

BOARD OF MAYOR AND ALDERMEN

June 5, 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.

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

Presentation of the June "Spirit of Manchester" Award to Dr. Grace Sullivan of MCTV.

Mayor Baines stated I would like to have Alderman Cashin and Alderman Pinard joint with me. It is my pleasure to inform all of you gathered here this evening and people watching at home that Dr. Grace Sullivan has been chosen by the judging committee as the June recipient of the Spirit of Manchester Award. The Spirit of Manchester's Award Committee represents For Manchester. The Spirit of Manchester's Awards program is developed to recognize individuals and groups in the community that have contributed to the quality of life in Manchester. The judging committee feels Dr. Sullivan embodies all of that the Spirit of Manchester Award stands for. The Spirit of Manchester Award is intended for this citizens who go above and beyond the call of duty. This criteria certainly represents Dr. Sullivan's work on behalf of MCTV. Since 1991, Dr. Sullivan has been the Director of Manchester Community Television which reaches 50,000 homes in Greater Manchester. On May 1, 2000, Dr. Sullivan was appointed by Governor Jeanne Shaheen to the New Hampshire Council on the Arts. It is my honor, on behalf of all the citizens of Manchester to present the Spirit of Manchester Award to Dr. Grace Sullivan, congratulations.

Dr. Sullivan stated I know this is going to be a long night, hopefully, not too long. But, I wanted to thank the staff which is Jason, Marc, and Wickham, all the volunteers. At first, I didn't want to take this award because I didn't really think I was deserving of it compared to a lot of people that do stuff for the City and when I heard that I was the first City employee or teacher that was ever given the award, I said well then I'm going to take it for the City employees and the teachers that volunteer, that spend countless hours doing things. I want to thank especially my dad, Henry Sullivan who is my constant advisor and I'd like to thank my three kids Jake, Mike and Shannon O'Neil and I'd especially like to thank my husband who is, right now, at a softball game because he's done a great job with the kids while I've been at the meetings and you might not believe this but they're shooting and rebound is not because of me it's because of my husband and also they're math skills because of my husband. So, thank you very much everybody.

Discussion with Executive Councilor Thomas P. Colantuono relative to state issues the Board may wish to review.

Executive Councilor Colantuono stated good evening, Honorable Mayor and members of the Board, I'm Executive Councilor Colantuono from Londonderry representing the City of Manchester at the Executive Council and it's a great pleasure for me to be able to come in here tonight to pay a visit just to talk about some state issues and let people know what we're doing and listen to any of your comments or concerns. I know you have some important budgetary matters to deal with tonight, so I'll try to make this very brief. I obviously believe in close cooperation between the state and the local cities and towns that I represent, so that's really why I'm here. I also want to mention that you all will be receiving an invitation to attend a meeting of the Governor and Council that will be held in this very room on Wednesday, June 21 and we're going to start with a breakfast meeting at eight o'clock touring the YDC which is a state facility here in Manchester and then we're coming here at ten o'clock for a reception where people can come, you can come and bring your constituents, come meet the Governor and the Councilors and Mayor Baines will be my special guest for the breakfast and then he's going to host a reception and we appreciate the City of Manchester for doing that and for making the Aldermanic Chambers available for our meeting which will begin at ten-thirty. So, anyone who's interested, who wants to come and watch their state government in action can come and watch that meeting on the 21st. I also wanted to briefly mention one other item that I am vitally interested in for the City of Manchester and that is helping out the Civic Center when it comes on -line with getting convention business. I was at a meeting this morning right across the street hosted by Bobby Stephen which is a sub-committee of MDC, I understand, who is looking into setting up a Visitor and Convention Bureau for the City. But, I also believe that it's important that the State start its own because if you can bring in a seven or eight thousand person convention to the Manchester Civic Center you're going to fill up every hotel room from Concord to Portsmouth to maybe even Keene and Nashua. So, it really is a statewide asset and I believe strongly in having the State help the City as much as possible in that regard. So, I have asked Commissioner Bald from the Department of Resources and Economic Development to put together a plan to set up a Convention and Visitor Bureau within the State Department of Resources and Economic Development as a statewide focus also and he's going to be reporting back to me shortly. So, that's something I'd be willing to help anyone here in the City on. Also, I have talked to several of the Aldermen, especially on the west side about trying to get some federal help for the Granite Street Bridge when that has to be reconstructed after our friends from the DOT redo the Granite Street Interchange and I'm waiting to hear back from Senator Smith's Office on that initiative. There also are many other road projects...the State is very busy in and around the Manchester area and for that reason I brought with me the Assistant Commissioner of the Department of Transportation Carol Murray here and Jeff Brillhart who's a Project Manager of many of the projects here in the area and I think they passed out to all of you this map of all of the projects to give you an idea of what they're doing and on the back it has the list of all the projects and the ten-year plan that relate to the City and the surrounding areas in my district. So, with that I'll just leave it up to the members of the Board, if anyone has any questions or comments on what we're doing well at the State level, what we're not doing well,

what you'd like to see improved I'd be happy to entertain any questions and especially if you have any questions on the transportation items. Speaking of transportation I'm sorry I had to run in late the train was coming through, so I got tied up with that.

Alderman Pinard stated quick for what's going on around the City of Manchester and I see that most of the construction of the DOT is centered right around Ward 6. Could you give a little explanation of the 101/93/293 and the bridges, etc.

Ms. Murray stated Manchester is kind of the center of numerous, large projects that the department is undertaking and is planning to undertake and it's very appropriate...the interstate system, I had to admit, is the same age that I am and it needs some work, something about hitting 40, I think we all need a little attention. But, Manchester is ringed with 40 year old roadways that need attention most of which are at, if not over capacity and as Executive Councilor said Jeff Brillhart has the distinction sometimes the serious distinction, sometimes the fund distinction of being the project manager on many of these projects. The one that I am sure you're noticing now in its infancy and you'll see more and more over the summer is the Bodwell Road Project. The clearing's been done, the blasting will be starting very soon. I want to reassure folks that we put an incentive/disincentive clause in that contract to financially motivate the contractor to not shut the road down for extended periods. This is the first time we have done this in a number of years, I believe it's going to work. If it doesn't the contractor will be reimbursing the State of New Hampshire for extended delays, so that's an important point. I think I ask Jeff to talk a little bit briefly about some of his other projects that are going on. The last time I was here we were speaking about Granite Street, it's a pretty exciting project and again that's one of Jeff's. So, Jeff, if you could talk a little about your projects.

Mr. Brillhart stated I have about five projects in this area and there are several others that are large and important to the City of Manchester. The Bodwell Road Project which just got underway and hopefully will be completed sometime in the fall of 2002. We also have a project that involves I-293 from the Merrimack River to the split of I-93 and I-293 and involves the Brown Avenue Interchange; that project is slated to advertise in about a year from now and be completed sometime in late 2003. There's another project on the east side of Manchester, the Auburn/Manchester Project which involves Route 101. Again, it's reconstructing that roadway, reconstructing a bridge and an interchange area. Another more local project is Candia Road...reconstruction two miles of Candia Road...involves a lot of homeowners and businesses and hopefully that will be an improvement. There's the Airport Access Project that we're trying to get a permit for and that will be getting underway shortly in terms of getting the final design done, a very important project for the State as well as the City of Manchester and the last project which is purely in Manchester on my list to do's is the Granite Street Interchange...which is currently scheduled to advertise in December 2002...we're going to an informational meeting on June 19 here in Manchester at West High School and have a public hearing on that project hopefully sometime in the middle of August of this year. I don't know do you want more detail than that.

Ms. Murray stated I think it's best, Jeff, if we allow questions. But, again Jeff mentioned that public informational meeting on Granite Street and the date was what, Jeff.

Mr. Brillhart replied June 19th.

Ms. Murray stated I would encourage as many folks as possible to get out that evening. We want to hear from you that is how we have successful projects.

Alderman Thibault stated, Tom, I'm glad to see you here I think it's something that the City really could use and let's see your expertise in here. I'd just like to call you attention to number 2496 Manchester/MTA...Operating Assistance for Preventative Maintenance of Buses in the City of Manchester. Can you expand on that a little bit and let me know a little bit more about what that is.

Ms. Murray replied there is a category of Federal Transit Funds that are available for maintenance as well as purchase of buses. Once you purchase them and put them in service you do need to do preventative maintenance on them on a regular basis. We were lucky enough to receive a little bit of an increased funding in that category. We have purchased several buses that you'll see operating statewide, but we also went to some of our existing transit providers and said do you need maintenance assistance to keep you solvent, basically. And, in fact yes, Manchester said we do, in fact, need that assistance.

Alderman Thibault stated that is certainly something that we'll be looking forward to and certainly we need and I'd like to give you guys credit and especially Councilor Colantuono for providing this or seeing to it that we get it. Thank you.

Alderman Vaillancourt stated of course I'm interested in the Manchester Airport Access Road, there will be a meeting, I believe, in these Chambers next Monday at three with Mr. Barry. I was visiting some of my neighbors in the area this weekend and they say that their houses are not due now to be taken until next spring and construction is not going to begin until a year from this fall. Are we falling behind schedule again.

Ms. Murray replied we are very, very close to putting the draft Environmental Impact Statement out on the street in what we hope is its final form. We are at the point of where we are down to the fine details of discussing the mitigation package that will enable us to have a permit. When you mentioned Bob Barry who's the Project Manager on that project...when I spoke to him before coming here today, I said are you going to be ready in a month and he grinned and he said I'll be ready in a month, I probably won't be here if I'm not ready in two months. So, he is taking it very, very seriously but unfortunately it's our partners the Resource Agencies that we are now waiting for and I want to reassure you that Senator Smith has offered any assistance to this project or to the Interstate 93 Project that he's able to bring. Are we a little bit behind...yes. Are we going to make up some time...I believe we are. Between our consultant, ourselves and

certainly the project manager we've talked about ways to speed up the process. But, right now, we're waiting anxiously to hear from the Federal Resource Agencies.

Alderman Hirschmann stated, Councilor Colantuono, I'm excited that one project was added to the northwest corridor and that's Exit 7 which is in my ward coming off of 293, it's project 2745 which makes that a full interchange (on and off ramps) I would imagine and I would just hope that there's a public hearing affiliated with that project and I know it's in the ten-year plan, it's probably a few years out but that is important to that northwest corridor and the one question I had is...it's described as a fee turnpike, that's not going to become a toll booth is it.

Mr. Brillhart replied no that's the FE Everett.

Ms. Murray stated that is an important project, not just for the City, but for the State as a whole. There will definitely be a public hearing because there will be property impacts associated with it and you're absolutely correct it was an addition to the ten-year plan and I applaud the City for bringing that project forward.

Alderman Hirschmann stated the growth in that corridor has been large and there's a lot of elderly community buildings that have been built and I see that the widening is going to take place from Bow to Manchester, I hope that doesn't increase speeds because I just had them posted at 35 mph over there, so keep that in mind.

Ms. Murray stated 3A is certainly a well-traveled corridor. We have been looking at 3A on a couple of angles. For those of you who travel it as I do late a night to get to the sports complex in Bow you realize that anytime (day or night) it is loaded with trucks and we're looking at possible ways to be able to attract them back to the turnpike, off of 3A where they are more appropriate. We hope to have some results of our initial look at that in another couple of months. In addition, you're absolutely right, speed has increased, not just on Route 3A but I think you can see that everywhere in your daily travels. Certainly, the Interstate, even though through Manchester it's posted at 55, if you go 55 you're likely to get run over. So, I think that's an issue that we should all be concerned about.

Alderman Pinard stated we've been reading a lot in the paper about expediting the I-93 to Boston, I think the people here would like to know where we stand on that, the timetable, etc.

Ms. Murray stated that's an excellent question and I think not just the folks in this room, but everyone statewide is very concerned about that corridor. In particular, those folks that utilize to commute on a regular basis and are headed north at five o'clock in the evening; that also happens to be one of Jeff's projects and I can tell you that some days he feels like that is all he does is work on 93, but Jeff, if you could talk a little bit about the schedule, I think the folks would be appreciative.

Mr. Brillhart stated we have started the project, the process and we have a meeting with the towns. We have met with the Town of Salem, we're meeting with the Town of Windham on June 22nd, we'll be going up the line towards Derry and Londonderry and onto Manchester over the summer to talk about the segments of I-93 that we're looking at in the towns. We need to get to a public hearing about a year-and-a-half from now and complete the process so we can begin construction in 2004. Thus far, we're on schedule to make that date and the issue is going to be similar to the Airport Access...is what can we do for mitigation and how can we allay the fears of the environmental agencies, that is key.

Mayor Baines stated thank you very much. Before you leave, Councilor, I wanted to thank you very much for the excellent communication you have with my office on issues affecting Manchester. I've been very appreciative of the extra distance you've gone to keep us well-informed and I look forward to working with you. So, thank you very much for appearing before us this evening.

Executive Councilor Colantuono stated we have a full-scale map here we can leave with you and I want to thank Clerk Bernier for putting me on the agenda tonight, thank you very much.

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.

Alderman Vaillancourt stated just with a prefacing comment. I had a call from somebody that watches on television and says that many times they cannot understand what we're discussing. So, maybe when we go into one of these we ought to give just a brief synopsis so people will understand what we're doing. Just a suggestion.

Minutes Accepted

- A. Minutes of meetings held on February 2, 2000; February 15, 2000; February 22, 2000; February 29, 2000; and March 7, 2000 (two meetings).

Approve under supervision of the Department of Highways

- B. Bell Atlantic pole petition #921323.

Informational - to be Received and Filed

- C. Copies of minutes of the Mayor's Utility Coordinating Committee meeting held on May 17, 2000.
- D. Copies of minutes of the MTA meeting held on April 25, 2000 and copies of the Financial and Ridership reports for the month of April 2000.

