

BOARD OF MAYOR AND ALDERMEN

April 18, 2000

7:30 PM

Mayor Baines called the meeting to order.

Mayor Baines called for the Pledge of Allegiance, this function being led by Alderman Sysyn.

A moment of silent prayer was observed.

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

Present: Aldermen Wihby, Gatsas, Levasseur, Sysyn, Clancy, Pinard, O'Neil,
Lopez, Shea, Vaillancourt, Pariseau, Cashin, Thibault, Hirschmann

CONSENT AGENDA

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

Minutes Accepted

- A. Copies of minutes of a meeting held on December 7, 1999.

Approve Under Supervision of the Department of Highways

- B. Bell Atlantic pole petitions number 921142 and 921163.

Informational - to be Received and Filed

- C. Copies of minutes of a meeting of the MTA held on February 24, 2000 and the Financial and Ridership Reports for the month of February, 2000.
- D. Copies of communications from the NH Department of Transportation advising of the executed Supplemental Agreements by the Federal Highway Administration for the I93/Bodwell Road, Cohas Brook, and I-293 project.
- E. Communication from Lloyd Basinow relative to lead poison testing of Manchester residents.

Informational - Refer to the Health Department

- F. Communication from Mrs. James Mackinnon advising of an on-going problem with the Manchester Mental Health Center's failure in providing dental care for clients at CMC Dental Program.

REFERRALS TO COMMITTEES

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

- G. Communication from the Traffic Director requesting to meet with the Committee to discuss alternative location(s) relating to the hanging of banners.
- H. Communication from Donald C. Anderson, Executive Director of the Miss New Hampshire Scholarship Program urging the Board to carefully and fairly weigh arguments pertaining to the future of MCTV.
- I. Communication from Margaret A. Sofio, Vice President - Law, MediaOne submitting a copy of the Fifth Annual Progress Report of Capital Spending for System Upgrades and Rebuilds for 1999 under the Social Contract.

COMMITTEE ON FINANCE

- K. Bond Transfer Resolution:

“Authorizing the Finance Officer to effect a transfer of Three Million, One Hundred Forty Eight Thousand, One Hundred Seventy One Dollars and Forty One Cents (\$3,148,171.41) from various bond projects to certain 2000 CIP projects.”

COMMITTEE ON LANDS AND BUILDINGS

- L. Communication from the Economic Development Director relative to tenant leases at 1037 Elm Street (Chase Block).
- M. Communication from Ronald Fournier, Cruising Downtown, requesting the use of the City Hall Plaza area for the purpose of locating the Kid's First NASCAR Pit Stop Demonstrations on Saturday, June 24, 2000 from 8:00 AM until 8:00 PM in conjunction with an antique and special interest car show.

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- N. Communication from Ronald Fournier, Cruising Downtown, requesting that no parking be allowed in front of the City Hall Complex on Market Street on Saturday, June 24, 2000 from 8:00 AM until 8:00 PM for the purpose of locating the 'COOL" van sponsored by WQLL Radio in conjunction with an antique and special interest car show.
- O. Communication from Kim Moore on behalf of Healthsource NH, requesting the closure of Merrimack Street, from Elm to Chestnut, beginning at 12:00 noon on August 10, 2000 in conjunction with the 8th Annual Healthsource Corporate Road Race, and further requesting the placement of a banner across Elm Street marking the start of the race at approximately 5:00 PM such banner to be removed immediately after runners and walkers have passed.
(Note: concurrent referral to the Committee on Administration/Info Systems.)
- P. Communication from Lisa Whitehead advising of the dangerous situation to pedestrians at the intersection of Bridge and Belmont Streets and requesting the use of cones as soon as possible.

REPORTS OF COMMITTEES

COMMITTEE ON ACCOUNTS, ENROLLMENT AND REVENUE ADMINISTRATION

- Q. Recommending that the revised travel policy, as enclosed herein, be approved.

R. Recommending that the Finance Officer be authorized to write-off the following accounts:

- 1) the amount of \$30,953.87 reflected as owed to the City from 1997 by Parks & Recreation; and
- 2) all accounts with bankrupt notations on the attached listing.

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

S. Recommending that a request from the US Bureau of Census to hang two banners during the month of April be approved at Veteran's Park and across McGregor Street in front of Catholic Medical Center, subject to the review and approval of the Building, Parks & Recreation and Traffic Departments and Risk Management.

T. Recommending that a request from Catholic Medical Center to hang a banner across McGregor Street from May 3-15, 2000 to promote National Hospital Week be granted and approved subject to the review and approval of Building and Traffic Departments and Risk Management.

U. Recommending that a request of "Cruising Downtown" to hang a banner in conjunction with an antique and special interest car show from June 1 to June 24, 2000 be granted and approved at Veteran's Park, subject to the review and approval of the Building, Parks & Recreation, and Traffic Departments and Risk Management.

COMMITTEE ON COMMUNITY IMPROVEMENT

V. Recommending that due to time constraints and work loads, administration of the Gill Stadium Central High Lockers project and the Webster School Site Improvements projects be transferred from the Parks and Recreation Department to the Highway Department. The Committee notes that other projects under the School Park Improvement Program and the School Recreation and Parking Lot Improvement Program shall remain as presently administered by the Parks and Recreation Department.

SPECIAL COMMITTEE ON RIVERFRONT ACTIVITIES

Z. Advising that it has directed City staff to work with millyard owners regarding funding and development of a position to facilitate coordination of riverfront activities.

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

J. Communication from Alderman Vaillancourt suggesting a Charter amendment be drafted, sent to public hearing and prepared for the November ballot relative to campaign expenditure/donation forms.

Alderman Vaillancourt stated I have been in contact with the City Clerk and I have no problem with this going to the Committee mentioned here. The reason I put this on the agenda is I have learned that several individuals as well as one city committee have failed in the last month's to produce their campaign expenditure reports which were required ten days prior to the primary, ten days after, ten days prior to the election and ten days after. I think campaign finance reform is a vital issue for us today as we noted in the First in the Nation Primary when John McCain did

so well in this State running on that issue. To have a law that is ignored by individual after individual is just not good and I originally wrote this letter because I thought we needed more teeth in the law. I have since been informed by the City Clerk that indeed State Statutes cover it and give it some rather severe teeth, but this troubles me even more because maybe these Statutes give is too much teeth...\$25.00 a day...the committees that have failed to file would be up to a four thousand dollar penalty by now. So, I think perhaps what should happen is that this should go forward. My original intent was to have an Ad Hoc Committee established consisting of the City Clerk, the City Solicitor, a couple of Aldermen, and some people that you might appoint and I wanted to do this in the right manner rather than going to the City Solicitor behind anyone's back and getting a Charter Amendment worded and bringing it forward to use to the proper procedure. I think perhaps we need in the campaign finance reform area to have some wording as to what the penalty should be if these reports are not filed properly. Reports that aren't filed properly simply corrode respect for the process and I think maybe the Charter needs to have some kind of amendment in there short of what the State does.

Alderman Pariseau stated I think the State Statutes covers this item pretty well and moved that Item J be received and filed. Alderman Levasseur duly seconded the motion.

Alderman Hirschmann stated not only do I agree with Alderman Vaillancourt that these individuals and committees aren't filing the reports...in doing what is right in the eyes of the people of Manchester feel that the Charter amendment should state when these reports are filed that all expenditures and all receipts should be declared. Right now, there's some ambiguous reports handed in. If you receive \$499.00 you don't have to tell anyone where you got it from. It just ends up on an ambiguous report saying...

Mayor Baines stated it's my understanding that every cent has to be accounted for.

Alderman Hirschmann stated it should be referred to the Committee on Bills on Second Reading to close all of these little loopholes and all the game playing should end and let the people of Manchester know what's really going on, so I would support Alderman Vaillancourt.

Alderman Vaillancourt stated I'll read from RSA 664:21 (IV)... "any person who fails to file any report or statement on the date on which the report for a statement is due shall be subject to a daily fine of \$25.00 for each day which the report or statement is late." The City Clerk tells me that there are ten individuals and one political party that did not file, so if in fact we followed the letter of the law these individuals and this party would be due between three and four thousand dollars payable immediately. I think perhaps that's a little severe and I think we need to look in to see exactly what we want to do. We can, as far as I understand, come up with different wording than the State has and look into this in a judicious manner and at the same time make it quite clear that the law must be followed. I think this is perhaps too strict. I think something in between would be called for and I don't want to have to see some people who are running for office that pays virtually nothing ending up with a fine of four thousand dollars. But, I do want to see them accountable.

Alderman Clancy stated maybe Alderman Vaillancourt is right in one aspect, but I don't think that the individuals should be fined \$25.00 a day, maybe the City Clerk should send a letter to these individuals maybe 7 or 10 days after warning them that they haven't filed the report, that would be the best way. My concern is that I think the City Clerk or his assistants should send a letter stating that they are due for their financial reports.

Alderman Levasseur stated I agree. I think that we can fix this within the City, I don't know if a Charter amendment is called for...it calls for kind of a drastic change and we'd also have to go through a whole bunch of procedures for this. I think this could be handled in-house a lot quicker.

Alderman Vaillancourt stated that's simply not true, your Honor. I agree with Alderman Clancy that the City Clerk should be sending out a letter, but according to the way it is right now unless we do something there will be an obligation to pay \$25.00 a day, so by setting up the kind of commission or whatever that Alderman Clancy refers to we could come up with the wording that he wants, but right now we do not have that option if we are to follow the law. So, what I'm doing is setting in motion a process which will get us to the goal that we want.

Mayor Baines asked Mr. Bernier would you like to comment.

Clerk Bernier stated the Charter as well as the State Statutes address Alderman Vaillancourt's concerns. I think that the Committee on Administration of this Board can address this issue. The office does send out letters ten days before and ten days after as well as the quarterly reports. So, that's already in process. I think what we need to do is determine what would be an adequate fee or charge.

Alderman Lopez stated I'd like to ask the City Solicitor of his viewpoint because of the Charter and I sort of agree with Mr. Bernier to a degree that it's an administrative problem and they could address it between the City Solicitor and the City Clerk, but I'd like his legal opinion.

Solicitor Clark stated I'm not sure that Mr. Bernier said it was an administrative problem. The City Charter doesn't set forth any particular penalty for not filing, it does state that the State Election Laws, to the extent practicable can be applied to the City and that's determined by the City Clerk after consultation with my office. It doesn't mean we can vary what's in the State Law. If the State Law says \$25.00 a day then that's what the fine is going to be. If you wish to set up a different fine schedule or penalty schedule here in the City you would have to do it through a Charter Amendment process.

Alderman Shea stated I think it's kind of an enforcement deal one that we really don't follow through on and if we don't have any enforcement then I don't think there's much teeth to the ordinance. So, I think that we have to put into some kind of operation some sort of enforcement

or some kind of regulation or some kind of our own City-type of rule that has a little bit of enforcement to it and then we would be able to solve the problem.

Mayor Baines called for a vote on the motion to receive and file.

Alderman Pariseau withdrew his motion to receive and file. Alderman Levasseur withdrew his second to the motion.

Alderman Cashin moved that Item J be referred to the Committee on Administration/Information Systems. Alderman Clancy duly seconded the motion. There being none opposed, the motion carried.

Report of the Committee on Community Improvement

- W.** Recommending that the Board of Mayor and Aldermen authorize the Mayor to execute an agreement with the Army Corps of Engineers relating to a City Facilities Study, subject to the review and approval of the City Solicitor.

Alderman O'Neil stated I removed this item at the request of the Clerk.

Mayor Baines stated you do have a letter from Frank Thomas explaining that situation and I don't think a motion is necessary to deal with this, I believe.

