it doesn't make sense because everybody is talking about an elderly center, then fine, don't move them into the new facility and take that money and find something for them but I think we should move forward with the Police Station. I don't think the old plan works and I think we should continue what we started a year ago.

Alderman Klock stated I totally concur with Alderman O'Neil in that when I visited the Police Station for one of my first visits anyway, Mr. Leidermer was actually in a closet. I do agree that the Police Department is in desperate need of a new facility and I don't usually go with the Band-Aid approach anyway because it doesn't serve the City in the future, so I would hope that this Board fully supports the new Police Department.

Alderman Hirschmann asked does this building have a guaranteed maximum price.

Chief Driscoll answered in your package you will see...

Alderman Hirschmann stated it is not an estimate.

Chief Driscoll replied yes it is. It has not been cost-estimated yet. Before it can be cost-estimated, we have to actually have blueprints and have a plan. The blueprints certainly aren't done yet and it hasn't been cost-estimated, but I can tell you that since Day 1, this project has been budget driven and the architects know that. The price is \$13 million at this moment. The cost of the land is something in the area of \$1.5 million. We have told those people that it won't be a nickel more and they understand that. This project is budget driven.

Alderman Hirschmann stated on the Airport we didn't get contracts at a guaranteed maximum price, so I said that I would never support another City building being built without a construction contract with a guaranteed maximum price. If you tell us that it is going to be \$13 million and a construction manager like Peter Levy comes in with a guaranteed price, I will support you. Right now, I am not ready to support the site. I would prefer to knock down a building like Sporters or something like that. Something that is decrepit in the inner City. The Mayor-Elect and the housing people down there apparently identify that as a residential area so I am not sure that I am ready to help you with that. I have to support guaranteed maximum price projects from now on.

Chief Driscoll responded I understand that. There has been much conversation about the site. We were comfortable that that was the best site. We continue to believe that it is. We are committed. We had a neighborhood meeting. We had 38 people there. There is not one person that spoke out against the site at that time. We are committed to work with those people, both...

Alderman Hirschmann interjected you only invited select people to that meeting, Chief. I am just stating a truth.

Chief Driscoll replied pardon me.

Alderman Hirschmann responded you only invited select people to that meeting.

Chief Driscoll stated I invited everyone by letter who lived in that block. I did flyers and gave them to Neighborhood Housing and asked that they distribute them for me and they did. Everyone that had an interest we felt that we included.

Alderman Hirschmann stated if we get a guaranteed maximum price for a building and it may be at another site, I am going to be right there with you, Chief.

Alderman Thibault stated rehabilitating that building and adding to it would just be a great mistake. We would even take away the few parking places that they already have there now. They don't have enough parking spaces. They don't have enough space within the building to do the operation they are doing. I certainly concur 100% that we have to build a new building and take some of these other departments that we are now paying rent for and put them into this building. Thank you.

Alderman Shea moved to allow Chief Driscoll to continue with the process. Alderman Klock duly seconded the motion.

Alderman Girard asked, Chief, including site acquisition of \$1.5 million you are looking at about a \$14.5 million project.

Chief Driscoll answered yes. That was the figure that we used.

Alderman Girard asked do we have any numbers on what it would cost to renovate the existing structure for use by the other departments. I know that there was never a firm number, but there was a ballpark.

Chief Driscoll answered I think the figure that was used was \$1 million.

Alderman Girard asked so overall we are looking at a \$15.5 million project.

Chief Driscoll answered no; the \$1 million is included in that figure. I am quite sure of that.

Alderman Girard asked the \$1 million is included in the \$12.9 million.

Mr. MacKenzie answered no it is not. As I remember, the \$12.9 million was for the construction of the Police Station itself. That was a cost estimate.

Chief Driscoll asked isn't the \$1 million for renovation in the \$14.5 million.

Mr. MacKenzie answered I don't believe so.

Chief Driscoll replied I thought it was.