- E.** Communication from Manchester Housing and Redevelopment Authority advising of their displeasure with Alderman Vaillancourt's recent behavior toward staff when requesting information and advising that further incidents will not be excused.
- F.** Communication from Executive Councilor Colantuono advising of the approval of a grant and a grant agreement from the Department of Environmental Services (DES) to the City of Manchester.
- G.** Communication from Lloyd Basinow providing a fluoridation update.
- H.** Communication from Jane M. Frink expressing her concern with the proposed Ordinance amendment relative to Public Drinking.
- I.** Communication from MediaOne Legal Assistant, Kristin Mara submitting the Annual Report for 1998.
- J.** Communication from the Assistant Water Works Director advising that the Board of Water Commissioners at a meeting held on May 25, 2000 voted to accept in principle and proceed with discussion for the full implementation of a reduction in water rates for qualified senior citizens no later than January 1, 2001.

REFERRALS TO COMMITTEES

COMMITTEE ON BILLS ON SECOND READING

- M.** Communication from the Director of Planning relative to commercial/industrial development trends bordering the City adjacent to residential neighborhoods and suggesting a policy be developed in order to protect residential neighborhood interests.

COMMITTEE ON COMMUNITY IMPROVEMENT

- N.** Communication from the Public Works Director requesting to publicly bid the sale of two (2) street sweepers such funds being deposited into the MER account to then be utilized toward the purchase of a replacement sweeper.
- O.** Communication from the Deputy Public Works Director requesting \$151,798.00 be reallocated from the NORESKO contract (security line item) to the Human Resources Department along with rebates from PSNH (\$102,500) and FY2001 CIP funding in the amount of \$250,000 for the School Security Project.
- P.** Communication from Marc Denis, Property Manager of ALT Management Co., Inc. suggesting that neighborhood dumpsters be utilized in high-density neighborhoods within the City in order to help alleviate the ever-increasing trash problem.

COMMITTEE ON FINANCE

- Q.** Communication from Aldermen Lopez and O'Neil advising that the American Legion Convention Committee is requesting a civic contribution of approximately \$1,500.
- R.** Communication from the Elderly Services Director requesting \$12,437.37 be transferred from Contingency to the department salary code to cover a temporary full-time position which had been approved earlier this calendar year to fill the vacancy.
- S.** Resolution:

"Authorizing the Finance Officer to Make Certain Budgetary Closings for the Year 2000."

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- V.** Communication from George Lagos, President of Amoskeag Industries, Inc. urging the Board continue its commitment relative to the prompt construction of additional Millyard parking.

REPORTS OF COMMITTEES

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

- W.** Recommending that a request from Parks & Recreation for a fair license fee waiver for fireworks at Arms Park on July 3, 2000 with a rain date of July 5th be granted and approved.
- X.** Recommending that a request from Healthsource NH asking for placement of a banner across Elm Street marking the start of the race at approximately 5:00 PM with such banner being removed immediately after the runners and walkers have passed on August 10, 2000 be granted and approved.
- Z.** Advising that it has approved the Animal Shelter Service Contract and Commercial Lease Agreement and referred same to the Committee on Community Improvement pursuant to City Ordinance Chapter 39:09 Special Purchase Procedures of the Procurement Code.

The Committee has also instructed the City Solicitor to submit ordinance changes for pertinent sections presently requiring the Police Department to have jurisdiction over the Animal Shelter.

COMMITTEE ON HUMAN RESOURCES/INSURANCE

- AA.** Recommending that the Chief Negotiator work with the union through a sidebar agreement to correct the longevity step problems with the five Highway Department employees.
- AB.** Recommending that the Chief Negotiator work with MAPS through a sidebar agreement to resolve the issue of pay grade increases for Police Sergeants making less than the Police officer they are supervising.

COMMITTEE ON JOINT SCHOOL BUILDINGS

- AC.** Advising that it has accepted the enclosed project summaries and architect's, engineer's and contractor's reports for the month of May relative to High School Stages, Parkside Addition, Parkside Life Safety, Henry J. McLaughlin, Jr. Middle School, Memorial High School Science Lab and Other Improvements, ADA Accessibility/School Elevators - Webster School, and Central and West Heat & Ventilation Improvements - Phase V and is submitting same to the Board for informational purposes.
- AD.** Advising that it has accepted the attached NORESCO April 2000 Progress Report and is submitting same to the Board for informational purposes.
- AE.** Advising that it has voted to accept completion of the Northwest Elementary Reroofing Project.

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- AF.** Recommending that a request by Muriel Allard on behalf of businesses located on Allard Drive for the closure of Allard Drive during fireworks displays in July and September, be denied.

SPECIAL COMMITTEE ON AIRPORT ACTIVITIES

- AG.** Recommending that the Airport Director be authorized to forward a communication to Jeffrey MacManus, Raytheon Support Service Company, confirming no adverse effect with the FAA's intent to construct a new Airport Traffic Control Tower and adjoining base building at the Manchester Airport; subject to the review and approval of the City Solicitor.

SPECIAL COMMITTEE ON RIVERFRONT ACTIVITIES

- AI.** Recommending that up to \$150,000 be expended from the uncommitted balance of the Riverwalk/Riverfront Development Project for construction of the Rubenstein Parking Lot.

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

- K.** Communication from Edward Collins relative to golf cart fees at the Derryfield Country Club.

Alderman Shea stated this is a communication from Edward Collins relative to golf course fees at the Derryfield Country Club. Mr. Collins has devoted several years towards making our City a better place to live, work and recreate. He was a coach for both the Babe Ruth League and Sweeney Post. Because of a walking disability, Mr. Collins' needs a golf cart and my motion is to request that the Parks & Recreation Commission reduce rates for disabled persons like Mr. Collins to their previous rates.

Alderman Hirschmann duly seconded the motion.

Alderman Wihby asked are we just saying to come up with some sort of a formula and reduce it, you're not asking for the rate that's here.

Alderman Shea replied the rates were \$11.00 for Mr. Collins up until more recently when he had to pay \$22.00 and he asked the man in charge, I believe his name is Mr. Ryan, because he needs a cart if he would have the same privileges this year as he had last year, however, Mr. Ryan said no, you have to pay \$22.00 and you have to share a cart with someone else and obviously this is a problem, so what my motion is is to allow Mr. Collins and others like him who are disabled to rent the cart for \$11.00 as they had...and I guess in his letter he indicates other courses in the area charge exactly \$11.00. So, that's what I'm asking the Commissioner's to review.

Mayor Baines stated, Mr. Ludwig, would you come up please, why don't you respond to this.

Mr. Ludwig stated Mike Ryan is the golf professional at Derryfield Country Club and he is under contract with the department to provide services in the Pro Shop. He receives a very small stipend as a part of his package. He pays all of the expenses in the Pro Shop related to managing the staff (Golf Course Rangers), running the 9th tee and the 1st tee. He did come into me and we did go to the Parks & Recreation Commission with this particular item because I wanted the Commission to hear his version. Basically, it comes down to a decision that he made with the people that he contracts with to rent golf carts with. There is a new way to do business now...rather than Mr. Ryan obtaining a lease and paying for 50 golf carts on a yearly basis which is part of his expense, he now pays every time a cart is used. So, when a cart goes out there's a system on the golf course that basically tracks a cart going out for nine holes or for 18 holes and it doesn't recognize how many people are in that golf cart, it recognizes a trip. So, now, basically, in his opinion and it wasn't necessarily mine, it was a way to stop pilferage of people using golf carts by paying \$11.00 and then people jumping in that golf cart on the second hole or the third hole and riding. So, he gets a bill at the end of the month for that particular golf cart for \$22.00 when he only collected \$11.00. Again, that was his decision...golf carts come under his contract. I believe the Commission does, in fact, and we do ask him to try to stay in line with pricing of golf carts as it relates to other golf courses...\$22.00 at my request is where they remained this year for that service, but it comes down to (in general) the responsibility becomes on me or whoever is running that golf cart for 22 holes to collect the \$11.00 from whoever is going to jump in the cart with me.

Mayor Baines asked for clarification does this Board have the authority to tell him to do this or is this a contract situation.

Mr. Ludwig replied it is a contract that he has.

Mayor Baines stated then we don't have the authority in my judgment to do this.

Alderman O'Neil stated, Ron, it seems like it's an easy issue to address and if the particular company he rents golf carts from can't handle this particular situation maybe he needs to take a look at another golf cart company or maybe we need to take a look at a different pro if he doesn't want to resolve these kinds of issues. This is pretty simple, this is a disabled person that's played at half rates as others have in year's past and it all has to do, in my opinion, with him making some money on the deal.

Alderman Clancy stated my contention is from \$11.00 to \$22.00...Mr. Collins has been disabled for a number of years, he's been golfing at the Derryfield Country Club for a number of years and I don't think it's proper for them to go from \$11.00 to \$22.00. I don't know if the Commission had anything to do with this or not. Do they okay these rates.

Mr. Ludwig replied the Parks and Recreation Commission did listen to the golf professional's decision to move forward with this particular program which allowed him not to lease cars on a regular basis and pay that money monthly or whatever...now, he gets a monthly statement on

how many golf carts went out and he pays it that way on how many...there's actually a little solar collector on the golf cart and when it goes by it trips a wire and tells him how many times they've gone out. I rode with him the other day and I said do you want to give me the \$11.00 or am I going to give you the \$11.00.

Alderman Clancy asked did he take into consideration the handicapped.

Mr. Ludwig replied we have several people with handicaps that play at the Derryfield Country Club. It comes down to whether an individual has the ability and sometimes they don't to ride with another individual or not. I'm not a person with a handicap and as opposed to paying \$22.00 and riding alone I would probably walk, but Mr. Collins doesn't have that ability, some other people do. So, typically they're trying to link up with somebody else so it cuts the price in half.

Alderman Levasseur stated I think the intent of this Board is readily foreseeable, I think we should move this question, your Honor, and vote on this. If they want they can raise the golf balls a quarter if they can help handicapped people, this is ridiculous that we should even be discussing this.

Alderman Wihby stated I was just going to say, your Honor, when the pro charged his fee he probably didn't anticipate that he was going to get a little extra income from having the cart either. He was paying for more carts, now he paying probably for less carts and it's probably to his advantage to do that...he's putting more in his pocket than he would have been if he had done it the other way. Otherwise, he wouldn't have switched.

Mr. Ludwig stated he's made some adjustments as a part of a new three-year agreement. He came in basically after we settled the agreement on the whole package for him going for the next three years and asked me to endorse this.

Alderman Wihby stated that is exactly what I'm saying. He settled the package knowing that the rate was going to be like this with \$11.00 and then he's changed the contract since then or wants to change the contract since then, obviously, to make more money for himself. Why else are you going to change a contract unless it's to his benefit. We ought to stick with the way it was...he signed the contract based on that.

Mr. Ludwig stated it's self-policing for him now, that's what it is. He doesn't have to chase people around the golf course that are basically taking from him.

Alderman Hirschmann asked is this Mr. Ryan's first year in a contract.

Mr. Ludwig replied no.

Alderman Hirschmann stated so, he's been there before and he knew handicapped people got an \$11.00 rate.

Mr. Ludwig interjected excuse me, Alderman, there is no rate for a handicapped person nor has there ever been a rate for handicapped persons.

Alderman Hirschmann stated Mr. Collins' alleges that.

Mr. Ludwig stated there has never been a rate for handicapped people riding.

Alderman Hirschmann stated according to what's in my package...this gentleman wrote us a letter...the other thing is we just gave you over a million dollars for handicapped accessibility to get into that golf course. So, it only makes sense to give these people an \$11.00 rate, think about the clubhouse improvements...a million dollars of ADA...you go look in those CIP budgets how much...oh yeah.

Mr. Ludwig stated I don't think I got a million...

Alderman Hirschmann stated I correlate that to welcoming the handicapped down at the golf course.

Mr. Ludwig stated we put in a small amount of money to make the entrance to the lounge and our office handicapped accessible and we have done that.

Alderman Hirschmann interjected lots of dollars, lots. I'll show you, Ron.

Alderman Lopez stated I spent 18 years on the Commission, to me, this is a minor thing that can really be worked out with the Commission and whatever compromise and amendment to the contract has to be made...it had been past practice, although it hasn't been formally sanctioned by the Commission previously that the pros gave \$11.00 to disabled people on the golf cart and I can understand Ron Ludwig's position and the contract. So, I really think that they can work it out and I think the disabled people that cannot walk the golf course maybe identify two carts or whatever the case situation might be that they could work it out and make an amendment to that contract and I'm sure Ron Ludwig and the Commission can handle it.

Alderman Gatsas asked is there any way we can refer this to a committee so that...or the City Solicitor can take a look at that contract to make sure that we're within our bounds.

Mayor Baines asked what would be the procedure to do that at this point as there's a motion on the floor.

Solicitor Clark replied make a motion to refer it to committee or you can refer it to P & R and I'd work with P & R and the Aldermen if they wanted, it's up to this Board, they could do it either way.

Mayor Baines stated there is a contract that needs to be reviewed here.

Solicitor Clark stated there is a contract, the contract was reviewed not too long ago, not for the rates, and I believe it was presented to this Board not too long ago.

Alderman Lopez stated I think that the attorney also reviewed the contract before the Parks had signed off and brought it down here. So, the contract has been going on with the pro for a number of years and I wouldn't take anything out of the pro because he's a good guy up there and I think it can be worked out, your Honor, just send it back to Parks & Recreation and let them handle it.

Alderman Shea asked, Ron, how much are we talking about here. Are we talking about thousands of dollars or just a few hundred or what.

Mr. Ludwig replied I am not prepared to answer that. I have no idea and he probably would have none either. People that lease golf carts and there are a number of those that do that, but we've got it all calculated out, Alderman, over the period of the season with "X" amount of rounds and 50 golf carts going around twice-a-day, how much money this system brings in for him, I'm not sure.

Alderman Shea stated I know that in reference to what Alderman Hirschmann has said in the past there has always been a half-cart fee which I paid to play a round of golf with others who walked it.