Deputy Clerk Johnson suggested that the committee report be received and filed as it is my understanding from the communication received from Mr. Thomas that they do not wish to proceed with this at this time as they will go out in a private bid process.

Alderman Levasseur moved that Item W be received and filed. Alderman Wihby duly seconded the motion.

Alderman Wihby stated by receiving and filing this communication from the Army Corps asked are we also giving approval to start the procurement process to go out and get a professional firm.

Solicitor Clark replied as I understand it that money is already placed in the Highway Department budget and he is going to start the process to go out for a private firm, yes.

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

Report of the Special Committee on Riverfront Activities

- X.** Recommending that the Board of Mayor and Aldermen authorize the Highway Department to immediately proceed with design and construction activities relating to parking improvements in the Seal Tanning Lot up to an amount of \$1,200,000.

Alderman Shea stated I've been asked by some constituents and this refers to proceeding with design and construction relating to the parking improvements in the Seal Tanning...kind of two-

prone questions. One, how are the authorizations of the \$1.2 million benefit the taxpayers of Manchester and related to that who would be responsible for the upkeep and repairs. So, I'm not sure if this should be directed towards Frank Thomas or whoever.

Mr. Thomas responded let me start with the second question. The upkeep and repairs would be the responsibility of the City. They would have to be funded along with the maintenance and repairs to any parking facility in the City, any parking structure or parking lot, etc. With the first question, the investment of \$1.2 million for a parking facility in the Millyard will promote economic development, will work hand-in-hand with the private sector that it is making strides down there rehabbing buildings. I think all Board members realize that parking is a major issue in the Millyard area and typically most municipalities either provide a subsidized parking facilities in a municipality to promote expansion of the economic tax base.

Alderman Shea asked will people other than the Seal Tanning employees or people down in the Millyard be allowed to park there, is this an exclusive kind of thing where it will be just for the benefit of the employees of the Millyard.

Mr. Thomas replied the parking lot is owned by the City. The City will lease out the spaces or I believe the majority of the spaces to the abutters in that area.

Alderman Gatsas asked, Frank, is there a reason why we can't use revenue bonds for this project, that's my first question.

Mr. Thomas replied we're not going to generate enough revenue, I believe.

Alderman Gatsas asked can we do partial revenue bonds.

Mr. Thomas replied I think you'd be better off directing that question to the Finance Officer.

Mr. Clougherty stated to do a revenue bond involves a lot of administrative work and detail. You'd have to have audits of the prospective revenue, you have to have a feasibility and a lot of other items. The cost of going through the process of issuing revenue bonds for that small an item is probably not worth it. But, the Board could do or what you could try to do is lock up the revenues that would be associated with this project as an offset against the general obligation issue which would be a lower interest rate.

Alderman Gatsas stated, Frank, the term of the lease that is there now...am I talking to the right person or do I need to talk to someone else. Are you familiar with it, I know that you usually know all of the answers.

Mr. Thomas replied not tonight the way you're going. Tom Lolicata from Traffic...

Mr. Lolicata stated I believe there is a lease involved down there and it goes back quite a few years. Right now, it's completely leased (144 spaces), but there is a lease involved with that one, yes.

Alderman Gatsas asked is that a lease that's a nine to five lease or is that a 24-hour a day lease.

Mr. Lolicata replied a nine to five like the rest. Most of them down there are open spaces and they usually go from eight or nine to five.

Alderman Gatsas stated the reason why I asked that question is because the Desmond Study for the Civic Center used that lot for a revenue stream for the City and I certainly don't want to encumber it. What are we charging for leases over there now.

Mr. Lolicata replied there are different leases down in the Millyard...

Alderman Gatsas asked what are they paying now down at the Seal Tanning Lot.

Mr. Lolicata replied Seal Tanning goes back to \$20.00/month. As you know, I am going to try and restructure that for the next Traffic Committee meeting in all of the lots.

Alderman Gatsas asked do you have an idea of what you're projecting or what you're asking for on that lot.

Mr. Lolicata replied that is going to be included with the other lots down there. I'll be coming in with a couple of proposals. In other words, I am going to be coming in for both...

Alderman Gatsas asked is this a secret.

Mr. Lolicata replied no, it's something that's come up before.

Alderman Gatsas asked can you give me a number.

Mr. Lolicata replied right now I'm going for the Millyard with two proposals. One, to go with the rest of them like \$45 or \$50 in the garages and all the parking lots right now in the eastern end are \$30 and we'd go to \$40. The Millyard is separate (by Ordinance). In other words, they're paying \$22.50 and \$25.00 down in the Millyard which was to bring in people down in the Millyard which has worked tremendously, by the way. I'm going to bring in: (a) a proposal to go with the other proposals; or (b) to go up to maybe \$25.00 and \$30.00 to maintain the stability down there to bring in the people. And, that will be up to the Traffic Committee and finally the full Board.

Alderman Gatsas stated so you're saying that you're going to be moving the \$20.00 to at least \$25.00 or \$30.00.

Mr. Lolicata stated we're talking five of ten dollars overall for most of these.

Alderman Wihby stated maybe Kevin can answer this...I can remember when we sat here and we talked about parking in the Millyard last year and Dean Kamen's guy was here...

Mayor Baines interjected Don Clark and he's here tonight.

Alderman Wihby stated one of the things we talked about was making it a revenue bond, so that it wouldn't affect the bonding capacity of the City and assuring that going back and talking to the Millyard owners and seeing if they'll take those spaces, guarantee us that they are going to take so many spaces and that would pay for it in itself. Maybe it's a pain to do a revenue bond, but, Kevin, maybe you can answer this...is it true that it wouldn't affect the bonding capacity if you did a revenue bond for it, whereas now it is.

Mr. Clougherty responded when you do a revenue bond it can affect your bonding capacity. What you're trying to do with a revenue bond is have it not affect your tax rate by having those other revenue streams come in. So, that's what we are talking about. When you do a small...and at that time we were talking about lumping together several of these that would have made it a more substantial issue that might have got it to a threshold where it would qualify. But, when you go out with a revenue bond what they're evaluating is just that one revenue stream. So, you may end up paying a higher interest rate and your cost go up, so if the intent of the exercise is to try and get lots built at the cheapest price and have it not affect the tax rate then you could do a general obligation issue so long as in the form of the City's ordinances we make sure that we've got the revenues through these revenue streams. We can do the same analysis as we would for a revenue bond, make sure that the money coming in is sufficient to offset against the tax rate and get to the same place more efficiently.

Alderman Wihby stated I always thought that the revenue bonds we had at the Airport didn't affect our bonding capacity.

Mr. Clougherty stated they don't affect your bonding capacity because they're a separate enterprise and they're issued pursuant to a separate State Statute.

Alderman Wihby stated stated so something like this would affect...

Mr. Clougherty replied it could, yes.

Alderman Vaillancourt stated two comments and then a question. The comment was made that you are going to raise these parking fees, you're not going to raise them, you're going to ask this Board to raise them.

Mr. Lolicata stated yes, that is correct...the Traffic Committee first then the full Board.

Alderman Vaillancourt stated the comment I have is that I hear that word "promoting" economic development and, of course, when I hear that a red flag goes up in front of me because parking is not promoting economic development. What it is is subsidizing one set of businessmen as opposed to another set. If you want to visit the Mall of New Hampshire you get free parking that is paid for by the businessmen at the Mall of New Hampshire. What this does is get the City involved in promoting one type of businessmen and, of course, when you promote one type you're at the detriment of somebody else. So, I don't buy that this is economic development, it's subsidizing somebody at the cost of somebody else which government should not be involved in. My colleague from Ward 2 has said government doesn't do parking well and I agree completely. There are a lot of things that government doesn't do well, that is why government should do the most minimal number of things possible. This is not one of the things we should be doing, so I will oppose this. But, my question is, Alderman O'Neil last night talked about how difficult it is to cut budgets and I agree with him. If we didn't spend this \$1.2 million on this particular project what could we do with that \$1.2 million. In other words, if this \$1.2 million would not go to parking could it go somehow to doing something else so we can cut the budget someplace.

Mayor Baines stated I think the answer to the questions is answered by your question...it would be up to the Aldermen to propose other things to do or not spend that money.

Alderman Vaillancourt stated it was not meant as a rhetorical question, your Honor, it was meant to find out exactly how the \$1.2 million could be spent elsewhere, maybe in the Highway Department.

Alderman Hirschmann stated at the Committee on Traffic meeting last month you left the room saying you would propose a uniform garage and lot price, but now you're saying something different in front of Alderman Gatsas, you said something different.

Mr. Lolicata replied no, Alderman. I am going to propose two proposals because the Millyard is separated from the others. In the first proposal they are all going to be the same; that would be your decision whether to go along with that or not. The second proposal will relate to the Millyard with two other sections: a small increase or an overall increase with the other parking lots.

Alderman Hirschmann asked how much would you charge in the non-Millyard area.

Mr. Lolicata replied in the non-Millyard areas right now your parking lots are \$30.00 and the garages are \$45.00.

Alderman Hirschmann asked you're going to go up how much.

Mr. Lolicata replied in the garages \$45.00 to \$50.00 and I'm proposing to have the lots go up to \$40.00 which is still a bargain.

Alderman Hirschmann stated I think it should be worked out in committee as far as charging again.

Mr. Lolicata stated it will be going before the Traffic Committee first.

Alderman Hirschmann stated I think \$50.00 sounds pretty cheap to me for this particular lot. If we're going to put \$1.2 million into this lot, I want \$50.00 a month from every space.

Mr. Lolicata I'll present this to you because we're trying to keep an overall base on an ordinance, I don't want to go from one...

Alderman Hirschmann stated we can change the ordinance.

Mr. Lolicata stated if you do we'd have to go individually each lot, each garage, each step, 145, 150...we're trying to keep it uniformed the way we have it right now as best we can.

Alderman Hirschmann just so that everybody understands who's watching TV and everything...we have how many spaces currently in the Seal Tanning Lot.

Mr. Thomas replied 144 spaces.

Alderman Hirschmann stated there's 144 without spending a penny there and we're getting \$22.00 a month which is ridiculous and if we spend \$1.2 million at that lot how many spaces do we end up with.

Mr. Thomas replied 214, 70 additional.

Alderman Hirschmann stated \$1.2 million for 70 spaces.

Alderman Gatsas asked would this be considered a lot or a garage.

Mr. Lolicata replied a lot.

Alderman Gatsas stated with the deck I would assume it's a garage.

Mr. Thomas stated I would classify it as a parking structure because it is going to have...

Alderman Gatsas asked, once again, is that a garage or a lot.

Mr. Thomas replied a garage.

Alderman Lopez stated I've had some conversations, for the record, with you gentlemen, we've had discussions in reference to...there's 144 parking spaces now, but the first phase is only going to create 26 parking spaces at a cost of about \$21,000, is that correct.

Mr. Thomas replied it's not being constructed or proposed in two phases. The report broke it down into two phases in case...because we asked the question if we don't put a structure there how many extra spaces can you obtain by reconfiguring the lot. So, what they were saying was if you don't build a deck and keep your option open to have a deck at a later date, you have to spend about half-a-million dollars and you would only be picking up 26 additional spaces and the reason for the cost is a complete reconstruction of the lot and you'd have to build a large retaining wall right down the middle of it from north to south. However, we ruled that out early on that it wasn't cost effective to just go in there and put basically surface parking on a split level with this large retaining wall. In order to make it cost effective we propose to put the deck on for the \$1.2 million and pick up the 70 spaces, but your right, Alderman, as the report noted the first phase was about half-a-million dollars and you would have only picked up 26 spaces which is not cost effective.

Alderman Lopez asked my last question is this, both of you are professionals and I know they need parking in the Millyard and with the Desmond Report do you think this is the right way to go.

