

BOARD OF MAYOR AND ALDERMEN

July 19, 2000

7:30 PM

Mayor Baines called the meeting to order.

Mayor Baines called for the Pledge of Allegiance.

A moment of silent prayer was observed.

The Clerk called the roll.

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

Mayor Baines called a recess to allow the completion of the public participation meeting.

Mayor Baines called the meeting back to order.

CONSENT AGENDA

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

Minutes Accepted

- A. Copies of minutes of meetings held on March 20 & 21, 2000.

- E. Authorizing the Mayor or Chairman of the Board to execute an extension to the current contract with MediaOne of New England Through September 8, 2000 or until such time as a renewal contract is renewed, whichever comes sooner. (Aldermen Gatsas, Levasseur, Sysyn, Pinard, Lopez, Pariseau, Cashin and Thibault voted yea. Alderman Vaillancourt voted nay. Unable to reach Aldermen Wihby, O'Neil, Shea and Hirschmann.)

Approve Under Supervision of the Department of Highways

- F. Bell Atlantic Petitions #922805, #222299, #222299S and #649188PS

Informational - to be Received and Filed

- H.** Copies of minutes of Airport Authority meetings held on April 24, 2000 and March 25, 2000. Enclosed herein is a copy of a revised June-December 2000 meeting schedule.
- I.** Communication from the Deputy City Clerk regarding upcoming legislative/ rulemaking issues relating to issuance of death certificates.
- K.** Copies of minutes of a meeting of the Mayor's Utility Coordinating Committee held on June 21, 2000.
- L.** Copies of minutes of a meeting of the MTA held on May 30, 2000 and copies of the Financial and Ridership reports for the month of May 2000.
- M.** Communication from Executive Councilor Colantuono expressing his gratitude for hosting the Governor and Council meeting on June 21, 2000.
- N.** Communication from Executive Councilor Colantuono advising of the Governor and Council's approval on June 21st authorizing the Department of Transportation to enter into agreements for Transportation Enhancement projects including the City of Manchester.
- O.** Communication from Brian Tremblay, Director of Development of the Boys and Girls Club of Manchester expressing appreciation to the Board for the \$200.00 donation and extending an open invitation to Board members to visit the Club at their convenience.

REFERRALS TO COMMITTEES

COMMITTEE ON FINANCE

Q. Bond Resolutions:

"Authorizing Bonds, Notes or Lease Purchases in the amount of Two Hundred Seventy Five Thousand Dollars (\$275,000) for the 2001 CIP 420201, Central Fire Station-HVAC Replacement Project."

"Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Eight Hundred Ninety Thousand Dollars (\$1,890,000) for the 2001 CIP 620201, Hackett Hill Business Park Project."

"Authorizing Bonds, Notes or Lease Purchases in the amount of Six Hundred Thousand Dollars (\$600,000) for the 2001 CIP 810001, Revaluation Project Phase II."

"Authorizing Bonds, Notes or Lease Purchases in the amount of One Million One Hundred Thousand Dollars (\$1,100,000) for the 2001 CIP 820201, City Motorized Equipment Replacement Program."

"Authorizing Bonds, Notes or Lease Purchases in the amount of Three Hundred Fifty Thousand Dollars (\$350,000) for the 2001 CIP 830101, City Space Improvements Project."

R. Resolutions:

"Amending the 2000 Community Improvement Program, authorizing and appropriating funds in the amount of Three Thousand Six Hundred Forty Six Dollars and Eight Cents (\$3,646.08) for the 2000 CIP 411200 NH CLIQUE Campaign Patrols."

"Amending the 2000 Community Improvement Program, authorizing and appropriating funds in the amount of Fifty Thousand Dollars (\$50,000) for the 2000 CIP 511500 Park Improvement Program."

"Authorizing the Finance Officer to effect a transfer of Twelve Thousand Four Hundred Thirty Seven Dollars and Thirty Seven Cents (\$12,437.37) from Contingency to Elderly Services Salary to cover a Temporary Position."

"Amending the 1999, 2000 & 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Fifteen Thousand Dollars (\$15,000) for the 2001 CIP 510001 Fun In the Sun (Cash) Project & 510301 Fun in the Sun (CDBG) Project."

Amending the 1999 and 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Seven Hundred Twenty Six Thousand Dollars (\$726,000) for the 2001 CIP 330401 McLaughlin Middle School Addition."

"Authorizing the Finance Officer to effect a transfer of Twenty Six Thousand Dollars (\$26,000) for the 2001 CIP 330401 McLaughlin School Addition."

"Amending the 2001 Community Improvement Program, authorizing and appropriating HOME funds in the amount of One Hundred and Fifty Thousand Dollars (\$150,000) for CIP 610401 Millyard II Transitional Housing and CIP 250501 214 Spruce Street Renovation."

"Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Sixty Eight Thousand Three Hundred Dollars (\$68,300) for two Health Department Programs."

"Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Sixteen Thousand and Forty-Six Dollars (\$16,046) for two Police Projects."

COMMITTEE ON HUMAN RESOURCES/INSURANCE

- S.** Communication from Alderman Pariseau requesting a review of the recent increase in medical insurance payments (17.7%) as it pertains to retired City employees having to pay this out of their pensions.

COMMITTEE ON LANDS AND BUILDINGS

- T.** Communication from Michael Blake, Senior Planner of the NH Council on Resources and Development advising that the NH Department of Transportation's Bureau of Rail and Transit wishes to transfer the State-owned portion of the Portsmouth Branch Railroad Line between Union Street to Page Street in Manchester to the City of Manchester.
(Note: Notice of City's intent via written response requested by 7/26/00.)

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- V.** Communication from Don Clark, Director of Property Management and Development of the Technology Center relative to the recent parking rate increase.
- W.** Communication from Church of Christ requesting use of the Pine Street Lot at the Federal building for "Give-Away-Day" on Saturday, September 30, 2000.

SPECIAL COMMITTEE ON RIVERFRONT ACTIVITIES

- Y.** Copy of a communication from Scott Compton, Events Management, USA National Rugby Team to Mark Campbell, Chairman of the Singer Family Park Trust expressing various concerns relative to the recent USA-Ireland Rugby match held at the park and suggesting the City offer its assistance to the Trust to facilitate major events coming to Manchester.

REPORTS OF COMMITTEES

COMMITTEE ON ACCOUNTS, ENROLLMENT, AND REVENUE ADMINISTRATION

- Z.** Advising that it has accepted the financial reports through period ending June 30, 2000.

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

- AB.** Advising that it has approved:

"An Ordinance amending Chapter 118, Vehicles for Hire, of the Code of Ordinances of the City of Manchester, Sections 118.01, 118.10, 118.11, 118.12, 118.15, 118.16, 118.33, 118.37, 118.39, 118.42 and 118.99 relative to taxicab definitions, regulations, fares and penalties."

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

COMMITTEE ON BILLS ON SECOND READING

- AD.** Recommending that the Mayor or his designee represent the City in expressing concerns over commercial/industrial projects of neighboring towns impacting our City.

COMMITTEE ON COMMUNITY IMPROVEMENT

AG. Recommending that requests to accept and expend funds for various projects be approved as follows:

- 1) accept and expend funds in the amount of \$3,646.08 for FY2000 CIP 411200 NH CLIQUE Campaign Patrols;
- 2) accept and expend funds in the amount of \$50,000 for FY2000 CIP 511500, Park Improvement Program;
- 3) Revision #1 for FY97 650218, Enterprise Community Grant for disbursement of funds to be extended to match the expiration of the Enterprise Community Designation; and
- 4) Revision #1 for FY99 220799, HIV Prevention to change budgeted line items.

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

AI. Recommending that a request of the Welfare Commissioner for \$35,000 of CIP funding for the replacement of a majority of the windows at the Manchester Family Emergency Shelter be granted and approved; and for such purpose a resolution and budget authorization has been submitted.

AJ. Recommending that a request from the Latin American Center seeking assistance in converting unused space on East High Street into additional parking be denied based on information received from the Highway Department review.

AK. Recommending that a request 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 be denied. The Committee notes that approval of such a request would set a precedent and place an extreme burden on the Highway Department.

AL. Recommending that a petition for discontinuance of a portion of West Mitchell Street be denied and that the Board of Mayor and Aldermen find that same has been released from public servitude under the provisions of RSA 231:51.

AM. Recommending that a petition to discontinue a portion of North Hampshire Lane submitted by the State Department of Transportation be referred to the next Road Hearing scheduled for August 8, 2000 at 5:15 PM in the Aldermanic Chambers, City Hall.

AN. Advising that it has authorized the Highway Department to proceed with chronic sewer and drain projects as follows:

	<u>Materials Cost</u>	<u>Contract Estimate</u>	<u>Ward</u>
Cedar Street, #451	\$12,000.00	\$36,000.00	5
Morse Road, #47	5,000.00	15,000.00	6
Ridge Road Drain	7,000.00	21,000.00	2

The Committee notes that the Public Works Director is presently reviewing the list of chronic drain needs and will report back to the Committee with further recommendations.

- AO.** Advising that it has approved a request to publicly bid the sale of two (2) street sweepers with such funds being deposited into the MER account to then be utilized toward the purchase of a replacement sweeper.
- AP.** Recommending that the proposed addition to the McLaughlin Middle School be approved contingent upon School Board support. The Committee recommends that \$700,000 be appropriated from Development Impact Fees and \$26,000 be appropriated from transferred bond funds from the Special Needs Educational Facility project for a total of \$726,000. For such purpose, resolutions and budget authorizations have been submitted.
- AQ.** Recommending that requests for project extensions as enclosed herein be granted and approved through December 31, 2000.
- AS.** Recommending that budget authorizations and a resolution providing for acceptance and expenditures of grant funds for the Health Department, Health Disparities program and Adolescent Pregnancy Prevention program be approved; and for such purpose a resolution and budget authorizations have been submitted.
- AT.** Recommending that budget authorizations and a resolution providing for the acceptance and expenditure of grant funds for the Police Department, StreetSweeper and NH Drug Task Force projects be approved; and for such purpose an amending resolution and budget authorizations have been submitted.
- AU.** Recommending that a petition for discontinuance of Old Bridge Street submitted by Trinity High School be referred to a Road Hearing to be held on August 8, 2000.
- AV.** Recommending that a petition for discontinuance of a portion of Silver Street, from hall to Belmont Street, be referred to a Road Hearing to be held on August 8, 2000.
- AW.** Recommending that a petition for discontinuance of a portion of Massabesic Street, at the intersection of Lake Ave. and Hall Street, be referred to a Road Hearing to be held on August 8, 2000.
- AX.** Recommending that a request for sewer abatement at 141 Cypress Street be approved in the amount of \$102.30. The Committee notes such recommendation is based on a report from the Environmental Protection Division of the Highway Department.
- AY.** Recommending that the City Space Improvements project be revised and portions be authorized to proceed as follows:
- 1) Revise project description to include \$25,000. For miscellaneous projects subject to approval of Lands and Buildings Committee; and

- 2) Authorize a budget authorization to proceed with expenditures totaling \$175,000 for the Senior Center and Miscellaneous projects to be approved by Lands and Buildings; and

The Committee recommends that a presentation be made to the full Board of Mayor and Aldermen at a future meeting with regards to the proposed design of the West Side Library at the former Brown School and the feasibility study; and advises that it has tabled this portion of the project until such time as the full Board receives such presentation. For purposes of proceeding with portions of the project stated above, a budget authorization has been submitted.

- AZ.** Recommending that HOME program funds be approved for grant projects as follows:

- 1) \$100,000 for the Spruce Street Housing - The Way Home
- 2) \$50,000 for Market Street - Families in Transition

and for such purpose an amending resolution and budget authorizations have been submitted.

- BA.** Recommending that \$15,000 be transferred to the Fun in the Sun project and for such purpose an amending resolution and budget authorizations have been submitted.

COMMITTEE ON HUMAN RESOURCES/INSURANCE

- BB.** Recommending that the Longevity issue with Highway Employees be handled through the grievance process listed in the AFSCME contract. With regard to a request of the City Clerk relating to a parallel employee situation, the Committee recommends that all employees be treated equally on this issue.

- BC.** Advising that organization changes are currently being considered for the Office of the City Clerk. The Committee recommends that a part-time Customer Service Representative III be approved for the department at this time. The Committee notes that moving forward with such position will have no effect on the bottom line salaries budget for the department.

- BD.** Advising that it has reviewed and approved ordinance amendments:

“Amending Sections 33.024, 33.025 and 33.026 (Welfare Specialist III, Deputy Welfare Specialist) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024 and 33.025 (Library Page) of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.026 (Data/Telecommunication Specialist) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024 and 33.026 (Water Meter Technician I & II) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024 and 33.026 (Building Maintenance Superintendent) of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.0348 (Advancements within Pay Range) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.050 (Longevity Rates) of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.081 (D) (Sick Leave) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025 and 33.026 (Safety Coordinator) of the Code of Ordinances of the City of Manchester.”

and recommends same be referred to the Committee on Bills on Second Reading as enclosed.

COMMITTEE ON JOINT SCHOOL BUILDINGS

- BE.** Advising that it has accepted the attached NORESKO May 2000 Progress Report and is submitting same to the Board for informational purposes.

- BF.** Advising that it has accepted the enclosed project summaries and architect's, engineer's and contractor's reports for the month of June relative to High School Stages, Parkside Addition, Parkside Life Safety, Northwest Elementary Reroofing, 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.

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- BG.** Recommending that the action to close President Road be rescinded and that the road remain an open public way.

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.

- B.** Approving the closure of streets (as outlined herein) on Sunday, June 25, 2000 between the hours of 12:30-2:30 PM in conjunction with the American Legion Parade (unanimous).

- C.** Approving the placement of a banner across McGregor Street during the months of June and July on behalf of CMC and the NE Heart Institute (unanimous).

- D.** Authorizing execution of easement and licensing agreements (AES Cooling Water) subject to the review and approval of the City Solicitor and Public Works Director or his designee conducted June 22, 2000 (unanimous).

Alderman Vaillancourt stated it seems to me that we are doing more and more telephone polling. I am opposed in principle to telephone polling and specifically the way we are

doing it. If you look at Items B and C, it says if you are in opposition to these please contact Paula by noon otherwise your vote will be recorded in the affirmative. I don't believe this is any way to run a democracy because the purpose of government is so you have meetings so you can discuss things and perhaps, although it happens rarely, change some people's mind in the context of discussion so I am opposed to all of these telephone polls.

Mayor Baines asked would you like to make a motion to do away with telephone polling.

