

## **BOARD OF MAYOR AND ALDERMEN**

**September 5, 2000**

**7:30 PM  
Aldermanic Chambers  
City Hall (3rd Floor)**

Mayor Baines called the meeting to order.

The Clerk called the roll.

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

Absent: Alderman Sysyn

Mayor Baines called a brief recess to allow the Public Participation meeting to be completed.

Mayor Baines called the meeting back to order.

Mayor Baines stated tonight we will inaugurate a new feature of the Aldermanic meeting. From time to time on a semi-regular basis, I want to spotlight new businesses in Manchester in an effort to generate interest and excitement among individuals who might be thinking about opening up shop here in downtown Manchester. Tonight I would like to introduce you to Shirley Goodrich and Kerry Tate, the owners of A Little Taste of Seattle. It is a coffee shop that opened up on Elm Street. I wanted to give them an opportunity to talk briefly about why they decided to come to downtown Manchester,

what they are offering in their shop and any concerns they feel that we should know about as new business owners confronting opening a new business in Manchester.

Ms. Goodrich stated I appreciate that you have invited us here to introduce ourselves and our new business. It is A Little Taste of Seattle Espresso and as the name implies, we moved here in April from Seattle. We noticed that there weren't very many espresso stands that we enjoyed so much and wanted to have out here. We ended up in a shop, which wasn't our intention. Originally we thought about being totally mobile, but we did end up finding this little shop in Manchester. Kerry's dad and my son have a business at the mills and they thought Manchester would be a good place. We finally found this little shop and refurbished it. It is very attractive. People love coming in and they love our espresso drinks, our specialty drinks. We have brewed coffee and tea and iced drinks as well as hot drinks and Italian sodas. It is really very nice. They are very delicious. We are doing well for two weeks. We need to do about double the business to be really successful. We invite everyone to stop by and taste it. We serve bagels and gourmet muffins. My daughter-in-law is a chef and she is baking our muffins. What we have is very excellent and the best gourmet beans. One concern I have since we are staying open Saturday and Sunday is the trash. I am out there Saturday morning with the trash bag emptying the container right in front of us and picking stuff up off the sidewalk. The container is full before the end of the day on Friday so it is really...people seem to be enthused about improving the City and having more businesses and more people downtown. There is traffic downtown on Saturday but it is just so unappealing to have trash everyone around the containers. That is the only real negative thing I can think of. We love the area. We have enjoyed the people in Manchester and invite everyone to come in. We are at 969 Elm Street. I brought menus and business cards. We are next to Star Fashion and across the street from Captain's Pleasure and the Hampshire Plaza.

Mayor Baines stated thank you for coming. We welcome you to Manchester and wish you all the best of luck.

Presentation of the draft Master Plan study of the former University of New Hampshire property on Hackett Hill Road by Vanasse Hangen Brustlin, Inc., Lavallee/Brensinger Architects, PA, and Cushman and Wakefield.

Mr. Taylor stated while they are setting up for the presentation, I just thought it might be useful to give you a little bit of background as to how we got from the beginning to here. As you all recall, this Board or the predecessor Board, approved going forward with the acquisition of the former UNH property on Hackett Hill and in order to develop this property in a responsible and appropriate manner, we felt that it was necessary to develop a Master Plan for the development so that everyone would know up front what it is we are planning to do up there. We went through the City's procurement process and selected a consultant, which consisted of the team of Vanesse Hangen Brustlin, Inc., Lavallee/Brensinger Architects and Cushman and Wakefield, the real estate component of the project. They have been working diligently on this Master Plan for a number of months now and they are now at the point where they are ready to present to this Board the results of their efforts. What we are going to be asking you to do and by the way I want to stress that we are not asking you to take an action this evening, what we are suggesting as staff is that you schedule a public hearing, hopefully some time in the month of October for the public to have input in this process. I might also add that statutorily there is no requirement that we hold a public hearing, but we think that it is in everyone's best interest that it be done so there can be no question about what is taking place here. The importance of that public hearing is that we want to see this process go forward in tandem with what the Board is also considering with respect to the rezoning of the City of Manchester because any further development on this property is clearly contingent upon your adopting at least this portion of the zoning ordinance which is going to be under consideration as well by this Board and we suggest that these two processes proceed in tandem so that they will get to the eventual conclusion at the same time and allow us to proceed forward. Without further adieu, I would like to introduce to

you Gordon Leddy from VHB, Inc., who is here to represent their interests, Barry Brensinger whom you all know from Lavalley/Brensinger and Tom Farley who is here representing Cushman and Wakefield.