Mr. Thomas replied yes, I do, and it's not only the Desmond Report, we've had CLD do a report down there on parking issues and basically the Desmond came in almost like a second opinion to give us recommendations; that was one location of priority...Bedford Street Lot there is another potential for something down there in the future as a priority. So, yes, I would recommend that we go ahead.

Mr. Lolicata stated you have to go along with what's there now, Alderman. I have to agree with Frank.

Mayor Baines stated it's related and perhaps it's not related to this discussion...I was down there today with a company, a software company that was just bought out and I was down there for their opening, they have presently 65 employees and next year they may be anticipating doubling that. There's another one that's about to open down there in another week, we're going to another opening down there and talk to the mill owner and he expects his entire building to be filled within a very short period of time with some very impressive jobs that are paying money and contributing a lot to our economy.

Mr. Lolicata stated I got a call today from a client down there who is expecting 90 more right now. We're saturated right now.

Alderman Vaillancourt stated we have good jobs out at the Airport and people don't have to pay to park in some of the businesses out there either, but I want to go through the math here... 70 spaces added at \$40.00 a month comes out to be \$2,800, multiplied by 12 (number of months in a year) \$33,600, if you're charging \$40.00 a month. If you're charging \$50.00 a month, you get \$42,000 a year. So, to me it looks like we'd take between 30 and 40 years to pay this back, is that arithmetic correct.

Mr. Lolicata replied most likely it is.

Alderman Vaillancourt stated so the City will never break even on this.

Mr. Lolicata stated it doesn't look that way, not now. But, you have to think about what development is bringing in right now.

Alderman Vaillancourt stated the point with the \$1.2 million and I did have a question that wasn't answered and it was not, your Honor, a rhetorical question. The question was if we didn't spend this \$1.2 million on this could we spend it on other things or is it something that is earmarked for this. In other words, it's going to cost the average taxpayer about 40 cents on the tax rate for this, \$40.00 for the average homeowner to build this parking lot. Could we spend it on something else in your department if we didn't do this.

Mr. Thomas replied you give me the money I'll spend it whether it's on resurfacing roads, constructing sidewalks, putting in new sewers or drains, obviously, that amount of money could be spent on the City's infrastructure.

Mayor Baines stated that would be a decision of the Board of Mayor and Aldermen.

Alderman Clancy stated we've got to give back to the people coming to Manchester something, they're going to give us our tax base which we are trying to build up. So, if they have no place to park they're not going to come to Manchester, plain and simple. They can't be going to the Airport all the time.

Alderman Vaillancourt interjected I wasn't suggesting the Airport, I was suggesting the businesses around the Airport where the businesses are paying for the parking.

Mayor Baines asked, Kevin, do you need to clarify anything in terms of this money and how it's earmarked.

Mr. Clougherty replied it's my understanding that \$500,000 is what we're talking about tonight is for this project and that's part of the transfer from bonds that were prior issues. So, you can earmark it for other projects but you have to make sure of similar life and those types things and I understand that Bob MacKenzie has already gone through that exercise with the committee.

Alderman Gatsas stated I agree somewhat with Alderman Vaillancourt other than right now it is only producing somewhere around \$2,800 for 140 spaces which is somewhere in the vicinity of \$36,000 a year. If we turn around and reconsider that a garage and those 140 spaces go to \$50.00 and we take that to a 214 it creates about \$120,000 worth of income so maybe we should go to a revenue bond because that covers the entire bond of \$1.2 million. Am I right, Kevin.

Mr. Clougherty replied yes...\$120,000 would be...

Alderman Gatsas asked why wouldn't we just take it out of there, use it as a revenue bond, let it pay for itself and let us control what it is because \$120,000 covers the \$1.2 million revenue.

Mr. Clougherty stated if you want retire the debt using the fees you don't have to necessarily issue a revenue bond and get involved in all of the mechanics and cost of bringing a small issue to market. You can effectively get the same result by having it in a general obligation bond but making sure that the revenue that comes in for that purpose is offset against the tax rate.

Alderman Gatsas stated we're discussing revenues when we haven't even crossed the bridge of what we're going to charge. So, before I can vote on whether we're going to spend \$1.2 million, we should certainly get some idea of where this Board's going with parking so we understand whether that number is going to cost us money, whether we're ready to move along so maybe the motion is to table this until the parking study comes in.

Alderman Vaillancourt duly seconded the motion.

Mayor Baines stated I haven't accepted the motion yet. Remember, that's the procedure here. Is there a time sensitive issue on this, what's your framework here.

Mr. Thomas replied yes. With the development that's going on down there I think the City has generally supported the notion of moving ahead with something and at least the instructions that I have received along the line was to try and get construction moving as forward and quickly as possible.

Alderman Levasseur stated you said the leases are going to be from nine to five and isn't there also going to be revenue generated if those are rented out at night for Civic Center events. Would that also be bringing in more revenue. So, that revenue could also be used to offset the revenue bonds, to add to the money that we could use.

Mr. Lolicata stated that is possible.

Alderman Levasseur stated it is not only going to generate revenue from nine to five, we're also going to generate revenue from 150 events in the City.

Mr. Lolicata stated I believe that is going to be up to the Aldermen when it comes time for that, if you want to start charging at night time, yes.

Alderman Hirschmann stated I really like Alderman Gatsas' idea and his way of thinking and considering this a parking structure/garage...\$50.00 a spot, makes the project doable -- the mill owner wins, the City wins, it doesn't cost us any money and I would support that and if he would make that an amendment right on this, so we could vote on this now, I'd be prepared to do that. Otherwise, you don't really have me. Make an amendment right now to consider this a parking structure/garage, \$50.00 a spot, so that the revenue would cover the structure and it would...

Mayor Baines stated setting the fee here I don't think this is appropriate.

Alderman O'Neil stated we had the discussion with Mr. Clark last week in committee...they have the buildings leased, tenants are moving in this summer. Now, my understanding is...I wasn't privy to the discussions that happened over the past year, but there have been discussions with City officials, there were commitments made to provide parking and based on that the developer proceeded with renovating those buildings. To sit here and say that we are going to change it tonight from \$20 to \$50.00 we have no idea how it affects either an agreement they have or they may be closed to signing with regard to the City for leasing these spaces. We wonder why people don't want to come to Manchester to do business this is a very good example why. We changed the game in the middle of it. We saw a presentation that you made several weeks ago and we saw a flat line on property values. We're finally seeing some activity in the Millyard where people are renovating buildings, increasing their value, and bringing jobs to this City. I just think that we either have to take a stand one way or another on this Riverfront development...either we're going to do it or we're not and if we're not going to do it, somebody should make a motion tonight to not go forward. Every time one item comes up on this Riverfront development it gets beat up by members of this Board. We should take a stand and if we're going to go forward let's go forward. We are sending the wrong message to developers. There are other opportunities in that Millyard and if we're not willing to make the commitment then we might as well not have City staff and your office waste time sitting down with potential developers.

Alderman Wihby stated I don't want to argue with Alderman O'Neil because I think we have made a commitment down there, but this Board did take a vote at the end of last year's budget not to fund the money to do the garages and that's when we said go back, talk to the landowners and see if they would issue a revenue bond and take care of it that way. Now, I understand about the issue of revenue bonds because it's doing the same thing but we did vote not to fund the money last year and, in fact, asked them to assure us up front that those spaces were going to be paid for so the average citizen wouldn't have to pay for that, but that the business owner was paying for that. So, I don't know what that's changed. I don't know of anything that's gone after that...any meetings or anything that said that philosophy has changed. If we had a commitment from whoever is going to be using that lot that they're going to pay so much money and they're

going to rent it and it's paid for, I don't think anybody has a problem on this Board. But, we don't have that commitment yet.

Mayor Baines asked realizing this is a time sensitive issue is there any way that we can do some kind of an amendment on this to make this vote come forward tonight, is there any collective wisdom within these halls tonight.

Alderman Wihby stated I think you're going to have to sit down with Frank and Tom and the Traffic Committee and I think they're really going to have to iron out those rates. We can't just pick a rate tonight.

Mayor Baines stated I was hoping we wouldn't have to do that.

Alderman Pinard asked, Mr. Clark, what effect would this have on your project over there. Can you answer that, please.

Mr. Don Clark replied at \$40.00 a month per space in what is not a garage one-third of the lot would have a deck over it, the rest of it would remain surface parking; that would take up over half of the potential profit to the investor out of the deal presuming that the tenants lasted the length of their lease and renewed for an additional time of upwards of five years. At \$50.00 a month it makes the project virtually unbankable.

Alderman Pinard stated what effect would that have...you have a new tenant coming in do you think it's going to be like Alderman O'Neil saying...are we going to discourage these people from coming into the City.

Mr. Clark stated I hesitate to say that a number of the employees and perhaps some of the officers of some of the affected companies may be watching now and they'll certainly read about it in the morning and I think that it would not be a positive message and you would get quite a backlash. One of the companies that has grown massively down there is looking to add quite a bit of additional space on top of what they've already leased and parking is their primary concern as it is most of the businesses in the Millyard and they'll go elsewhere.

Alderman Wihby stated, Don, just a few questions. Out of the 144, are those all leased by you.

Mr. Clark replied yes, for about 15 years.

Alderman Wihby asked at how much.

Mr. Clark replied at \$20.00 a month and we do the maintenance as far as the plowing, the striping, the crack sealing, etc.

Alderman Wihby in reference to the extra 70 asked are you anticipating taking all of those also.

Mr. Clark replied we would love to, but not at \$50.00 a month though.

Alderman Wihby asked are you anticipating \$20.00 or were you expecting some sort of an increase anyway because of the money...

Mr. Clark replied some manner of increase and some proportionality. If you call part of it a garage then those spaces are probably worth more, but certainly not all of the lot is a garage.

Alderman Wihby asked you're not interested in it at \$50.00.

Mr. Clark replied not 214 spaces at \$50.00 no.

Mayor Baines asked, Tom, do you want to tell about the discussion about a possible alternative here.

Mr. Clark replied the Mayor is asking whether there is any way we can go forward with this and still save some discussion down the road for the Board and I'm not sure how this stands, Frank, on your bidding, but you could authorize Frank to go out to bid, but not to award the final construction contract until he brings it back to this Board; that would probably give you a couple of weeks during which time you could do the analysis on the fees and go to the Traffic Committee.

Mr. Thomas stated we're not ready to go out to bid yet. What we are looking to proceed with is the design. Now, if the proposal is to proceed with the design of the deck, yes, I can do that...hold off in bidding.

Alderman Levasseur asked can't we just go forward with this now and then make a motion that we change it to a revenue bond down the road, can we change just the terminology on the bond. I think what we really want to do here is put a revenue bond or at least a portion of a revenue bond out and go forward with this project. You've got to look at the money that's coming in and the tax base that will increase. If you go down to the mills it's just getting better and better, the improvements are coming along, every parking space is taken up down there. You can't even drive down Canal Street nowadays and find a parking space. We need to go forward with this, but let's try to do it in a revenue producing bond. If we can go forward with this and then determine how we can change that around I think we'll be going in the right direction.

Deputy Clerk Johnson stated I would just caution the Board that what is before them this evening, on the table later on, is the authorization of bond transfers for the project. The \$1.2 million that is sitting on this table being discussed now are actually general obligation bonds that have already been issued; that is not to say that you can't take those at some point and transfer them out of here into another project. If you're doing the revenue bonds it is my understanding based on the Finance Officer's information provided earlier that you would need to do a bunch

of feasibility things that would need to be done in advance of proceeding with anything. But, you could dedicate your revenues to the paying off your debt service and I think that's been made clear and I think that's really the issue...more at hand is that some of the Aldermen feel that the parking garages should be supported by or the debt service from that should be supported by the revenues coming in from the parking situation and that certainly could be discussed and brought up through the Traffic Committee process.