Alderman Girard stated if you take a look at what you handed us, Chief, I don't see anything in here for renovation of that existing structure. It is all construction for the new building.

Chief Driscoll responded it was my belief that it was.

Mayor Wiczorek stated I seem to recall that there was discussion about including the renovation cost in the old building.

Alderman Girard responded as part of the project, your Honor, but I don't believe that was ever reflected in the \$12,900,000 figure.

Mr. MacKenzie stated I don't believe that the money for the renovation of the existing station is in this estimate. This is a relatively old one. I am not sure if your architect has updated it, but this estimate here does not include the existing station.

Chief Driscoll replied it is my understanding, and I was just informed by Captain Leidermer that the architect understands that that money is in the project. I can check on that and get back to you tomorrow, but that is my belief at this moment.

Alderman Girard stated just to finish up, regardless of whether or not it is in there and \$1 million is no small matter. We have a \$14.5 to \$15.5 to \$16 million project here. I did vote for this project initially based on the representations that were made to me by yourself and members of this Board that all of the departments that are currently paying rent were going to be moved to that renovated space at the Police Station. That is what I predicated my vote on. That condition no longer exists and because it no longer exists, I can't support this project going forward without a further examination of the options that have since arisen. I think it is too bad, but given that the City has many other facilities needs, whether it is in schools, roads, parks, the Millyard or other areas, I think...and it is no small shift in the funding if all of those departments don't go in there. I think we are doing the taxpayers a disservice. I understand that there is a need there, Chief. As you understand, there are many other needs around the City, but my vote

was based on that funding package and that funding package no longer exists so I am afraid I cannot continue to support it.

Alderman Hirschmann asked the Board are we going to set a price on this Police Station. It says \$12 million here, but I am being told it is \$15 million. Are we going to set a guaranteed price not to go over?

Chief Driscoll answered I think the last time we were here we told you that it would cost \$15 million and there was \$1.5 million added for the acquisition of land. That is the figure we have been working with.

Alderman Hirschmann replied \$14.5 million would be your price.

Chief Driscoll responded to the best of my knowledge at this moment that is the price we are working with.

Alderman Hirschmann stated that is what we did with the civic center. We said it won't cost more than \$50 million.

Alderman O'Neil replied Alderman Hirschmann is correct, but we took a new approach to the civic center that had never been used before. A construction manager was selected and it was negotiated. If you recall, when we went out to bid for the new and renovated Station 7 on Somerville Street in Alderman Shea's ward, all of the bids came in over budget. That is something...I would hate to lock the Chief into a price if it is going to be a bid project. He can't control what the construction market is today and that could change in six months when they may be ready to go out to bid.

Alderman Hirschmann responded what it does is put the architect on notice that there is a price tag that he has to stay within so he doesn't over design the building.

Alderman O'Neil replied right but I think that how it is constructed may have to be not a low bid and maybe follow a similar format that was used with the civic center and that is selecting a construction manager with a price not to exceed. We might need to do a little bit of work on that because I don't think we have used that process on any other public project unless, Frank, are you familiar with whether we have used a construction manager with a price not to exceed on anything else.

Mr. Thomas stated the design, build scenario is permitted in the existing procurement code so the code would have to be changed. When you put a guaranteed price on a contractor, the contractor is taking somewhat of a risk and as a result, they build in the compensation for themselves. It is not permitted that I am aware of right now. Maybe Solicitor Clark could verify that.

Solicitor Clark replied we would have to review our procurement code and make some revisions to it to allow us to do that. The reason that it is different for the civic center is because the Housing Authority is doing the contracting and not the City.

Alderman Cashin stated we don't even know what the price of this is going to be. I have no idea. Can't this be tabled tonight until we find out exactly what the numbers are. You came in here and this is just for information, right?