Mr. Leddy stated we are very pleased to be here to give the first public view of many months of work in preparation of the Master Plan for the Hackett Hill property. As some of you may wonder, why is Hackett Hill a good place to contemplate development? Well, first of all there is a lack of good Class A business sites in the City and many folks or companies that have been coming to Jay's office to look for places to be in the City have not found sites that are suitable. The property was acquired by the City and it was subject to an arrangement to preserve portions of it and also to look at developing portions of it and that was our charge in the development of this Master Plan. Second of all, there is a difference between the existing office and R&D markets in the City, primarily the Millyard and the Elm Street markets, from a corporate office park such as the one being contemplated at the Hackett Hill property. It is the third leg of the stool, if you will, to provide a range of options to corporate users. It is also the last real opportunity to increase the City's tax base in terms of development of one major piece of property and as you may know the City's tax base has become rather stagnant over time and it is also a highly visible location adjacent to the FE Everett Turnpike. The site itself is an 833-acre property that was acquired from UNH in 1999. There was development infrastructure on the site because as you may know it was contemplated for development of a UNH campus in the 1970's. There is a significant amount of road and then also some parking areas that were developed on the top of the hill and that was never built as a campus. It also has some very unique natural areas. There are areas of black gum swamp. There are areas of Atlantic white cedar with rhododendron understory, which is a community that is very, very rare in this part of the world. The preservation and protection of those areas has been central to the development of the plan from the very inception. It is also adjacent to the FE Everett Turnpike with primary access today from Hackett Hill Road, but we will talk about other options for access in the future. This is

the site. Hackett Hill Road is in this location and it comes down to Front Street. It is along here. There is the potential anyway for a proposed new highway interchange to replace the Exit 7 development now, which is down in this location. It is thought that development of a new highway interchange would more adequately serve access to this part of the City, as well as to solve a very dangerous situation now with the proximity to the Amoskeag Road interchange. Dunbarton Road is along this side of the site and the old landfill area is here. The land is characterized by a series of ridges and there is a large area of wetland in this location that is home to those unique species and it was subject to permanent protection. The area that you see in green here is the area of the proposed preserve, which is a piece of land that will be acquired by the Nature Conservancy for protection and perpetuity. It encompasses nearly all of the watershed area of those highly prized areas, as well as the stream corridor that comes down through the easterly side of the site, the Millstone Brook or Milestone Brook depending on which map you look at and the existing development here is the French Hall property, which was the UNH property. The key issues are access to the site. Hackett Hill Road is the access now. The FE Everett Turnpike is hopefully the access in the future and this poses some problems in that we have constrained access from Hackett Hill Road. We can serve up to about 6,000 square feet of development off of that existing access with some improvements. The FE Everett Turnpike obviously would be the preferred avenue of approach to the site. There are the unique natural areas that are going to be critical for preservation. We want to create a high quality environment. There are many examples of corporate parks that have been started and for whatever reason have not been successful. We feel that the City is in a unique position to take the long-term view and to create something very special at Hackett Hill. There are challenges with the site. There are topography and access issues so it needs to be developed carefully and with further study. I want to stress that this plan that is before you tonight is a beginning point and not an end point. It is a Master Plan, a conceptual plan and it is something that before any spade obviously is put in the ground there are many more studies that need to be undertaken. Most notably, detailed mapping of the wetland areas that are in the

developable portion of the site outside of the preserve as well as wildlife studies to understand the way animals may move through the site so that we can accommodate that as much as possible. We feel that it is important to integrate the development with all of these great natural features to serve identified potential users. Now that is kind of a long sentence to say that we think there are users who would be very interested in being at a site like Hackett Hill because of its natural surroundings and because of the location advantages that Manchester holds. The conceptual Master Plan in short provides site for up to 1.5 million square feet of new leasable space. The layout utilizes the existing infrastructure wherever possible. There is, as I said, something approaching a mile of road up there and we felt that it was important to use that as it is in fairly good shape. The development is phased to respond to the market so we want to balance the investment that the City may make in developing the project with the income that would be provided from users buying pieces of land. The development is integrated with plans for the preserve. The Nature Conservancy is in the process of establishing their plans and there has been a lot of discussion about how we can best further protect the preserve by proposing water quality controls and water quality enhancements, as well as setbacks in some cases many times greater than that required by the agreement with the Nature Conservancy. A lynchpin to the development is also strict environmental and design control to insure that quality environment that I spoke of earlier. The project itself, this being the Master Plan exhibit, again Hackett Hill Road is on this side of the site. Dunbarton Road is down in this area of the site. The FE Everett Turnpike parallels the site in this direction. The development is envisioned to occur on parcels of land that are separated by open space and also by the preserve from each other. Along Hackett Hill Road, along the westerly side of the Millstone Brook corridor, on top of the hill where the existing infrastructure lies and then a significant amount of road coming out to Dunbarton Road and connecting with the proposed highway interchange as a final phase. Additionally, there is at least the ability to provide passive recreational use on the old landfill property. Just to lead you through the different development areas, the area along Hackett Hill Road we are calling Area A. That includes a piece of land that is directly