Alderman Levasseur moved to the question.

Deputy Clerk Johnson stated if you're moving the report you're authorizing them to go and spend the \$1.2 million and I don't think that's...

Alderman Gatsas stated I certainly can appreciate development in the Millyard. The problem I have is that if we move forward with this motion and let's assume that this Board comes back and says it's \$40.00 a space and the developer says I don't want to lose not the 70, but I don't want to lose the 140 and we've now made a commitment for \$1.2 million and we don't have a developer that wants to do a deal and I certainly am not opposed to developers enhancing, but I think that there are other developers in abutting mills that are probably going to want an opportunity to lease some of those spaces.

Alderman Levasseur interjected that's no problem.

Alderman Gatsas stated it is if Mr. Clark is saying that he wants them all.

Mr. Clark stated your point is well-taken. I'd ask you to consider the fact that we made a commitment of \$7 million to rehab these buildings based on a commitment we received from the City that this project would move forward and to date it hasn't as well as a number of other parking initiatives...

Alderman Gatsas interjected I don't want to debate, I don't think we ought to debate that, Mr. Clark, because I think US FIRST was a commitment that we were going to make to this City long before that to complete it on a more timely basis which didn't get done. So, let's not get into commitments. I think that the City should move forward to help developers come to the Millyard, there's no question. But, I think, as I just said that maybe other developers would like to lease some of those spaces. Now, should we just commit to one developer and not make that opportunity available to others, I don't know. And, that's what it sounds like we're doing right now is we're committing to one developer.

Mr. Thomas stated as mentioned earlier we've had both the CLD Parking Study that was done for the Millyard area and the Desmond Report and if you read through the Desmond Report you'll see various different areas down there identified for future parking initiatives. While we're clarifying things let me go back on that parking garage. This is a hybrid structure. Half of it will be what I classify as a parking garage (the section with the deck over it) because the deck

only runs over half of the entire area. The front part abutting Commercial Street would be more classified as an open lot.

Mayor Baines asked, Frank, what would it cost to proceed with the design of this project.

Mr. Thomas replied I don't have a firm number, but pulling something out of the air tonight approximately \$100,000 and that would be on the high side, so don't get too panicky.

Alderman Vaillancourt stated I think this testimony shows that it's exactly what I was saying that we were subsidizing something, but what I wanted to comment about was Alderman O'Neil's comment and then it's been mentioned again. But, there have been commitments. Well, I guess maybe I don't understand government, but I thought a commitment is when this Board says something, not when there's a wink and a nod or suggestion behind some closed doors that something might happen. We vote, we make a commitment then. I thought that was the way it worked.

Alderman Levasseur stated this is a City-owned parking lot. If we want to put the price at forty or fifty dollars and he does not want to rent those spaces it doesn't mean those spaces aren't going to be rented. The people that go in there and go to work and rent his spaces are going to want to rent those spaces. I don't think there's going to be a problem renting those spaces. So, I don't think we should be thinking that because he doesn't want to pay \$22.00 or \$25.00 a month that doesn't have anything to do with it. This parking is going to be, people are going to use those parking spaces whether he doesn't want to commit those leases or not. We'll get \$50.00 for those parking spots, so we should build it and the money will take care of itself. I don't think that it should be that we are building it specifically for this gentleman here today. If we build that parking garage, I don't think we'll have a problem getting our money for it. We fill these garages up here on Elm Street and we'll fill them down there.

Alderman Lopez stated I think the commitment verbally whether it's this entire Board or not, but at many of many of meetings the question parking, parking, parking has come up and many studies have been made down at the Millyard. I do agree that maybe the process is not perfect and maybe we should make the process perfect somehow, but this is a commitment, I think, in general public forum and in the newspaper that we've committed ourselves to doing parking and bringing business to the City of Manchester. I know you have worked very, very hard in trying to do that. I know Alderman O'Neil has worked hard. I surely would like to move forward with this project and get the parking down there, we're going to need it, we know we need it, and to prolong something, I think is wrong.

Mayor Baines stated the only thing I'd like to add and again I'm on a fine line, I'm not going to speak toward the motion, but when I have met with representatives of the owners down there, I've met with all of them these are people that want to work as partners with the City. They're not expecting welfare from the City, they expect to be full partners with the City in trying to move this City forward. We have a significant issue in this City with our tax base. We have a

significant opportunity...I would like some of you to start coming with me when I go to events down there and feel the excitement that's taking place. When I talk about the Everett Turnpike as maybe the "E" Turnpike, the economic potential, the technology that's coming in here, the jobs, the economic development...our chance to recapture the tax base in the most valuable piece of property in the City of Manchester. We're either going to seize the moment or lose the moment. We have to set a chart and achieve some goals here and I think Alderman O'Neil is correct there are mixed emotions here and your people are making significant investments. Millions of dollars in investments in this City and they are looking for us to have a course and stay on course and how we achieve that is up to this Board. We're at a critical juncture down there right now.

Alderman Wihby stated Kevin was speaking about making sure that we designated the funds, is now the time to make that motion on top of this that the funds from the revenues will be designated to pay for it.

Alderman Wihby moved to amend the motion that the parking revenues associated with this contract should be used and designated solely for the purpose of paying back the bond.

Alderman Gatsas stated I think it should be just the revenues from nine to five because if we're taking the Civic Center revenues.

Alderman Levasseur duly seconded the motion.

Alderman Vaillancourt stated I apologize in advance for what I am about to do and you'll probably rule me out-of-order and have a vote against me, but I do invoke Rule 6, I believe you've stepped over the line and you have expressed your opinion without leaving the Chair.

Mayor Baines stated thank you.

Alderman Wihby does the Finance Officer or the City Solicitor have a problem with the amendment.

Solicitor Clark replied I do not have a problem with that.

Alderman Gatsas stated my question goes back and I don't think anybody answered it, are these spaces going to be available to other members in the Millyard or is it on a first-come, first-serve basis.

Mr. Lolicata replied all the spaces everywhere are open to anybody and everybody.

Alderman Gatsas stated I understand what you're saying but if there's a lease on 140 spaces that you have with this gentleman then if I want to lease 30 of them I can't come and get them.

Mr. Lolicata stated that depends on who comes and gets them.

Mayor Baines interjected we do have an amendment and I'd like to have people speak to the amendment.

Alderman Gatsas asked did you get an answer to that or maybe you understood the answer and I didn't.

Mr. Lolicata replied it's first-come, first-serve.

Alderman Gatsas stated there's a lease on 140 spaces. If somebody comes through tomorrow for 30 spaces how is he going to lease them. Obviously, they're not available.

Mr. Lolicata stated that particular parking lot is full, is that what you're saying.

Alderman Gatsas that's correct.

Mr. Lolicata stated even if they went up and wanted to pay it that's fine, if they don't there'd be vacancies...

Alderman Gatsas stated if they wanted to pay it then the abutter may want it because he doesn't have spaces it's not available to him, is that correct.

Mr. Lolicata replied right now those are there and is available to them. If they refuse, it's open to anybody.

Mayor Baines called for further discussion on the amendment.

Alderman Vaillancourt called for a roll call vote on the amendment.

Alderman Pariseau asked for clarification on the amendment.

Deputy Clerk Johnson replied that the amendment is recorded that all revenues received on the nine to five basis be designated solely for the purpose of paying off the bond.

A roll call vote was taken on the motion to amend as outlined. Alderman Vaillancourt, Pariseau, Cashin, Thibault, Hirschmann, Wihby, Gatsas, Levasseur, Sysyn, Clancy, Pinard, O'Neil, Lopez and Shea voted yea. The motion carried.

Mayor Baines called for a vote to accept, receive and adopt the report of the Special Committee on Riverfront Activities as amended.

Alderman Wihby moved to accept, receive and adopt the report of the Special Committee on Riverfront Activities as amended. Alderman O'Neil duly seconded the motion.

Alderman Wihby in reference to the additional 70 spaces stated it is my understanding they are open to the public, the other ones are under contract and won't be, but the additional 70 are open to the public and will be first-come, first-serve.

Alderman Levasseur asked, Tom, the 144 that are leased...for how long, just a year like normal leases.

Mr. Lolicata replied all of these leases are based on a monthly basis and this lease can be broken, I believe, with a 30 or 60 day notice.

Alderman Levasseur stated so if we go up on the leases, the leases will be terminated and then anybody can come in and get those spots.

Mr. Lolicata replied exactly.

Mayor Baines called for a vote on the motion.

A roll call vote was taken as requested by Alderman Vaillancourt. Aldermen Vaillancourt, Hirschmann, Gatsas voted nay. Aldermen Pariseau, Cashin, Thibault, Wihby, Levasseur, Sysyn, Clancy, Pinard, O'Neil, Lopez and Shea voted yea. The motion carried.

- Y.** Advising that unless otherwise directed by the Board at this time, it has authorized the Highway Department to proceed with 1) design and construction of Phase IB of the Riverwalk; and 2) design of Phase III of the Riverwalk.

Alderman Shea stated I hope I don't raise another tempest with this comment. This matter relates to Alderman Hirschmann's proposal focusing on expenses relating to capital improvement projects. During a recent tour of Phase I of the Riverwalk it was apparent to me that there is serious erosion problems existing. I want to know who's responsible for repairs to this part of the Riverwalk and what are liability issues involved.

Mr. Thomas replied I haven't seen the erosion but I don't believe the contract for construction has been accepted by the City yet. if there is significant erosion that has taken place and the contract has not been accepted by the City then it would be up to the contractor to restore it. As far as long-term maintenance I haven't developed an estimate yet, however, in all of our discussions to date with any City staff member there's always been a definite need to develop a maintenance plan for that area. Potentially it could be set up as some type of a trust or some kind of a special revenue account where money is put away through different sources and drawing off of it on a yearly basis, but to tell you exactly how much it's going to cost per year, no, that calculation has not been done.

Alderman Shea asked how will the design and construction of Phase IB of the Riverwalk benefit the taxpayers of Manchester and who will be responsible for this upkeep and repairs. In other words, it's the same story. We're putting money into a Riverwalk, but we're not really looking at all of the implications and like you said you really don't have any real financial resources in order to make sure that these projects or the two phases of this project are really going to be kept up to date. We have another area up by Bridge Street and the wall is falling apart there and obviously I get constituents who call and say who's responsible, is it Highway, is it Parks & Rec. Now, we're starting another venture.

Mayor Baines stated let him answer the question about the Riverwalk.

Alderman Shea stated it's related because it's part of the overall maintenance.

Mr. Thomas stated I think a lot of thought has to be put together on how funding can be secured for this. As I mentioned, I think myself personally that a method should be developed...like I said I'm not the financial expert, but maybe through some type of trust, some type of special revenue account that money is put away and then you can draw off it on an annual basis. Once the Riverwalk gets completed there may be the opportunity to rent out vendor spaces or whatever; that type of revenue could go back into a fund to provide on-going maintenance; that is critical and I think it has to be something that's set up self-funding.

Alderman Shea stated we seem to put the cart before the horse. If we really wanted to do a Riverwalk, first of all, we should have looked for business interests in that general area then if we put a Riverwalk and they would be responsible for the maintenance it would make sense. But, we're putting the Riverwalk and there's nothing there. In other words, there's nobody there so we're stuck as taxpayers to sustain that when we really have all kinds of financial problems here that have been alluded to all evening, so basically until we start using our brains and putting things down in their proper perspective I don't see how we can support these things.

Alderman O'Neil moved to accept, receive and adopt the report of the Special Committee on the Riverfront Activities. Alderman Pinard duly seconded the motion.