Chief Driscoll replied the reason I am here, Alderman, is because in order to determine the number, we need to continue on with the planning and work with the architects and actually do the cost estimating and so forth. Because of the mixed messages that I have been getting from the community and from Aldermen, I would be wrong to continue to spend money in pursuit of this if it wasn't the Aldermen's wishes. I am here looking for a clear direction. Do you want me to go forward with this project and if you do, I will certainly do that. I believe the City needs a new Police Station. On the other hand, if it is tabled then I guess I understand that. I won't like that, but I guess I understand that.

Alderman Cashin stated what we are asking you to do is come up with a number that we can talk about. There is no number.

Chief Driscoll replied there is the best number that I can give you until the plans are finalized and it is sent to a cost estimator. I can't tell you that I have ever done this before. We are working with the architects and feeling our way along. Alderman O'Neil asked me, way back when this project was first approved, to keep the Board fully informed and to work with the Board and I have been back probably a half a dozen times trying to do that. That is one of the reasons I am here tonight looking for direction.

Alderman Cashin stated you also have problems in the neighborhood I understand. Some of the people are now saying that they don't want to move and they haven't been talked to. Is that a fair statement?

Chief Driscoll replied I think that Manchester Neighborhood Housing has taken a position against it. They believe it is in violation of their mission statement is what I was told. I have been receiving very positive feedback from the people that live there. We did have, as I said, 38 people come to that meeting. Many of them liked the project and many of them look forward to it. The school in the area likes the project. There are many people who look forward to doing business with the City. I am sure that there will be people here on January 10 to speak in favor of it and opposed to it, but I think the majority of the people in that neighborhood are very excited about this project and believe it is going to be good for their neighborhood. I think it is going to be good for their neighborhood. I think that we have long been a partner.

Alderman Cashin asked you don't live there, right.

Chief Driscoll answered no, Sir, I don't.

Alderman Cashin stated I just don't want to get in another situation like we did with the Airport. We should have learned something from the Airport and we have to be a little bit more compassionate here when we are getting into neighborhoods. Now if there are any concerns from the neighborhood, my feeling is that we ought to address those first and I don't think we have addressed them all.

Chief Driscoll replied I have set-up a team of people. My community policing officers and my senior's officer. They continue to have contact with those people and they continue to speak with Captain Leidermer. We can't say that we are going to make everybody happy, but the last time I came to the Board, I asked this Board for direction relative to relocation costs. The Board, at that time, acknowledged that that was an issue that would have to be dealt with. I can't tell you that everybody in that neighborhood is going to be happy that is relocated. There have been many, many people relocated in the Center City. We will do our very best.

Alderman Clancy stated I am not saying I am against the project, but I have some concerns. First of all, you say \$12.9 million for the construction of the building. \$1.5 million for relocating the people on Merrimack and Laurel Street, right?

Chief Driscoll replied to purchase the property.

Alderman Clancy asked what about relocating the people.

Chief Driscoll asked as far as the cost.

Alderman Clancy replied yes.

Chief Driscoll responded I don't know.

Alderman Clancy asked what is the cost to renovate the existing Police Department. Someone said \$1 million. I don't know. What figures are we talking about here tonight? Are we getting a ballpark figure or are we getting something concrete?

Chief Driscoll answered I can't tell you it is a concrete figure because I don't know that. The project hasn't been cost estimated but I can tell you that since Day 1 when we spoke with the architect we told her that it was a budget driven project and that she had to build something or design a building that would come within the budget.

Alderman Clancy stated my main concern tonight is we don't know how much we are going to spend. That is like me saying I am going to go and buy a Ford and I end up with a Toronado.

Chief Driscoll replied the only thing I can tell you is that is not our intent. Our intent is to build a fine Police Department that will last the City many years into the future that can be expanded and is in the right location.

Alderman Clancy stated the other concern I have is people tell me that the Police Station is only 23 years old. I hope we build one that lasts longer than this one.