adjacent to the FE Everett Turnpike and sort of fits in that corner of Hackett Hill Road as it turns around the bend there after you get under the bridge. One of the features of the plan in this area is that we are suggesting that Hackett Hill Road be realigned if you will to go essentially through where the existing fire station is, the temporary fire station, and to make that the through movement so that we can keep traffic impacts from affecting the adjacent neighborhood as much as possible. This also serves as a way to create some flexibility in the use of the French Hall site. We realize that the School District is looking at the potential of using that property and this would provide a way to separate that, if you will, while still having it be part of the overall development. There is also a fairly large parcel of gently sloping land adjacent to Hackett Hill Road and south of Countryside Boulevard that would be available for development for either access off of Hackett Hill Road or access via a new drive that parallels the brook. There is also an existing house lot here that serves as an alternate site for a firehouse. Area B is about 18 acres of land adjacent to the existing roadway and is accessed via a new drive through and paralleling the ridgeline. The red line in all cases that you see here is the approximate preserve boundary so we are staying completely out of that preserve area. There is a small village center, if you will, a small commercial support center that would provide the ability to have some restaurants, an office supply store and similar support activities, but it is not envisioned that any major commercial retail use would be part of the Hackett Hill development. One important feature of this is that this would be what we would call a non-prototypical building. In other words, we are not talking about a standard architectural development that might be part of a more strip oriented landscape, but a building that is designed to be a feature and is designed for its site since this forms one of the view sheds as you drive along the road. There is also a site here for the fire station should the City decide that that is a more suitable location interior to the Hackett Hill office park development. Areas C and D are off of the East Side of the road and are developed on that sloped land that slopes down to the FE Everett Turnpike. It is a site that albeit difficult to develop would provide spectacular views to the City of Manchester. We feel that is an important feature of this development, connecting the site visually with

the City and making it part of the City. Area E is a large campus type development area on top of the hill. This is the area where the existing parking lots are and the idea is to provide a more manicured open space...significant open space that is part of the development and serves again as a visual feature as you drive along the road. It also allows for some flexibility in use in that a single user could purchase such a site and develop it over time for a large corporate facility. Area F is the final piece of the puzzle in terms of development areas. It is about 35 acres of land and again is a campus style area. Up above the slope coming off of Dunbarton Road there is again a fairly large open space that is part of this development area and it has several buildings that would be sited to take advantage of views both into the open space, as well as to the City itself. In terms of access, I think I mentioned that with Hackett Hill Road as its initial front door there is the ability to provide about 600,000 square feet of capacity in the roadway system. This would require some improvements to the Front Street intersection, but as you know the Front Street intersection is being improved with a signal. We would think that that would require some additional lane widening, but certainly not a complete redo of the Front Street intersection. You should note that the 600,000 square feet is of either R&D space at the Hackett Hill development or if there is increased residential demand from any development that takes place up on the Countryside Road property, that would be part of that capacity. There is significant roadway that needs to be constructed on-site to allow for development, both driveways into some of the development parcels, as well as the drive to connect the existing road system to Dunbarton Road. That is a significant investment, but we have tried to phase the development opportunities so that the money to do that is recapturable by sale of property. The development of the new Exit 7 adjacent to the landfill will benefit this property obviously by providing direct access off of the highway, as well as other properties that are in that Dunbarton Road corridor. There are existing...the gravel pit is in there and there are other properties in that corridor that would benefit from...ultimately they would look to be developed in some fashion and the new Exit 7 would provide additional access to those properties as well. We tried to develop design and development guidelines that will benefit the site in terms of

making sure that the City's investment is protected and that the high quality of development is something that can be insured. I will now turn it over to Barry to talk about those.