Alderman Vaillancourt stated I noticed this item was put on the Consent Calendar. Maybe you or the City Solicitor or the City Clerk can illuminate for us, the new members of this Board and perhaps some members that have been around for a while how exactly things get put on the Consent Calendar because I had made it quite clear in previous votes that I would never vote for anything concerning the Riverwalk. Yet, I see this is on the Consent Calendar which means that unless somebody pulls it off it goes through unanimously. So, I would think that whoever prepares the Consent Calendar should be cognizant of the fact that something is not going to be unanimously approved, so it should not go on the Consent Calendar. Could you just explain for us how the Consent Calendar is formulated.

Alderman Wihby replied this is a committee report, your Honor.

Deputy Clerk Johnson advised that there are rules of the Board that outline how the agenda is prepared which is done by the Clerk's Office in consultation with the Mayor's Office and typically all reports of committees, unless they require some specific discussion being recommended are always placed on the Consent Agenda. There is also always the advice to the Aldermen that they can remove any item from the Consent Agenda for specifically that purpose, if they want to be recorded in opposition to something or discuss something.

Mayor Baines stated I have noticed and maybe it's a new experience that Aldermen aren't bashful about removing items from the Consent Agenda.

Alderman Vaillancourt stated no they aren't, your Honor, and the only reason I ask the question was because I'm familiar with parliamentary procedure at the state level in which committees take a vote to put something on the Consent Calendar or not and they're cognizant of people's desires not to have something on the Consent Calendar, apparently the process is different here and we should be aware of the fact that we're going to have to remove something from the Consent Calendar.

Alderman Gatsas stated, Frank, I have not seen the erosion that Alderman Shea is talking about but I'm sure if he was down there and he's made the statement I'm certainly believe what he's saying. Now, the contractor that did that phase do we still have a bond on them, who did Phase I up there or who did the phase that we're talking about.

Mr. Thomas replied quite frankly, I don't have the name for you. As you know, I just took over the Riverwalk project; that first phase was under the control of the Singer group...it was the Planning Department that oversaw the project, but.

Alderman Gatsas asked, Sam, can you help us with that, do you know.

Mr. Thomas stated Leighton-Light was the contractor, but who administered the contract. The Riverfront Foundation administered the contract.

Alderman Gatsas asked did anybody ask them what they knew about Riverfront development.

Mayor Baines called for a vote on the motion to accept the report. The motion carried with Aldermen Shea and Vaillancourt duly recorded in opposition.

Alderman Vaillancourt interjected excuse me, your Honor, I had more comments to make. I thought there was a motion to move the question. When there's a motion to move the question that gets a vote.

Mayor Baines stated that the Chair has ruled that that motion has passed and we're moving on to Item AA.

Alderman Vaillancourt stated I challenge the ruling.

Mayor Baines asked is there a second to the challenge. There was none.

Report of Special Committee on Riverfront Activities

AA. Advising that it has received an update regarding the easement activities for the Riverwalk, and submitting related information.

Alderman Shea stated the conceptual declaration of easements from property owners relating to subsequent phases of the Riverfront project is certainly a positive element and we all agree with that. But, do we know or can we expect in the future that property owners will be willing to commit, in writing, their willingness to give financial support to the Riverwalk project and again who will maintain this phase of the Riverwalk. If the next part of this item AA is accepted this evening, will we have some assurance that when we go ahead with the design or whatever we're asking an appropriation for...

Mayor Baines stated for clarification purposes all that Item AA is advising that it has received an update regarding the easement activities for the Riverwalk; that is all it is...is advising us. So, if there is some other issue related to that perhaps that would come up at another place on the agenda, but this issue only relates to our being advised.

Alderman Shea stated I understand that, your Honor.

Mayor Baines asked are we going to spend 10 minutes debating about whether something is going to be advised to us that's already been advised.

Alderman Shea replied part of that...when I read through this part of that indicated that once...in reading through this there's an indication that their considering certain financial support of this but they really haven't and I'd like to know can we expect it, I'm asking can we expect them. I'm not saying that they should make, but can we expect, is that a realization.

Mayor Baines stated he is going to answer the question but then we are going to move to this issue, take a motion that we receive this report so we can move forward on the agenda.

Mr. Thomas stated the intent of that package was to show support for the project by the abutters and also property owners, in general, in the Millyard. I cannot commit that there is going to be any financial...

Alderman Shea stated that's all I wanted to know.

Alderman Lopez stated I just wanted it clarified and maybe Carol can she can help. This is just information for the record, this document has not gone through the City Solicitor or anything.

Deputy Clerk Johnson stated my understanding is that this is just an informational item, there's no easements being approved, nothing has been reviewed by Solicitors to my knowledge as of yet.

Alderman Pariseau moved to accept, receive and adopt the report of the Special Committee on Riverfront Activities. Alderman Cashin duly seconded the motion. There being none opposed, the motion carried.

Warrant to be committed to the Tax Collector for collection under the Hand and Seal of the Board of Mayor and Aldermen.

AB. Warrant for Collection of Sewer Charges in the amount of \$216,908.66.

Deputy Clerk Johnson requested the amount be amended to \$207,506.75 based on receipts received as of today.

Alderman Wihby moved to accept the Clerk's recommendation. Alderman Pariseau duly seconded the motion. There being none opposed, the motion carried.

Alderman Wihby moved to commit as amended to \$207,506.75. Alderman Clancy duly seconded the motion. There being none opposed, the motion carried.

- 5.** Nomination presented by Mayor Baines:
Airport Authority:
Brian Duplessis to succeed B. J. Perry, Sr., term to expire March 1, 2003.

As per the rules of the Board, this nomination will lay over until the next meeting of the Board.

On motion of Alderman Hirschmann, duly seconded by Alderman Wihby, it was voted to express the Board's appreciation to Mr. B. J. Perry for his service as a member of the Airport Authority.

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

Mayor Baines called the meeting back to order.

OTHER BUSINESS

- 8.** A report of the Committee on Finance was presented recommending that Bond Transfer Resolution:
"Authorizing the Finance Officer to effect a transfer of Three Million, One Hundred Forty Eight Thousand, One Hundred Seventy One Dollars and Forty One Cents (\$3,148,171.41) from various bond projects to certain 2000 CIP projects."
ought to pass and be Enrolled

Alderman Clancy moved to accept, receive and adopt the first report of the Committee on Finance. Alderman Thibault duly seconded the motion. There being none opposed, the motion carried.

A second report of the Committee on Finance was presented recommending to authorize the Mayor to execute agreement between the City and JPA, III Management Company, Inc., subject to the review and approval of the City Solicitor.

Alderman Pariseau moved to accept, receive and adopt the second report of the Committee on Finance. Alderman Lopez duly seconded the motion. There being none opposed, the motion carried.

Deputy Clerk Johnson advised the Board that the Committee on Finance has requested the City Solicitor to pursue legal review of the auditing procedures.

- 9.** A report of Committee on Administration/Information Systems was presented advising that it has approved Ordinance Amendment:

"Amending the Code of Ordinances of the City of Manchester by amending §97.34, Encumbrances Prohibited, and §130.24, Public Drinking, providing for licensed establishments located in the downtown area to serve alcohol on city sidewalks, subject to additional conditions as necessary."

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

Alderman Wihby moved to accept, receive and adopt the report of the Committee on Administration/Information Systems. Alderman Pariseau duly seconded the motion. The motion carried with Alderman Levasseur duly recorded as abstaining.

- 10.** Communication from the City Clerk requesting that the first Board meeting in June be held on Monday, June 5th as high school graduations will take place on June 6, 7 and 8, 2000.

Alderman Shea moved to approve the change of the June Board meeting to Monday, June 5, 2000. Alderman Pariseau duly seconded the motion. There being none opposed, the motion carried.

- 11.** Communication from Robert MacKenzie, Director of Planning, recommending that bonding amounts be rounded for the School Park Improvement Program and the Park Improvement Program.

Alderman Clancy moved to accept the Director of Planning's recommendations. Alderman Hirschmann duly seconded the motion. There being none opposed, the motion carried.

- 12.** Appropriating Resolution:

"Amending a Resolution 'Approving the Community Improvement Program for 2001, Raising and Appropriating Monies Therefor and Authorizing Implementation of Said Program' as Further Amended."

On motion of Alderman Wihby, duly seconded by Alderman Thibault, it was voted that the Appropriating Resolution be read by title only, and it was so done.

Alderman Wihby moved for discussion. Alderman Pariseau duly seconded the motion.

Alderman Wihby asked by okaying this appropriation amount this is okaying the entire CIP budget which is the fast track plus the regular items, is that true, your Honor.

Deputy Clerk Johnson replied it's approving the entire 2001 CIP, yes.

Alderman Wihby asked is there a possibility that we take out...I don't know why we have to rush on the other items...if we took out the fast tracked items and pass those tonight...

Deputy Clerk Johnson stated they've already been removed. The fast tracked items are coming up in items 13 on.

Alderman Wihby stated so, item 12 does not include the fast tracked items.

Deputy Clerk Johnson replied item 12 does not include the fast tracked items.

Alderman Wihby asked does it make some sense...there's no rush to pass the rest of the CIP budget because there's no fast tracked items in it. Does it make sense, your Honor, to keep it on the table and look into a few of the different items that are in here.

Mayor Baines stated it's really up to the Board.

Alderman O'Neil stated we've had discussions for about three or four weeks on this CIP budget, I think fast tract or not it's time we put it to rest...we're going to be getting hot and heavy very shortly, we've already started in the operating budget, let's put it to rest.

Alderman Wihby stated I had requested in Committee (and I sit on CIP), I had requested some numbers that showed what items that were new this year that we not in last year, what items that were in last that you did not put in this year and what amounts were different...someone had asked for \$10,000 and you gave them \$5,000 or you gave them more and I never received anything and I'm on that Committee, your Honor.

Mayor Baines stated it was my understanding that all information requested was received because we never heard anything back.

Alderman Wihby asked did anyone else on the committee receive that information from Bob MacKenzie.

Alderman Vaillancourt stated out of respect for every Board member, I lean over backwards to delay anything that is possible. So, if Alderman Wihby can give me any specific example he wants to delay this for, I would gladly go along with him out of respect. Any specific example.

Alderman Wihby stated basically I don't know what's in the CIP budget...for instance, from previous individuals or committees or whatever you want to call them that is out of this year's. I asked for a specific listing of who requested last year and we have money to and then if we gave that money this year to them or not of if they requested \$10,000 last year and we only gave them \$5,000 this year or they requested something this year and it was never requested before and all of a sudden it's in this year's budget...those are the items that I wanted to see, your Honor, and I requested that of Bob MacKenzie, not of your office. It was during the committee and I had asked during the meeting if we could see exactly what was left off, what was added, and what amounts weren't fully funded that people had asked for.

Alderman O'Neil stated Alderman Wihby and I had this discussion before...we've asked for so many things with regard to CIP, I don't doubt what he's saying and no I back up Alderman Cashin as well that I don't remember receiving that information. I just think that we've put a lot of time into this. It was unfortunate that Alderman Wihby was out with surgery for a couple of weeks, but we spent an awful lot of time discussing this CIP budget and I think we're ready to move on it and moved to on passing same to be Enrolled.

Alderman Gatsas stated I think for the new members, obviously, the conversation we had last night regarding the budget procedures that are coming to follow certainly has enlightened some of us and I think that this process for the new people not knowing again what was funded last year, why it was increased/decreased or what's not funded this year is certainly something that I'd like to see and I thought we were getting it, so if that Committee requested it I thought during the budget cycle, your Honor, you said that when one Alderman requests something that we all get it.

Mayor Baines stated Alderman Wihby did not request that from our office because we do have that information.