Mayor Wiczorek stated we have had enough discussion. I agree with Alderman Clancy that it is only 23 years old, but when you outgrow a facility, you outgrow it whether it is 15 years or 20 years. The concern that I would have is that if you do the renovations to the current station you will meet today's needs and if you meet today's needs than 5 or 6 years from now somebody is going to say we need a new building. What is going to happen is you are going to be paying construction costs 6 or 7 years down the road. I think if you are going to do it, do it right and if you are not going to do it then you will just have to suffer in the space that you have.

Chief Driscoll replied that is why I am here.

Alderman Shea moved to allow the Police Department to continue with this process. Alderman Klock duly seconded the motion.

A roll call voted was requested by Alderman Shea.

Alderman Pariseau moved to table. Alderman Cashin duly seconded the motion.

Mayor Wiczorek stated, Chief, I don't think you're going to get anything here tonight, so I don't think you have a clear direction here.

Alderman Shea stated let's take a roll call on the motion to table.

A roll call vote was taken on the tabling motion. Aldermen Shea, Wihby, Klock, Reiniger, Sysyn, Pinard, O'Neil and Girard voted nay. Aldermen Rivard, Pariseau, Cashin, Thibault, Hirschmann and Clancy voted yea. The motion to table failed.

A roll call vote was taken on the motion to allow Police Department to proceed with the process. Aldermen Klock, Reiniger, Sysyn, Clancy, Pinard, O'Neil, Shea, Rivard, Thibault and Wihby voted yea. Aldermen Girard, Pariseau, Cashin and Hirschmann voted nay. The motion passed.

Alderman Hirschmann stated I'm going to take a page out of Alderman Shea's little book and ask for reconsideration at the next meeting on this issue because in deference to the Mayor-elect he does want another site apparently.

Alderman Klock asked could the Clerk give clarification to Chief Driscoll as to what just happened.

Mayor Wieczorek replied it is to proceed.

Deputy Clerk Johnson stated the motion that was made and passed was to allow the Chief to continue with the process. There has been a notice for reconsideration on that vote that will come back at the next meeting of the Board.

Alderman Pariseau stated I would ask that we clarify these items on the agenda. This item was coming in for information. No vote was mentioned or anything like that and I think we got sucker punched for having the Chief come in and request a vote for this thing to continue. I am sorry, but I don't think he was upfront with this Board with the item that appeared on the agenda and I would hope that in the future these items, and I don't know who processes them, either the City Clerk or the department, but the should be clarified as to whether a vote is expected. I would appreciate that.

Alderman Shea stated what is good for the goose is good for the gander. We didn't know that a vote was going to be taken tonight on the civic center either.

Alderman Wihby stated it says in the letter, I would also like to seek direction from the Board during the transition period. That is what we did.

Alderman Pariseau replied have the public hearing that is scheduled for January 10. End of direction.

TABLED ITEMS

- 34.** Petition for Discontinuance
Southerly unused portion of Page Street

On motion of Alderman Cashin, duly seconded by Alderman Girard, it was voted to remove this item from the table.

Deputy Clerk Johnson stated there was a communication distributed to the Board with a recommendation and I believe that Alderman Pariseau is ready to address that.

Alderman Pariseau moved to approve the recommendations outlined by the Public Works Director, allowing for discontinuance of the southerly unused portion of Page Street. Alderman Pinard duly seconded the motion. The motion carried.

- 35.** Report of the Committee on Community Improvement recommending that Amendment #3 to the Londonderry/Manchester Intermunicipal Agreement for Sewer Service, as enclosed herein, be approved; and further that the Mayor be authorized to execute such agreement subject to the review and approval of the City Solicitor.

Alderman Girard moved to remove this item from the table. Alderman Wihby duly seconded the motion. Mayor Wieczorek called for a vote. There being none opposed, the motion carried.

Alderman Girard moved that the item be adopted by the Board as amended by the Clerk with the attachments I asked for. Alderman Shea duly seconded the motion. Mayor Wieczorek called for a vote. There being none opposed, the motion carried.