Alderman Vaillancourt answered no. I would just at this point urge that we use it less and hopefully we can get away with using it less. Everybody knows our schedule. If there is an item that requires advance notice, it should be able to be put on the agenda and go to the appropriate committee without going to a poll. In regards to Item E, I especially am concerned about that. This is a major item. It is not just closing a street for a day, but it is something that the people truly have a right to know about and as you will notice, there were no fewer than four Aldermen who were not available to vote on this. I think the people have a right to know exactly how the status of negotiations with MediaOne are going and what is happening. In particular, tonight we had discussion about MCTV. I think Alderman Gatsas should inform the Board and the people of Manchester why we have to go until September 8 with the current contract rather than go to the new contract now. In particular, I would like to have a little discussion on this item.

I will forego the comments on the other items and simply ask that in the future we try to avoid telephone polls.

Mayor Baines stated we do have to deal with the ratification. Do we need a motion?

Deputy Clerk Johnson answered we need a motion to ratify and confirm the polls conducted. It is my understanding that he is asking for discussion on Item E.

Alderman Sysyn moved to ratify and confirm the polls as conducted. Alderman Wihby duly seconded the motion.

Alderman Vaillancourt stated I would like an explanation from Alderman Gatsas regarding Item E before we vote.

Alderman Gatsas replied I will allow the City Solicitor to comment on that because obviously the way City government moves, the contract, if it were up to me certainly would have been negotiated much quicker with MediaOne, but the control factor for the negotiations have been with our attorney and MediaOne. I would love to tell them to do it a lot quicker and get this done according to our time schedule but as I have been told,

their time schedule moves a little slower. They have until September and at that point this Board should decide what actions we want to take and how we want to proceed. Certainly I think that whatever we do is important in the entire City's case. I don't think we should just make a decision without the ability to enter into a negotiation so maybe the Solicitor wants to broaden that because he has been dealing directly with the attorney.

Deputy Solicitor Arnold stated as this Board knows we have been in negotiations. As a matter of fact, I was in Boston on Monday trying to tie up the loose ends so to speak. Peter Epstein and myself met with Tim Gage and MediaOne to come up with a format for implementing what I think are the wishes of the Board in terms of the upcoming contract. Unfortunately, the present contract expired on July 8. Due to the different schedules involved, as much as I would have wished to finish by July 8 we didn't succeed in doing that. MediaOne for perhaps good reasons didn't feel comfortable operating a franchise here in the City without a contract and asked if we could extend it to September 8 in order to try and finish this process so that we could finalize a contract to present to this Board. That extension is essentially going to give us time to do that so that we can come back to the Board with an agreement that this Board can discuss and ratify if they choose to do so.

Alderman Vaillancourt stated without meaning to broach any subjects that we would need to go into executive session to discuss, are there any particular sticking points.

Deputy Solicitor Arnold replied I don't think so. The discussions we had on Monday were detail-oriented, i.e. the form we are going to use for the actual agreement, some definitions and those types of things. I don't think that there are going to be any sticking points. If there were, I certainly would have discussed them with Alderman Gatsas and the Committee on Administration.

Alderman Gatsas stated just to follow-up, obviously not wanting service interruption for the citizens of Manchester and I don't know if that would have happened but certainly where the contract would have lagged there is that possibility and knowing now that AT&T has taken over MediaOne looking at a two month extension made the most sense.

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

G. Sidewalk Improvement Petitions 50/50 Program.

Alderman Wihby asked do we care if somebody wants to put a sidewalk where there is no sidewalk. Do we look into all of that stuff to see if it is a good idea for us or do we just allow all residents to put a sidewalk in front of their yard even if it doesn't go to anywhere?

Mr. Thomas stated the program does allow a sidewalk to go in just in front of one location between blocks. The program was established to generate the shared construction of sidewalks throughout the City so if a homeowner wants it just in front of his house, the program will construct it.

Alderman Wihby asked are we turning away people who want to fix what is there because we are putting one in front of someone's house that doesn't go to anywhere.

Mr. Thomas answered no. We pretty much have been accommodating the requests that are coming in. Quite frankly, a request may come in at the end of a contract that may get deferred until the following year.

Alderman Wihby asked but we usually take care of everybody.

Mr. Thomas answered that is correct. We don't have a tremendously large backlog.

Alderman Levasseur asked what happens...I know when one person gets their sidewalk fixed up the neighbor next door comes running out and asks can you do mine. Do you do that or do they have to go through a whole process?

Mr. Thomas answered we can't do that. The procedure that was established was that they have to fill out a petition at the City Clerk's Office. Those petitions come to the Board of Mayor and Aldermen to be approved before we will construct those sidewalks.

Alderman Levasseur asked on the petitions is it only a one shot deal or can they have more petitions coming in and then we will go through this again in August or is that just it for the summer.

Mr. Thomas answered I don't know if the batch of petitions that came in tonight account for the full amount of money that has been allocated. I doubt it very much so we will probably be coming back to the Board at a later date.

Alderman Levasseur asked so it is based on what you have for money. How much is allocated for that program?

Mr. Thomas answered I believe it is around \$75,000 for the City share and an equal amount from the homeowners so it would be about a \$150,000 contract.

Alderman Levasseur asked how many sidewalks do you get out of that money. I know it is based on sizes, but do you have a rough estimate? How many homes did you do last summer?

Mr. Thomas answered I don't have that information, but I can get that for you.

Alderman Wihby moved to approve the petitions under the supervision of the Highway Department, subject to the availability of funding. Alderman O'Neil duly seconded the motion.

Alderman Levasseur asked the Mayor to take a moment to explain the Sidewalk 50/50 Program.

Mayor Baines answered I utilized that about 20 years ago so I have forgotten what the process is myself.

Mr. Thomas stated the 50/50 Sidewalk Program provides for the installation of a granite curb and the construction of an asphalt sidewalk. We have now extended that to include some concrete sidewalks. The way the process works is if a person is interested in a sidewalk they would contact the Highway Department and we would send out one of our technicians to meet with the homeowner so that we understand what they are requesting. We measure it up and prepare an estimate so they have an idea of how much it is going to cost. Then, they are instructed to go down to the City Clerk's Office to fill out a petition and the petition gets acted upon. We receive a check for half of the cost and once we receive the check we schedule the work with the contractor.

Alderman Levasseur stated if you live in an apartment building, you can contact your landlord and your landlord can then contact the Highway Department. A lot of landlords don't live in the buildings and don't realize that they can get this. I think it is a very good project. I have seen people use it on my street and it really does improve the neighborhood and increase the value of the homes. If you have an opportunity to do so, you should jump on this.

Alderman Pariseau stated, Frank, you mentioned something about the installation of granite curb. Wouldn't the granite curb be 100% property owner?

Mr. Thomas replied no. Under this program it is...see sometime ago, years ago when we were doing the work with the Highway Department the way it worked was you buy the concrete curb and we install it. Now that this work is being done by a private contractor, all of the costs are split 50/50.

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

- J.** Copies of communications from the Finance Officer to the Treasurer of the Manchester School District regarding the requested transfers of \$1.9 million and \$2,643,990 to the School District and a reminder that the District still owes the City \$6.8 million for FY2000 chargebacks.

Alderman Shea stated the Finance Department sent over or transferred \$1.9 million and \$2.6 million as far as the School Department is concerned. My question is what is the status or disposition of the chargebacks?

Mr. Clougherty replied I spoke to the Superintendent this morning and he informed me that they are going to be meeting on Wednesday and he would expect that they will start processing payment of the chargebacks next week.

Alderman Shea asked so you are expecting a final financial statement to be received from the School District when at the end of this month. Is there any kind of a law where we can close the books and see whether or not Alderman Wihby and I are on line or not?

Mr. Clougherty answered I am going to be meeting with the Superintendent early next week to work out some of the details of closing his books and coordinating our financial statements so I will be able to answer that for you. Next week I will send you a letter and tell you what is scheduled.

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

- P.** Communication from Attorney Pauline Guay requesting review of the HTEsystem as it pertains to EPD billings and questioning why the system appears to be failing in processing invoices correctly.

Alderman Clancy stated here we go again. One of the attorneys calling in and saying that the HTE system is not working properly. I would like to have some information from maybe Diane Prew as to why it is not working.

Mr. Thomas stated where this is an EPD issue, I did research it and I prepared a memo on the subject, but briefly EPD was going through the conversion with HTE last September and the first warrant that was submitted...the last modification that was made was in April of this year. The request for the information from Pauline Guay came in within a week of the first warrant going through. When they came down to the treatment plant we gave them the information on the money that was due to EPD. However, when there is a warrant transferring back payments to the Tax Collector's Office, we didn't have that information available at that time. When it got transferred and the warrant went to the Tax Collector's Office there was a lag in time in posting that so the Tax Collector's Office didn't have it. However, within a short period of time we were able to research it and give them the correct information. Now, some of the statements that were in Pauline's letter weren't 100% correct. First of all, there was no interest accrued because of any delays as a result of this lag in posting at the Tax Collector's Office. The interest that was referred to was interest that had accrued because these late payments were shifted down to the Tax Collector's Office. Since that time because that was the first time and there was a minor glitch, we have instituted with HTE and Information Systems ways of making sure that it won't happen again. First of all, we now assure that when the warrant gets sent to the Tax Office it gets posted right away so there is not a lag of a week that took place the first time.

Alderman Clancy asked my contention is is HTE up and running properly.

Mr. Thomas answered right now as far as we are concerned it is running smoothly down at the treatment plant. We feel that some of the issues that were raised in this correspondence have been addressed. The billings are going along well. The last change we have right now with HTE is to get information from the Water Department in a different format. The way the system was originally set-up, it was based on meter readings, which are fine for the Water Department but it caused us problems in our billing. Now HTE is going to be furnishing us that information on water consumption and we should run a lot smoother. From now on, if someone comes down to our treatment plant and wants a final bill, we will be able to pull up and access the Tax Department's records so that we can let the person know what is owed at the treatment plant and what has been turned over to the Tax Collector for collection. The issues that were raised have been resolved now. Again, this happened when we instituted something for the first time and ran it for the first time. There wasn't a flood of these types of problems. This happened because somebody was inquiring about a severely overdue sewer user payment.

Alderman Clancy stated my contention was that we have had HTE on line for two and a half years and we get a letter from an attorney stating this and I say to myself well maybe there is something wrong.

Mr. Thomas replied again, the system has been up for a period of time, but this latest phase of the upgrade, the warrant being transferred to Tax, this was the first time it was run. We did it for the first time on April 19 and within a week they were in looking for the information. It wasn't something that has been around here for two or three years. As I mentioned, we first implemented HTE billing in September of that year and the first warrant was done in April. That was all new and of course when you do something for the first time you are going to find potential glitches. Again, I think that the point of the matter is that we have addressed all of those. I talked to our people down at the treatment plant and they are satisfied with HTE to the point where they cringe at any thought of any modifications.

On motion of Alderman Wihby, duly seconded by Alderman Pariseau, it was voted to refer this item to the Committee on Administration.

- U. Communication from William Cote requesting replacement of existing front porch and door onto City sidewalk at 481 Dix Street.

Deputy Clerk Johnson stated the Clerk requested this item be removed because after conferring with the Highway Department apparently the portion of the encroachment is actually part of the road and there is a need to send this to road hearing and since there is a road hearing coming up, the suggestion is that it be referred to this next road hearing and we will put the paperwork together.

On motion of Alderman Cashin, duly seconded by Alderman Shea, it was voted to refer this to the Road Hearing.

- X. Communication from the Economic Development Director expressing his understanding of the Committee's concerns and its expectations with respect to his scope of coordination responsibilities concerning civic center related issues.

Alderman Vaillancourt stated this is the Committee on the Civic Center correspondence from Jay Taylor. I will just look at it with you. This is not at all what I expected. I attended that Special Committee on the Civic Center meeting. In fact, I believe that I was the individual that suggested that Jay Taylor might be best to coordinate some of these efforts because things were going wrong with the other people in charge. He has done a fairly good job. Certainly better than the MHRA in providing information in a timely manner, but if you will notice the next to the last paragraph, Skip Ashooh, relative to his

ongoing dealings with ARAMARK and Scheer-Stern, Skip has agreed to provide me and then later on he talks about Peter Levy will continue to provide. I am not a member of the Civic Center Committee, but I believe it was the intent of the Committee to get more than just information from Skip Ashooh through Jay Taylor. I believe the intent was for Jay Taylor to take a more active role and for Skip Ashooh to take a less active role. Not that I want to disparage any particular individual, but I do notice on the front and center of the Union Leader today this astounding sentence, Civic Center backer, Elias "Skip" Ashooh said the soil is tainted just enough to be contaminated but not so foul that help is available from government sources. I spent two hours checking this out to get the facts and can give you about a half an hour explanation, but I suggest that Jay Taylor should have been issuing that kind of statement because this statement is obuscatory of the worst sort. It totally misrepresents what the DES is doing. I called your office to suggest that we have a representative from DES come down but it all goes back to this letter. This is not...correct me if I am wrong members of the Civic Center Committee, what my understanding of what Jay Taylor's role would be.

Mayor Baines replied we did follow-up on that. Mr. Scannell, would you please report on that. We did ask them to be here.

Mr. Scannell responded right and I talked with Alderman Vaillancourt after that. The individual at DES indicated a willingness to come any time, however tonight was a little too close for her to schedule a time.

Mayor Baines stated perhaps the Civic Center Committee would like to meet with her and she will be available to do that.

Alderman Hirschmann stated what we decided in that Committee was that Peter Levy would comment on all construction issues and that Jay Taylor would report to the Board on all other issues. This is obviously a construction issue, which Jay Taylor wouldn't necessarily comment on.

Mayor Baines stated also if the Union Leader calls, someone like Skip Ashooh is going to comment.

Alderman Vaillancourt replied I "no commented."

Mayor Baines asked did they call you.

Alderman Vaillancourt answered I am the one who broke the story to them. How do you think it made the front page? It was on my doorstep last night. Nobody in the City

would have known about it if I hadn't broken it, but I also said "no comment" from me. I don't want to keep saying I told you so for the next two years.

On motion of Alderman Wihby, duly seconded by Alderman Hirschmann, it was voted to refer this item to the Special Committee on the Civic Center.

Report of Committee on Administration/Information Systems

AA. Advising that it has received and filed a communication from Alderman Vaillancourt suggesting a Charter amendment be drafted, sent to public hearing and prepared for the November ballot relative to campaign expenditure/donation forms.

Alderman Vaillancourt stated this involves clean campaigning. It involves the lack of proper filing that I brought to the full Board and was sent to this Committee and I am not satisfied with the response from the Committee to simply receive and file. I move and hope I get a second that the Board of Mayor and Aldermen establish a special study investigating committee with seven ad-hoc members to investigate irregularities in campaign finance reporting. This committee should consist of three Aldermen, a representative from the City Clerk's Office, from the City Solicitor's Office, the Mayor and the Concerned Taxpayer's Group. Alderman Levasseur duly seconded the motion.