Alderman Gatsas stated I would assume then in that budget, in that committee that we all would have received something to tell us whether somebody got \$50,000 last year and we gave them \$35,000 and why we cut it and what they did with the money or if somebody requested twenty and you gave them forty-five, if that's here and we just pulled somebody out and did not give them anything before. Now, obviously, I don't think anybody's getting any of this money in the next two weeks.

Deputy Clerk Johnson stated all of the programs presented here are July 1 programs.

Alderman Gatsas stated this is no different than the other budget.

Alderman Lopez stated I agree to an extent but during the process of the CIP as many questions as I personally asked and referenced to your presentation of the CIP budget and the agencies and cross-checking my own of what was given last year and looking back are different ones every year to a degree...the Lead for the Children's Way Home (\$100,000) when you searched it and everybody got a document here that night. I think during the process there were many of times to ask questions on it. I asked a question in reference to one particular item and that's in here and it's still going to go back to CIP Committee, so I believe everybody had an opportunity to bring something out or amend something during the readings before. I know what Alderman Gatsas is getting at and I think it's a process that has to be done early in the CIP and in the budget process and maybe next year we can surely do something. I think the Mayor's alluded to that, but I think there are a lot of agencies out there who prepared their particular budget and to move forward with the necessary phase they have to do in a human service aspect and that's where the \$2.5 million...given away, so to speak to help these agencies but we could create another crisis for the City. So, I agree with Alderman O'Neil that we should move it.

Alderman Levasseur stated when somebody with 16 years experience on the Aldermanic Board and someone who commands the respect that Alderman Wihby does in regard to being a Chairman of the Board for as long as he has and someone who has the utmost...well, I'm not going to go into the tax situation, but if someone of that respect asks for us to delay this, we're not delaying the expedited projects but to delay this without any harm to anybody since we're not going to be able to approve this till July 1st, I don't see why we can't just go forward and give him his request out of the respect that he deserves for being on this Board for as long as he has been and he was not available for a lot of those CIP meetings.

Alderman Wihby stated I appreciate those comments, Alderman Levasseur, one of the things, the reasons why this was set up as expedited items and this is probably the second or third year was just because the expedited items had to get done sooner. It wasn't to rush the whole CIP budget forward, it wasn't to do anything other than there were a few projects that should have been expedited and everything else went along with the budgets, but there's still an opportunity once we get the numbers and talk to departments and everything else to start cutting from the rest of this CIP budget to save money. If we pass this tonight that debt service amount, the interest amount, the CIP amount is not going to be changed in the budget process and we might be saying hey let's cut a million dollars out of CIP to save some money later on. So, it does make a difference. There is no harm in tabling this and looking it over and waiting for the budget and passing it along at the same time as the budget if we're trying to keep the budget low. I'm not looking to stop the expedited process, I'm just looking to stop this because there's no rush, there's nothing that's going to happen with it and there is an opportune time to look through this again and I think that's probably why some of the Aldermen don't want to hold this up is because they don't want anything coming out of it and my concern is there might be some money in here that's available that we can cut and lower the budget at the end.

Alderman O'Neil stated I wasn't going to debate and I too have the most respect for my colleague from Ward 1, I've served many terms with him. But, there has been an awful lot of

discussion...he talks about debt service, all the debt service is tied up with the projects that we're expediting, so let's move this thing, we've got too much work with the operating budget that I think there's been enough discussion on the CIP, again, I'm sorry that David had the surgery and was out-of-service for a couple of weeks, but we need to move on with this.

Alderman Vaillancourt asked there's no motion to table is there.

Mayor Baines replied there is a motion on the floor.

Alderman Pariseau asked could I ask Alderman Wihby a question.

Mayor Baines replied absolutely.

Alderman Pariseau asked, Alderman Wihby, do you want to hold up the CIP budget to look at the non-profits who are requesting funding.

Alderman Wihby replied I think everything is on the table at this point as far as the CIP budget goes. There is no reason to rush it, there's cash amounts in this number that can be reduced in the total budget process. I'm not happy with an almost seven percent (7%) increase. This is one way of reducing that budget (maybe) if we looked at it, but there is no rush in doing this and there are some monies that are allocated new to different non-profits and we're actually telling them that we're going to okay them for two years and not just one year, I understand, and we should be looking at all of those items. This is not something that has to be done today, it's a matter of...and there's some items...I was watching the TV shows when I was out and people had concerns with the Library and not funding the Library, for instance. Well, the Library number is in here. You can take out that amount of money and you can save that in the budget process if you want too. People said move forward...and again, that's just an example that I'm using; that amount is going to be in here if this passes and you're not going to be able to take that out. The Committee might later on decide they don't want to do it, but the number is still going to be in the budget process. If the Committee decides that we don't want to do it and we didn't pass this, we could take that money out and we could save taxpayers money. So, that is what my concern is, your Honor, and again I ask for the different pluses and minuses, we never got them and it's just saying that we don't have to rush this process along. We can take out time because nothing kicks in until July 1st anyway.

Alderman Shea stated I totally agree with Alderman Wihby, totally agree if we can save the taxpayers money then we should try to. If we can't we should make the best effort possible. So, I totally agree that there is no rush and that we should...and I favor his proposal.

Alderman Cashin stated first I'd like to publicly acknowledge the Chairman of the CIP, Daniel O'Neil, I think he's done an excellent job. He's opened up the Committee, everybody Alderman has been invited to the Committee, every Alderman has participated to the best of my knowledge and this Board is set up on a Committee form of government. Now, either we're

going to have faith in the Committees and the Chairmanships or we're going to have trouble. Now, we've been discussing (the other night) for what three hours the Committee reports. Either we're going to support the Committee's that we set up or we're not and if that's the case then I guess it's time that we have a talk and discuss these things because you cannot continue going the way we've been going the last couple of months, this is ridiculous, I'm sorry it's just not going to work. Now, for the Alderman from Ward 1 to questions projects in the CIP, but for years it's been a closed corporation...he knows it and I know it...this is the first time it's really been open and for him to suggest that maybe there's something in there that somebody wants to take out and that's why they're trying to push it, I think is very unfair.

Alderman Hirschmann moved to the question. Alderman O'Neil duly seconded the motion.

Deputy Clerk Johnson clarified the motion as being Alderman Wihby, by Alderman Pariseau on passing same to be Enrolled.

Alderman Wihby stated that was for discussion purposes, your Honor, I was very clear in saying that.

This Appropriating Resolution having had its third and final reading by title only, Alderman O'Neil moved on passing same to be Enrolled. Alderman Cashin duly seconded the motion.

A roll call vote was taken as requested by Alderman O'Neil. Aldermen O'Neil, Lopez, Vaillancourt, Cashin, Thibault, Sysyn, Clancy, Pinard voted yea. Aldermen Shea, Pariseau, Hirschmann, Wihby, Gatsas, Levasseur voted nay. The motion carried.

Alderman Hirschmann asked don't you need ten votes.

Alderman Gatsas stated you need ten votes for bonding, your Honor.

Mayor Baines asked for clarification on whether or not ten votes are required.

Solicitor Clark stated it requires eight votes.

13. Resolution:

“Amending the 1990, 1997, 1998, 1999 & 2000 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Twenty-six Thousand Eight Hundred Thirty-three Dollars and Eight-eight Cents (\$26,833.88) for certain 2000 CIP projects.”

On motion of Alderman Wihby, duly seconded by Alderman Hirschmann, it was voted that the Resolution be read by title only, and it was so done.

Alderman Sysyn moved that the Resolution pass and be Enrolled. Alderman Thibault duly seconded the motion. There being none opposed, the motion carried.

4. Resolution:

“Amending a Resolution ‘Amending the 1996, 1997, 1999 & 2000 Community Improvement Programs, transferring, authorizing and appropriating additional funds in the amount of Ten Million, Two Hundred Thirteen Thousand, One Hundred and Seventy-one Dollars and Forty-one Cents (\$10,213,171.41) for certain 2000 CIP projects.’ to \$11,613,171.41.”

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

Alderman Wihby moved to approve the Director of Planning's recommendations amending the Resolution as follows:

Page 2, Section C. School Park Improvement - increase new bond funds to \$1,590,000 for a total of \$1,612,907.40; and
Page 2, Section C, Park Improvement Program - decrease new bond funds to \$410,000 for a total of \$1,010,264.01.

Alderman Lopez duly seconded the motion to amend. There being none opposed, the motion carried.

Alderman O'Neil moved that the Resolution pass and be Enrolled as amended. Alderman Pariseau duly seconded the motion. There being none opposed, the motion carried.

15. Bond Resolutions:

“Authorizing Bonds, Notes or Lease Purchases in the amount of Two Hundred and Fifty Thousand Dollars (\$250,000) for the FY2000 CIP 83110, City Security System.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Hundred and Seventy Five Thousand Dollars (\$175,000) for the FY2000 CIP 711100, Granite Street Road & Bridge Widening.”

“Authorizing Additional Bonds, Notes or Lease Purchases in the amount of Two Hundred and Fifty Thousand Dollars (\$250,000) for the FY2000 CIP 710100, Annual ROW Reconstruction.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Four Million Three Hundred and Forty Thousand Dollars (\$4,340,000) for the FY2000 CIP 831200 School Capital Improvement Program.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Five Hundred and Fifty Thousand Dollars (\$550,000) for the FY2000 CIP 750400, Sidewalk Improvement Program.”

“Authorizing bonds, Notes or Lease Purchases in the amount of One Hundred and Ninety Thousand Dollars (\$190,000) for the FY2000 CIP 711000, Bridge Rehabilitation Program.”

“Amending a Resolution ‘Authorizing Bonds, Notes or Lease Purchases in the amount of Four Hundred and Seventy-five Thousand Dollars (\$475,000) for the FY2000 CIP 831500, Somerville Street Station Completion’ to Four Hundred Thousand Dollars (\$400,000).”

Alderman Pariseau moved to dispense with reading by titles only of the Bond Resolutions. Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

Alderman Thibault moved that the Bond Resolutions pass and be Enrolled. Alderman Pinard duly seconded the motion.

Alderman Wihby in reference to the fourth resolution (CIP 831200 School Capital Improvement Program - \$4,340,000) stated you're recommending that we spend that on school projects.

Mayor Baines asked for clarification from the Clerk.

Deputy Clerk Johnson stated that would be the bond resolution that goes with the appropriation that has just been passed as an amended resolution for the School Capital Improvement Program, it is not the only school program, but it is one of the major school projects.

Alderman Wihby asked what is that, is that a list that came from schools.

Mayor Baines asked, Frank, do you have the whole list there.

Alderman Wihby stated I know there's a list, but did the School Department make the list and then you okay them or did you make the list.

Mr. Thomas replied I don't have the list with me, but the list was prepared by my office in conjunction with the School Department. We prepared the list based on the capital asset management plan that Building Maintenance has along with needed...prioritized projects...we then submitted that to the Buildings & Sites Committee of the School Board, they in turn gave it their blessing.

Mayor Baines asked it includes the Heating & Ventilation Projects.

Mr. Thomas replied yes heating and ventilation, windows (Central)...I can furnish that list to you, but I don't have it at this time.

Alderman Wihby stated there's no argument about what this amount covers and that they're going to say we'd rather do something else.

Mr. Thomas stated no we have gone through the School District, the Buildings & Sites Committee and they gave it their blessings.

Alderman Wihby stated I guess my concern is that they were trying to be separate that all of a sudden they get the money and then they decide they don't want to do it, but that's not going to happen because everybody agreed to it.

Mr. Thomas replied that is correct.

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

16. Bond Resolution:

“Authorizing Bonds, Notes or Lease Purchases in the amount of Four Hundred and Twelve Thousand Nine Hundred Seven Dollars (\$412,907.00) for the FY2000 CIP 511500 Park Improvement Program.”