Mr. Ludwig stated there was a half-cart fee last year for me when I played, but there is none this year for me or for anyone. It has nothing to do with handicapped.

Alderman Shea stated so there was no provision in the contract for handicapped...

Mr. Ludwig stated if I jump in a golf cart this year it's \$22.00.

Alderman Shea stated but you're not handicapped so it really didn't affect you.

Mayor Baines stated I think there's a tremendous sentiment that this should happen, I would suggest that we withdraw the motion, accept another motion, refer it to the Parks and Recreation Commission with the strong feeling of the Board that this should be implemented as soon as possible. Can we get a withdrawal on that.

Aldermen Shea and Hirschmann withdrew their original motion.

Alderman Cashin moved to Mayor Baines' suggestion. Alderman Clancy duly seconded the motion.

Alderman Levasseur stated we're into the golf season now by the time this gets out of Committee, it's going to be July or half way through July. We know when it comes up from the committee we're going to vote the same way we're going to vote tonight.

Mayor Baines stated it would be the Commission reviewing it with the City Solicitor and obviously Mr. Ludwig.

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

- L. Communication from Alderman Vaillancourt requesting a public hearing be scheduled to consider a Charter Revision as follows:

"Should the provision in the city charter, establishing aldermen-at-large and school committee at-large position, be maintained?"

and noting that the language of such question should be reviewed by the City Solicitor.

Alderman Vaillancourt stated this was a motion that I put forward at the request of constituents plus a couple of organizations to allow the people to vote on a Charter revision to decide whether they wanted to keep or eliminate the Alderman at-large positions...I should say this has nothing to do with any particular individual, it's strictly with the positions. The reason I brought it up at this point was because we're coming up very quickly on the election season, I realize that on Item 29 on tonight's agenda you should have a report on that other Charter revision and I wanted to make sure I did this through the proper channels and I also wanted to make sure the City Solicitor had a chance to review whether it should be worded the negative or the positive. So, this was just to set it in motion and with that moved that Item L be referred to the Committee on Bills on second Reading.

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

- T. Communication from the City Clerk requesting an employee receive an additional step increase effective with her 23 year anniversary date of service to the City, to compensate for a lost longevity step parallel to a recommendation of the Human Resources Committee for five Highway Department employees.

Alderman Shea stated this is in regard to a communication from the City Clerk and I think that if anyone is deserving of a reconsideration is the person involved in this particular matter and moved that Item T be referred to the Committee on Human Resources/Insurance. Alderman Thibault duly seconded the motion. There being none opposed, the motion carried.

- U. Communication from Alderman Shea requesting the City Solicitor and Parks Department submit an ordinance that will prohibit hitting golf balls in public parks and which will provide a fine for violations.

Alderman Shea stated this is a request that the City Solicitor and the Parks Department submit an ordinance that will prohibit hitting golf balls in public parks and which will provide a fine for violations. I think that many of the parks and the areas near the parks, the people living near there have experienced a lot of difficulty and I know that in recent weeks I've received the concerns of people living around Prouts Park...they're children riding bikes, there's a playground area, and people are not using carts, they're using areas around the park to practice their teeing off and I think that some of the nearby property owners have complained about the fact that their houses have been damaged, so I think this is a very important matter.

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

Report of Committee on Administration/Information Systems

- Y. Recommending that a request from the Manchester Boys & Girls Club for business license fee waiver for Dobles Chevrolet Annual Corvette Car Show to be held June 11, 2000 be denied.

Alderman Levasseur stated I find it very interesting that we have a request by the Manchester Boys & Girls Club for a business license fee waiver for the Dobles Chevrolet Annual Corvette Car Show that was denied by the Administration Committee when on this same agenda we've been asked give \$1,500.00 to the Lions Club or someplace here, the American Legion Convention Committee. The permit costs \$200.00...we've given out \$400,000 to various organizations throughout the City...the Manchester Boys Club, I would imagine everybody in here has had some sort of...most people in here have had some sort of ties to the Manchester Boys Club and I have myself and for \$200.00 to be asked to just waive a fee for a permit seems a little ludicrous with the money that we give away to the various organizations in this City, so I would ask that the Board not deny this permit, this fee and actually waive the fee for the Boys Club.

Mayor Baines stated I think there's an ordinance involved here. Mr. Clark would you please respond to the Alderman's concern.

Solicitor Clark stated under this particular request there is an ordinance passed by the Board that lists exempt entities that don't have to pay the fee. One of the requirements is that you don't own land...this particular entity does own real estate and, therefore, does not fall within the exemption.

Alderman Levasseur asked can we vote to suspend the rules.

Solicitor Clark replied you'd have to amend the ordinance.

Alderman Pariseau stated this did come up in the Administration Committee and if it was done it would be setting a precedent and the issue is that Dobles Chevrolet is the applicant and whatever they do with their profit is their business, but Dobles should pay the \$200.00.

Deputy Clerk Johnson stated Dobles has paid that fee in the past for the Boys Club for the past couple of years.

Alderman Levasseur stated they're asking it be waived for a reason...

Alderman Pariseau stated so they can pocket more of a profit.

Alderman Levasseur stated good then the Manchester Boys Club will get an extra \$200.00.

Clerk Bernier stated Dobles did pay a fee last year and the reason for that is because they had additional vendors there. All the vending this year is totally for the Girls & Boys Club which is the difference.

Alderman Levasseur moved that the fee be waived.

Solicitor Clark interjected I would recommend the Board not just ignore its ordinances. The ordinance was passed by this Board, if you want to amend the ordinance we can come up with an amendment for you, but I wouldn't ignore it.

Mayor Baines stated you're moving that it not be denied.

Alderman Levasseur replied not to charge the \$200.00 fee. I'm going against the ordinance...maybe we should send this down...amend the ordinance.

Alderman Pariseau stated it's going to take forever.

Alderman Wihby stated if we want to take care of this all we have to do is take \$200.00 out of contingency and give it to the Boys Club and everybody's happy without amending an ordinance.

Alderman Wihby moved to donate \$200.00 from Civic Contributions to the Manchester Boys & Girls Club to cover cost of license fee. Alderman Levasseur duly seconded the motion. The motion carried with Aldermen Shea, Vaillancourt, and Pariseau duly recorded in opposition.

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

Report of Special Committee on Riverfront Activities

AH. Recommending that the Mayor be authorized to execute a Landlord Waiver and Consent Form relating to the Park Foundation Stage Project on behalf of the City of Manchester as enclosed herein, subject to the review and approval of the City Solicitor.

The Committee notes that such waiver relates to a \$225,000 bank loan to the Park Foundation the terms of which are enclosed herein; and that \$100,000 of the City's riverfront funds have been designated toward this stage project.

Alderman Levasseur stated I just wanted to bring up the fact that when I was looking through the contract on Item AH I was very disturbed by the fact that one of the local banks that is suppose to be one of the more community-oriented kind of banks is charging us 10.5% on this loan for that stage and I just thought that that was a ridiculous amount of money to charge for a loan to the City which would most likely...I don't think we've ever defaulted on any of these loans before...7.5 years at 10.5%...and I don't even think that the interest rates are that high, even for a commercial loan...probably 9.5%, I think we should take that back and try to get that rate reduction especially since it's the Bank of New Hampshire.

Alderman O'Neil stated the loan is not with us, it's with the Riverfront Park Foundation.

Alderman Levasseur stated we're still responsible for \$100,000 of that, correct.

Alderman O'Neil replied not that.

Alderman Levasseur stated we're giving \$100,000 to this aren't we.

Alderman O'Neil replied plus the loan.

Mayor Baines stated we don't have anything to do with the loan, am I correct, Mr. Clougherty.

Mr. Clougherty replied you're correct, Mayor.

Alderman Levasseur asked are we giving \$100,000 to this.

Alderman O'Neil replied that is correct.

Mayor Baines stated we're not involved in the loan.

Alderman Levasseur stated it's going to end up being our stage, it's on City property...I just don't understand why the Bank of New Hampshire has to charge us 10.5%. I just don't think it's the right thing to do.

Alderman O'Neil moved to accept, receive and adopt the report of the Committee. Alderman Pariseau duly seconded the motion. There being none opposed, the motion carried.

Mayor Baines stated I am going to ask for a motion for reconsideration regarding Item AA and then we'll have Alderman Lopez speak to it.

Alderman Clancy moved for reconsideration of Item AA. Alderman Pariseau duly seconded the motion. There being none, the motion carried.

Report of the Committee on Human Resources/Insurance

AA. Recommending that the Chief Negotiator work with the union through a sidebar agreement to correct the longevity step problems with the five Highway Department employees.

Alderman Lopez stated this item was brought before the Committee and talked about quite a bit in reference to longevity. The Committee voted on it and passed it onto the Board. There are five individuals and the concern is that this letter which has been given by the Human Resources Director is that there are other people that will flood in here and ask for longevity. I've taken the liberty of calling the union representative today...I don't know if Mike Rockwell is here or not, but he has assured me that there has been five people that have been named, that there were no others and he sees no anticipation of taking any others because these were the five that came for the grievances in the first place to come before the HR Committee. It was felt by the Committee that they were done injustice on the longevity scale and the only thing I can say at this time is that the Committee went along with it and is recommending that five individuals and only five individuals be negotiated with the sidebar agreement of the union contract and no others and the five names the HR Director has.

Mr. Hobson stated that's new information for me that Alderman Lopez just passed on and I appreciate it. We saw tonight that a non-affiliated employee in Item T requested it and that's been sent to the Human Resources/Insurance Committee. At the last...just for ratification of the entire Board, at the last Human Resources/Insurance Committee we informed the Committee that the problem might impact more than five Highway employees and so, therefore, the Committee asked us to research the issue for all employees and if there would be an impact for others who are affiliated and non-affiliated. Our concern is that there is an impact that goes beyond these five individuals and that there could be a...for lack of a better term a "me too" kind of group that will come in and the budget implications for next year could be over six figures, could be over \$125,000.00 if all of these individuals come forth. So, that's my concern and I want to lay that item out on the table. At the Committee, we more than suggested, we strongly stated including some backing from the City Solicitor's Office that the matter for these five individuals should be handled through the grievance process that is listed in their contract by creating a sidebar agreement...I believe that we are opening up the City for some issues and I guess I would perhaps turn to the City Solicitor for a little bit of counsel, also the Chief Negotiator is in the audience as well.

Solicitor Clark stated at the request of the Committee our office looked at this matter, reviewed it, and attended the meeting. Our recommendation was that you've adopted the Yarger Decker

Plan and everybody would fit into it and if they feel that they weren't treated fairly they should handle it through their grievance process. They have a contract with the City. This involves the Board in taking matters outside of the contract and avoiding the grievance procedure.

Alderman O'Neil stated in all fairness to the City staff I don't remember a grievance as an option at the meeting, to be honest with you. A grievance procedure is an easy way to fix this and, Tom, I know you weren't the legal counsel there that night, if it was that easy we never would have brought this forward. Now, this is the second meeting in a row that there's been items out of that Committee that we get handed information tonight and, Mark, in all due respect, I never remembered a discussion about another 50 employees. We were only talking about those five that in the opinion of the Committee were wrong. They would have to wait nine years for a longevity step and I don't think that there are too many people in the City...this is new information tonight and if it was as simple as a...if it was presented to us to be resolved with simply their filing a grievance, I think that's a direction we would have gone. I don't remember that to be honest with you, your Honor.

Solicitor Clark stated I don't think our office ever said it was as simple as filing a grievance. I said they should follow the contract and file a grievance if they felt they were wronged. We didn't believe they were wronged.

Alderman Hirschmann stated this Yarger Decker consulting firm was suppose to bring people up to a parity level and there were suppose to be no loopholes and these employees were outright promised that if there was a loophole, a crack, a gray area that they would be attended to and that would be solved and they were told, Mr. Hobson, by your consultant...and your consultant should be sitting down solving this because I know we paid him a lot of money to do it. This shouldn't even be in front of us, this should be solved. These people shouldn't go nine years to get longevity.

Mr. Hobson asked may I respond to that, your Honor. What happened with the consultants through collective bargaining and it was brought up by the non-affiliated and the affiliated employees...when Mr. Decker first came forward he brought 13 steps and five longevity steps for a total of 18 steps for employees to move along the scale. The maximum step at his first proposal was 25 years, every five years for a longevity (5, 10, 15, 20, 25). In bargaining or in consultation also with the non-affiliated employees we moved it to include 30 years, 35 years, 40 years and 45 years and we felt that this was very fair and are there going to be people in any situation like this where you are going to find some people aren't going to feel that they're not being treated fairly...the non-affiliated program went in on January 3, 1999. So, the people before that date were not impacted by Yarger Decker. All of the collective bargaining agreements went into play on a particular date, so the people before that date were not positively impacted by Yarger Decker. I would say and I would like the Chief Negotiator to address this, I would say that we did advise the Committee and if any other Committee members recall, I say we did advise the Committee that the grievance process was the way to go, that there was a

grievance procedures within their contract and we did not recommend a sidebar agreement and we still do not.

Alderman Hirschmann stated the very people they're suppose to help with this whole consultant are the people that they're hurting. A lot of people got taken care of with this. Everybody in the whole City got taken care of. Some people missed their longevity step by sixty (60) days...there's two people, I believe...it's within a month or two and these people should have that longevity step, this is bologna.