Alderman Vaillancourt stated as I alluded to earlier, this states in a loud and clear message through the votes that John McCain received in the primary here that we need to clean-up campaign finance reform. We need to have campaign finance reform. If you will notice, in the packet I sent to you in my role as Manchester legislative delegate, on the back of the cover page there is Concord Monitor article, "Election Law Think Tank Appointed." This is the Secretary of State, Bill Gardner, who has appointed a special body of illustrious members including David Nixon and Walter Peterson, former Governor, to look into the upcoming election to see what kind of election laws are being violated and report back for possible legislation at the State level but I have gone through the filings on the City level for the last campaign cycle and there are so many irregularities that we need a special panel to investigate this and draft possible legislation for changes. For example, I am not going to hit one particular individual, but the Democratic party has this little mailing in front of me here. No place on their filings, which came in four months late, do they make reference to how they paid for this. The other members of the other party have been equally remiss in dealing with this. I believe this merits investigation and to not do this would be to say "See No Evil, Hear No Evil, Speak No Evil" and bury our head in the sand. People are asking that we investigate this so I would volunteer myself along with Aldermen Shea and Hirschmann to serve as the three Aldermen on the seven-member panel if they would agree and we have the votes to do this.

Alderman Wihby stated I guess I don't understand what the motion is. Is the motion to investigate something or is the motion to go ahead and draw up something?

Alderman Vaillancourt replied the motion is to set-up a special seven member ad-hoc panel for the purpose of looking into irregularities and coming back to the Board to recommend any possible changes that might clean up the system. It would be three Aldermen, the City Clerk who has a vital role in this function, the City Solicitor so that we can have legal advice or a representative from his department, a representative from the Mayor's Office and I would recommend Mr. Scannell and as a seventh person I thought someone from the Concerned Taxpayer's Group, which is a watch dog organization that would be very interested in this kind of thing.

Alderman Levasseur stated I think Alderman Vaillancourt brings up a valid issue. I think that we could even go a little further and maybe change a little bit of the policy in how those forms are sent out with a little bit of a better explanation of what needs to be put on there. They are very confusing. There doesn't seem to be any real follow-up on them. There doesn't seem to be any real validation of them. There doesn't seem to be any force behind them and I think that in the interest of people who have called me and asked about this issue before I think it is a good idea to go ahead with that. I don't know if we are ready to go ahead with three Aldermen and such and such and such, but I think the idea is something that should be discussed, maybe in the Mayor's Office. I think he brings up a very valid point because it is a very confusing process and it doesn't seem to have any force behind it.

Alderman Shea stated I concur with Aldermen Levasseur and Vaillancourt. I believe that it certainly is in the best interest of all people whether they are political candidates or the general public, to know exactly what is going on in terms of either fundraising or obligations that politicians assume when they enter public life. I am not sure if the process that Alderman Vaillancourt suggested is a proper process or whether it should go to another Committee but I concur that the idea is sound and it should be followed.

Alderman Cashin stated I don't think anybody is going to disagree with Alderman Vaillancourt and what he is trying to get at, but I think it ought to go to a Committee so at least it could be evaluated as to who is going to sit on this Committee. This could be a very precarious position to be in. Human nature being what it is, I would want to be very careful about who was appointed to that Committee. I would like to at least put it into some Committee where we could look at it before we make any final decisions.

Alderman Vaillancourt stated, your Honor, I believe we put it into a Committee and they came back here to kill it. That is why I am making this motion. It went to the Committee

and I believe that Alderman Hirschmann was the only one who voted not to just receive and file this.

Mayor Baines asked the Clerk to clarify the motion on the floor.

Deputy Clerk Johnson answered my understanding is the motion has been made and seconded to establish a special investigative study committee with seven ad-hoc members and membership has been listed by Alderman Vaillancourt as three Aldermen, a representative from the City Clerk's Office, City Solicitor's Office, Mayor's Office and Concerned Taxpayer's Group.

Alderman Wihby stated I heard names that were mentioned as already picked.

Alderman Vaillancourt replied Alderman Cashin referred to the fact that we don't want any particular people on. I was very careful in suggesting the three names picking my Democratic colleague to my left although these are non-partisan City elections, my Republican colleague to my right and most people would say that I am right in the middle there so I think these are three good representatives.

Alderman Wihby asked are there names listed or not.

Alderman Cashin answered if you vote for this yes. You are appointing the Committee.

Mayor Baines stated if you vote for this you are approving the names and structure, as I understand it.

Alderman Vaillancourt requested a roll call. Aldermen Vaillancourt, Hirschmann, Levasseur, and Shea voted yea. Aldermen Pariseau, Cashin, Thibault, Wihby, Gatsas, Sysyn, Clancy, Pinard, O'Neil, and Lopez voted nay. The motion failed.

Mayor Baines stated what I am going to suggest that we do since we are dealing with the consent agenda, it might be appropriate for any additional motions to come under new business.

Deputy Clerk Johnson replied the Clerk would prefer that this item be dispensed with.

Alderman Vaillancourt moved to refer this item back to the Committee on Administration/Information Systems. Alderman Pariseau duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Report of Committee on Bills on Second Reading

AE. Recommending that Charter Revision question:

"Shall the municipality approve the charter amendment to eliminate the at-large positions for Board of Mayor and Aldermen and School Committee Members?"

be referred to a public hearing on July 31, 2000.

Alderman Lopez stated in reference to AE on the Charter Amendment going for a public hearing, I pulled this off the agenda. I don't want to make a motion but I will oppose this and ask for a roll call vote when the motion is made.

Deputy Clerk Johnson stated he doesn't wish to make a motion but he took it off the Consent Agenda to allow the opportunity to oppose whatever motion is made.

Alderman Lopez stated the motion is to go to public hearing and I will vote against it.

Alderman Lopez moved to accept, receive and adopt the report of the Committee on Bills on Second Reading. Alderman Wihby duly seconded the motion.

Alderman Pariseau stated I don't understand.

Mayor Baines stated there is a motion on the floor to refer the At-Large positions to a public hearing. That is the motion that is on the floor. To accept that report is the motion that is on the floor. He is going to oppose it, but for the sake of deciding whether it is going to go to a public hearing or not, he made the motion to put it on the floor. Now we are going to discuss whether or not that issue should advance to a public hearing. That is the question before you.

Alderman Wihby stated this came up in the Committee. All we are doing is sending it to a public hearing and it still comes back to this Board after that public hearing or it comes back to the Committee and then back to this Board. This is only asking for a public hearing. We are not deciding anything.

Alderman Lopez stated this issue has been beat to death on the Charter Commission. It has been beat to death when we ran the election and it has been beat to death by one party or one individual and I, therefore, oppose it.

A roll call vote was taken at the request of Alderman Lopez. Aldermen Lopez, Cashin, Thibault, Sysyn, Pinard, and O'Neil voted nay. Aldermen Shea, Vaillancourt, Pariseau, Hirschmann, Wihby, Gatsas, Levasseur, and Clancy voted yea. Mayor Baines vetoed the action stating I agree with Alderman Lopez that this is an issue that was well debated on the Charter Commission and went to a vote and in the past it went to another vote and passed again. I think it is time to put this issue to rest and the voters have spoken.

Alderman Hirschmann stated your veto stuns me honestly because the public are the people that we represent and I really cannot comprehend how a majority vote of this Board is asking for public input and you are blocking it.

Mayor Baines replied I just gave my message.

Alderman Hirschmann responded you gave a strong message, your Honor. I cannot believe that. The Charter was drafted and we were told every step of the way take this whole Charter or don't take it. It was taken as a bulk package. Every one of those Charter commissioners told us that at any point in the future if this Charter needs to be amended it can be amended. I think you are making a very serious mistake.

Mayor Baines replied that is your opinion.

Alderman Wihby stated I have to agree with my colleague from Ward 12. I think the appropriate thing would have been to hear from the residents out there at the public hearing and if you saw that they weren't interested in something like this and again defeated it then that would have been the time to overrule the majority not now before they have input as to whether or not they want this, your Honor.

I think you are setting a bad precedent in the future in that you are not allowing people the opportunity to speak. I think this should go forward and at the next opportunity you have...once you got the input from the residents that is when you should...

Mayor Baines interjected I appreciate your input. Is there a motion to override the veto?

Alderman Wihby moved to override the veto. Alderman Levasseur duly seconded the motion.

Alderman Levasseur stated I find it amazing...wow, I was stunned by that but the thing I would like to say is the one thing you learn in law is that there are always going to be issues that come up that people say are dead. Well, new people come along and new ideas come along and people fight for long periods of time to change things. Now on the

Republican Committee in which I sit, we had a vote on this and I believe there were 34 people in the room and it was a majority vote of 33 and not one person spoke against it. There are 33 people out there that would like to know if this could go to a public hearing. Also, because this is my first time in government I had no idea about Charter amendments and what could be done and how the Alderman At-Large thing worked and how all of this stuff came together and now that I am in here that is because I am new to this and more people that are coming in are going to be new to this and more voters are coming up and this is more of a situation where it is more philosophical than personal. Do you want a smaller government or do you want a bigger government? I wasn't around when the Charter was put together but if I knew that this is what was going to happen and you couldn't put things to public hearing then I don't think this Charter should have been pushed through because I don't think anybody had the intent of not allowing things to go to public hearing. If the public came out and said they didn't want this, then we could come back to this Board. Personally, the two Aldermen At-Large that are on this are very good people and work very hard. At the same time, there is a philosophical difference out there. There are a lot of people in government and I know for a fact that 33 or 34 people voted to make this government smaller so I would ask anybody who decided to vote against going to a public hearing to change their mind and override this veto.

Alderman Vaillancourt stated I wasn't going to speak on this because I thought it was a very simple matter, democracy being allowed to speak, but apparently there are some people in these chambers who do not wish to allow the people to even have a voice. I take personal exception to the Alderman At-Large to my left for his comments. This was not brought about because of one party or one individual. I put this motion forward because I had several people of both parties who came to me and asked about this. This has not been beaten to death. It came up three years ago. We voted for Alderman At-Large at the same time we were voting to approve the Charter. At the same time I believe eight people were running for Alderman At-Large and six people were running for School Board At-Large. Since then, we have had three years to get a look at how this works. Every three years perhaps on something of this significance we ought to allow the people a chance to review it and at least let them come forward and say if they think it is working or not. Now let me just tell you what happens to me as a Ward 8 Alderman. I get about four or five calls a day. I had one from Brad Court, an individual who had last year four times somebody go through the road, over the bank, through his back fence and into his yard. I went over there and fixed it. All the calls I get are of this nature. Now if somebody calls me regarding something in Ward 3, I would send it to my colleague, Alderman Levasseur. For Ward 9, to Alderman Pariseau. I am just wondering if the people might think that Aldermen At-Large are not necessary. If somebody calls an Alderman At-Large, I would think that their first reaction would be to send it to the

Alderman in that ward. If I am spending maybe 10 hours a week on these individual concerns, the people might have a right to say hey maybe Aldermen At-Large aren't necessary. Maybe they are not required to do this kind of work. The people at least have a right to say whether or not the Aldermen At-Large are worth the money we are paying for them. I take particular offense to the comments from my colleague and I am actually not shocked by your veto. I realize that you were on the Charter Commission and you have every right to veto, but I would ask the City Solicitor if the two Aldermen At-Large are not in a conflict of interest by voting on this since certainly it has a personal gain for them.

Deputy Solicitor Arnold stated I don't think the interest arises to the level of conflict called for by the conduct rules of the Charter.

Alderman Vaillancourt stated I challenge the ruling of the City Solicitor.

Mayor Baines asked what is the process for that.

Deputy Solicitor answered there is no process for that.

Mayor Baines stated the City Solicitor has ruled that there is no conflict and the Aldermen At-Large are entitled to vote.

Alderman Shea stated I think that all of the people who have voted for the public hearing in my judgment are correct. I believe, your Honor, that in order for us to have a truly democratic and open government people should have a voice in what is going on. Not necessarily that they are for or against Aldermen At-Large, but mainly give them an opportunity, your Honor, to express their views. You advocate that your door is always open and people can come and speak to you so you have a chance, your Honor, not to veto this and allow the public to speak. Whether we are for or against a particular issue, we represent constituents and they have a right to participate in our government and we deny them this right, your Honor, by doing this.

Mayor Baines replied I appreciate that and respect that and if 10 votes can change the decision then I will stand by the fact that I did deliberate on this issue. I appreciated Alderman Vaillancourt's issue. We deliberated on this issue for nine months on the Charter Commission. We had public hearings after public hearings and forum after forum. We went around this issue and spent a lot of time on it. It came up for a vote again. There was a well-debated campaign in the community around the issue. The community spoke.

Alderman Gatsas stated I believe that there is a ward meeting tomorrow night in Ward 2. Certainly I am hoping for a large participation. I think the two Aldermen At-Large know exactly what my feelings are about the size of the Board. It is no secret. Certainly I think that there should be public input. I certainly will make the motion for reconsideration after the vote. I have made an effort to make sure that we have a lot of the voters from Ward 2 at the meeting and maybe they can voice their opinion. Certainly I would listen to that opinion and I think you are going to be there, your Honor, and maybe at the next Board meeting if you desire to go to a public hearing because of Ward 2 then we can do that.

Mayor Baines called for a vote on the motion to override the veto. Alderman Hirschmann requested a roll call vote. Aldermen Hirschmann, Wihby, Gatsas, Levasseur, Clancy, Shea, Vaillancourt, and Pariseau voted yea. Aldermen Sysyn, Pinard, O'Neil, Lopez, Cashin and Thibault voted nay. The motion failed.

Alderman Levasseur stated I would like some advice from the Solicitor as to what the process is to go out and get a number of votes for a petition. I know there were people in the Republican party who said if it didn't pass they would be willing to go out with a petition and get signatures. What is the process?

Deputy Solicitor Arnold replied I don't have the statute in front of me. I could get that information. There is a procedure.

Alderman Gatsas moved for reconsideration. Alderman Vaillancourt duly seconded the motion.

Alderman Vaillancourt stated I would like to request that the City Solicitor do some research to verify if his ruling is correct and when we move to reconsider this I ask that he come back with the written basis for his ruling on the point I raised.

Alderman Hirschmann stated I would like to know the answer to Alderman Levasseur's question before we leave here tonight. He should know that, your Honor.

Deputy Clerk Johnson stated in terms of the referendum petition that Alderman Levasseur is referring to, if he wishes he could see the Clerk tomorrow and we could provide him with copies of the statute and the process. There is more than one process available to have a referendum question on the ballot.

Alderman Hirschmann asked could you put it in writing to all of the Aldermen tomorrow.

Alderman O'Neil asked does that mean if others have concerns with other parts of the Charter that we should be bringing those forward. Why don't we just go through a Charter revision process again because there are parts of the Charter that I don't agree with?