On motion of Alderman O'Neil, duly seconded by Alderman Wihby, it was voted that the Bond Resolution be read by title only, and it was so done.

Alderman Shea moved to approve the Director of Planning's recommendations amending the Bond Resolution downward to \$410,000.00. Alderman Sysyn duly seconded the motion to amend. There being none opposed, the motion carried.

Alderman Vaillancourt moved that the Bond Resolution pass and be Enrolled as amended. Alderman Clancy duly seconded the motion. There being none opposed, the motion carried.

17. Bond Resolution:

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Hundred Sixty Thousand Dollars (\$160,000) for the FY2000 CIP 330600 School Recreation & Parking Lot Improvement.”

On motion of Alderman O'Neil, duly seconded by Alderman Pinard, it was voted that the Bond Resolution be read by title only, and it was so done.

Alderman Wihby moved to approve the Director of Planning's recommendations amending the Bond Resolution increasing the total amount to \$310,000. Alderman Lopez duly seconded the motion to amend. There being none opposed, the motion carried.

Alderman Hirschmann moved that the Bond Resolution pass and be Enrolled as amended. Alderman Wihby duly seconded the motion.

Alderman Wihby stated we have something called School Park Improvements, School Recreation Parking Lot and I know when we go to have different numbers later on for School versus City asked who determines if it's a City project or a School project. Such as a "School Recreation Parking Lot" not going to be charged to them or eventually or will it be charged to them, how does it work. Like "West Memorial Field" is that going to be charged back to them because it's a field for the football team. We're fixing the parking lot of a school, is School going to be later on charged or is that City.

Mr. Thomas replied there is one that is the Webster Street Project that involves parking; that is a School project that will be charged to them.

Alderman Wihby asked who determines that.

Mr. Thomas replied I can't answer the question regarding the West Memorial because there is going to be...

Alderman Hirschmann stated Director MacKenzie, I think, is the one who really researches that and in the case of the West Memorial Field there are School matching funds for that park.

Alderman Wihby stated that is eventually going to be part of their debt service. So, any property that is connected to a school would be charged to them.

Mayor Baines stated I was at a Parks & Recreation Commission meeting today and this is an issue they worked out with the School District, there is some dispute from time-to-time and they work it out in terms of what the percentage is that belongs to the School, what belongs to the City.

Deputy Clerk Johnson stated I just want to note that the ones listed here are actually School Project which went through a review by both the CIP and the Finance Department and there were connections made with the State, as well, to make those determinations. The Finance Officer can probably better address it for you.

Alderman Wihby stated just a question...not that I'm picking on and it's the next item actually, but...we decide we want to approve this next one and it's going to be artificial turf...now, that's going to be charged to the School Department eventually, the bonded debt. Now, they come back and say we don't want turf we want sod, so you pay the half-a-million dollars on your side...can that still go on, can that happen.

Mayor Baines replied I don't believe so, but I found out through my three-and-a-half months that anything can happen, but I don't anticipate that happening and it's not likely to happen, but there's no dispute about these issues that I'm aware as I think we would have heard them by now.

Mr. Clougherty stated one of the reasons why we're separating these out and that CIP and Bob MacKenzie did that at our request this year to make sure that wherever there was anything that was going to be in question would be easy to find and not as difficult to unravel in the future.

Alderman Wihby stated I don't remember us going out and asking schools if we wanted them to do a parking lot or if we wanted them to do these things. The Aldermen decided that was...

Mr. Maranto stated in reference to School Recreational Facilities the Parks Department has been working for years with the School Department in identifying priorities as to what schools are being none. So, that is done in coordination with the Schools.

Alderman Wihby stated so they're happy with what we're doing and they're not going to come back later and say "I don't want to bond some of that", okay, great.

Mayor Baines called for a vote on the motion.

Alderman Levasseur stated I have just one more question...the \$4.340 million that we had in Item 15 do the schools know that that number is in their budget. So, when they put their budget together they knew these numbers.

Mayor Baines replied they don't include these on their budget, this is part of the whole chargeback issue.

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

18. Bond Resolution:

“Amending a Resolution ‘Authorizing Bonds, Notes or Lease Purchases in the amount of One Million, Three Hundred Thirty-seven Thousand and Ninety-three Dollars (\$1,337,093) for the FY2000 CIP 511600 West Memorial Field Improvement ‘ so as to change the title to School Park Improvement Program and the funding to One Million, Four Hundred Twelve Thousand and Ninety Three Dollars (\$1,412,093).”

On motion of Alderman O'Neil, duly seconded by Alderman Hirschmann, it was voted that the Bond Resolution be read by title only, and it was so done.

Alderman Hirschmann moved to approve the Director of Planning's recommendations amending the Bond Resolution upward to \$1,590,000.00. Alderman Clancy duly seconded the motion to amend. There being none opposed, the motion carried.

Alderman Clancy moved that the Bond Resolution pass and be Enrolled as amended. Alderman Lopez duly seconded the motion. There being none opposed, the motion carried.

19. Bond Transfer Resolution:

“Authorizing the Finance Officer to effect a transfer of Three Million, One Hundred Forty Eight Thousand, One Hundred Seventy One Dollars and Forty One Cents (\$3,148,171.41) from various bond projects to certain 2000 CIP projects.”

On motion of Alderman Pariseau, duly seconded by Alderman Pinard, it was voted that the Bond Transfer Resolution be read by title only, and it was so done.

Alderman Clancy moved that the Bond Transfer Resolution passed and be Enrolled. Alderman Pinard duly seconded the motion. There being none opposed, the motion carried.

Alderman Vaillancourt asked are we done with the CIP completely now. Could we get a status of the West Library, where that exactly stands now, I don't think it was in anything, it was referred back to CIP.

Deputy Clerk Johnson stated the appropriation was placed in the CIP in the amount of \$175,000 for the West Library. There was a footnote placed on that to have it referred to CIP for further review, so prior to any budget authorizations coming to the Finance Committee, CIP is expected to review it.

Alderman O'Neil stated there is no authorization for them to spend any money on that project, there was a number of reports that Alderman Thibault was working on on the operating side with the operating costs to the Library at the facility would be and we're still waiting...I have not seen a report on the construction portion of it, that cost. I thought we asked for that as well because there was a number thrown out...but, anyway all that needs to be referred.

Alderman Thibault stated I believe that you were given what you asked for, I believe all of the Aldermen got it, I made sure of that.

Alderman Lopez stated I believe the Planning Department, Bob MacKenzie with the feasibility study report will be presenting that to the CIP Committee and yes we did receive some information from the Library, but to get the whole picture I think we need a presentation by the Planning Department and that is going to happen through the CIP process.

Deputy Clerk Johnson stated the bond resolution providing for that funding will not be submitted until July because it is a July project.

- 20.** Report from the City Solicitor regarding a proposed Charter amendment relative to Schools, if available.

Mayor Baines stated we have been in contact with the State and that Charter amendment has been put on the desk of one of the Assistant's, is not available, so that will stay on the table until we get a report from the Attorney General.

Alderman Levasseur asked has that Charter amendment been given to the Board to read.

Mayor Baines replied yes, you all received it at the last meeting. If you need another copy, please see the Clerk, but yes it is in the hands of the Attorney General.

- 21.** Report from the City Solicitor regarding a resolution to the parking revenue shortfall for the Center of NH Parking Garage, if available.

Deputy Clerk Johnson stated Item 21 has been dispensed with.

TABLED ITEMS

22. Communication from the Policy Director of the Society for the Protection of NH Forests seeking the Board's support of the Establishment of a Statewide Land and Community Heritage Investment Program.
(Re-tabled 4/4/00)

Alderman Levasseur moved to remove this item from the table. Alderman Wihby duly seconded the motion. A roll call vote was taken at the request of Alderman Vaillancourt. Alderman Vaillancourt, Pariseau, Cashin, Thibault, Gatsas, Pinard and Shea noted nay. Aldermen Hirschmann, Wihby, Levasseur, Sysyn, Clancy, O'Neil and Lopez voted yea. The motion carried.

Alderman Levasseur stated I've been getting a lot of phone calls on this I don't see why we shouldn't move along with this. I know Mr. Vaillancourt seems to have problems with this, but it seems to me that we have quite a bit of support on this. I get a lot of phone calls saying that this is a good thing for the City and I don't see why we just don't push along with it and moved to support SB 401.

Alderman O'Neil duly seconded the motion.

Alderman Pariseau stated before we go into this blind, I'd like to know how much it is going to cost the City.

Alderman Vaillancourt stated considering this was going to come up I did a great deal of research and will be happy to share this with you now.

Alderman Cashin stated the question was how much is it going to cost the City, is it going to cost the City any money - yes or no.

Alderman Vaillancourt stated I didn't raise my hand to speak to that question, but I'll be happy to answer that question. The bill calls for six million dollars that the State does not have. Now, I suppose if you consider the City of Manchester has about nine to ten percent of the population of the State I guess it would cost nine to ten percent of that amount.

Alderman Cashin stated that is not the way the bill is written.

Alderman Vaillancourt stated the bill is written that the State will fund this program. Now, revenues that the State funds obviously come from the people of the State. So, the City of Manchester has about nine to ten percent. If we were to institute an Income Tax to pay for this, I assume nine to ten percent of it would come from the citizens of Manchester. If we were to institute a Sales Tax to pay for this, I assume nine to ten percent of it would come from the

citizens of Manchester. If we were to go with expanded video lottery, I would assume nine to ten percent (maybe more) would come from the citizens of Manchester. The point is that there is no such thing as a free lunch. We in government are responsible for establishing priorities. You cannot spend money you don't have. The deficit for the State of New Hampshire is now from up in the 70 to 80 million dollar range. I do not believe it is prudent to try and spend money we do not have.

Mayor Baines stated so you are opposed to this.

Alderman Vaillancourt replied yes and I would like to continue to speak to the question. We had certain statements made to us...

Mayor Baines stated, Alderman, listen. I am going to...you spoke to the motion, you're against the motion, you feel the State does not have the money to do it, correct.

Alderman Vaillancourt replied but there is more to it than that. Certain representations were made to this Board last week that...excuse me, two weeks ago that Manchester would benefit significantly from this. I happen to have the Research Department at the State House do a little investigating into whether Manchester benefited from the last such bill which was passed back in 1987, May 25th, it was called the Land Conservation Improvement Program, the LCIP. Almost \$50 million was spent, by the way that was spent when the State had a surplus. I would be happy to go forward and vote for this and I realize that when a vote comes forward in the New Hampshire House I will probably be on the losing side, it did pass the Senate, but as a true conservative I will continue to go forward and place priorities if we had the \$10 million or \$6 million whatever to spend, I would vote instead to reduce the Interest & Dividends Tax, to get rid of the Legacy and Succession Tax...there are many things I would do before I would go ahead to do this, but I would take all of that back and say I would willing go along with this if the representations that were made by the young lady that sat here were true; that Manchester would benefit significantly by this. If anybody can read this voluminous document and tell me how Manchester benefited from the last such program then I would be willing to withdraw my opposition and to go forward with this proposal we don't have the money to spend. Until that time, I will continue to oppose this as fiscally irresponsible.

Mayor Baines stated we understand.

Alderman Hirschmann asked why don't we have a public hearing so the people can tell us what they want.

Alderman Levasseur stated all we're being asked to do is support the resolution regarding the passage of Senate Bill 401. We're not being asked to vote on it, we're just encouraging...you guys get up there in the State and discuss it and argue about it and discuss about whether it's good. We're just going to encourage them that it's going to be beneficial to the City of Manchester, yes, let's go with it.