36. NEW BUSINESS

Mayor Wieczorek stated let me read a letter into the record here from John McDonough. I received this today. It reads as follows:

“Due to unforeseen time consuming activities, the recent death of my wife, Evelyn, and other personal obligations, I will decline the School Committeeman At-Large position scheduled to begin January 4, 2000. The public good must always transcend personal considerations and this post is vital to the community and its educational excellence. I hope this decision does not inconvenience anyone. It should be noted that the Board of Mayor and Aldermen may name a successor to fill the vacancy at once. I will continue to discharge my duties as the Hillsborough County Commissioner.”

s/John McDonough

Mayor Wieczorek stated we just voted in Mr. McDonough at the last Board meeting. He was sworn in and he did attend the meeting. Now he has decided that he can't do it. I don't have a letter resigning and it wouldn't make any difference because if we did we could only appoint a person until January 4. This is going to be coming to the next Board.

Alderman Wihby stated I was just going to say that it should be going to the next Board and normally the Alderman of that ward gets the pick.

Alderman Pariseau replied he is at-large.

Mayor Wieczorek stated we have another item that I am going to let the Clerk address.

Deputy Clerk Johnson replied the Clerk is just bringing forward an item of new business. It was a letter addressed to the Board that was sent to the Board at home. It is in response to alleged conflicts of interest submitted by Alderman-Elect Vaillancourt. We wanted to bring it to the Board for informational purposes.

On motion of Alderman Pariseau, duly seconded by Alderman Girard, it was voted to receive and file the letter.

Alderman Pariseau stated I concur with Alderman Rivard that Alderman-Elect Vaillancourt better watch the garbage that he is going to be sending to this Board. He is not going to win friends by bringing in innuendos and stuff. He ought to suspect other members of this Board and that garbage doesn't deserve a place anywhere in this building.

Alderman Rivard stated I want to thank my colleagues for taking this quick action and putting this issue to rest because the City Solicitor has assured me and my attorney has assured me and I think the general public that I talk to every day assured me that there is nothing wrong here and I thank you again.

Alderman Klock moved to suspend the rules and place the Ordinance relative to compensation of the Board of Aldermen and School Committee members on its third and final reading by title only without referral to the Committee on Bills on Second Reading or the Committee on Accounts, Enrollment and Revenue Administration. Alderman Pariseau duly seconded the motion. Mayor Wiczorek called for a vote on the motion. The motion carried with Aldermen Shea and Girard duly recorded in opposition.

Alderman Klock moved to read the Ordinance by title only. Alderman Clancy duly seconded the motion. Mayor Wiczorek called for a vote. The motion carried with Aldermen Shea and Girard duly recorded in opposition.

“Amending the Code of Ordinances of the City of Manchester by replacing language relating to salaries of Aldermen and School Committee members.”

This Ordinance having had its final reading by title only, Alderman Klock moved on passing same to be ordained. Alderman Pinard duly seconded the motion.

Alderman Girard stated before you take the vote, I, having been a member of this Board for a couple of years do not begrudge any compensation to any Aldermen. The Aldermen on this Board, whether I agree with them or not on the issues or how they do things, work very hard for the City and for the community and there isn't an awful lot of reward that comes with it. The reason why I don't support this request, however, is basically because I think it begs a more fundamental question and that is whether or not these positions are to continue to be volunteer positions for all intents and purpose or they ought to be made full-time positions and absent of a meaningful discussion on the role that Aldermen play, the role that Aldermen should play and the type of job it is, I can't in good conscious vote for it but it is not because I don't think that any member of this Board is not deserving of the compensation.

Alderman Shea stated I mentioned to the Aldermen that I wouldn't make a big deal or grandstand play, but the reason I oppose it is because I have vehemently opposed the Yarger Decker study and in my own personal mind I would be hypocritical if I, in turn, supported this. In all due respect to my colleagues, they are very deserving of any compensation, but I cannot in conscience vote for it.