Mayor Baines answered to me that is the essence of what we are talking about here. You can pick any point of that Charter and put it up. There is a Charter review process that is in place. That is the proper way to do a Charter revision in my view having participated for nine grueling months.

Alderman Vaillancourt stated you put in this process as a way to change the Charter.

Mayor Baines replied right and you can support it and if you get a vote of 10 it can go forward. I just don't agree.

Alderman Levasseur stated it seems interesting that you can veto something for a Charter amendment. That makes no logical sense to me. You get a majority vote and yet it can be vetoed.

Mayor Baines replied that is the process.

Alderman Levasseur asked does it say in the Charter that you can veto a Charter amendment.

Mayor Baines answered yes.

Deputy Clerk Johnson stated I would note that the report that is on the table is indicating a date of July 31 for the public hearing. Is the reconsideration motion on the override or the whole motion to accept the report or both? I just want to clarify that for the record.

Alderman Vaillancourt replied it was clearly on the override, but if for some reason we manage to override I think we would have the votes to establish a new public hearing at that particular time.

Alderman Gatsas asked is there any way that we can not have to circumvent the scenario of the public input that we may receive tomorrow night as a partial look at what we are looking at. Can we do a telephone poll on the reconsideration so that we can get it to the public hearing on July 31 or can we call a special meeting? I guess if we call a special meeting we need a majority of the Board to have that meeting. Anybody can call that meeting can't they?

Alderman Cashin answered you can call a special meeting and I would prefer that you do it that way as opposed to a poll in this case.

Alderman O'Neil stated I hope we give this the appropriate time because I am going to be making other recommendations to the Committee for Charter revisions. If we are going to start revising the Charter, I have some comments that I am going to be making and bringing forward. I think that is where we are going to end up spending the next six months...worrying about revising the Charter instead of doing the business of the people of this City.

Alderman Levasseur stated well, your Honor, you did say it was time for a change.

Alderman Gatsas stated I don't know if I had my question answered.

Alderman Cashin asked was your question about a special meeting.

Alderman Gatsas stated all I know is there is a meeting tomorrow night in Ward 2 and if this issue is a pressing issue and I am not saying that the other 11 wards are not important but obviously we have a forum where we can talk about this tomorrow night and certainly if they address the question of the veto by the Mayor and ask that it goes to a public hearing...what happens if the Mayor withdraws his veto.

Alderman Cashin replied I am not sure he can withdraw his veto. We have acted on the veto.

Alderman Wihby asked can he delay his veto until tomorrow.

Alderman Cashin stated the veto has already been made. You can talk to the City Clerk.

Mayor Baines asked can we come back to this discussion later on.

Report of Committee on Community Improvement

AF. Advising that the Committee has scheduled a public hearing for July 24, 2000 relating to Central Business Service District issues including the area of the district and services provided.

Alderman Levasseur asked Alderman O'Neil if he had a problem changing this to August 28.

Alderman O'Neil answered no.

Alderman Levasseur moved to amend the item advising Mr. Davis not to hire anybody until we figure out whether the district is going to be pulled in a little bit.

Mayor Baines stated I don't think we have any authority to do that.

Deputy Clerk Johnson stated there are two issues with regards to this report. The first is that the Clerk is suggesting an August 28 date rather than the July 24 date that is listed in the agenda and that would require an amendment to the report. My understanding is that what Alderman Levasseur is asking is that the report be amended to also request that Intown not replace any vacant positions that may come up between now and the public hearing.

Alderman Pariseau replied that should come up under new business. We shouldn't be jumbling up the agenda like we are.

Deputy Clerk Johnson stated his item could be taken up as a new business item, but the report would need to be amended to change the public hearing date.

On motion of Alderman Hirschmann, duly seconded by Alderman Wihby, it was voted to amend the report to change the public hearing date to August 28.

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

Report of Committee on Community Improvement

AH. Recommending that a request of the Deputy Public Works Director to reallocate \$151,798 from the NORESKO contract to the Human Resources Department along with rebates from PSNH (\$125,000) and FY2001 CIP funding in the amount of \$250,000 for the School Security Project be granted and approved.

Deputy Clerk Johnson stated there needs to be an amendment to this report as well. The figure from PSNH is now \$130,800, which is also what is reflected in the budget authorization that was submitted under additional business to the Board.

On motion of Alderman Wihby, duly seconded by Alderman O'Neil, it was voted to amend the report to reflect the PSNH figure as \$130,800.

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

Report of Committee on Community Improvement

- AR.** Recommending that the Special Needs Education Facility project description be revised to accommodate approximately \$30,000 to address emergency capacity increase issues at Central High School; and for such purpose a revised budget authorization has been submitted.

Deputy Clerk Johnson stated Item #1 on the additional business that was provided to the Board has a communication received from the Building & Sites Committee of the School Board requesting an exemption from the competitive bid seal process for renovations to Central High to meet the emergency increased capacity needs. We need to amend the report to authorize proceeding with the project under Section 39.09 A(1) of the code.

On motion of Alderman Pariseau, duly seconded by Alderman Clancy, it was voted to amend the report as stated above.

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

Reports of Special Committee on Civic Center

- BH.** Advising that it has requested Jay Taylor, Economic Development Director, to provide coordination and oversight acting as the City's designee in matters pertaining to hockey team and building management for the Civic Center.
- BI.** Advising that it has approved an Asbestos Abatement Change Order #1 in the amount of \$38,212.
- BJ.** Advising that it has approved Change Proposal #14, Rev. 1, which adds a \$150,000 acceleration allowance to the GMP (Guaranteed Maximum Price). Mr. Levy advised that this item was negotiated prior to the closing and there is no impact on the budget.
- BK.** Advising that it has approved a request of Peter Levy for Construction Change Authorization relating to compensation to the excavator in handling and stock piling contaminated soils on the site and removal of all tested clean material at an estimated cost of \$300,000.00.
- BL.** Advising that it has approved the exterior color scheme for the Manchester Civic Center.
Alderman Vaillancourt moved that from this point on the Civic Center Committee vote in and of itself not be enough to move anything forward, but that it come back to this Board for final approval. Alderman Shea duly seconded the motion.

Alderman Vaillancourt stated this is the only Committee as far as I know and I was absolutely shocked to learn at the last Civic Center meeting that three individuals, which would constitute a majority of the Civic Center Committee can do just about anything they want without having to come back to the Board as a whole to get approval. Now we are faced with a \$1.1 million overrun in the contamination clean-up and those three individuals can do this without ever having to come back to the entire Board. From now

on, what I am simply suggesting is that democracy again take a breath and that is require more than three people to commit the City to \$1 million such as we are facing in the contamination. It simply makes sense that the entire Board of Mayor and Aldermen should approve something that this Committee does as I am corrected by my colleague on my right, most Committees of this Board require.

Alderman Hirschmann stated to my recollection, the Manchester Housing & Redevelopment Authority has a contract with Gilbane and in that contract the MHRA recognizes the Civic Center Committee to amend the contract to the amount of \$25,000 and that is a procedure that was set-up during the negotiation phase and that is the process.

Deputy Solicitor Arnold stated I believe that as Alderman Hirschmann points out there may be issues with the contract that the Civic Center Committee has jurisdiction over.

Alderman Shea stated as I was driving south on Elm Street the other day there were two oil trucks that were inside where the civic center is being built. Do you know who those oil trucks belonged to?

Mr. Levy answered the only oil trucks we have out there are trucks that will be delivering diesel to the equipment.

Alderman Shea asked were these trucks taking any oil from oil tanks that were in the ground.

Mr. Levy answered no.

Alderman Shea asked so these two oil tanks were delivering diesel oil at 5:30 PM.

Mr. Levy answered yes. They come after working hours.

Alderman Shea asked do they deliver it in tanks in the ground.

Mr. Levy answered no. There are no more tanks that we know about in the ground.

Alderman Shea asked could you tell me where the company that delivers the oil is from.

Mr. Levy answered I don't know where they are from. They are hired to deliver fuel by the sub-contractors who have the equipment on the site.

Alderman Vaillancourt withdrew his motion.

Alderman Shea withdrew his second.

Mayor Baines stated I want to remind the Board that we are following an agenda. We have contracts to approve and other critical issues and if we could move forward a little faster I think it would be in everyone's best interest.

Alderman Vaillancourt stated I did remove these five items from the agenda. Mr. Levy, concerning item BK advising that the Civic Center Committee approved the \$300,000 for the soil contamination clean-up in the immortal words of Senator Baker I want to ask you what did you know and when did you know it regarding if this would be in excess of \$300,000 up to \$1.1 million? Did you have any inkling that this would be skyrocketing when you asked the Civic Center Committee for the \$300,000?

Mr. Levy answered it was referred to in the memo. I had indicated that there would be additional costs associated with the removal of the soil.

Alderman Vaillancourt asked when you mentioned the \$300,000 did you have any idea that it was, in fact, going to be much more than \$300,000.

Mr. Levy answered I knew that it was going to be more, but I did not know how much more.

Alderman Levasseur stated I would like to make a request of the City Solicitor at this time to look for case law that will protect the City's interest in this situation. I have come across cases in school that suggest that when two parties enter into an agreement and one party has more knowledge then the other concerning contaminated soils that they may have to bear the burden of the cost and I believe at this time the City Solicitor should look that up and find out if we are within our rights because of their superior position as a company that has dug test holes and tested the soil and I believe that...I voted for the civic center but I didn't vote to rubber stamp things through and if I feel that maybe something is a little remiss then I can't sit here with good conscious and rubber stamp things through because somebody tells me so. I believe that Alderman Vaillancourt's motion that he withdrew is a proper motion. Maybe it should come to the full Board since this is the biggest project the City has ever undertaken and in the good interest of the City it should be put on TV and go through a public hearing whenever we have something like this. I also believe that the fact that these people have superior knowledge...ones that entered into this contract and the fact that they knew this soil was contaminated that it was incumbent on them to be a little more forward with the price that

it would cost us. I would suggest that if that needed a motion I would like to have that seconded or maybe the City Solicitor could recommend something.

Mayor Baines asked are you moving that the City Solicitor explore the law and how it pertains to this project.

Alderman Levasseur answered yes.

Alderman Wihby duly seconded the motion.

Alderman Gatsas asked, Peter, are you familiar with the test borings.

Mr. Levy answered yes.

Alderman Gatsas asked how familiar.

Mr. Levy answered I have read them numerous times.

Alderman Gatsas asked did it show signs of contamination.

Mr. Levy answered we knew that there was potentially contamination.

Alderman Gatsas asked did they sign off on those test borings.

Mr. Levy answered when you refer to they who are you referring to.

Alderman Gatsas stated the problem that I am starting to have here is obviously that the lenders have to be having some serious problems because when you start talking about contamination I know that mortgages have been withdrawn in past instances. Are you familiar with that?

Mr. Levy answered no I am not.

Alderman Gatsas asked you never heard of that.

Mr. Levy answered no.

Alderman Levasseur stated I would like to move that we do not disperse the funds for this soil until we have received information from the City Solicitor. I heard that the payment was about to be paid.

Mayor Baines replied we have one motion on the floor. The motion is for the City Solicitor to investigate the applicability of that statute relating to this issue.

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

Alderman Wihby stated again there is a contract that was set-up and this Board had voted to send the items to the Civic Center Committee. We have heard from members of this Board saying that the Committee should do the work. At this time, I would like to move BH through BL. Alderman Hirschmann duly seconded the motion.

Alderman O'Neil asked can we pull BJ out of there and address that separately.

Alderman Hirschmann stated I would suggest that...these were already approved and this is just information. This is already done.

Alderman O'Neil stated I am going to comment on BJ. A couple of things. Number one the way it reads here is it adds \$150,000 allowance to the Guaranteed Maximum Price. Is that in fact what happened?

Mr. Levy answered yes.

Alderman O'Neil asked so whatever the number which we are still waiting for as the Guaranteed Maximum Price, this adds \$150,000 to that. This wasn't the wording I saw the night of the Committee meeting and that is why I am asking you. It was my understanding that it was coming from contingency and not added to the Guaranteed Maximum Price.

Alderman Gatsas asked, Peter, are you reading that. It says Guaranteed Minimum Price. Is that a mistake?

Mr. Levy answered it is Guaranteed Maximum Price. I didn't bring the other thing with me because I didn't think it was going to be addressed. I can't say for certain which one this is and if it was already included in the budget or if it was the one that is in the budget but then added...

Alderman O'Neil interjected this budget we need to get and we need to know what has been approved and not approved. I am just going to make a comment on this item. We

are giving an incentive to the contractor because on paper they are saying they are going to deliver it on time, correct?

Mr. Levy answered that is correct.

Alderman O'Neil stated which I have never heard of in my life. I would like to know who from the City side negotiated and agreed to that in the contract. My understanding is that it is part of the contract. Can anyone from the City staff answer that for me?

Alderman Vaillancourt replied I can. I did happen to call the MHRA earlier today and unlike the last time I requested documents and they stonewalled, they were very prompt in getting me the documents. Your office got a copy and I suggest that it be sent to every member of this Board. It was back in February of this year that the contract was signed with Gilbane and the MHRA and it wasn't November 15, 2001 that was the date for completing this. In that contract it was January 2002 was it not? Let's not try to put the onus on other people. This contract goes way back to earlier times and it does not say November 15 in that contract as the date of completion. It gives a January 2002 date. This Board should have known what was coming up. We can't continually say oh this is terrible, what is happening. We have to ask questions here and be aware of that. I also called today the Board of Tax and Land Appeals regarding that \$250,000 that is laying there that whenever I bring it up Mr. Craig and everybody gets up and says oh we are not going to lose that. Mark my words, just like we were told that this contamination was going to go up over \$1 million by certain people that know, you are going to lose that \$250,000 and you are going to be chagrined when that happens. There is no reason that these should be surprises if we looked at this a little more closely.

Alderman O'Neil stated I would still like my question answered. Who from the City side agreed to pay and I think there is a second \$150,000 in there someplace...it is almost \$300,000 in incentives to a contractor to finish a job and pay them up front to finish a job on time. I have never heard of that before and I am still waiting for an answer. Who from the City negotiated that?

Mr. Clougherty stated as Alderman O'Neil said, there are two \$150,000 pieces. One is an incentive and one is an amount that was set aside as I understand it during the process. Once the GMP had been initially presented but the contracts hadn't been arrived at, when we were still negotiating with the banks, there was some indication as the clock was running that there might be the need to have additional time, an additional \$150,000 available to pay for work in order to bring this project in on time. That \$150,000, rather than putting in the GMP at that time, was put in on the City side so that it could be discussed with the Committee later on to make sure that it was, in fact, necessary after it

had gone through the process. My understanding is that is the \$150,000 we are talking about here. There is also a deductible. One of the things that the City wanted to make sure it was protected on was if the project did meet certain timetables for opening and there was a deductible for insurance on there. What the Housing Authority agreed to and it was the Housing Authority's attorneys that worked on this...