Alderman Vaillancourt stated you're encouraging them to pass it.

Mayor Baines stated you are going to talk through the Chair and we are going to bring some conclusion to this shortly, okay.

Alderman Vaillancourt stated I would like to talk about the roll of Aldermen as far as encouraging people at the State level.

Mayor Baines stated there is a motion on the floor, there has been a lot of discussion and called for a vote on the motion.

Alderman Vaillancourt stated under new business, I was going to bring forward Senate Bill 330 which is something that this Board should be acting upon and recommending that the Manchester Delegation vote on because it goes directly to the City of Manchester, the same way the Retirement System, this does not and it's not something the City should get involved with.

Mayor Baines called for a vote on the motion supporting SB 401. The motion carried with Alderman Vaillancourt duly recorded in opposition.

- 23.** Report of the Committee on Accounts, Enrollment and Revenue Administration advising that it wishes to have a discussion on Senate Bill 404 will the full Board at the March 21, 2000 meeting.
(Tabled 3/21/00)

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

Mayor Baines asked Mr. Scannell to explain SB404.

Mr. Scannell stated Senator D'Allesandro who is the Sponsor of this bill has been working with us to craft a solution that would revive the bill. As you may recall, there was some opposition from Water Works to the bill who felt that it's impact would default to the detriment of the Water Works. Consequently, some questions were raised about it, the Water Works, Senator D'Allesandro, people from the Aggregation project sat down and have agreed to revive this bill in the next session; that was Senator D'Allesandro's recommendations.

Mayor Baines recommended Item 23 be taken off the table and receive and file.

Alderman Shea moved to receive and file. Alderman Pariseau duly seconded the motion.

A roll call vote was taken as requested by Alderman Levasseur. Aldermen Levasseur, Clancy, Vaillancourt, Hirschmann, Wihby and Gatsas voted nay. Aldermen Sysyn, Pinard, O'Neil, Lopez, Shea, Pariseau, Cashin and Thibault voted yea. The motion carried to receive and file.

24. Ordinance:

"Amending the Code of Ordinances of the City of Manchester by amending §118.12 (B)(3), Vehicles for Hire, providing for changes in application requirements relating to a taxicab driver's license."

(Tabled 4/4/00)

On motion of Alderman O'Neil, duly seconded by Alderman Pinard, it was voted to remove this item from the table for discussion.

Deputy Clerk Johnson advised that in speaking with the City Clerk earlier today since there is already a rewrite of the Taxi Ordinance which is to go before Administration in the event that the Airport changes its mind and decides that it wants to go forward with our licensing program we would suggest that it be received and filed at this time.

Alderman Pariseau moved that Item 24 (Ordinance) be received and filed. Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

**25. Communication from Manchester Water Works advising that the Board of Water Commissioners has considered the request regarding elderly exemptions and has tabled the matter pending further information.
(Tabled 4/4/00)**

This item remained on the table.

26. NEW BUSINESS

Alderman Gatsas gave notice of reconsideration of Item 12 at the next Board meeting.

Alderman Vaillancourt gave notice of reconsideration of Item 22 at the next Board meeting.

A report of the Committee on Community Improvement was presented recommending that the Parks, Recreation & Cemetery Department be authorized to fill the Planner I position.

Deputy Clerk Johnson stated it was one of the positions that were held up in the process of freezing all positions on a previous Board action.

Alderman Wihby moved to accept, receive and adopt the report of the Committee on CIP.
Alderman O'Neil duly seconded the motion.

Alderman O'Neil stated this was the position that we actually authorized last year along with the Facilities Engineer...they were late in developing it and finally posted the position and actually accepted applications when the Mayor had frozen positions. I did talk to the Mayor about it ahead of time...the amount of work that we've given to Parks and Rec that it makes sense to fill this position.

Mayor Baines recommended that this item be referred to me to sit down with Ron Ludwig...we are discussing these things tomorrow and I am inclined...because of projects...but, I think it should be kept within the confines...would that be okay with the Board.

Alderman Lopez moved to refer the report of the Committee on CIP to the Mayor. Alderman Shea duly seconded the motion.

Alderman O'Neil asked, Mayor you do understand why the Committee brought this up.

Mayor Baines replied yes and we will resolve it.

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

Alderman Vaillancourt in reference to Senate Bill 330 which is the kind of thing this Board should, in fact, be considering. I'm somewhat astounded that your Honor chose not to bring this forward to this Board when your Legislative Liaison through the State Representatives in conjunction with the Water Commission asked for a meeting with the State Rep Delegation which we had yesterday in which we were being beseeched to support this bill. I mentioned at the time that the most proper way to get the delegation on board would be to have the Board of Mayor and Aldermen take a vote in support of this. I sent the bill to your Legislative Liaison with the idea that he would be sending it out to all of the Aldermen so that they would have an idea of what it contained. I talked to Alderman O'Neil last night, he had not received it. It's a very simple bill, it asks for a study and I'm not a scientist so I can't get into all of this...the Instream Flow Rule...what it would do would be to allow a study for the Cities of Manchester, Nashua and Concord to perhaps use water from the Merrimack River, at some future time, but since you want to do number 22 and spend all this money to find more forest land maybe you think the fish plants should live out of the water.

I'm just saying that this is the thing that puts people ahead of fish and, therefore, I think that we should support it.

Mayor Baines stated you're making all kinds of assumptions that aren't valid, so why don't we ask Mr. Scannell who does coordinate that and I'd appreciate it if you wouldn't jump to conclusions.

Alderman Vaillancourt stated I'm not jumping to conclusions but simply saying that we had a meeting yesterday...

Mayor Baines stated I know what you said and I know that you jump to an awful lot of conclusions.

Mr. Scannell stated the Mayor is aware of the Instream Flow Rule because he and I have discussed it. Our conversation earlier today, a few minutes before the meeting, I went back and I looked at the notes I had made and I guess the indication was that we felt it would be easier to distribute things through the City Clerk's Office in terms of what you would send to the Aldermen; that was my understanding. If it is easier for me to do it, I will gladly do it, but I think that was the reason that we had talked about not having it go through me. I have a copy of the bill if you'd wish me to distribute them.

Alderman Vaillancourt moved to urge the Legislative Delegation to support this bill. It's now past the Senate, it's gone beyond the House into a sub-committee level and it conceivably could be coming up for a vote next week. It's a very simple bill, the Manchester Water Works desires it...I don't see any reason for the Board of Mayor and Aldermen not to get on board this it's something that will benefit the City of Manchester at no cost, it's simply a study. Alderman Pariseau duly seconded the motion.

Mayor Baines stated I would like to distribute it to the Board and if it is something we are inclined to recommend, if there is something that we are concerned about we will be discussing with Mayor Streeter and by the way while we're having it distributed I would like to invite all of the Aldermen to a reception here in the Aldermanic Chambers next Tuesday, April 25th at nine o'clock...we're inviting Mayor Streeter and a number of people from Nashua here to City Hall for a little social event and press conference because Mayor Streeter and I have been working together on a lot of issues facing our communities and I'd like to invite you to attend. Also, if you're looking for some variety on your local cable tomorrow night there will be a live telecast from the Mayor's Office at seven-thirty on Central and Memorial High School along with Red Robidas talking about school safety and security issues.

Mayor Baines called for a vote on the motion.

Alderman Lopez moved to table Senate Bill 330 until there has been an opportunity to review it. Alderman Pinard duly seconded the motion.

A roll call vote was taken as requested by Alderman Vaillancourt. Aldermen Vaillancourt, Pariseau, Cashin, Thibault, Wihby, Gatsas, Levasseur, Sysyn, Clancy, Pinard, O'Neil and Shea voted nay. Aldermen Hirschmann and Lopez voted yea. The motion to table failed.

Alderman Gatsas stated as a former Commissioner of the Water Works, I think it is imperative that we send the right message. We are looking at Water Works recovering some water from the Merrimack River. If we don't do that soon with the expansion we're having in the City we may have some problems with water. So, I think this Board should look at it and send a very clear message that we should have it studied and move along quickly.

Mayor Baines asked, Alderman Vaillancourt, when is it coming up.

Alderman Vaillancourt replied the hearing has already been held, it is at the sub-committee level now and the document I sent to your Legislative Assistant, I believe, the hearing at the sub-committee level was held today.

Mr. Scannell stated I don't know the schedule on that side, but the current status is on the cover sheet.

Alderman Vaillancourt stated I would agree with Alderman Gatsas that this is a very vital issue for the City which is why I brought it forward tonight and could go to the House as early as next Thursday.

Mayor Baines called vote a vote on the motion in support of Senate Bill 330. There being none opposed, the motion carried.

Communication from the Director of Planning regarding Ciment Quebec.

Alderman Wihby moved that the communication be referred to the Committee on Lands and Buildings. Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

Alderman Wihby asked does the City get a right to it after the State.

Mayor Baines replied yes. The way I understand it once the purchase and sales has been executed pursuant to RSA 228:60(b) Boston & Maine will formally be offering the property to the State of New Hampshire which has the right to match the offer made by the third party.

Alderman Shea stated I did discuss this issue with Attorney Lazos today and I think that he probably should be invited to our meeting.

Mayor Baines stated this next item is for informational purposes and would like to refer to the Civic Center Committee. As you all know there are some legal action underway by Staples regarding the relocation costs.

Alderman Pariseau moved that the item regarding Staples be referred to the Special Committee on the Civic Center and the Manchester Housing and Redevelopment Authority. Alderman Thibault duly seconded the motion. There being none opposed, the motion carried.

Alderman Levasseur stated I've had four phone calls from constituents that have put in applications for some of these spots/commissions throughout the City and none of them...they're all from Central and Memorial, your Honor, and it seems that the only ones that are getting those positions are from West and Ward 9. Ward 9 seems to be getting those commissioners over there and I just want to let people know that...your Honor said that we were going to be getting people involved throughout the City. I had a lot of people call me on this and they wanted to have their voice represented and that's what I'm doing and I think you ought to look at those applications here because some of the people who have applied are extremely qualified.

Mayor Baines stated I appreciate that and as you know the Charter outlines that the determinations and nominations are made by due use of process and oftentimes we get the department heads involved and the commission chairmen...there's a good selection process and I'll continue to choose the best people possible.

Alderman Shea commented that I think the philosophy of the Board should be and I think you probably will be following that all segments of our community should be represented on all boards and I think that's fair. I do think that the west side was unduly represented in many, many issues speaking as someone who's been on the Board, not that Ward 7 has been overly, but I think that in due consideration for the west side of Manchester I think you should take that into consideration.

Alderman Hirschmann stated you did make a new nomination tonight. You took a west side person off the Airport Authority that had resigned, but you didn't replace that with a west side person. There is another seat coming up and I respectfully request that you try to find a west side person. We always had a west side person.

Alderman Vaillancourt stated I wish to express a very serious concern, but when I ran for Alderman I pledged to do a certain thing never realizing that you would be sitting in that chair and never realizing that I would have to do tonight what I did. But, I believe you violated Rule 6 that the Mayor may express his opinion on any subject under debate, but in such case he shall leave the chair and appoint some other member to take it and he shall not resume the chair while same question is pending. I believe that you have gone over the bounds and if we are to have order we have to have rules which are respected and the Chair who does not respect the rules begins to have a disintegration of order which could lead to anarchy. So, I suggest that in the future if you choose to express your opinions on the subject, which you have every right to do you will step aside and not return while that subject is still under discussion. I think the video tape will bear out whether or not you did that tonight.

Mayor Baines stated, Alderman, you've made your point, you've made it twice this evening and I do appreciate. There is no need to make it more than once, I heard it, I understand it, I appreciate it and I'll take it under consideration.

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

A True Record. Attest.

City Clerk