Mr. Hodgen stated the Human Resource Committee initially referred this matter back to the staff and Mr. Decker and we met and discussed it and Dan Mueller from the City Solicitor's Office made a recommendation on behalf of the rest of us as to what we hoped the Committee would do; that did essentially recommend that the request from AFSCME be denied and to the extent that AFSCME wanted to they would be free to file a grievance on behalf of these five employees. I think we did indicate to the Committee at the time that one of the problems with handling it another way would be that there might well be other employees who would come forward with the same complaint. I don't believe that any of us knew at the time how many there were that had been affected the same way, but we do know that there are about 100 of them. I don't know that they will all come forward. I don't know, I don't have any reason to believe that what Michael Rockwell of AFSCME has said with regard to other people, it won't be honored, but our head count is that there are 25 of them in that bargaining unit affected like these five folks who have raised a complaint. So, it is a thorny dilemma. Still, the best rule of thumb in my opinion is that if any union feels that their members have been abused or adversely affected by some decision of the Board or the City that they have a grievance procedure in their collective bargaining agreement and that's the best way for the problem to be addressed.

Alderman Vaillancourt stated I would just like to verify what the Negotiator and Mr. Hobson and the City Solicitor have said; that certainly is the way that I understood it from that meeting and I was there and I do recall the conversation about the grievance procedure. I think I was the only one that voted in favor of that.

Alderman Cashin stated before we get into a discussion here tonight moved that Item AA be referred back to the Committee on Human Resources/Insurance based on the information submitted here tonight. Alderman Pariseau duly seconded the motion.

Alderman Lopez stated the final discussion is going to go back and forth between this Board. The problem has got to be solved one way or the other, otherwise everything...all that the gentlemen has spoken is true, but there is also one other question that was given to the Chief Negotiator that probably persuaded the Board to make the recommendation was...that a sidebar agreement could be made. If it could be made for the Police Department, it could be made for the Highway. Isn't that correct.

Mr. Hodgen replied yes it can be, it's physically possible to do.

Mayor Baines stated there is a motion on the floor and I think an analysis would be done. I think at that particular point in time we can come back to the Board with this.

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

6. Mayor Baines presented the following nominations:

Loan Review Committee:

David Eaton, as a member, term to expire June 1, 2003;
James Bell, as a member, term to expire June 1, 2003;
Joseph G. Fremeau, to succeed himself, term to expire June 1, 2003;
Robert A. Greenwood, Jr., to succeed himself, term to expire June 1, 2003;
Peter R. Madden, to succeed himself, term to expire June 1, 2003; and
Edward N. O'Brien, to succeed himself, term to expire June 1, 2003.

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

On motion of Alderman Wihby, duly seconded by Alderman O'Neil, it was voted to confirm the nominations to the Loan Review Committee as presented.

Fire Commission:

William Varkas to succeed himself, term to expire May 1, 2003.

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

On motion of Alderman Hirschmann, duly seconded by Alderman Sysyn, it was voted to confirm the nomination of William Varkas to succeed himself as a member of the Fire Commission, term to expire May 1, 2003.

7. Confirmation of the nomination of Robert F. Bossie as a member of the Airport Authority to fill a vacant position, term to expire March 1, 2001.

On motion of Alderman Cashin, duly seconded by Alderman Wihby, it was voted to confirm the nomination of Robert F. Bosses as a member of the Airport Authority to fill a vacant position, term to expire March 1, 2001.

8. Confirmation of nominations by the Planning Board to the Southern New Hampshire Planning Commission as follows:

Alderman Henry R. Thibault to succeed himself, term to expire June 30, 2004; and
William W. Boyd III to succeed David Boutin, term to expire June 30, 2004.

On motion of Alderman Pariseau, duly seconded by Alderman Gatsas, it was voted to confirm the nominations by the Planning Board to the Southern New Hampshire Planning Commission as presented.

OTHER BUSINESS

9. A report of Committee on Community Improvement was presented recommending that the Mayor be authorized to execute a Service Agreement and a Commercial Lease Agreement between the City of Manchester and The Friends of the Manchester Animal Shelter with an effective date of July 1, 2000; subject to the review and approval of the City Solicitor.

The Committee further recommends that the enclosed Amendments to the Code of Ordinances be adopted under the suspension of the rules this evening (June 5, 2000) to become effective July 1, 2000.

The Committee notes that such ordinance changes are required to become effective concurrent with the agreements and the Board shall not meet prior to the July 1, 2000 effective date.

Alderman Hirschmann moved to accept, receive and adopt the report of the Committee on Community Improvement. Alderman Clancy duly seconded the motion. There being none opposed, the motion carried.

Deputy Clerk Johnson stated in light of the Board's acceptance of the report, we would need a motion to suspend the rules to place ordinances on their third and final reading by titles only at this time.

Alderman Clancy moved to suspend the rules and place the ordinances on their third and final reading by titles only. Alderman Sysyn duly seconded the motion. The motion carried with none recorded in opposition.

"An Ordinance Repealing Section 901.13, Biting Dogs, of the Code of Ordinances."

"An Ordinance amending Section 90.18, Disposition of Unclaimed Dogs, of the Code of Ordinances."

On motion of Alderman Pariseau, duly seconded by Alderman Sysyn, it was voted that the Ordinances be read by titles only, and it was so done.

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

10. Appropriating Resolution:

"A Resolution Appropriating to the Manchester Aggregation Program the sum of \$652,609 from Aggregation Fees for the Fiscal Year 2001."

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

This Appropriating Resolution having had its final reading by title only, Alderman Thibault moved that the Appropriating Resolution be Enrolled. Alderman Wihby duly seconded the motion.

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

Alderman Hirschmann stated when Governor Shaheen's team came before us they talked about an 18% savings to the residential ratepayers that they asked us to vote on and I read last week in the paper that October 1st it is only going to be a 5% savings. What happened with the 18%.

Alderman Pariseau asked wasn't it over three years, Alderman.

Mayor Baines stated I don't have the full answer to that.

Alderman Hirschmann stated I really felt misled on that, I want you to know that.

11. Appropriating Resolution:

"A Resolution appropriating to the Manchester Airport Authority the sum of \$32,247,000 from Special Airport Revenue Funds for Fiscal Year 2001."

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

This Appropriating Resolution having had its final reading by title only, Alderman Sysyn moved that the Appropriating Resolution be Enrolled. Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

12. Appropriating Resolution:

"A Resolution appropriating the sum of \$3,149,254 from Recreation User Charges to the Recreation Division for Fiscal Year 2001."

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

This Appropriating Resolution having had its final reading by title only, Alderman Lopez moved that the Appropriating Resolution be Enrolled. Alderman Sysyn duly seconded the motion. There being none opposed, the motion carried.

13. Appropriating Resolution:

"A Resolution appropriating the sum of \$10,900,822 from Sewer User Rental Charges to the Environmental Protection Division for Fiscal Year 2001."

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

Alderman Hirschmann asked we addressed the elderly exemption for water how about for the sewer bills. We're going to lower those rates, right.

Mr. Thomas stated the Highway Commission tonight actually approved the elderly exemption in concept. We are working out the final numbers, but we did explain to the Commission the costs or the impact on our revenues. So, the bottom line is we're supportive of it and it's going to move forward in the upcoming year.

Alderman Gatsas stated I'd like to thank Frank and the Commission for coming forward without having being prodded or asked as we had to do with the Water Works. Thank you, Frank.

This Appropriating Resolution having had its final reading by title only, Alderman Thibault moved that the Appropriating Resolution be Enrolled. Alderman Sysyn duly seconded the motion. There being none opposed, the motion carried.

14. Appropriating Resolution:

"Amending a 'Resolution appropriating to the Manchester School District the sum of \$108,007,425 for the Fiscal Year 2001 to \$106,832,425'."

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

This Appropriating Resolution having had its final reading by title only, Alderman Wihby moved that the Appropriating Resolution be Enrolled. Alderman Pariseau duly seconded the motion.

Alderman O'Neil stated there seems to be a lot of bad information out there and I think the Board of Mayor and Aldermen, at least, understand that what was proposed last week still keeps approximately \$2.7 million in salary adjustment, fully funds the athletic budget, maintains current teacher complement...I thought it was 15, somebody corrected me earlier...it might be as high as 28 new teachers, and the only thing that we have to really follow through is start immediately planning the addition to McLaughlin School. There seems to be a lot of bad information and that's my understanding of what we're approving tonight.

Mayor Baines stated I appreciate you're raising the question because I had a meeting on Friday which I invited the Chairman of the Board to attend and Wayne Robinson was attending along with the Superintendent, the Business Administrator/Consultant and one Assistant Superintendent Hamblett and just to ascertain exactly about that misinformation and I made it very clear that I was prepared to veto this change if, in fact, several questions were not answered and I asked the following questions and Alderman Cashin could reaffirm and others in attendance. I asked specifically about threats to reduce services whether there would be any...there would be none. I asked specifically about withdrawing a team from Parkside

because we had heard that talked about and they said that would not be recommended. I asked about if there would be any recommendations for cutting any of the sports programs...the answer was no. I asked if this would affect fair and equitable negotiations with teachers and principals and the answer was this would not affect that. Having heard that affirmation from the Superintendent I indicated at that point that I would proceed and obviously we have concerns about the misinformation and are ability to arrive at the figures and accurate information to present a fair budget to the School District. I think at this point in time, obviously, they are the ones that decide how money is appropriated. We only give them the bottom line. Obviously, I'll be participating in those discussions over the next several weeks in terms of prioritizing money, but the responsibility for delivering appropriate services to the School District rests with the Superintendent of Schools and the Board of School Committee and I think we've done a commendable job of trying to reach a fair and equitable appropriation for the School District and we'll just see how the numbers work out in the end.

Alderman Shea stated I think that the School Department has to have a spokesperson so that a lot of different misinformation is given to teachers and principals. We were approached this evening prior to the meeting concerning information that teachers received from one of the people working in the School Department which conflicts with what you've said and obviously with what the Superintendent agreed upon. So, I think in all candor I think that the School Department has to have someone who is going to give the same information which will be filtered down into other areas so that there is not a lot of misinformation.

Mayor Baines stated I appreciate that and also Vice-chairman Healey was also in attendance at that meeting. Alderman Cashin, would you like to add to anything that I said.

Alderman Cashin replied no, I think everything you've said I totally agree with; that's the conversation that we had and that's what we walked out of that room agreeing to.

Alderman Vaillancourt stated so when we had that meeting of the Joint Meeting of the Board of Mayor and Aldermen and School Committee up the street they were telling us that they had plans of what they would have to cut and how they would all be hurt and everything and so now we're coming back and saying that that was all not quite true that they're not going to have to be cut, they're not going to have to be cut, they're not going to have to be hurt to all that extent now.

Alderman Cashin replied no, we're not saying anything isn't true. We're saying that we had a discussion and a meeting last Friday. We discussed certain items and they were agreed to. What transpired prior to that has nothing to do with Friday's meeting, no, we're not saying anybody lied.

Mayor Baines stated it wasn't any conversation that they were not going to have to look at. Obviously, prioritizing things within the School District, but I think you do raise a valid point and if you went back and looked at the tape of that evening which I'm sure you might be inclined to do we did talk about the fact that we had arrived through that process a budget that

we felt would take care of the needs of the School District and I think that's been affirmed through this process; that we did, in fact, deliver a realistic number for delivering services for the School District and let's wait and see. We have to take the Superintendent at his word that there would not be discussions about reducing services, eliminating programs at Parkside, sports, and the teachers and principals would be negotiated fairly. So, the ball is now in that court and let's hope a fair game is played.

Alderman Pinard stated one question for Mr. Tanguay...I got approached by one of the teachers...are the supplies and I hope that Mr. Tanguay gets this message from Alderman Pinard...there's no reason why the schools don't have pencils or other supplies that they need and I hope that this doesn't happen again.

Alderman Thibault stated it would seem to me that if anybody has any concern, if Superintendent Tanguay agreed to all of these conditions, I would think that the question should be sent to him and asked of him.

Alderman Levasseur stated I have a couple of points I'd like to make, your Honor. I sat in this building the first month that we came into office and I heard prior administrations being chastised for backroom meetings and the fact that there was a meeting between you and the School Board and one Alderman doesn't really put me in good stead with this Board because that's the same thing that you were moaning about a year ago or when we started this because that was done supposedly a year ago. Mr. Tanguay should have come in front of this Board and told us the same things that he told that committee. When we wanted to ask him simple questions...when I went to that meeting with the School Board over at the Historic Association we were told that this bottom line number of \$108 million was the lowest they could go and they made this big stink about freshman sports being wiped out. I feel really bad for the teachers in this City because I don't think the teachers in this City are getting a straight answer because I don't feel like I'm getting a straight answer, but I keep hearing about...and I talk to teachers...I don't have construction paper and I don't have pencils for my students. But, now they can come back to us and tell us well, no problem, cut a million two from this budget without any kind of a meeting with the rest of this Board, without telling these people. The rumors around this town...we got a petition here from a bunch of people saying that we were going to wipe out and take away the portables over at McLaughlin School, who started that rumor. These teachers aren't being informed and they're wondering what's going on or with us and they're being told they're only going to get a \$250.00 one year raise. Now, this is the kind of stuff that people don't want to hear about any more and I want from now on this School Board and Mr. Tanguay and everybody in that Finance Department...if they've got a number they need and if they bottom line us...we don't want to hear this \$112 and this \$108 and this \$110 million stuff, bring us a number that really means something. Now, it's down to \$106.8 million. Is that the right number or was \$105 right or what is \$104. We'll never know will we because we never do know and it's really embarrassing.

Mayor Baines stated just a point of clarification. The actual number dollar difference is around \$265,000, not \$1.2 million. The actual hard dollars at \$265,000.

Alderman Levasseur stated it's just getting to be ridiculous.

Alderman Cashin stated Alderman Wihby can probably answer this better than I can, but the direct reduction from the budget that you submitted to this Board is \$265,000...everybody talking millions, it's foolishness. I don't know where all of this miscommunication is coming from, but to answer the Alderman's question about my attending a meeting. Alderman, I'll attend any meeting I'm invited to, okay.

Alderman Levasseur stated but no one else was invited from this Board, Alderman Cashin.

Alderman Cashin stated I happen to be the Chairman.