Alderman O'Neil interjected so the Housing Authority is the party that agreed to the two items of \$150,000 each.

Mr. Clougherty replied that is my understanding.

Alderman O'Neil asked that was Housing Authority staff, Commission, consultants or what.

Mr. Clougherty answered I believe that would have been their Commission. I will have to go back and look but it was part of the Housing Authority arrangement with the banks. Now one of the things, Alderman, that works there is they said if you have to pay the \$150,000 as a deductible it would be better not to pay that and get the project done on time so that \$150,000 only comes into play if the project comes in on time.

Alderman O'Neil stated that is not what they asked for. They, Gilbane, asked for the money now. It is not if it comes in on time. They asked for the money now.

Mr. Clougherty replied there are two pieces of \$150,000. They didn't ask for that \$150,000 now. That is now what they are asking for. It was the other \$150,000 that is in the budget.

Alderman O'Neil responded they asked for both pieces and only one of them got approved by the Committee. They asked for both pieces. Don't tell me that they didn't ask for both pieces. That is a fact.

Mr. Clougherty stated it is my understanding that this \$150,000 is not the incentive, Alderman.

Alderman O'Neil asked all of these things that were negotiated were approved by the Manchester Housing Authority.

Mr. Clougherty answered yes.

Alderman O'Neil asked so those are the people that we should be taking to task over negotiating these agreements.

Mr. Clougherty answered right. The agreements are, in fact, agreements with the Housing Authority and that is what, I believe, Attorney Craig said at the Committee meeting.

Alderman O'Neil stated so the fact that the Housing Authority is not at risk here, they were negotiating on our behalf even though we are the party at risk.

Mr. Clougherty answered they were negotiating to get the project done within the budget and the 14 points that the Board has outlined.

Alderman O'Neil asked so items like this never could have been presented to the Board to say these are part of the agreement.

Mr. Clougherty answered I wouldn't say that.

Alderman O'Neil stated this is only the tip of the iceberg I have a feeling as we go on here. I want to go on record as being opposed to Item BJ. Just one other thing and it is not the appropriate time but I am very concerned about the residency requirements on the job because they are not even coming close to what we had hoped for. I know it is not appropriate to discuss at this time.

Alderman Shea stated one of the concerns that I have and of course I happened to meet someone today and they came in with a figure as to how much it is going to cost the City to build the civic center, my point that I want to ask the Civic Center Committee is if, in fact, there is...in other words if there is more money needed we have been assured by Skip Ashooh that the taxpayers will not pay any additional money. My point is if you come in, Peter, and just use a figure beyond what you anticipate. In other words, we need an extra \$10 million or \$15 million, I would like the Committee to investigate as to where that money is going to come from and I would like some explanation because I have a feeling that perhaps you are going to come in over budget rather than under budget. It may be an assumption that isn't true, but in lieu of the fact that obviously there are certain contingencies that are coming out that we don't anticipate and don't know, I think that the Committee should be bracing for the fact that if there is additional money that is needed where is that money going to come from. I think it is a very valid point.

Alderman Wihby stated my understanding is that the Committee is using the contingency fund and anything over \$25,000 in that contingency fund, which was built up and we

knew about that money, those are the items that the Committee is okaying. If somebody came and went above that money that was out of contingency, that would have to come back to this Board and this Board would decide that. All the Committee is doing is voting within the contingency fund anything over \$25,000 for change orders.

Alderman Shea asked in the event that we have severe weather, the price of materials goes like the price of gas or oil and there may be a problem. I am not saying there is going to be but there may be and I think that the Committee should be aware of the fact that this project and I don't want to be derisive but it may be our Big Dig. Who knows? These things do come up. Costs accelerate and labor is hard to find and so forth. I am just suggesting that the Committee think about that problem before it actually occurs. Thank you.

Alderman Gatsas asked, Peter, you have been involved in a lot of these projects.

Mr. Levy answered yes.

Alderman Gatsas stated give me a number or a percentage or a comfort level that at this point of a project and obviously you have had contingencies in other projects, give me what your comfort level would be with almost 50% of the contingency removed out of this project at this stage.

Mr. Levy answered I am getting uncomfortable.

Alderman Gatsas asked how uncomfortable.

Mr. Levy answered it is too early to say.

Alderman Gatsas asked how uncomfortable.

Mr. Levy answered it can be done, but I can't say for certain that it can be done within the remaining contingency.

Alderman Gatsas replied you are not answering my question.

Mr. Levy stated I can't answer it beyond that. There are too many unknowns still at this point.

Alderman Vaillancourt stated first I am confused by Alderman O'Neil's comments that he wants to be on record against this. The point of my previous motion was that this

Board could override the Civic Center Committee. What if more than half of us are on record against this? It still wouldn't matter because this Board cannot override the Civic Center Committee so it is a moot point, right?

Mayor Baines stated my view on it would be if the Aldermen took a vote by essence of taking a vote they withdraw that authority but I am not sure. If they voted not to allow something like that to go forward and the Committee has already authorized it, can this Board do that?

Deputy Solicitor Arnold replied the Board is voting to either accept or reject the Committee report. In terms of modifying the authority of the Civic Center Committee, again, I guess I would have to warn the Board at this point that the City Solicitor's Office would have to review some of the contracts to see whether we had the authority to do that at this point. I am not ready to answer that question at this time because I am not personally familiar enough with those contracts to be able to answer that question.

Alderman Vaillancourt stated with all due respect to the Solicitor, the Board is not voting to accept or reject. It is simply an advisory opinion that was put on the calendar. My question to the gentleman in the hot seat was are you confident now, following up on Alderman Gatsas' question, are you confident that the \$1.1 million is going to be the extent of the contamination or might that go up again.

Mr. Levy replied I am fairly confident that that is it. I have included some additional costs in there for the one more tank that I think is out there and I have included funds to remove that.

Alderman Vaillancourt asked are you aware of the fact that the people at the DES Office say that the 16,000 contaminated square feet that you are talking about are saying you are moving other than contaminated material in that 16,000 square feet. Are you aware of that fact? The DES is claiming that when you say in the memo to Aldermen that we received on our doorstep last night that I leaked to the newspaper that at 16,000 contaminated square yards the DES is claiming that some of the soil that you are moving is not even contaminated. Is that true or not?

Mr. Levy answered that is not true.

Mayor Baines stated let me interrupt because Mr. Scannell had a conversation with the person you are talking about today and I would like to ask David to clarify exactly what she said.

Mr. Scannell replied I asked that same question to the woman from DES whose name escapes me...

Alderman Vaillancourt interjected Ms. Kennison.

Mr. Scannell stated what she said to me was that she had no personal knowledge of any commingling of contaminated soil and non-contaminated soil. It is a possibility, but she has no personal knowledge of whether or not that is a fact.

Alderman Shea stated just a follow-up question to the financial watchdog that we have over in Ward 2, do you feel comfortable that the contingency fund will not be exceeded. How do you feel in terms of the overall progress of the civic center itself? Do you feel that you are within the parameters that you...

Mr. Levy interjected right now we feel that we are within the parameters and the bids that have been received for the other items have come in within the budget and we haven't picked up any great savings but we have stayed within the budget.

Alderman Shea asked do you anticipate in the future that there might be any problems because of other factors in our economy today.

Mr. Levy answered we had gotten through...the last one that we are facing is the electrical who had asked for some more time, another week to bid. They are due on Thursday. That is the largest concern and the last one that we have. The balance of them isn't...the quantities aren't such that the material increases, etc. would affect it that greatly.

Alderman Shea stated I have one last comment. As I mentioned earlier, we don't want the same problem to exist in Manchester that occurred down in Hartford, CT because of their desire to build something at a certain rate and then find out a few years later that the roof could cave in and so forth. That is a very important consideration and I know you are respectful of that.

Mr. Levy replied steps have been taken to avoid that.

Alderman Lopez stated I think all of these questions are very good and things are developing. I do wish that the Finance Officer and the City Solicitor would pay better attention to what is going on with a lot of these questions that have come to the newspaper and maybe work with Jay Taylor to try and give us the document and the page number of a copy of accusations whether they are true or not true. I think it is very

important. Skip Ashooh sure doesn't speak for this Board and we gave the full authority to the Finance Officer and the City Solicitor to sign off on these documents so they should be well aware of what is going on and if they can't feed us the information...those two people are the ones that I believe are responsible and have the fiduciary responsibility to this Board. Even though the contractor gives us the information, it should be verified by these two to make sure it is the right information.

Alderman Vaillancourt stated since you alluded to good questions, I want to ask you one good question because it was kind of dangling there earlier. This terribly misleading paragraph about Mr. Ashooh saying that the soil is tainted just enough to be contaminated but not so that it is available for government sources, there is a State fund which pays for some clean-up. Mr. Ashooh's statement is not correct is it and could you offer us the correct explanation of why this is not available for State funding?

Mr. Levy replied it is not available because the contamination we have is not great enough to warrant State funds.

Alderman Vaillancourt asked is it not true that these tanks are not registered tanks and that the oil did not leak from these tanks but that this came from another source.

Mayor Baines replied he answered your question.

Alderman Vaillancourt responded he did not give the proper answer so I am rephrasing it to ask him if that is not true.

Mayor Baines stated you want him to give the answer that you want.

Alderman Vaillancourt replied I want him to give the truth.

Mayor Baines responded I think he has been doing that. You are talking to a professional that is in front of us who has been candid, open and honest at all times that I have dealt with him on this issue and I think that any assertion that he is telling anything less than the truth is not proper and I strongly object to that.

Alderman Vaillancourt replied I didn't assert that he wasn't telling the truth. What I was doing was simply asking another question to see if it was the truth. Is it not the truth that these tanks were not registered and that this contamination did not come from these tanks and if it did then the City would have been entitled to reimbursement from the State? Is that not true?

Mr. Levy responded the contamination that was found isn't only from those tanks. The tanks that were found out there contained very little fuel oil or gasoline, etc. They were not registered tanks. The contamination is basically coming from the urban fill and the old rubble that was left in the foundation. This soil is not contaminated enough, according to our consultant, to warrant State funds.

Alderman Gatsas asked Alderman Vaillancourt do you have a copy of that contract because I would really like to see it.

Alderman Vaillancourt answered the Mayor's Office has a copy of it and I would assume that it will be given to all Aldermen tomorrow. I gave my copy to the Citizens Against the Civic Center on loan for the evening. Grace Grogan-Hicks brought it over to City Hall today. On the bottom it had two copies to the Mayor's Office.

Mayor Baines stated if it is here we will find it and get it to you.

Alderman Gatsas stated I think that is an important issue because that issue and I am not questioning Alderman Vaillancourt because I know that he is very intelligent and reads well and knows those dates...I would like to see those dates before I vote on anything because if that contract was signed with a closing date of January 2002, I think this Board should know that before we take any vote because that is not what anybody was told.

Alderman Vaillancourt stated on the ride to the Airport Alderman Pariseau did read it with me.

Alderman Pariseau stated it did specify a date of January 2002 with a phrase relative to an incentive amount for completion by November 15, 2001. I suspected in reading that that it was to accommodate the hockey season. The date on the contract was January 2002.

Mayor Baines stated I would suggest and I don't know what the plans are for the special committee but there are certainly a number of issues that have been brought up this evening and perhaps more direct dialogue of all parties involved with the special committee might be in order based upon the discussion this evening and I would advise that that might be an appropriate way to continue this discussion. We have a motion on the floor.

Alderman Vaillancourt asked for the motion to be read.

Deputy Clerk Johnson stated the motion on the floor is to accept Items BH through BL.

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

Alderman Levasseur asked did we make a decision on whether or not we authorized the payment of \$600,000 for the removal of that or not. I think that hasn't been paid yet. The \$600,000 is not in these five letters.

Mayor Baines replied that is correct. It is coming up at the next meeting, Alderman.

Alderman Vaillancourt asked the next Civic Center meeting or the next Aldermanic meeting.

Mayor Baines answered the next Civic Center meeting.

Alderman Vaillancourt stated so we have no control over that at this Board.

BM. Warrant for Collection of Sewer Charges in the amount of \$118,162.21.

Deputy Clerk Johnson stated the Clerk would request an amendment to the warrant total to read \$111,351.72 at the request of EPD.

On motion of Alderman Pariseau, duly seconded by Alderman Thibault, it was voted to amend the warrant to \$111,351.72.

On motion of Alderman Pariseau, duly seconded by Alderman Shea, it was voted to commit the warrant as amended to the Tax Collector for collection under the Hand and Seal of the Board of Mayor and Aldermen.

AC. Recommending that the City of Manchester begin the process to call in the bond for HTE.

Alderman Gatsas stated maybe the City Solicitor can tell us where they are at with that at this point.

Deputy Solicitor Arnold stated we have taken a look at the issue of calling the performance bond. If you want more detail than that...

Alderman Gatsas interjected can you report to the full Board at the next meeting.

Mayor Baines stated there is a motion here recommending that the City of Manchester begin the process of calling the bond for HTE.

Deputy Clerk Johnson replied that item was voted on. I believe that what the City Solicitor is advising is that if you want to assess that any further than what he stated it should be in recess with legal counsel. A report to the Board at the next meeting would still be with legal counsel.

Alderman Levasseur asked did we vote on that. I didn't think we voted on that yet.

Deputy Clerk Johnson answered I didn't have it on my list to be removed. You can take another motion to accept the report.

Mayor Baines stated I had a note to take it off but I didn't put an Alderman's name next to it. What I would suggest...we are going to have to move into non-public session for negotiations and when we do that we can also move this so we can receive legal counsel.

Nominations were presented by Mayor Baines as follows:

Planning Board

Ronald Poltak to replace A. Joseph Dion, term to expire May 1, 2003
William Craig to replace Daniel Goonan, term to expire May 1, 2003.

(Alternates to Planning Board)

Christopher Dodd to replace William Boyd (alternate member), term to expire May 1, 2003
Robert Stephen to fill the unexpired alternate term of William Craig, term to expire May 1, 2002
Kevin McCue to fill the unexpired alternate term of Ronald Poltak, term to expire May 1, 2001

ACCESS Manchester

Alderman Mike Lopez to replace Alderman Joe Levasseur (resignation), term to expire January 2002

Millyard Design Review Committee

Paul Mansback to succeed himself, term to expire January 1, 2003

As per the rules of the Board, these nominations will layover until the next meeting of the Board.

Alderman Wihby moved to suspend the rules to confirm the nominations of Paul Mansback, William Craig, and Ronald Poltak as presented. Alderman Cashin duly seconded the motion. There being none opposed the motion carried.