Alderman Klock stated the reason I do support this is because I think in the long run it will save the taxpayers money and if this was implemented 15 years ago, over this period of time it would have saved us money. I certainly concur that there is a considerable question whether this position can be a full-time position. As all of us know, it is a full-time position. I just think that it will save the taxpayers money over a period of time and it wraps your benefits into the salary.

Alderman Hirschmann stated before this passes, I just have to rise to correct a mistake. On the School Committee it says \$10,000 and it has \$11,000 in brackets.

Deputy Clerk Johnson replied the handout that was delivered to the Aldermen this evening has the typographical correction.

Alderman Rivard stated we have 14 Aldermen that are serving today. We have six of them that get paid one amount and eight of them that get paid eight different amounts. I am voting for this so that they will all get the same amount. They will all be paid evenly. There will be no differential. If you look through this chart, we have eight Aldermen that get...none of them get the same. They all get different sums depending on what kind of benefits they have and then you have six of us who don't get any benefits, which is alright, but that is not fair. I am voting for this so that we have an even playing field and all of the Aldermen, including my good friend, William Shea because he is making \$4,500 a year more than I am.

Alderman Shea stated not necessarily because he gets his benefits from where he works too.

Mayor Wieczorek called for a vote on the motion. The motion carried with Aldermen Shea and Girard duly recorded in opposition.

Mayor Wieczorek stated I am going to veto this action because when we did the budget process nobody had put this into the budget as an item. I don't know where you are planning on getting this money.

Alderman Pariseau replied it was discussed during the budget and you were coming up with a new proposal or whatever you wanted to call it. It was discussed during the budget.

Mayor Wieczorek responded there is no money in the budget for it. No money was put in the budget for it.

Alderman Pariseau replied not in this budget, but it was discussed during the budget process.

Mayor Wieczorek stated well you can't pay the bills with discussions. You pay them with the money that you appropriated and there wasn't money appropriated for this. I just don't think it is right to be doing it at this time. I am going to veto that action.

Alderman Thibault moved to override the veto. Alderman Klock duly seconded the motion. Mayor Wieczorek called for a vote. The motion carried with Aldermen Shea and Girard duly recorded in opposition.

Alderman Cashin moved to amend Rule 7 so that Aldermen can be called by their names as opposed to numbers. It is going to make it easier with the Aldermen At-Large. Alderman Wihby duly seconded the motion. Mayor Wieczorek called for a vote. There being none opposed, the motion carried.

Alderman Hirschmann moved to have the same seating arrangement for the next Board. Alderman Wihby duly seconded the motion.

Alderman Girard stated I think that should be reserved for the incoming Mayor-Elect. He is parliamentarian and does have the right and ability to decide who sits where.

Mayor Wieczorek called for a vote on the motion. The motion carried with Alderman Girard being duly recorded in opposition.

Alderman O'Neil stated this is the fourth Board that I have served on and I have to say that it has been a great two years. We haven't agreed on every issue, but we have always left here as friends and my last motion will be to give ourselves a round of applause.

Alderman Klock stated I have appreciated all of your help and I have really enjoyed working with all of you and I am going to miss all of you. It has been a thrill to work with all of you and I hope that the next Board you serve on is great and those of you who aren't serving on the next Board that you do whatever you are going to do.

Alderman Hirschmann stated Merry Christmas to all of Manchester.

Mayor Wieczorek stated I want to express my thanks to all of the Board members here. I have served on five different Boards and this has been a good Board. It has been a very productive Board and I extend my appreciation to everybody who has served. Before we end tonight's meeting, I want to take this opportunity on behalf of the Board of Mayor and Aldermen to wish all of our citizens and their friends and families a very Merry Christmas and a prosperous New Year. The 1990's are being left behind as we look forward to the year 2000 and beyond. Let us all make the coming year a special one. I encourage everyone to become more involved in our wonderful community. A special message for those of you who plan to travel this holiday season, please keep safety in mind wherever you go. We want you all to return safely to Manchester so that you can enjoy the upcoming Millenium. God Bless you all and Happy Holidays!

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

A True Record. Attest.

City Clerk