Mayor Baines stated we've involved the Chairman of the Board as they have in the past about negotiations regarding the budget, so following procedures. It really doesn't fall into that same category, but I'm not really interested in debating this this evening.

Alderman Shea stated I think most of the information that was discussed at a meeting that we had here which was brought up last Monday night and I think that when you and the other met you were just trying to solidify whatever the position the School Board might have had and I think most of the Aldermen were exposed to that information. I don't know whether there was any problem with that.

Mayor Baines stated it's just a matter of trying to ascertain one more time where the failings were on the numbers, that is all that was.

Alderman Shea stated I concur with the Chairman of the Board. We elected a Chairman of the Board to represent us and we can't always be there and he does an admirable job and I have no concern about that.

Mayor Baines stated I talk very regularly with the Chairman of the Board and I ask him to come down, I consult with him frequently, I think that is the proper procedure and I'll continue to follow that as I do consult with others.

Alderman Shea stated as Board members we should support him.

Mayor Baines stated I would hope so. Are there any other questions.

Alderman Vaillancourt stated the important point has been made that this is only a reduction of \$265,000. Now, the bigger a budget is the more flexibility you have in reducing the budget. We have talked about one-half of a percent cut for all the City departments and I think we agreed to

that in the other departments. Yet, the School which has the biggest budget of all and which would be in the best position of all to have the flexibility to cut one-half percent is being asked to cut less than half of half of a percent. So, having learned again tonight that this is only \$265,000 less than the \$108 I can't go with this because I think they could cut more off this like other departments in the City have been asked to do.

Alderman Wihby stated I guess my only concern is basically...Alderman Shea, one of the teachers and I think a teacher on negotiations (I think) came before this meeting and Alderman Shea called me over and he said jeez what they're hearing from Mr. Tanguay (it wasn't from Mr. Tanguay) oh, okay...

Mayor Baines called for a vote on the motion.

Alderman Vaillancourt requested a roll call vote.

Alderman Cashin stated I would ask this Board and I would like to have a unanimous vote on this tonight and it's obvious I'm not going to get it tonight. But, many of us have worked very hard on this Board to get this and it's a tight budget, no question about it, but ladies and gentlemen, we've worked hard. This ought to be passed tonight and ought to be put to bed and you shouldn't even consider any more cuts because you can't afford to take them.

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

15. Appropriating Resolution:

"A Resolution appropriating to the Manchester Transit Authority the sum of \$663,330 for the Fiscal Year 2001."

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

This Appropriating Resolution having had its final reading by title only, Alderman Clancy moved that the Appropriating Resolution be Enrolled. Alderman Thibault duly seconded the motion. There being none opposed, the motion carried.

16. Appropriating Resolution:

"Appropriating all Incremental Meals and Rooms Tax Revenue Received by the City in Fiscal Year 2000 and held in the Civic Center Fund, for the payment of the City's Obligations in Said Fiscal Year Under the Financing Agreement."

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

This Appropriating Resolution having had its final reading by title only, Alderman Sysyn moved that the Appropriating Resolution be Enrolled. Alderman Hirschmann duly seconded the motion.

Alderman Shea stated in the past, your Honor, we have allowed certain funds from the Rooms & Meals to be used for highway and I believe that we should set aside a certain amount for infrastructure. I don't believe that we should put every last penny that we get from the Rooms & Meals into the Civic Center because we're going to be putting this away for 30 years and I think that we should allow a couple of hundred dollars to be used for infrastructure. If we're going to get the benefits of a Civic Center down the road then we certainly won't need all of the Rooms & Meals money that we're going to be putting away and I really think that we should put away a couple of hundred thousand dollars to use so that those of us who have opposed this vigorously will have some means and satisfaction that are money is not being used exclusively for this Civic Center.

Mayor Baines stated, Alderman, all you have to do is make a motion...

Alderman Shea stated I am making that motion. Alderman Vaillancourt duly seconded the motion.

Alderman Levasseur asked what's the motion.

Mayor Baines replied on the amendment.

Alderman Shea stated the amendment is to set aside \$200,000 each year from the Rooms & Meals for infrastructure rather than putting all of the money from the Rooms & Meals into the Civic Center.

Alderman Vaillancourt stated I thought I was seconding \$300,000.

Alderman Wihby stated my understanding is that we've already dedicated those funds and we'd be messing up the financing if we did that.

Solicitor Clark stated this is a budget appropriating the previously collected Rooms & Meals Tax money, it's not...this particular budget doesn't have anything to do with future collections. These are appropriating monies that have already been collected. It has nothing to do with the future increment.

Alderman Shea stated it says "all increment"...I don't know if I'm reading it correctly..."appropriating all incremental..."

Mayor Baines called for a vote on the motion to amend. The motion failed.

Mayor Baines called for a vote on the original motion that the Resolution pass and be Enrolled.

A roll call voted was taken at the request of Alderman Vaillancourt. Alderman Vaillancourt, Cashin, Clancy and Shea voted nay. Alderman Pariseau, Thibault, Hirschmann, Wihby, Gatsas, Levasseur, Sysyn, Pinard, O'Neil and Lopez voted yea. The motion carried.

17. Appropriating Resolution:

"Amending a 'Resolution Raising Monies and Making Appropriations for the Fiscal Year 2001 to \$106,668,234'."

Notes from Clerk:

5/11/00 Finance Committee requested notation to add \$21,525. To Highway Building Maintenance, with chargebacks to school anticipated; see memo from Highway Dept. enclosed

5/11/00 Finance Committee requested notation that Finance Department postage line item be reduced, reduction due to mailing for schools no longer conducted.

Communication from Deputy Clerk enclosed relative to recommended amendments to resolution.

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

Deputy Clerk Johnson advised that there is an amendment that is required by the Board noting the amended figure would be \$97,896,058 which would be to remove the Transit Subsidy which you have already appropriated elsewhere and there were two other items that were listed that are not normally included as part of the Resolution as outlined in my memorandum.

Alderman Wihby moved to amend the Appropriating Resolution to \$97,896,058. Alderman Cashin duly seconded the motion. There being none opposed, the motion carried.

Alderman Vaillancourt stated I have two handouts at this point. When we met here last week and the paper erroneously reported that everybody was in favor of that budget, I was under the impression that we were going to be allowed a week to think over and try to come up with some more opportunities for further decreasing the tax rate. I spent a great deal of time (Thursday or Friday) I think it was and then again today trying to get into this automobile registration some more and I have the first handout that you'll get and this comes directly from the Tax Collector. In 1996, the auto registration total was approximately \$8.6 million. In 1997, it went up about \$750,000 to \$9.3 million. In 1998, it went up again approximately \$750,000 to \$10.09 million. In 1999, it went up again...low and behold by more than \$750,000 to \$10.865 million. And, now for this year, we're projecting that it will go up again...not \$750,000, but \$979,320 to \$11.844 million. Now, that's \$11,844,580. The Mayor's original budget asked us only to appropriate \$11.3 million; that would be half-a-million dollars less to project that amount; that would be half-a-million dollars less than we go last year. When, in fact, every year for the last five years we've gone up at least \$740,000. So, I suggest this simply...we're up to \$11.7

million...if you just take the minimum projection that we have had over an increase for the last five years that would be \$700,000 and you could add \$11.844 million, \$700,000 and it would be \$12.5 million. So, I suggest that \$11.7 is not a real projection, it's a terrible low-ball figure. Reality would be a minimum of \$12.5 million so we could raise another \$800,000 in this account to lower the tax rate approximately \$.23 more cents. The second handout...this is wonderful news...the Airport Director, Kevin Dillon has given me even as I walked in here this evening...that's why you see it's scribbled in my handwriting and if I'm incorrect I'm sure the Airport Director will help me out. He tells me that there will be four to five hundred new cars registered in Manchester as a result of Airport expansion...expansion of the rentals next year. I distinctly asked him "are you saying half of those are for Manchester and half are for Londonderry". He said no, he said four to five hundred new registrations at the Manchester Airport in Manchester. Now, if you take your average car as between \$20,000 and \$25,000, do the calculation of \$18.00 per thousand at \$20,000 that would be \$360.00...at \$25,000 that would be \$450.00. If you average it...\$405.00. If you take the low number that he gave \$400.00...\$400.00 times 405 is an additional \$162,000. So, my figure of raising this by \$700,000 could be added by another \$162,000. So, I certainly think that it is only reasonable that we go up from \$11.7 to \$12.5 million for this projection and I realize the Tax Collector's antipathy to this suggestion, but I would point out that if in fact she does continue to stand by that she would be wrong every year for the last five years we have gone up \$750,000 or more. There's no end in sight to this going up. It just doesn't make sense to save this when we could be lowering the tax rate another \$.24 cents per thousand.

Mayor Baines stated just a clarification. We don't vote on revenues and we're not setting the tax rate tonight; that is not done until the fall and it's done by the Finance Officer, not by this Board based upon where revenues are and where they are projected to be. So, we don't vote on revenues. Just so that you understand.

Alderman Vaillancourt stated the budget that we considered last week, the Wihby proposal, wasn't that based on \$11.7 million from this account and I'm saying it should be \$12.5 million.

Mr. Clougherty stated the Board appropriates expenditures because that's what they can control, they can't control the revenues and guarantee that people are going to register their cars in the event of an economic downturn, so the Board does not appropriate revenues, they appropriate expenditures; that expenditure report is provided to DRA as part of the tax rate setting calculation along with mortgage provided by the Assessors and a revenue projection from the Finance Department which we will bring back in the fall and provide to the Board which is the way it's been done every year.

Mayor Baines stated so you would be looking at revenue trends, what you feel is happening with the revenues and that would be brought back and that is what would be presented in Concord, am I correct.

Mr. Clougherty replied correct, Mayor. In the event that any of the projections that are made...that you've handed out tonight vary then we will have to make those adjustments and we have in the past.

Alderman Hirschmann stated I'm stunned with that comment, your Honor, because we have spent a month grilling department heads over revenues...one by one by one and the Finance Department never once said that we couldn't control revenue, for a month.

Mr. Clougherty stated I'm not saying that you don't control revenues, you certainly set the rates and you work with the departments and as you know when we bring back before Committee on Accounts the reports on a monthly basis on where we are. There is every reason to expect that the numbers that are included in this year's appropriation...statement by Mr. Wihby and his three-page summary will be the number that moves forward. What we take a look at is to make sure, for example, that several years ago we had a situation where we had a revenue that was approved by the Board and then before the tax rate setting it didn't materialize...those types of adjustments have to be taken into consideration and that's what we look at, but the projections, the original projections are always done by the department.

Alderman Hirschmann stated every year that I've been on this Board, we have moved to set revenues, we as a Board, and we have never been blocked, ever.

Mayor Baines stated we asked for clarification on that because I wasn't sure of the procedure...

Alderman Hirschmann interjected well, that clarification is ludicrous because we've always done...

Mayor Baines stated wait a minute, Mr. Clark...I don't think it is.

Solicitor Clark stated during the budget process this Board appropriates expenditures. To get to the expenditure level you compare what your revenues are projected to be...they're used as a guide. Now, this Board does set fees, but you can't guarantee what the final collection will be and you don't appropriate the collections, you just appropriate the expenditures and as the year goes along and the revenues are realized or not realized then the Finance Officer prepares the statements for the State, but that's the way it's always been.

Alderman Wihby stated in preparing the budget this Board said that they were going to look at the total number, take a decrease of a half a percent (16 cent decrease) and move forward. We could have looked at those projections, we could have added revenues to everything...we didn't do that because we've never done that in the past. If the revenues were higher we used them as fund balance for the following year. I would suggest, your Honor, that these numbers are probably right, I think that when we took the number from the City Tax Department that they were low, but we used the number that she was willing to use at the time, that no one wanted to push her to give a number as we did other numbers and there are numbers in there, your Honor,

that are going to go up and they're going to go down. There's numbers in there that are going to go up and go down, there's going to be revenues that are decided in October and that's when the rate is set. Now, if we have a big surprise and these revenues come out and the Finance Department can use that number in October, we're going to see a bigger decrease than 16 cents, it just falls into place. We're not doing anything. But, your Honor, everybody said that we just wanted to rate this budget so that we could hurt you next year or whatever...I heard a lot of different things, but I would suggest that this Board continue with the way that we approached it at the last meeting, to vote that number in, not count these revenues and in October or November when they set the tax rate, if that's a big plus for us and we'll automatically go ahead we'll use that, but we don't have to do it today, your Honor, just in case something happens before the next tax rate setting.

Mayor Baines interjected I concur with what you've said there.

Alderman Cashin stated with what Dave's already said, the budget...until we set the tax rate is a fluid document and it's going to continue to be fluid and it always has been.

Alderman Shea stated I'm in favor of any money that we may take in to use for a reserve fund, so that we can get it up to five percent (5%), Kevin. I think we're at 3.5% now, right, and that would help out when we borrow money. In other words, that would give us a higher bond rating so actually we'd be penny wise and pound foolish to take a few pennies off the tax rate in lieu of getting a better rate as far as our bonding is concerned and I think that you'd like to have at least \$5 million in that...and you have what \$3.5 million or something like that.

Mr. Clougherty replied 3.5% versus what's recommended at 5%.

Mayor Baines stated I would like to clarify something that we need to move with this motion.

Deputy Clerk Johnson noted that there are a couple of notes from the Clerk: one, has to do with the Highway Building Maintenance and they had made a notation in the Finance Committee to add the \$21,525. on both sides and I didn't know if the Board wished to do that this evening or not before it adopts the resolution.

Alderman Wihby moved to amend the resolution by adding the \$21,525 as noted by the Deputy Clerk. Alderman Clancy duly seconded the motion.

Alderman Wihby stated this will not affect the tax rate, it is the same number that is on either side.

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

Alderman Wihby moved that the Appropriating Resolution having had its final ready by title only pass and be Enrolled as amended to \$97,917,583. Alderman Thibault duly seconded the motion.