On motion of Alderman Wihby, duly seconded by Alderman Cashin, it was voted to approve the nomination of Paul Mansback to the Millyard Design Review Committee, term to expire January 1, 2003; Ronald Poltak to the Planning Board, term to expire May 1, 2003; and William Craig to the Planning Board, term to expire May 1, 2003.

Deputy Clerk Johnson asked before you recess the meeting can we take up #2 on additional business so we can refer it to the Finance Committee. It is a communication from the City Solicitor regarding a grievance from the Manchester Animal Shelter requesting \$40,000 be transferred from contingency to non-City programs and noting that the City Clerk's Office has agreed to process payment required by the service agreement. The first motion would be to approve the request and designate the City Clerk to process payments.

On motion of Alderman Clancy, duly seconded by Alderman Hirschmann, it was voted to approve a request to transfer \$40,000 from contingency to non-City programs and designating the City Clerk's Office to process the payment required.

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

Resolution:

“Authorizing the Finance Officer to effect a transfer of \$40,000 from Contingency to Non-City Programs for the Manchester Animal Shelter Lease.”

On motion of Alderman Lopez, duly seconded by Alderman O'Neil, it was voted to refer this Resolution to the Committee on Finance.

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

Mayor Baines called the meeting back to order.

A Report of the Committee on Finance was presented that Bond Resolutions:

"Authorizing Bonds, Notes or Lease Purchases in the amount of Two Hundred Seventy Five Thousand Dollars (\$275,000) for the 2001 CIP 420201, Central Fire Station-HVAC Replacement Project."

"Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Eight Hundred Ninety Thousand Dollars (\$1,890,000) for the 2001 CIP 620201, Hackett Hill Business Park Project."

"Authorizing Bonds, Notes or Lease Purchases in the amount of Six Hundred Thousand Dollars (\$600,000) for the 2001 CIP 810001, Revaluation Project Phase II."

"Authorizing Bonds, Notes or Lease Purchases in the amount of One Million One Hundred Thousand Dollars (\$1,100,000) for the 2001 CIP 820201, City Motorized Equipment Replacement Program."

"Authorizing Bonds, Notes or Lease Purchases in the amount of Three Hundred Fifty Thousand Dollars (\$350,000) for the 2001 CIP 830101, City Space Improvements Project."

ought to pass and layover and further recommending that Resolutions:

"Amending the 2000 Community Improvement Program, authorizing and appropriating funds in the amount of Three Thousand Six Hundred Forty Six Dollars and Eight Cents (\$3,646.08) for the 2000 CIP 411200 NH CLIQUE Campaign Patrols."

"Amending the 2000 Community Improvement Program, authorizing and appropriating funds in the amount of Fifty Thousand Dollars (\$50,000) for the 2000 CIP 511500 Park Improvement Program."

"Authorizing the Finance Officer to effect a transfer of Twelve Thousand Four Hundred Thirty Seven Dollars and Thirty Seven Cents (\$12,437.37) from Contingency to Elderly Services Salary to cover a Temporary Position."

"Amending the 1999, 2000 & 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Fifteen Thousand Dollars (\$15,000) for the 2001 CIP 510001 Fun In the Sun (Cash) Project & 510301 Fun in the Sun (CDBG) Project."

Amending the 1999 and 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Seven Hundred Twenty Six Thousand Dollars (\$726,000) for the 2001 CIP 330401 McLaughlin Middle School Addition."

"Authorizing the Finance Officer to effect a transfer of Twenty Six Thousand Dollars (\$26,000) for the 2001 CIP 330401 McLaughlin School Addition."

"Amending the 2001 Community Improvement Program, authorizing and appropriating HOME funds in the amount of One Hundred and Fifty Thousand Dollars (\$150,000) for CIP 610401 Millyard II Transitional Housing and CIP 250501 214 Spruce Street Renovation."

"Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Sixty Eight Thousand Three Hundred Dollars (\$68,300) for two Health Department Programs."

"Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Sixteen Thousand and Forty-Six Dollars (\$16,046) for two Police Projects."

"Authorizing the Finance Officer to effect a transfer of Forty Thousand Dollars (\$40,000) from Contingency to Non-City Programs for the Manchester Animal Shelter Lease."

ought to pass and be Enrolled.

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

Update by Tom Wallace, Architect regarding the Senior.

Mr. Wallace stated I am from Tenant Wallace Architects here in Manchester and we have been working with the City and the Senior Center Committee for the past four months. I would like to ask if I can have Alan Clark join me here. Alan was a consultant to us. He is with REI Consultants from Manchester as well and he worked with me on the review of the different sites and I am going to ask him to help me with some of the presentation. As part of our study for the Senior Center, we broke our work into four different tasks and we just completed the third of the four tasks. The first task that we entered into was to develop a building program and come up with an idea of how big the Senior Center should be and the size of the site that would be needed to accommodate that. We did a number of things during that part of the work. One was to research some other facilities in the area. We made some trips with members of the study committee and visited those. We looked at plans of other centers that have been built in the area to see what facilities were included. We also looked at some National standards that have been published that give some guidelines for planning senior centers. We had a number of meetings with the Committee discussing what kind of activities should go on in the building and what the space requirements were for those. We held a public meeting here in the Chambers and invited senior citizens from both the East and West Side to come and got their input on the kinds of things they wanted in the building. As a result of all of that, we came up with what is called an architectural space program that indicated that the size of the building needed to be about 24,000 square feet and that program was approved by the Senior Center Committee. Also as a part of the requirements for the facility was the need for space for 100 parking spaces for the exclusive use of that facility and another one of their requirements identified was that there should be a way of developing the entrance so that there was a covered canopy that could accommodate buses for trips that the seniors go on. Once we had the idea of how big the building needed to be and the size of the site,

then we began to look at the different possible sites around the City that we could use and I am going to turn it over to Alan Clark because it was his responsibility to go through and identify those sites and then evaluate them and make a presentation.

Mr. Clark stated I have a real estate consultant firm and it has been based in Manchester for some time and it has been involved in quite a bit of development in the area. We were asked by Tom to assist in this process with the primary responsibility of being able to identify potential sites for the Senior Center and then go through an evaluation process to narrow that down. We started with approximately 50 sites, which some of them got narrowed down fairly quickly for a variety of different reasons. Pretty much all over the City we received suggestions from members of the Committee. Our office was able to identify some that we thought might require further analysis and at first we just simply collected many of those names. We did categorize from the original 50 down to approximately 37 that we went through a formal analysis on. Taking information that Tom Wallace's firm prepared, we were able to determine basic site assumptions. One, as Tom indicated, was that the building needed to be able to be at least expanded to an area of 24,000 square feet. Initially, it was decided or thought that the building needed to be all on the first floor. After further analysis, Tom indicated that a two-story could work in some cases and made some changes to the assumptions that we were working from. Handicapped parking had to be directly accessible. A drop-off driveway would be needed for buses and vans. It was indicated that parking for approximately 100 cars would be needed. Initially, we worked on the assumption that prime wetlands would not be violated. We revised that after going through many of the sites to at least be of consideration in the analysis. The minimum size site that we had developed was about 1.7 acres if it was on a single floor and roughly 1.4 acres if you changed that to a two-story. Based on that criteria, we then developed a site evaluation criteria to analyze those 37 sites. First of course would be the site would have to have adequate size. Many of the sites that had been recommended simply were not large enough. They had to be regular configuration. They had to be roughly rectangular and needed to be close to the population base. As part of our work we analyzed where the population of the seniors were currently based and tried to project into the future. Our demographic analysis indicated there are roughly 22,000 people that live in the City of Manchester who are at age 55+. Of those 22,000 about 17,000 of those live on what we consider the East Side and roughly 5,000 lived on the West Side. If I remember correctly, about 7,000 of the 17,000 on the East Side are in the Central Business Service District. So that gave us an idea of where it would make the most sense to locate the center. The site needed to be relatively level. When you have a 24,000 square foot building and that amount of parking, you need to have a fairly level site. We felt that ease of access was going to be very important and that the seniors should be able to get in and out of the site easily. Safety was a concern. We felt that it needed to be in an area that had activity and

availability of utilities was a consideration and that it needed to have water and sewer on site or available. From that we were able to narrow the list down to six that we did significant analysis to and then we narrowed that down to what ended up to the final four. I am sure many of you are astute enough to recognize that there are three dots there but there are really four sites. Two of them are located at Singer Family Park. One is the former Sears Building at 1415 Elm Street and what was being considered was the remodeling of that building. The fourth site is up at Derryfield Park. With that, I will turn it back over to Mr. Wallace.

Mr. Wallace stated these are just to continue what Alan was showing. This gives you an idea of the areas at Singer Park. The "A" site is kind of this area where you see the flowers in the foreground here. It is closer to the soccer field and the concession stand there. We are looking kind of north in this picture here. The other photograph is along the Riverwalk. The river is on the right hand side here. The "B" site is kind of where those trees are. The ground drops off beyond there so it is further to the south of the "A" site. There isn't a great deal of difference in terms of location of those. It is just a few hundred feet. The 1415 Elm Street site is the old Sears building. You are probably familiar with it. This is the East Side of it away from Elm Street and this is the Elm Street side over here. That building is about 54,000 square feet. There are three levels of 18,000 square feet each at that building. This is the Derryfield Park site. This is Bridge Street here and the traffic light up by Mammoth Road is down here. The site is behind this line of trees. There is a fence that runs along here as well and it is the opposite side of that. This other photo is from in the park looking at the site, which would be behind this area here. Now we took each of those four sites and developed a floor plan for each one and a site plan and then did some perspective sketches. In the interest of moving the presentation along, I am not going to go through the floor plan for each of the sites but I will show you where we have sited the building. This is Singer Park "A". There is a proposed access road here. There was a plan that showed head in parking on either side of that that was developed I think by CLD as part of the development of parking on this site. There was some concern at one of the presentations of having the access road with cars backing in and out. I think if either of the Singer Park sites were selected it should be reconsidered as to whether there should be parking on either side here but I indicated with dotted lines where that parking was shown. This is the railroad tracks here. The athletic fields are here. The concession stand as you saw on the photograph is here. That picture that I took is kind of looking in this direction. On this scheme we had a two-story building with a floor at ground level and then another floor above it. The layout was such that there were about 50 cars in this location and another 50 or so in that location. The main entrance to the building was here. There was an arrangement for the bus turn around to go this way and in and out. The river is down here. The spaces in the building that were along this side would take advantage of that view out in this direction. This is

the Riverwalk, which would also be available for this building. As you can see, it is very close to it. One of the concerns about the "A" site that we had was trying to keep the building in this area and what we were trying to avoid is a drainage swale that runs through here and there is a low spot in this area. We were trying to keep away from it on the "A" site. With the "B" site we took the approach that we would move the building further away from the athletic field, open up some space here so that all of the parking could be in front of the building and also keep the Senior Center site away from that athletic field. It would probably increase the cost of the building somewhat. We would have to deal with more earth work here and deal with some approvals of blocking this drainage way or finding another way of draining it and that is something that would have to be looked into a little bit more. We are also proposing a two level building here, although instead of going up with the building here we were proposing taking advantage of some of the depression here and having the building with the main level on the upper level and then another level below it that would open up because of the grade work out to the Riverwalk this way. This is the layout at 1415 Elm Street. This is Elm Street here. The existing building is here. The site is basically the entire block with the exception of a corner here. There is an apartment building there. There are two apartment buildings here so there is a chunk taken out of it here. Currently on this site there are about 185 parking spaces. There is also a drive-in here with the drive through lanes here. If this was taken out there would be some more parking spaces added in this section or some other use. We would...this would be the entrance into the Senior Center on this plan. We have to create some kind of a bus canopy here with a bus turnaround through this way. We would lose some spaces here but I think those could be made up in this location here. The size of the building is about 54,000 square feet. The Senior Center program required about 24,000 square feet of that so there would be some additional space in this building available for other uses. I think one of the thoughts was that there are some other City departments that have leases that are coming up and they could possibly be moved into the building in the space that the Senior Center didn't occupy. The last site was the Derryfield site. This is Bridge Street here. There is a parking area here and a ball field here and the drive through the park goes along here. The Red Cross is here. This was an old stable and their main building for the blood center is up there. We put the building in this location with the entrance off of this drive here. There would be an in and out here. We would try to keep a buffer of the trees here so that the screening you saw in the photograph could be maintained. The building would be in this location. Some parking for the administrative offices, which are here. Some parking here for an adult daycare center, which is part of the building program and in this location could use these spaces and then these and these along with some handicapped spaces here would service the users of the Senior Center itself. There is some wet area up in here. We have also stayed away from that and some of the screening that we have here with these trees would also be able to remain so we could keep that. As you come through here you

wouldn't see all of this...the trees completely removed. This is the cost estimates that we have come up with for the different schemes. We have Singer "A" and Singer "B" and the 1415 Elm Street and Derryfield Park. We are still in the conceptual stage so all of these estimates were based on square footage of either building new construction space or renovated space here. We have gone through for the construction costs included in the new building or renovations - a number for the bus canopy, which is outside of the building square footage, some demolition costs that were associated with the 1415 Elm Street and then site development. The site development varies. I felt that we would have the most site costs at the Singer Park "A" and "B"; very little at 1415 Elm Street and then somewhat lesser amount than these two at Derryfield Park, which is an easier site to develop. So, we ended up with costs for the three new buildings of about \$3.4 million and about \$2.1 million at 1415 Elm Street. Then there were some other project associated costs that we added to that. The biggest one for the 1415 Elm Street is an estimated \$3.5 million for acquisition of the property and then additional costs for final design, furnishings and equipment and other project expenses such as surveys and testing and so forth during construction. I then added a contingency to that and came up with again costs going from around \$4.3 million for these three projects and then \$6.2 million or \$6.3 million for the 1415 Elm Street. The cost of this being higher primarily because of the acquisition price. I would note that it does buy you some additional space that could be used for other City agencies. Even though it costs more, you are getting a little bit more in that sense on that particular project.

Alderman Wihby asked are you renovating that space too.

Mr. Wallace answered what I included in the estimate was...I did not include renovation of that space and there are about 18,000 square feet of unused space. I did not include that. I did include money in the estimate for...there are some common spaces like hallways and common bathrooms and so forth. I did put some money in for doing some work on those.

Alderman Wihby asked do we know how much space we are looking for for City departments. Have we looked to see if the Elm Street plan works with what we need?

Mr. MacKenzie answered I have not looked at whether this particular facility would work. I know in the past we had been looking for somewhere between 20,000 and 25,000 square feet to house several agencies that are now leasing space.

Alderman Wihby asked what are we paying a couple of hundred thousand.

Mr. MacKenzie answered it will be approaching...I think the current amount is about \$170,000 but with escalations it will be approaching \$250,000 within the next couple of years.

Alderman O'Neil asked Tom or Alan how did you determine the figure of 100 parking spaces. Was it based on so many square feet?

Mr. Wallace answered it was based on input from the Senior Center Committee and some of the activities that they currently have and the numbers of people they expected for those.

Alderman Shea stated I just want to mention that the Committee has worked closely with both Mr. Clark and Mr. Wallace and we, at this time, do not have a specific place...I did take a survey of the Committee just in case some of the Aldermen said well what are the members of the Committee leaning towards. Are they leaning towards Singer Park, 1415 Elm Street or Derryfield Park? There were four members of the Committee who felt that Derryfield would be their choice at this time but the other members felt that they didn't want to vote simply because they didn't have enough information and certainly there isn't enough information. Obviously there are concerns...I spoke to Ron Ludwig today and before Derryfield Park would be a spot if it were selected there are certain types of obligations that they have. Namely, obtaining a certain amount of whatever one calls the conservation area to replace what might be taken but what they felt would be the best interest of that was to do the same thing up at Derryfield Park that they did to Livingston Park. Namely, investigate all of the possibilities and see if that would fit in to a Senior Center. The other problems that were raised by the Committee members were the fact that although 1415 Elm Street seems like a centralized area and certainly there are I think 7,000 people living in that vicinity, the seniors have indicated that they would prefer to have their own facility rather than be grouped with other City offices and other City services. Singer Park was an initial spot where most of the Committee members felt that they would like to have the Senior Center, however, there have been different developments there that have apparently given thought to second thoughts on their part. Namely, the new construction that might be coming with the cement plant, the Rubenstein parking project that may be developed there, the activities that are associated with Singer Park and whether they would conflict so these are some of the considerations but I really don't think that the Committee and I am speaking more for myself than them but they would like to see some progress, but they realize that the cost of any kind of a center plus as Alderman Hirschmann has so nobly indicated in his presentation to the Board in the past, how much will it cost not only to build a facility but once it is built how much will it cost for services within that and I don't think that has been thoroughly discussed. Those are the comments that I have.

Alderman Gatsas stated Alan maybe you can walk me through this. You have been in the industry for an awful long time. You are probably as well versed about the Sears building as anybody. You were a tenant in there at one time. Looking at the space, I am looking at pure numbers here Tom and I am not going to take you to task but I am going because when I look at these numbers I think that the seniors are certainly close and dear to my heart but when you start talking about \$140 a square foot, there are numbers that don't make sense. Renovation costs for 18,000 square feet, stripping it out and putting in some Class A space, would you give me a number for that roughly without holding you to a...because obviously everything is free standing from what I remember in that building.

Mr. Clark replied obviously it depends on the level of finish and renovations. Typically what we would find in fit up of office space we would probably be in the \$45-\$50 range for office space. Of course, this has been designed I believe and Tom can speak to it better, as institutional space and there is a multi-purpose room that would be in essence two floors that would require quite a bit of demolition. I am not sure we are comparing apples to apples but to answer your question to renovate that building for office space would be in the \$45-\$50 per square foot range.

Alderman Gatsas asked where it is institutional, would you consider that a step above or a step below.

Mr. Clark answered it would cost more because of the type of hardware and fixtures and stuff that would be put in.

Alderman Gatsas asked so if we took and obviously the Senior Center has...Tom you have grown that Senior Center from and I certainly participated in an awful lot of the meetings...I didn't participate in all of them but a pretty good share of them and that Senior Center from what I remember when we first had a conversation I think started at 16,000 square feet.

Mr. Wallace answered actually I think it started out at around 10,000 square feet.

Alderman Gatsas replied okay. It started at 16,000 and ended up at 24,000 that you did for two sites or roughly thereabouts and you have gone to 33,000 in the Sears building. So, we have tripled in size from where we are going and where we started from so when I look at the comparisons here, if we let you talk about this a little longer you are going to come back with 100,000 square feet. I think that the seniors certainly deserve a first class space. I think that where they are located now is below any standard of where they

should be located. Certainly I can appreciate and understand that they want to be in a building by themselves. This gives us an opportunity to put some other departments in, take some of the money off the street and leave it in the City coffers. It gives us an opportunity...there is a drive-in bank there that possibly if we had some foresight could have the City Tax Collector with some people in there to do drive-through payment of car registrations and taxes as they do in Hampton now because they took over a bank. I think if we had a little foresight it gives us 145 parking spaces and if you take a look at that and house what is in there keeping the tenants that are there now on the top because certainly I think the seniors should have a one level situation. I look at numbers that using 18,000 square feet and using Alan's number of let's say \$65 a square foot, which is probably higher than what he would give me for the institutional space, that brings you to somewhere around \$4.7 million if you used your \$3.5 million acquisition and the demolition. Using that number and taking that square footage, I think that maybe we are not looking at apples to apples.

Mr. Wallace replied the 33,000 square feet includes 24,000 square feet of usable space for the Senior Center. Within that space a good chunk of it was a large multi-purpose room, which is about 4,800 square feet. It also requires a higher ceiling space so what I did was in calculating the area...in order to accommodate that in that building we would have to remove a floor and the columns that support the floor above it to give them an open space comparable to what I had in the other plans. I included that floor area twice. That got it up to 28,000 and then there was about 5,000 square feet of common area that I added in that that serves the other spaces in the building and that is where the 33,000 came from. I would also like to mention that we did present...we started talking about a building about 10,000 square feet. As we went and visited other facilities in the area we saw buildings that were larger than that and were for cities or communities that were smaller than Manchester. We presented to the Senior Center Committee potential programs I think that went 16,000, 20,000 and 24,000 and the Committee voted to go ahead with the program of 24,000 square feet. As Alan showed in his slides earlier, the size of 24,000 was something that could be expanded to that size but we in developing the design did all four schemes providing 24,000 square feet recognizing that if the City decided to build a smaller building it would be easier to reduce it than to try and expand it. So, I think what you were suggesting is that the building be 18,000 square feet.

Alderman Gatsas asked you said that you could reduce it but not expand it.

Mr. Wallace answered it would be easier in moving to the next stage to come up with a smaller building than it would be to say well let's make it a 30,000 square foot building because it may not fit on some of the sites so we designed it for 24,000 on all four sites to make it so we were comparing apples to apples. I think that is what the comparison in

the budget that we showed did, except as I said the 1415 Elm Street does have additional space that would be available for other departments.

Alderman Wihby asked do we know what we were looking for for the other departments as far as square footage went.

Mr. MacKenzie answered again I don't remember the exact total. At one time we were looking for somewhere between 20,000 and 25,000 square feet, but in that were offices for Elderly Services so there is a little bit of an overlap there.

Alderman Wihby asked do you remember what the breakdown was for any department.

Mr. MacKenzie answered I know that the Health Department probably needs 10,000 to 12,000 square feet and Welfare was quite a bit smaller than that, probably around 6,000 square feet. That is just a rough guess. Then there was the Office of Youth Services that needed space, as well as Elderly Services.

Alderman Wihby asked so Youth Services was only going to be 3,000 or 4,000.

Mr. MacKenzie answered Youth Services was the smallest, probably on the order of 3,000.

Alderman Wihby stated so it does almost fit if you wanted to put those three in that building along with the Senior Center. It pretty much comes to what people want to do.

Mr. MacKenzie replied the gross numbers fit. I really haven't checked it to see if it would lay out in any reasonable way to see if they would all fit.

Alderman Wihby stated, your Honor, we have been trying to find a home for the different departments for I don't know how many years...10 years and probably longer than that. It seems like we have an opportunity to bring in some of this income. It is a good location and I think having the Health Department there with the elderly isn't a bad idea. They can see what is going on and have different programs and stuff for them. They could have different entrances because it sounds like we are using the back entrance where the parking is and we could use the front door and there is a side door also and they could have different entrances on different floors to get into the building.

Alderman Hirschmann asked, Mr. Wallace, these four sites are the recommendation of the Senior Center Study Committee.

Mr. Wallace answered we went through all of the sites and reviewed all of the sites with the Committee. They, along with us, arrived at these four as the best choices.

Alderman Hirschmann asked could I also get a report from...we pay a professional planning staff, not just the department head but a complete Planning staff in this City and could you and your staff, Mr. MacKenzie, prepare a report as to what you feel should happen with the Senior Center. Where it should be located in the City? These four sites...if you were 72 years old and lived on Kelley Street I would hate to tell you how many bus transfers you would need to get to any of these places. Most of the people that live on the West Side use the bus and I couldn't tell you today because of the new routes how to even get there. I would like the Planning staff to come up with some recommendations like they did on the civic center. They took the footprint of the building and went around 40 sites around the City and gave us a recommendation.

Mr. MacKenzie responded I am a member of the Committee. There is also one of my staff people who is providing staff assistance to the Committee so we did follow the selection process. I am not sure if I would have done anything different. There were clearly issues related to whether it should be East side or West side and we had done a survey actually and I think if it was no unanimous it was with a strong sentiment that if there was one quality site they would give up the notion that you had to have an East side and a West side.

Alderman Hirschmann asked was mass transit every considered.

Mr. MacKenzie answered mass transit was an issue.

Alderman Hirschmann stated one site really has mass transit to it.

Mr. MacKenzie replied mass transit was considered. When it came down to looking at the number of senior citizens on the East side and West side, it was fairly clear that the large majority of seniors are on the East side of the City but I think there have been discussions all along that preferably it would be a centralized location but other locations were considered.

Alderman Hirschmann asked so these are your recommendations as well. You are not going to give a separate reporting saying something different?

Mr. MacKenzie answered since I am on the Committee and have supported the narrowing process down to this four, I understand the logic and I believe these are reasonable alternatives.

Alderman Shea stated in answer to Alderman Hirschmann's concern, the MTA has agreed to transport the people to whatever site is made available. They will coordinate matters with Elderly Services so if a person lives on Kelley Street they will obviously make accommodations for them. I believe that has been made known. I just want to comment in terms of...broad consideration the area up at 1415 Elm Street is certainly a site that should be considered and we shouldn't eliminate it, however, one has to consider that if different departments are placed in that area we have a concern on the part of seniors that they really do not want a Senior Center to be born or office space by other departments to be born on their back. They have made that plain and clear. In other words, they do not want to be with other City services. Another consideration which one has to keep in mind is that if parking of 180 spaces or 185 spaces is available and certain spaces have to be taken away because of busing and so forth, there have to be allowances for people who work in the Health Department, in the Welfare Department, in Office of Youth Services plus clients that come there so that a lot of the spaces that obviously would be available would not be available plus there are abutting neighborhoods and I am not sure exactly how that would fit into the scenario. A third consideration and of course we would gain by placing City departments there and I see no reason why we shouldn't use that. There are certain leases that I think are there for two or three years and I don't see any reason why we couldn't put City departments in the Sears building but why do we have to use the seniors as a means of...as placement for seniors there when they really want their own area.

Mayor Baines stated can I suggest that this matter be referred to the Lands & Buildings Committee. Wouldn't that be the appropriate place for it to go?

Alderman Cashin replied I think it should go to CIP myself.

Mayor Baines stated my suggestion would be to have it go to an Aldermanic Committee now.

Alderman Cashin responded CIP I think would be the appropriate Committee.

Alderman Lopez stated I think there is a final report also that has to be made by Tom Wallace. Am I correct, Mr. MacKenzie? There is a final phase that he has to go through because that is what we paid him for?

Mr. MacKenzie replied yes. As part of the contract it would be a final report to the Board or whichever Committee the Board chose.

Alderman Lopez stated I just want to concur with Alderman Shea. I think he presented a very excellent report. I noted conversation about the Sears building and I do concur with the senior citizens and we do have a survey in reference to that and I don't know if you brought it with you tonight but they are all fighting for their own place and if we could answer some questions about Derryfield Park or Singer Park or whatever, I think we could be on track and those questions have to be answered. I want to go back to an issue about the Sears building with Alderman Gatsas and Alderman Wihby and I want to tell you that the leases for Youth Services, Welfare and the Health Department are all up in 2002. September 2002 and the Health Department in January 2002. Now Mr. MacKenzie and I don't mean this derogatory but you indicated higher spaces than they have now. Is that an expansion that you are speaking of? I can give you the numbers they have now.

Mr. MacKenzie stated I am aware that the places that they are located, the property owners are going to be looking for higher rent.

Alderman Lopez stated the Office of Youth Services has 17,050 square feet. That is what they have right now and they pay \$21,000 a year. The Welfare Department has 3,750 square feet and they pay \$43,000 a year. The Health Department has 8,713 square feet and they pay \$78,000 a year. When you gave those other numbers I was wondering if you talked to them and they wanted an expansion.

Mr. MacKenzie replied those were numbers that we got from a Planning review about two years ago. They said if you are planning for a new facility for long-term public use what would be the appropriate square footage to be planning for and those were the numbers that came out of that planning process.

Alderman Lopez stated my last comment is that the Sears building has great potential for what Alderman Gatsas was speaking of. Drive-through to pay your taxes and car registration and everything else and maybe some of the other things we have in this City because there are people in City Hall that are overcrowded and I think maybe some people could be moved up there. They need places to store records in this City also so it is an avenue that should be approached on that type of basis but I ask you not to...if that is the only end result that the senior citizens go to the Sears building mixed in with all of the other people, I think we will have a major problem.

Alderman Gatsas asked, Kevin, how much does \$250,000 a year cover in debt service. Maybe that is the first question we should answer.

Mr. Clougherty asked how much does \$250,000 cover.

Alderman Gatsas answered right because from what Mr. MacKenzie said he said that the rental factor is about \$250,000 a year. Is that right, Bob?

Mr. MacKenzie stated we expect it will be up that high once the leases run out and they have to renegotiate.

Alderman Gatsas asked what is \$250,000 to accommodate for debt service.

Mr. Clougherty answered it would be a little less than \$3 million.

Alderman Gatsas asked so if the calculations were right that I was somewhere around \$4.7 million for acquisition and renovation of 18,000 square feet that brings the actual number for the elderly center somewhere around \$1.7 million, which I think is what this Board already has in place for appropriations. If I remember right didn't we...I see the Chief of Police out there, didn't we pull \$1.3 million or \$1.4 million from the police station. So, we are not far off at \$1.4 million including the debt service and the rental to take care of a Senior Center on 18,000 feet and moving some departments and certainly if the seniors end up with 300 or 400 people on a daily basis there and they need an expansion, so be it and we move but I think that if you look at what they are accommodating on the West side and what they have on Hanover Street 18,000 square feet sounds like an awful lot of space for...

Alderman Wihby moved to refer this to the Committee on Lands & Buildings. Alderman O'Neil duly seconded the motion. The motion carried with Alderman Cashin being duly recorded in opposition.

- 10.** Report of Committee on Accounts, Enrollment and Revenue Administration recommending the Board recess the meeting to consult with legal counsel regarding collection of school chargebacks, cash transfers and superior court rulings.