Alderman Vaillancourt stated I just wanted to get back to Alderman Wihby's point and I could accept that except we already went from \$11.3 to \$11.7, so we've already changed the numbers and what I'm trying to do is to get us to a realistic number of \$12.5. If we hadn't changed anything then I could accept your whole line of argument, but it doesn't make sense when we've already changed.

Alderman Wihby stated when we changed it we went up and that's why I don't want to go up further because we already went up from what she had already said by \$400,000. I agree with you, Alderman Vaillancourt, I think that number is probably closer to an additional \$700,000, but again when they set the tax rate that's when we'll take advantage of it.

Alderman Levasseur stated we're saying that in October which is six months from now that we could adjust the tax rate down again, is that what I've heard. I never heard that happen before.

Mayor Baines asked would you explain the process, Mr. Clougherty.

Mr. Clougherty stated the tax rate setting process involves submitting forms to the Department of Revenue Administration. There are forms submitted by the School Department for its revenues and expenses. There are forms submitted by the City. We will submit the resolution that's adopted tonight on the expense side and we'll provide updated revenue information to them and they also receive information on the tax base from the Assessor's, it's a combination of those forms, at that time that set the rate and all of those forms come back to the Board for their review each year.

Alderman Levasseur asked are we going to be able to decrease the tax rate in October - yes or no - can we do that. If Alderman Vaillancourt is correct and we have another \$800,000 in revenue, we can decide to...

Mayor Baines stated they are what they are projected...

Alderman Levasseur stated you keep talking about a fluid budget and we're talking about the budget right here.

Mayor Baines stated there is a process that's followed under State Law that we're talking about here, that's all he's explaining.

Alderman Levasseur stated I understand that.

Mayor Baines asked, Alderman Cashin, would you like to offer a clarification...you've been here for thirty (30) years and go through this one more time.

Alderman Cashin stated I can't guarantee what the revenues are going to be...

Alderman Levasseur interjected I'm not asking you to guarantee, I'm just asking for a yes or no answer.

Alderman Cashin replied you want me to answer the question. I can't guarantee that the revenues are going to be up in October.

Alderman Levasseur stated I said if "we could", I just said "can we".

Alderman Cashin replied there is a possibility that it will happen, yes.

Alderman Wihby stated last year, your Honor, when the School Department submitted their numbers they were a million and a half over on their revenue than we had projected in our tax rate, so it did happen last year when we used an additional million and a half in revenue.

Alderman Gatsas stated maybe you can help me with this, your Honor. I just want to commend my colleagues for working real hard in the last three months on this budget. I think we've put together a budget that the School Department, the students of the City, and the citizens of this City can live with. We've all made an effort here, I think it's a budget that can live. There certainly are opportunities, if we wanted to sit down for another three months that we probably can get into, but I think that leaves it on the table for next year and certainly I would recommend to my colleagues that we start this budget process as soon as we end this one.

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

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

Mayor Baines called the meeting back to order.

20. A report of the Committee on Finance was presented recommending that

"Authorizing the Finance Officer to Make Certain Budgetary Closings for the Year 2000."

ought to pass and be Enrolled.

Alderman Wihby moved to accept, receive and adopt the report of the Committee. Alderman Hirschmann duly seconded the motion. There being none opposed, the motion carried.

Deputy Clerk Johnson advised that there will be a resolution submitted based on action of that Committee for the next Board meeting.

21. Appropriating Resolution:

"Appropriating to the Central Business Service District the sum of Two Hundred and Thirty Thousand Dollars (\$230,000) from Central Business Service District Funds for Fiscal Year 2001."

Alderman Hirschmann stated we are going to have a public hearing on this, aren't we. I haven't heard that yet.

Deputy Clerk Johnson stated it was another item discussed by the CIP Committee and they want to hold a meeting under the CIP Committee and the two Advisory Boards want to have a public hearing and tentatively scheduling that.

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

This Resolution having had its final reading by title only, Aldermen Clancy moved on passing same to be Enrolled. Alderman Lopez duly seconded the motion.

Alderman Levasseur stated I would like to commend the CIP Committee today for what I think they're doing a very good job and having a very open and frank discussion with the Advisory Board of Intown today. I did not attend that for a particular reason I did not want my bias to come through and I did not want it turned into a circus, so I stayed out because of my obvious passion for this Intown/Central Business Service District discussion. I would like to say to this Board that I've been Downtown for 15 years and I've been running my own business down here on Elm Street for that long a time and just recently bought a building and have owned it for three or four years and I was very much and strongly in favor of this Intown that came on. But, I'd like to say that since I've become an Aldermen there's been a lot of calls to me as an Alderman concerning the expansion of the District past what it was in 1998 and that's all I want to talk about tonight, is the expansion of the District, I don't want to get into personalities or the people who work or run that organization. What I would like to say is that I have had many phones calls from people out on Salmon Street, Chestnut Street and up in the north end area and also below the Lake Ave. area which used to be the boundary and it's been moved down to Auburn Street and I feel that the people who have voiced their concerns have voiced their concerns through this Alderman and have stated to me in strong enough terms and in many different conversations that that expansion was not something they wanted and not something they continued to want and I would ask this Board that to keep the Central Business Service District is a good idea and to keep working with Intown and the Mayor and I had meetings on this and we will work very hard with Intown to maybe refocus their energy and their plan on

what's supposed to be going on in Downtown. And, I know that you want to have a meeting in sixty (60) days and we want to go through all of this...a public hearing and all of that, but I think it's appropriate that we just bring it back to its original District. I don't think that's asking for too much and I think it's saving a lot of consternation out there. I'll give you an example of one person is Mr. Brady & Sullivan who own a building at 1228 Elm Street. It was just recently assessed for \$2 million more than they paid for it and they do not want to pay that tax because they already own three buildings and they're paying a good amount already and now they'll be paying a good amount already and now they'll be paying an extra \$1,500 and I just believe that with the increase in the assessment and the valuations of the buildings within the original jurisdiction will be enough to suffice the money that they've been appropriated and that by reducing this District tonight will satisfy a lot of my constituent's needs also still satisfy the basic foundation was to take care of the Elm Street and Downtown Millyard area. So, I would ask this Board if you could just vote tonight to bring the District back to what it was in 1998.

Mayor Baines stated I'm not sure how we can do this under this Resolution. I just need clarification if he wanted to get that motion on the floor.

Deputy Clerk Johnson asked is he talking about amending the District, your Honor.

Mayor Baines replied yes.

Deputy Clerk Johnson stated amending the District would be done through the Continuation of the Central Business Service District which is the Resolution that they tabled in the Finance Committee; that is where the boundaries are set.

Mayor Baines stated so, it wouldn't be here; that was my point. Do you agree with that Mr. Clark.

Solicitor Clark replied yes, this is just the Appropriation Resolution. The boundaries are set by the Continuing Resolution that has been tabled in Finance and won't be coming up until after the CIP meets again.

Alderman Lopez commented that I assure Alderman Levasseur that the questions that he raised is very valid and in conversation with him I think he's absolutely correct about sixty to seventy percent of what he's talking about. I think the process that the Committee decided to go through was a good process in order to get all parties involved to clarify and I think in the end results from conversation, I think that you would see that those Districts come down to originality of what you're looking for, but I think we have to go through the process.

Mayor Baines stated I also wanted to commend Alderman Levasseur...he came in, we had a good discussion about this and the process to proceed and I believe these questions need to be answered and I think we can layout a format and a process to get this issue resolved one way or

another with the input that you talked about. So, I pledged to work with Alderman Levasseur on this as well.

Alderman Levasseur stated I think the biggest question seems to be what is Intown supposed to be doing. When you ask that question many people don't know whether it's supposed to be retail or cleaning the streets and we need to determine whether it's going to be retail or cleaning the streets or both and there has to be some sort of a backup in this situation and I think that has to be our main focus in the next couple of months.

Mayor Baines asked for clarification on the motion.

Deputy Clerk Johnson stated there is a motion on the floor to enroll.

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

22. Ordinance:

"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."

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

Alderman Shea stated the Chief of Police is here, I would like his reaction to this. Do you have any at all, Mark. I know we each received a letter from a lady that's involved in a certain group.

Chief Driscoll stated yes, I reviewed that letter also and I certainly hear what she's saying, I do think that this is a progressive step, responsible administration by the business owners who will allow this program to go forward and I think we're in a very positive manner. I do support this and have since the beginning.

Mayor Baines stated, Chief, while you're sitting there I know there's been some news about some really tremendous activities of your department to stem some drug trafficking in the City and I want to publicly commend the department while you're sitting there tonight for those efforts.

Chief Driscoll stated, Mayor, thank you very much.

This Ordinance having had its second reading by title only, Alderman Pinard moved that the Ordinance pass and be Enrolled. Alderman Thibault duly seconded the motion. The motion carried with Alderman Levasseur duly recorded as abstaining.

On motion of Alderman Thibault, duly seconded by Alderman Hirschmann, it was voted to recess the regular meeting to allow the Committee on Accounts, Enrollment and Revenue Administration to meet.

Mayor Baines called the meeting back to order.

- 25.** A report of the Committee on Accounts, Enrollment and Revenue Administration was presented advising that Ordinance:

"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."

was properly enrolled.

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

Alderman Levasseur stated thank you, that will help Downtown.

- 26.** Communication from Alderman O'Neil requesting the Board schedule a meeting to discuss current and pending "growth" issues affecting the City.

Alderman O'Neil stated since we last talked about it six weeks have gone by and probably another six weeks will go by before we do anything about it and next thing we know we're going to have these developments with 195 homes and it's going to be too late and I just think that we need to schedule a meeting at some point in the near future to talk about what directions we may go. There's an item 27 that we're meeting on July 18th.

Mayor Baines asked what are we meeting for on the 18th.

Mr. MacKenzie stated I know we have discussed the issue of the Zoning Ordinance...a workshop has been set. When we're talking about growth that is the appropriate time because zoning is the tool that can be used to die growth and to regulate growth.

Mayor Baines asked can we do it then, Alderman.

Alderman O'Neil replied some of these developments are ready to go and that's the problem...wait and study it...

Alderman Pariseau interjected it still can be grandfathered anyway.

Alderman O'Neil stated if they haven't got Planning Board approval it can be grandfathered. I just think we're going to miss some opportunities to slow things down here.

Mr. MacKenzie stated again that meeting has been previously scheduled and that was postponed due to the budget process, but it is only scheduled in two weeks from now. I would note that if an application has been submitted to the Planning Board, if you're talking about a fairly large one in south Manchester once it is submitted and put on the agenda for the Planning Board it is grandfathered from zoning and other growth moratoriums.

Alderman O'Neil stated that's the problem and then it's going to be too late to do anything about it.

Alderman Levasseur stated I don't understand how 150 houses can get built and we can't make a plan so instead of having portables we have to build additions which is part of the problem in the City and part of the reason why the School Board and the Aldermanic Board have these problems because we don't know what size schools we should be building and we're getting this ridiculous looking thing about it. We should really know where we're going here. I agree with Alderman O'Neil we need to have a better plan.

Mayor Baines stated it seems like two weeks is a reasonable time.

Alderman O'Neil asked then when are they going to report to us. Whoever this group is that's meeting.

Mr. MacKenzie interjected this is the Board of Mayor and Aldermen's meeting.

Mayor Baines reiterated this is the meeting for the Board of Mayor and Aldermen to discuss your issue...that will be a good evening to have that discussion as well.

Alderman O'Neil stated that's fine, I was unaware of that meeting, your Honor. But, be prepared Bob that it's going to...this isn't going to be to study it for another year. We're going to want to take action.

Alderman Shea asked, Mr. MacKenzie, has the City every invoked a building moratorium.

Mr. MacKenzie replied not in my memory, no.

Alderman Shea asked in your judgment is it possible to invoke a building moratorium.

Mr. MacKenzie replied it is, but I think you'll want to see some of the data that we will have available on building permits for review.

Alderman Shea stated the reason I mention that is because Scarborough, Maine is opposing a 90-day building moratorium because of the fact that there are so many children going into their schools and if they can do it, I don't see why we can't do it. Apparently, they are having a meeting tonight in Scarborough, Maine and they are having a discussion concerning the impact

of school children on their system and they're really saying in essence they don't want to put building contractors out of business, but they're saying we have to reign in this particular situation. So, although we probably haven't done it, we might consider something like that because obviously there has to be some control.

Mayor Baines stated the only thing we are going to ask you is that we are going to discuss this in two weeks...there is going to be a presentation on it, so you'll see exactly what's been happening in this arena. We have to discuss economic issues, economic development issues, housing issues which are tremendous in this community right now. So, let's discuss it then.

Alderman O'Neil asked what is the date of that meeting.

Mayor Baines replied June 18th at seven o'clock, I believe.

Deputy Clerk Johnson replied it's on June 20th at five o'clock.

Alderman Gatsas stated I certainly am in accord with where Alderman O'Neil is going with this. I think that we need to address many other things before we talk about moratoriums on building, building permits or anything else. We need to get the Building Codes in some sort of alignment with the 20th Century, so we can get people moving along...I was right, Alderman, it's the 20th because they're still in the 19th. To help developers want to come to Manchester so that the growth that we're seeing in the residential end is going to be offset by the commercial growth. We can't sit here and expect people to come in and develop mill buildings, put in a restaurant and have to put in 40 bathrooms to accommodate buildings that at no such time will you ever see them fully occupied. We need to take a look at where we're going with growth and how we're going to get people to come to Manchester and make it user friendly. So, I think that we need to sit down more than just talking about Planning Board decisions and those kinds of decisions because it's very important that we sit here and we talk about...well, at least I know that within the next 15 months from now we're going to be talking about economic growth because it will be an election year and we need to expand the tax base. Well, we can't wait and talk about it then, we need to do it now and we need to make it user friendly so people can come in and fill some of these buildings and decide to build new buildings and not make it impossible for them to do it.