Mayor Baines advised that this item would be deferred to the end of the meeting.

Communication from Alderman Lopez requesting that the Board of Assessors provide information over the next 60 to 90 days on processes for updating assessment of City properties.

Alderman Pariseau stated I don't understand what the intent is.

Alderman Lopez stated the reason I brought this up is because there has been much conversation and literature that I read from other communities and in speaking with the

Assessor's Office since we are going through a revaluation and we are going to have all the numbers updated is there a better way that we should do things other than wait 10 years. I developed a lot of questions and there could be other questions that Aldermen have. This would give them an opportunity to sit down, try to analyze things and bring something back to the Board that we wouldn't be doing these things every 10 years.

Mayor Baines replied we have already had discussions internally about a process to do that but I am sure we could report to the Board at a subsequent meeting. There has already been extensive discussions on how to do that.

Alderman Lopez moved to refer this item to the Committee on Accounts, Enrollment & Revenue Administration. Alderman Wihby duly seconded the motion.

Alderman Hirschmann stated my Committee is not a Committee that discusses process. We discuss accounts and balances. I think it should go to the Committee on Administration.

Alderman Lopez amended the motion to refer it to the Committee on Administration. Alderman Wihby duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Copy of a communication from Alderman Vaillancourt to the Chief of Police requesting information as to how much time and City funds were spent on the recent City Welfare Department investigation as well as a previous request for information as to how much time and City funds were spent on the earlier Billy Sports Bar raid.

Alderman Vaillancourt stated I think it is courtesy that the person that is involved get the initial chance to speak. It is 11:10 PM and I haven't received my response on the second part of this yet. If you want to get into this tonight I would be happy to but due to the lateness of the hour and the lack of urgency, I would move to table this at this time.

Alderman Vaillancourt moved to table this item. Alderman Levasseur duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Return of warrant for non-renewal of dog licenses pursuant to RSA 466:16 submitted by the Deputy City Clerk on behalf of the Chief of Police.

On motion of Alderman Levasseur, duly seconded by Alderman Pariseau, it was voted to accept the return of the warrant.

Communication from the Economic Development Director submitting a second amendment by UNH @ Manchester to their parking lease agreement with the City of Manchester which would decrease the numbers of parking spaces from 192 to 150 effective July 1, 2000.

Alderman Pariseau moved to authorize the Mayor to execute such agreement, subject to the review and approval of the City Solicitor. Alderman Cashin duly seconded the motion.

Alderman Wihby stated during the break I returned one of my constituent phone calls and he was telling me that he went to park there today and I guess there used to be a row of parking for the general public along the water and they took them all out and just left three. I was wondering if we could put some of them back because we are getting back 42 spots. Could we leave something out there for the general public to use?

Mayor Baines replied we will talk to Mr. Lolicata about those.

Alderman Levasseur stated we have a very good partnership with UNH down there. They gave us a nice piece of property on Hackett Hill Road. This increase that was jammed through the Board of Aldermen through Committees in such a quick period of time ended up costing UNH over \$20,000 for that increase and because of that increase they did not have time to budget for it so they had to get rid of those spaces to save themselves \$17,640 and it is still going to cost them \$8,000 over budget and again if they would have had more time to know about it they would have probably been able to keep those spaces. We also set ourselves up for the Trustees and such people that are involved with the college and the university are looking at this and hoping that this doesn't occur on a yearly basis obviously because it is not setting a very good tone. Like I said, this was really rushed through and it left a bad taste in people's mouths down there. I hope we are a little more responsible next time before we do something like this.

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

Communication from the Water Works Director submitting a retirement request for Mr. Robert Sufat.

On motion of Alderman Pariseau, duly seconded by Alderman Thibault, it was voted to accept and approve the retirement of Mr. Sufat as submitted with regrets.

Resolutions:

"Amending the 2000 Community Improvement Program, authorizing and appropriating funds in the amount of Three Thousand Six Hundred Forty Six Dollars and Eight Cents (\$3,646.08) for the 2000 CIP 411200 NH CLIQUE Campaign Patrols."

"Amending the 2000 Community Improvement Program, authorizing and appropriating funds in the amount of Fifty Thousand Dollars (\$50,000) for the 2000 CIP 511500 Park Improvement Program."

"Authorizing the Finance Officer to effect a transfer of Twelve Thousand Four Hundred Thirty Seven Dollars and Thirty Seven Cents (\$12,437.37) from Contingency to Elderly Services Salary to cover a Temporary Position."

"Amending the 1999, 2000 & 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Fifteen Thousand Dollars (\$15,000) for the 2001 CIP 510001 Fun In the Sun (Cash) Project & 510301 Fun in the Sun (CDBG) Project."

Amending the 1999 and 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Seven Hundred Twenty Six Thousand Dollars (\$726,000) for the 2001 CIP 330401 McLaughlin Middle School Addition."

"Authorizing the Finance Officer to effect a transfer of Twenty Six Thousand Dollars (\$26,000) for the 2001 CIP 330401 McLaughlin School Addition."

"Amending the 2001 Community Improvement Program, authorizing and appropriating HOME funds in the amount of One Hundred and Fifty Thousand Dollars (\$150,000) for CIP 610401 Millyard II Transitional Housing and CIP 250501 214 Spruce Street Renovation."

"Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Sixty Eight Thousand Three Hundred Dollars (\$68,300) for two Health Department Programs."

"Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Sixteen Thousand and Forty-Six Dollars (\$16,046) for two Police Projects."

"Authorizing the Finance Officer to effect a transfer of Forty Thousand Dollars (\$40,000) from Contingency to Non-City Programs for the Manchester Animal Shelter Lease."

On motion of Alderman Pariseau, duly seconded by Alderman Lopez, it was voted to dispense with the reading of the Resolutions.

Deputy Clerk Johnson stated it is fine to dispense with the readings, we just want to note that there is an additional Resolution that was referred to this item and that would have been the one regarding the Animal Shelter and the \$40,000 transfer from contingency.

It was concurred to include this resolution.

On motion of Alderman Pariseau, duly seconded by Alderman Gatsas, it was voted that the Resolutions pass and be Enrolled.

NEW BUSINESS

Alderman Wihby asked are we still looking to take a vote on the continuation of the Hydro Plant or did we do that.

Mayor Baines asked do we need a vote on that.

Deputy Clerk Johnson answered it is my understanding that there was a consensus reached and that there is no motion required at this time.

Alderman Clancy stated I know that our contract with Waste Management for the yard waste is up January 1. I received an awful lot of complaints from my constituents that the yard waste is not being picked up on the days it is supposed to be picked up so I called Mr. Hyman at the Highway Department and he got a hold of me and said he agreed. I would like to look into the contract for Waste management, which is up in January for the yard waste particularly.

Mayor Baines asked did you all get the memo dated July 18 entitled New Business Items. Attached are two communications being submitted under new business. They are:

Communication from Cynthia Vaal submitting her resignation to the Manchester Transit Authority.

On motion of Alderman Wihby, duly seconded by Alderman Pinard, it was voted to accept the resignation with regret.

Communication from the Highway Department regarding land acquisition for Hackett Hill Road/Front Street Intersection improvement.

On motion of Alderman Pariseau, duly seconded by Alderman Hirschmann, it was voted to refer this item to the Committee on Lands & Buildings and the Committee on Traffic/Public Safety.

Alderman Hirschmann asked does this, in fact, have to go to Lands & Buildings or could this Board just get this done because this is one of those intersections that has been budgeted for a year. The sliver of land we are acquiring at no cost. Could this Board vote to just do this? We are waiting for the lights. We need this done right away.

Deputy Clerk Johnson stated it is my understanding that it is a no cost item. If the Board wants to authorize proceeding with it subject to the review and approval of the City Solicitor, that would be fine. We also still would suggest that it be referred to the Traffic Committee, however, for the intersection improvements.

Alderman Pariseau withdrew his motion.

Alderman Hirschmann moved to have the Board approve the land acquisition subject to review by the City Solicitor's Office and refer the item to the Traffic Department.

Alderman Thibault duly seconded the motion.

Alderman Cashin asked, Frank, do you have any comments.

Mr. Thomas answered we have talked to the property owners and they are going to give us the land at no cost so I agree with the motion to approve the land acquisition subject to a review by the Planning Department and the City Solicitor's Office because there is a subdivision required and it being referred to the Traffic Committee I have no problem with.

Alderman Clancy asked, Alderman Hirschmann, is the condominium association going to pay towards these lights at all.

Alderman Hirschmann answered it is \$480,000. The State of New Hampshire is paying 2/3. We are paying 1/3. It is already in our budget.

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

Communication from the Finance Officer recommending internal controls for execution of the FY2001 budget.

Alderman Pariseau moved to authorize the Finance Officer to exercise internal controls for execution of the FY2001 budget. Alderman Lopez duly seconded the motion.

Alderman Cashin asked what does this mean.

Mr. Clougherty answered what it does is, as you recall during the budget process this year there was some discussion as to whether we would have individual line item controls or whether we would keep in place the controls that we have been following for the last number of years that allow for some flexibility with the department – the categorical

levels of the salaries, the expenses and the capital line items. What we do by this memo, we would keep in place the existing procedures for transfers that we have been following for the last number of years.

Alderman Cashin stated I happened to be in the Traffic Department last week and they tried to get some money out of one of their line items and they were frozen out. They couldn't get into it. Now who authorized that?

Mr. Clougherty replied under the Charter I am required to put in internal controls and I put them on at the line item level to make sure that we have that control to start. This is the first meeting since the adoption of the budget with the Board so I can come back and get this clarified that in fact the Board does not want to have the line item control and they would prefer to have the status that we have had in place for the last number of years.

Alderman Cashin asked so you took it upon yourself to do it.

Mr. Clougherty answered we have to put that in to start the budget, Alderman, to make sure that there are controls there so I put them in at the line item level which to start is the earliest. It is easier to put in the line item controls and start and take them off then go the other way. I have met with the Mayor on this and discussed it with Wayne to make sure they were comfortable with it and I feel that this memo they have reviewed and everybody has agreed that this is the right way to proceed in the future. It provides direction from the Board to the Committee or to the departments.

Alderman Cashin replied I would appreciate it, if you are going to do anything like this, that you inform this Board first.

Mr. Clougherty responded okay.

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

Alderman Vaillancourt stated referring to the press release handed to us earlier tonight by CACC, I am looking at the final paragraph in which Donald Welch states that some people involved with the civic center told the people of the Committee that most if not all of the contingency money would be returned to the City's general fund. Did you make such a statement, Mr. Clougherty, to a previous Board or to this Board?

Mr. Clougherty replied I don't recall. I will go back and check.

Alderman Vaillancourt responded I am sure we can check the tapes. I just wanted to find out if you recalled.

Mr. Clougherty replied off hand I don't.

Alderman Shea stated being an Alderman, I picked up the paper and I noticed that we finished in the black about \$1.1 million or \$1.4 million. Could someone tell me where that money is now? Is it in the general fund or the reserved fund or is it still floating out there?

Mr. Clougherty replied as you know, those were preliminary figures. We are in the process of closing the books out and having them audited. That money that you are talking about would be a fund balance.

Deputy Clerk Johnson stated I just want to clarify that the Board has authorized the CIP Committee to conduct that public hearing for the CBSD and there have been questions raised in the past as to notification so unless otherwise directed, the Clerk intends to work with the Board of Assessors and the Information Systems Department to send out notification to all owners listed in the district that are appearing on the tax maps at this time so that they are aware of the hearing.

Alderman Hirschmann stated because Intown Manchester is a separate corporation, are we doing the Intown District or the CBSD.

Deputy Clerk Johnson replied we are doing the CBSD district because that is what is being considered. What we would do is notify all owners of property who are in that current district as it is presently established. Unless we are otherwise directed, we will send that out regular mail.

Alderman Levasseur stated I would really like to be involved in the drafting of that letter before it goes out.

Deputy Clerk Johnson replied the letter will be drafted in accordance with what the public hearing status is to be. I can certainly advise you of it, but that is something that typically the Clerk will...it is a public notice. The same as what will appear in the paper.

Alderman Levasseur stated I just want it to be simple, clear and concise without a lot of rhetoric.

Alderman O'Neil stated just for clarification, the public hearing is being held by the CIP Committee in conjunction with the Central Business Service District Board of Directors or Trustees and the Intown Board of Directors as well.

Deputy Clerk Johnson stated you had wished to invite members of both Boards to attend that as well, yes.

Mayor Baines stated we have three matters that we are going to recess the regular meeting for. One is for legal advice regarding the issue relating to HTE, the second being negotiations and I do have one personnel matter and Item 10 as well.

Alderman Wihby asked why does Item 10 have to be in executive session.

Alderman Hirschmann stated the Board is meeting with our legal counsel to discuss what we need to discuss.

Deputy Clerk Johnson stated, your Honor, there are three items being discussed in legal counsel. One is school chargebacks, one is in regards to HTE and the other is meeting with the Chief Negotiator.

On motion of Alderman Levasseur, duly seconded by Alderman Shea, it was voted to recess the regular meeting for a negotiation strategy session with the Chief Negotiator and for discussion with legal counsel regarding school chargebacks and HTE.

Mayor Baines called the meeting back to order.

Alderman Pariseau moved that the City of Manchester begin the process of calling the bond for HTE. Alderman O'Neil duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Alderman Cashin moved to reschedule the next Board meeting from Tuesday to Wednesday. Alderman Shea duly seconded the motion.

Alderman O'Neil asked why.

Alderman Cashin answered some of the Aldermen can't make it and I am just trying to accommodate them.

Alderman Pariseau stated the rules of the Board say that the meetings are held on the first and third Tuesdays of the month.

Alderman Cashin replied if you don't want to support it, that is fine. All I am trying to do is accommodate an Alderman as I would accommodate you if you asked me.

Alderman Levasseur stated we did it for Alderman Wihby and we should do it again.

Mayor Baines called for a vote on the motion. The motion carried with Alderman Pariseau and O'Neil duly recorded in opposition.

Deputy Clerk Johnson asked can we have David Hodgen address this so that we have it clear for the record because we have nothing on these contracts as of now. I don't know which contract you are voting on.

Alderman Pinard moved to approve the MEA contract subject to Rule 26. Alderman Pariseau duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Alderman Pinard moved to approve the Principal's contract subject to Rule 26. Alderman Thibault duly seconded the motion. Alderman Vaillancourt requested a roll call vote. Aldermen Vaillancourt, Pariseau, Cashin, Hirschmann, Gatsas, Levasseur, Clancy, and Lopez voted nay. Aldermen Thibault, Sysyn, Pinard, O'Neil, and Shea voted yea. Alderman Wihby was absent. The motion failed.

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

A True Record. Attest.

City Clerk