Mayor Baines stated I appreciate your comments and I agree with you one hundred percent on that. Let's go forward with getting that together and we can talk about how we put that meeting together. So, that meeting will be on the 20th at five o'clock.

Alderman Vaillancourt stated I was going to resist the temptation but we're not talking about getting people to come in with this Planning Board. We're talking about preventing a developer who has already shown disdain for the neighborhood and who has already shown that he doesn't care if the neighborhood floods because he disrupts the underground aquifers. We're talking

about him building on wetlands. Isn't there anything we can do to stop this development at the corner of Mammoth Road and Corning. Isn't there anything we can do, Mr. MacKenzie.

Mr. MacKenzie replied first of all they cannot fill in wetlands. There are state and federal regulations. The areas that they are proposing to build as I am aware are not on wetlands, so I did want to clarify that because I know that these rumors sometimes start and we want to make sure that they are correct. The Board would have to go through a process which is legislative and clearly outlined in the State Statutes on how to establish a moratorium. You would have to go through a fact-finding process, the first step if you want to enter that would be that meeting on June 20th but you do have to follow the ordinances. It is a very difficult decision because it impacts a tremendous amount of issues. If you're talking about that specific project the Planning Board has jurisdiction on that, they do have regulations, they have constraints under which they have to act and I know that some of the members here have served on Planning Board and ZBA...they do have to follow both the State Statutes and the City Ordinances.

Alderman Shea stated a point that I would like to make. When I said a building moratorium I certainly wasn't referring to either industrial or commercial buildings. I'm referring to residential building that impacts schools and other municipal services, your Honor. I certainly am in favor of economic development, but I am not in favor of having so many residences.

Mayor Baines stated I realize that there are some legitimate concerns and we've done some preliminary analysis of the actual situation with building, but we're also having some issues with attracting businesses and workers to Manchester which is going to be part of our discussion. I'm just asking people to keep an open mind in terms of this issue.

Alderman Lopez asked if at that meeting I would appreciate it if we'd have those ordinances or laws that we keep citing all the time...every time you want to do something.

Alderman O'Neil stated just two quick things. We can talk about increasing impact fees because certainly what we're receiving now isn't even coming close to what the cost to educate the kids are or to construct the buildings to educate the kids. And, secondly, maybe Bob can check this out but I'm told that in Bedford and I don't know this is all home developments, residential developments but at least one that they're limited on the amount they can build per year that they're only allowed to build five per year in that development to kind of slow it a bit.

Alderman Gatsas asked who is going to be at that meeting.

Mayor Baines asked who would you like at that meeting.

Alderman Gatsas replied if we're talking about BOCA Codes and everything else the Building Department should be there along with the Planning Board, along with anyone who has impact on how we develop the City.

Mayor Baines stated I will get together with Mr. MacKenzie and we'll put together and talk to some of the Board members.

- 27.** Communication from the City Clerk suggesting that the July meeting of the Board be held on Tuesday, July 18, 2000.

Alderman Wihby asked could we see if there are more people here on July 3rd than there is on the 18th. I know I can't personally make the 18th. How about the 11th, the 19th. I changed my schedule around to take a vacation because of the meeting and now we change the meeting. If we go to the 19th instead of the 18th is it a big deal.

A brief discussed ensued regarding the scheduling of the July BMA meeting.

Alderman Wihby moved that the July Board meeting be held on Wednesday, July 19th.

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

- 28.** Communication from Deputy City Clerk suggesting the parking rate changes be established effective July 1, 2000; and further submitting an ordinance for consideration. If the Board so desires,

Ordinance:

“Amending an Ordinance Regulating Traffic Upon the Public Streets of the City of Manchester, by increasing fees relating to Millyard Parking Permits.”

Alderman Wihby moved to set all rate increases for parking approved by report to the Board on May 30, 2000 to become effective July 1, 2000. Alderman Clancy duly seconded the motion.

Alderman Levasseur asked could I just ask this Board to take \$30,000 off of that number and just let that increase be 30% down in the Millyard instead of 40%, I don't think it's asking for a big amount because it would satisfy a lot of people and make a lot of people happy; that is a huge increase from twenty to forty percent. I don't think it's a lot of money for this Board to just drop off of their revenue increase especially since we know we have the money, but I think it satisfies a lot of people down in the Millyard.

Mayor Baines asked could we just hold on that thought as I'd like Mr. Taylor to talk about something that's been brought to his attention and my attention.

Mr. Taylor stated I don't want to belabor this point because I think this ordinance revision is well thought out for the most part and I think long overdue as well, however, there is one inequity, I think, in what's being proposed that we need to at least look at and address; that being that under the current rate structure those entities that lease 100 or more parking spaces in the Millyard are granted a special rate at \$22.50 per month, per space. Under the proposal as it appears currently, the new proposal, that increase would go to \$35.00 which is a substantially higher increase than anybody else would have to bear. Included in the entities that are reflected by this change happen to be the University of New Hampshire. In their case that adds about another almost \$29,000 to their annual parking bill which is a substantial increase. So, what I'm

suggesting that the Board may consider is to make that increase the same as the rest, in other words, \$10.00 a month in going from \$22.50 to \$32.50 rather than the \$35.00, it's not quite as precipitous a jump.

Alderman O'Neil stated, Jay, I'd just like you to comment and I don't know if this has specifically to do with the over 200 spaces but the fact that in the garages that there is only an increase of 20% wherein the lots of which many are in the Millyard, but are not exclusively in the Millyard there is an increase of almost 40%.

Mr. Taylor stated I think the Traffic Director was trying to maintain some semblance of equality here. In terms of a percentage here you're correct there is a higher percentage in the lots than there is in the garage, however, we aren't hearing too many complaints. My concern is with the large lessees of parking in the Millyard, in particular. It appears that we're penalizing the large users at the expense of the others and I just think that that's unfair.

Alderman O'Neil stated I understand that, but I just want it...so, you have not heard from anyone concerned about the 40% increase in the lots.

Mr. Taylor replied not directly, but there were some of the owners in here at the Committee meeting a week ago and they expressed a similar concern that you just raised; that their suggestion was that we maintain an equal percentage increase across the Board rather than the equal per space, per month increase across the board, so there was some concern expressed there.

Alderman Vaillancourt stated we went through this in the Traffic Committee, we went through it here on the Board, we passed a budget tonight based on the revenue projections Mr. Lolicata presented to us. This is not the time to bring this up after we've already gone through and done this.

Alderman Lopez stated, Jay, I'd just like to know about the University...when they set their rates for tuition, I don't think they give a difference in all of the tuitions...it's a certain price and that's it and Tom Lolicata did come in and we accepted that particular package. So, I think we're right in line regardless of whether you need a two dollar break or a three dollar break they can go right to \$35.00.

Mr. Taylor stated I'm not arguing the point that they can probably absorb this money, however, you have to keep in mind that when we signed the parking lease with the University there was no contemplation of an increase even though the lease does allow for it. What I'm suggesting is that there are existing agreements now and it's not only the University there are two others who are in the same boat. One being John Madden and the other being the Kamen Properties that have the same deal for leasing a hundred or more spaces and it just seems that they're being penalized because they're going up \$12.50 a month when everyone else is only going up \$10.00 a month and I just think that it's unfair.

Alderman Lopez stated I don't think it's unfair.

Alderman Levasseur stated in reference to Alderman O'Neil's comment...I did hear directly from a bunch of constituents down in that area. They came down to my restaurant and we had a meeting about it and they were just more worried about...they can put it increases in their leases for rentals when they lease a building out, they can increase the increase of taxes...if we were to go up a certain amount of money they would be able to increase their percentage, but they don't have that same luxury with parking. They don't get to pass that on to the people who lease those spaces and I just thought that was something that should be brought to the attention of the Board.

Alderman Gatsas stated I guess it's what side of the table do you sit on, I could sit here and say that maybe we should increase the garages by 40% to make it equitable. So, just because we're using percentages is not an equity position, I don't think we discussed those. I think Tom Lolicata came in here with good faith and set rates. He's the expert that we asked to do that, I don't think we should be second guessing him. He laid the cards on the table and showed them to us very well and I think that when you ask a department head for an alternative...he gave us three, he told us what he recommended and I think that's the way this Board looked at it and that's the way we went.

Alderman Levasseur stated we're about to go through a revaluation down in the Millyard and I can tell you right now their tax rates are going to go way up. I think that we're being a little shortsighted and a little ridiculous with a \$30,000 adjustment when they're going to be paying some serious money in taxes in the next year and I just don't think we're doing the right thing as far as the businesses in that area; that has been filling up and it will pay this City back some big money in the next years.

Alderman Pariseau interjected UNH doesn't pay taxes and neither does Kamen.

Alderman Shea stated, Jay, just to put this in perspective...they're going to pay \$35.00 per month, per space is that correct.

Mr. Taylor replied under the new proposal the parking lots in the Millyard will rent for \$35.00 per space, per month.

Alderman Shea asked how much per day approximately, a \$1.25 a day or so, roughly.

Mr. Taylor replied probably.

Alderman Shea stated Mr. Kamen was given \$2.3 million by the City, I don't feel sorry for him, he's a millionaire many times over, so I'm not sure about the other people, but I don't feel very sorry for him.

Mayor Baines stated he's also contributing a lot to our community, I think we need to be fair in our comments as well. Do you have an amendment.

Alderman Levasseur moved that the fee be reduced from \$35.00 to \$30.00. Alderman O'Neil duly seconded the motion.

Alderman Hirschmann stated this was sent to two Committees. It passed through the Traffic Committee with the Director of Traffic's recommendation for his Plan B, this is his plan, they adopted it. Then it went to the Committee on Accounts and Enrollment and we passed it through there and now it's here and the piper has not knocked on those garages or lots for 12 years, 12 years there has not been an increase, it's time.

Alderman Levasseur stated in 12 years we haven't been in a boom, we've only been in a boom for the last three years and, your Honor, I'd also like to say there was no public hearing on this. It was pushed through both Committees like "boom", in a quick motion and number one there wasn't a public hearing.

Alderman Hirschmann stated I resent that because I did let a few of the Millyard speak in my Committee, which it's unheard of, but I let them stand up to hear their side of the story and the fact of the matter is that for 12 years those revenues have not been increased.

Mayor Baines called for a vote on the amendment as presented by Alderman Levasseur. The motion failed.

Mayor Baines called for a vote on the original motion for parking approved by report to the Board on May 30, 2000 to become effective July 1, 2000. The motion carried with Aldermen Levasseur and O'Neil duly recorded in opposition.

Mayor Baines asked for clarification from the Clerk.

Deputy Clerk Johnson stated this is an ordinance change, it is not just increasing the parking limits or fees, it is actually an ordinance and an ordinance has not been considered as of yet, but we need to suspend the rules to place this on its final reading at this time.

Alderman Pariseau moved to suspend the rules and place the ordinance relating to increased rates for parking permits in the Millyard area on its final reading by title only without referral to the Committee on Bills on Second Reading or Accounts, Enrollment and Revenue Administration. Alderman Hirschmann duly seconded the motion. The motion carried with Aldermen Levasseur and O'Neil duly recorded in opposition.

Ordinance:

"Amending an Ordinance Regulating Traffic Upon the Public Streets of the City of Manchester, by increasing fees relating to Millyard Parking Permits."

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

Deputy Clerk Johnson stated based on a conversation I had today with Mr. Lolicata the only thing I had changed originally in this ordinance was to increase the fee from the \$22.00 to \$30.00 which is what the Board had approved at its last meeting, however, this particular ordinance also outlines that not more than 200 Millyard parking permits be issued and in reality there are 400 out there or better and it also states that it should not be issued in excess of six months and they are actually one year, but they are renewable on a monthly basis. So, the recommendation at this time would be to amend the ordinance that's presented to you and if you look at the ordinance down in the third paragraph where it says "authorize to issue no more than 200" remove the words "no more than 200" and just say "authorize to issue Millyard parking permits", and remove the verbiage that says "coin in any 8 or 10-hour meters parking spaces" ...there are no longer 8 or 10-hours in these sections, they are somewhat different, so we are suggesting to remove the "8 or 10-hour", but leave it as metered parking; and then "in excess of six months" should be changed to "in excess of one year" to coincide with what is currently being done as part of the issuance of these permits.

This Ordinance having had its final reading by title only, Alderman Lopez moved that the Ordinance pass and be Ordained as amended. Alderman Clancy duly seconded the motion. The motion carried with Aldermen Levasseur and O'Neil duly recorded in opposition.

29. A report from the City Solicitor regarding proposed Charter Revision was presented.

Mayor Baines stated both the City Solicitor and I have been in contact with the Attorney General's Office and I'll let Mr. Clark speak.

Solicitor Clark stated we have talked to the Attorney at the Attorney General's Office, she apologizes for not having had a chance to get to this yet. She had hoped to do it over the past weekend and get back to us as soon as possible and she has also talked to the Mayor's Office, I know that.

Alderman Wihby stated we have been playing with this for three or four months. What I'd like to do, your Honor, we're going to have a meeting on July 19th, so now they have an additional six weeks to play around with this. By, I'm sure the 19th we'll have some sort of a decision from her and if she says it's legal, your Honor, we could move forward with a public hearing. I don't see why we have to wait. My suggestion would be to have a public hearing on July 31st and then the next day, August 1st our Aldermanic meeting...because after the public hearing you have to come back in and meet within seven days, so this way we wouldn't have to come back in again, we'll have a public hearing on July 31st a Monday and then on Tuesday, August 1st would be the regular Board meeting and we could vote on it then. But, this would be based of

course that by the 19th we have a decision from her saying that we can move forward with it, your Honor, and moved that a public hearing be scheduled for July 31st subject to confirmation by the Attorney General's Office recommending that all is in proper order. Alderman Pariseau duly seconded the motion.

Alderman Hirschmann noted we have to have a public hearing for Alderman Vaillancourt's Charter Amendment also.

Alderman Wihby stated we were going to have one for the Downtown District on the 24th, so maybe we want to move that back to the 31st also and also by the 19th I'm sure that there will be some reaction to Alderman Vaillancourt's Charter question and that should probably be sent the same day also.

Alderman O'Neil stated the meeting was going to be on the 24th and I would suggest that we still keep that one because it is a whole different issue...we're bringing in two other different boards with it.

Alderman Wihby stated I just think that the two Charter questions both should be prepared to be on the same day and amended his motion accordingly. Alderman Pariseau duly seconded the amendment.

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

30. Communication from the Assistant Water Works Director submitting a retirement request for Mr. Austin L. Healey, Jr.

Alderman Hirschmann moved to accept and approve the retirement of Mr. Healey as submitted and that a commendation for his many years service be forwarded also. He is a wonderful man, 28 years working for the Water Works, he's coached West Jr. Deb Softball for many years, lives on Joseph Street and will be missed by the Water Works.

Alderman Thibault duly seconded the motion.

Alderman Pariseau stated I have a question. On the information form for Municipal Pensions it states that the retirement that was approved would run from July 8, 2000 and terminate on December 31, 2000. Why is that.

Deputy Clerk Johnson replied the old system is established on an annual basis, but it would continue.

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

31. Communication from Richard P. Innis, Sr. requesting permission to move a

house over City streets from 19 Pamela Circle to Londonderry.

Alderman Vaillancourt moved to approve the request to move a house over City streets as outlined herein, subject to the review and approval of the Building, Fire, Highway, and Police Departments. Alderman Pariseau duly seconded the motion. There being none opposed, the motion carried.

32. Ordinance:

"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."

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

This Ordinance having had its third and final reading by title only, Alderman O'Neil moved that the Ordinance pass and be Ordained. Alderman Pariseau duly seconded the motion. The motion carried with Alderman Levasseur being duly recorded as abstaining.

33. Resolution:

"Authorizing the Finance Officer to Make Certain Budgetary Closings for the Year 2000."

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

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

34. NEW BUSINESS

Mayor Baines stated we do have the Small Business Initiative underway and hope you've been following that. We had a very exciting meeting here in the Chamber and we're going to be putting together an advisory group on business activities with a fall conference trying to capitalize on some of the things and working with people who are trying to start small businesses...our affordable housing group is meeting, I think they're meeting Wednesday morning. Again, we had a great announcement here by Fannie Mae about opening the office in the Chase Block today and again to focus on mortgages and increasing affordable housing opportunities and this afternoon down at the Amoskeag Incubator in the Jefferson Mill there was a great announcement by Citizens Bank about making funds available to encourage Small Business Incubator companies to occur. So, that ends my communications. Are there any others from the Board.

Alderman Wihby stated last time we met we voted to send a message to the School Department that we were willing to do the portables and we were suppose to hear back from them because time is supposedly a factor, have we heard anything yet.

Mayor Baines replied yes and called upon Mr. MacKenzie.

Mr. MacKenzie stated I did attend a Buildings & Sites Committee meeting of the School Board, they discussed it and recommended it go forward to the Finance Committee to review the financial issues. I know that they were meeting tonight, I could not attend that, but we are putting together a package of information to make this work if the School Board and the Board so indicates.

Alderman O'Neil asked what is the appropriate committee. Does it go to CIP or our Lands and Buildings.

Alderman Wihby stated my concern with that is that we are not meeting until the 19th of July now.

Mr. MacKenzie reiterated Buildings and Sites has met and approved it and conditioned it upon the School Board Finance Committee approval and were meeting tonight.

Alderman Wihby stated my concern is we're not meeting until July 19th and okaying it six weeks from now they will never be built in time, so what do we do in that case.

Mayor Baines asked is that a problem, Mr. MacKenzie.

Mr. MacKenzie replied we are going to have a suggestion on how to finance this package, I would suggest...there are ways to get started.

Deputy Clerk Johnson stated there is going to be a meeting of the Board on June 20th and we could tag that in either before or after the public hearing.

Alderman O'Neil asked should that go to a committee before the full Board. Is it going to go to the full Board and then referred to a committee. If it's going to get referred to a committee, let's do it tonight.

Mr. MacKenzie replied it will likely have to go to CIP Committee, I'm not sure if it would go to Lands and Buildings because that's under the jurisdiction of the School Administration.

Solicitor Clark stated eventually it would have to go to the Joint School Buildings Committee.

Alderman O'Neil asked does it have to go to CIP.

Mr. MacKenzie replied I would recommend that it go to CIP to review the finances.

Alderman O'Neil stated I know we were talking tentatively of next week having a regular business meeting of the CIP Committee, maybe it should be there next week just to keep this moving.

Mayor Baines stated could we make sure that that occurs.

Alderman Wihby stated my concern is that we promised them to have it built, I think we all want it done and if we're going to send it to every committee we're never going to get anywhere, so we should be planning as Alderman O'Neil said to send it to the committees that we have to now to wait for their decisions. My second problem, your Honor, is with the School budget we have to decide if we're going to be in the same position that we were in this year with their revenues. My feeling is, your Honor, that they allocated the revenues, they stood by them, they should keep those revenues. If there's more it goes into their fund balance and if it's less they're going to have to live within their budget. But, I think something's got to be decided or otherwise we're going to end up in the middle of next year with the same problem that we had this year because no one straightened out the issue. Also, at the same time your Honor, it concerns me that a comment that somebody made was that it's all right if we have more revenues we'll just spend it...I think that this Board appropriates and if we only appropriate \$106 M then that's the only amount they can spend and again if there's extra revenues then it will go towards their fund balance.

Mayor Baines asked for clarification as to who said that.

Alderman Wihby replied Superintendent Tanguay told me that the extra revenues if necessary could go towards helping his budget out and he might be under that understanding but I don't know if that happens. So, I think that's got to be clarified to the School Department that they need to live within the \$106 M appropriation. I guess my main concern is that the issue before July 1st get resolved on those revenue numbers. I know, at first, they didn't want to keep the numbers and we said we'd send them all over to you. I don't think it's fair that we're going to be responsible to collect those revenues and everything else. I think it should be their revenues...if it's over, that's fine they get to keep it and it helps their fund balance and if they're under they're going to have to live within their appropriation and make cuts.

Mayor Baines asked, Mr. Clougherty, respond please.

Mr. Clougherty stated we have received a letter from the Superintendent saying that they will no longer be sending the revenues to the City, they will go to his account and we will be responsible for providing them the tax dollars. We have clarified, I think for the Superintendent at the meetings that the Mayor and I have been at and this is based on conversations with the City Solicitor that the appropriating body for the City is this Board and just because you get additional revenue does not mean that you can spend it, it has to come back to this Board for

appropriation. So, I think we've made that clear on several occasions to them, but we can follow that up with a letter to them certainly making it clearer.

Alderman Wihby in reference to debt service and chargebacks stated everybody understands that was the number so we don't get into the same problem we had this year that number \$106 includes everything.

Mr. Clougherty stated I don't think you'll have that problem next year only because it's on a separate resolution and it's been made clear to them right from the start that the resolution all in.

Mayor Baines stated that is what's different this year. This is the first time, previously that separate resolution was not allowed in here and we separated it out as was advised was the proper way to do it. So, now it is exactly a separate resolution which is why this confusion should not take place.

Alderman Wihby asked does the Finance Officer assume that there is something more that we should be looking into now before the budget's done.

Mr. Clougherty asked with respect to School. Well, we're waiting on the report from the audit firm looking at the debt. I understand that that is moving along and it should be near conclusion. We will be looking at their financial statements for the end of the year in terms of what their fund balance is going to be for our closing of the books. So, we are going to monitor this right down to the last day and into the next fiscal year. If there comes the need to take action we'll come back to you, but right now I think we're okay.

Alderman Wihby stated explain that to me...take action for what. What do you expect. First of all, let's talk about the debt number. What's the audit going to prove.

Mr. Clougherty replied my understanding is that the auditors looked at the number for the debt, they have agreed that the information we provide on what the debt has issued is accurate, they are looking at the projects with respect to the School versus City. I think there are some minor adjustments that might occur there, but overall there isn't a shift in what the School's responsibilities are that I'm aware of and I see the Mayor nodding.

Mayor Baines stated we haven't received and final report yet.

Alderman Wihby asked on the debt service number...we calculated that or School did.

Mayor Baines stated that was done by Ross wasn't it.

Alderman Wihby stated I know we gave them a number, but can they come back and say well, look here's the number that was appropriated and now the audit tells us it's an extra million dollars, what happens in that case.

Mr. Clougherty replied it's my understanding from the discussions with the people doing the review that there is not going to be that type of a discrepancy.

Alderman Wihby stated I guess the answer is going to be that the \$106 is the \$106 and that if the debt service number is different they are going to have to absorb that in their budget, is that true, Kevin.

Mr. Clougherty replied that's right.

Alderman Wihby stated so it doesn't matter that even though we gave them the number, I guess it was their responsibility to make sure it was right, but we're not that far off is what you're saying.

Mr. Clougherty replied that's what they've been advised I understand as well. So, I think the bottom line is the bottom line appropriation.

Mayor Baines stated we've had this discussion about revenues and Mr. Clark and I had quite a long discussion about it because there was some discussion about the interest, do you recall. And, there was a perception that there might be a belief on that side that the Declaratory Judgment allowed that and we had a dispute on that and we discussed that. Do you want to further explain that Mr. Clark.

Solicitor Clark stated it's clear that the court decision said that they get to earn interest on their money and they get to keep the interest. However, that does not change the law that you are the appropriating body and they can only spend appropriated funds. If they earn interest over and above what they anticipated there are two choices. One, is it goes to fund balance. The second is under your Charter...you're allowed to preappropriate or supplement appropriate unexpected revenues have to be certified by the Mayor and the Finance Officer. So, you could always reappropriate later, but that would have to come back to this Board, yes.

Alderman Shea asked how do they stand this year. Are they going to finish with a deficit or are they going to finish because I'm going to be "out a meal".

Mr. Clougherty replied they responded to us in writing with a letter that has been made available that says that they expect to have a balance of about \$50,000 on their expense side and that they are about \$500,000 in excess of their revenue projection.

Alderman Gatsas stated, Kevin, you said that includes the \$1.4 million.

Mr. Clougherty replied that has to include the \$1.4 million.

Alderman Gatsas stated I don't think that Board's approved that vote yet.

Mr. Clougherty stated I understand that, Alderman. I'm just saying what they wrote to me.

Alderman Gatsas asked clarify what you said...what happens if they overspend appropriations. What can the result be.

Mr. Clougherty replied if they overspend their appropriation there is an action that would be taken by this Board...

Alderman Gatsas interjected let me ask legal counsel right behind me.

Solicitor Clark replied the court said you could take that into account the next year and deduct it from their future appropriations. Pay it back out of their future appropriations.

Alderman Gatsas asked which future year, this future year or 2002.

Mayor Baines stated we have a Deficit Committee that was authorized by this Board (even in the previous administration) to go back to that Committee for review which is my understanding that that's where that report would go and there would be a recommendation that would come forth.

Alderman Gatsas stated I think there has to be some clarity of whether this was benefits, whether it was chargebacks, whether it was debt service, or whether it was wages because I think the meeting that you and I sat in a few weeks ago that it was declared that there was \$1.1 million in wages that was overspent, correct me if I'm wrong.

Mayor Baines replied that was my understanding at that meeting.

Alderman Gatsas stated so the \$1.4 million that we're talking about that was claimed that was benefits, debt service, and chargebacks was really wages. Is that the way you understood it.

Mayor Baines replied that was my understanding.

Mr. Clougherty stated as we've said before...we'll close the books, they'll close theirs...between the period of now and the time we set the tax rate we will have their fund balance information to understand where they ended up with the information that Alderman Gatsas is talking about and if we need to take action before we go to set the tax rate because again it would be an action by DRA to allow for that deficit...we will take that action, but we will come back before this Board before we would do that.

Mayor Baines stated I'd like to wait until everything is done and then we'll discuss it then.

Alderman Levasseur stated, your Honor, in the beginning when you came on Board you started to push the process of putting away that money in anticipation of the \$1.4 million, is that correct, and you have that money set aside in debt in that amount.

Mayor Baines replied it depends, you have to wait until everything settles down. In terms of cost savings by the measures that we took in terms of the freeze and asking the departments to watch their expenditures it's approximately \$160,000 or maybe more than that although...

Alderman Wihby stated plus the revenues are up a million.

Mayor Baines stated let's just wait...there will be plenty of time to discuss this some more and I'd like to wait for that opportunity, if the Board would so agree.

Mayor Baines stated I would like to commend the Board for the hard work that went into this process. I made an aside to Alderman Wihby, but I really do think we can do a better job and what I'd like to do over the summer is try to set up some times to meet with you individually to get your input on perhaps how we can improve the process and I think to get better clarity from the City side in terms of the whole process and do a better job and I think we can get sometimes more direct and straight answers to issues and I think we need to work on that which has been one of my frustrations including today, but I think I'll leave that to that. But, I really look for advice from all of you to help us make the process better and more informative and perhaps we can make it a little less arduous, if you will, for everyone involved. But, I do appreciate the diligence and the hard work that went into this process and I know if we work in concert with each other over the next year we can make it a much smooth process going forward. So, I want to end the meeting by thanking all of you. I think we finally got in the boat and started rowing in the same direction and I appreciate all of the hard work that went into this process and I specifically want to comment Wayne Robinson my Assistant who has done a terrific job in trying to coordinate all of the activities and I'd like to introduce David Berube. David is a Senior at Memorial High School and is an outstanding musician and vocalist and had the opportunity to hear him. He will be working as an intern in my office along with Grant Van der Beken who is just finishing his Junior year at West. So, David, welcome to City Hall and get to know these people they'll be talking to you on a regular basis and good luck to you.

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

A True Record. Attest.

City Clerk