Mr. Brensinger stated our principal role in the process has been to consider potential building types within the overall development so that the corporate users that we all hope will be participants ultimately in the process will have their building needs addressed in the Master Plan and it will work over a long period of time for the City. In the broadest context, our mission as a team has been to attract quality corporate users to this park. That is the general theme, which as has been said, would enhance the City's tax base, would provide well paying jobs for the community and benefit the community in many other ways. The park, we believe, has the potential as Gordon has already pointed out, to serve as an alternative to other office settings in the City, more specifically on Elm Street and in the Millyard. In order to attract that kind of quality and substantive investment in the park, we believe and it has been demonstrated in other similar parks throughout the country, that the buyers, the new entities coming to the park have to have some reasonable assurance that high standards will be maintained over the long run and, therefore, it is important to have a well-defined design guideline that would apply to all of the users and all of the developers within the park and they are certainly part of this overall proposal. They address things such as allowable uses and certainly among them as Gordon pointed out are office R&D, some supportive commercial space, etc., general building design, size, height, exterior materials, the general character of the park, site design issues such as parking, loading, appropriate screening of some of those activities, landscaping, signage, lighting and so forth; all well-defined and governed by a process that each prospective builder would go through so they would, throughout the development of their property, make submissions for review to insure that they are being consistent with the guidelines. In terms of the market for Hackett Hill, we see a shift in the economy. Everybody has been talking about the new economy and the fact is that these users are perhaps more mobile than other traditional brick and mortar companies

have been. They respond to quality of life issues because they are competing very diligently for employees and we think that this environment at Hackett Hill with its tremendous location advantages with regard to the natural areas of the preserve, as well as the City of Manchester and the State of New Hampshire offers a real opportunity. The market for Hackett Hill is not envisioned to directly compete with existing areas of the Millyard and Elm Street. The Millyard and Elm Street are different markets and most likely the companies that would be interested in locating at Hackett Hill would not likely be looking to locate in the Millyard and would not likely be looking to locate in a downtown setting such as Elm Street. Part of the other reality of the marketplace is that just as inventory managers and manufacturers have moved to just in time supply change for their companies, it seems that real estate managers all over the country have gotten into the habit of looking for just in time development as well. We feel that by having the zoning in place for a research park and by having the guidelines, both design and development, in place, and by having a Master Plan in place that streamlined permitting is possible. That is a key competitive advantage of the Hackett Hill property or potential competitive advantage over other sites, both in New Hampshire and in the region. I also think it is critical to maintain the high quality standards that the City has set out to maximize both the protection of the first folks that might be investing in the property, but also to maximize the property values both for tax base development and for values to future sales for the City. The Millyard is primarily...they are large buildings but they are also odd configurations in terms of modern office space. There are a lot of columns. There are a lot of broken up spaces and they are not suitable for every kind of user. Elm Street is an urban market. Again, it is not something that every company would want. The office buildings tend to have somewhat larger footprints and they also tend to be...the new developments tend to be higher rise and more expensive commanding higher lease rates. Corporate office parks on the other hand are the suburban setting. These are some images from existing office parks in the State of New Hampshire and in Manchester. This is what is envisioned as that third leg of the stool. So, it is complimentary to the other markets in town, not competing with them. In terms of

development, it will be phased to meet market demand. There is the constraint of development capacity from a traffic perspective and the potential schedule for Exit 7 is a factor in that. It is not on the 10-year plan at this point. There is a potential for expediting it if you will, but expediting is a relative term in the world of Federal highways and we would envision Exit 7 to be at a minimum 5-7 years away if it were to be committed to today. So, it is something that is longer term in the development timeframe. It is important to try to incur costs only as new revenue opportunities are created. In other words, to spend money wisely and to create opportunities for the City to sell land to recoup the investment. In terms of the development plan, we have divided this into several stages and they are called stages because they are not necessarily phases. In other words, the first stage would be to develop the access realignments that are required at Hackett Hill Road and that would open up three stages for development. Stage 1 along Hackett Hill Road, Stage 2 in the center of the development and Stage 3 adjacent to the main road and the top of the hill. So, depending on who comes along, any of those could be developed at any time during that process. The larger investment comes when the road has to be extended out to Dunbarton Road and the necessary investment that needs to be made to make Exit 7 a reality so within the context of the constraints that are identified in the Master Plan, there actually is quite a bit of flexibility. In terms of cost benefit, there is a significant amount of money that has already been committed to the development in the acquisition cost. As soon as land becomes available for acquisition, the City starts recouping that investment and in fact from year 1 through year 7, the total investment in both infrastructure and acquisition is repaid via land sales and increased tax base to the City and those assumptions are detailed in a figure within the Master Plan. From there, year 8, we are showing the investment that would be required to be made to fund the new interchange in the roadway that extends out to Dunbarton Road so that is another point at which we need to go into the negative situation and borrow or bond some money to make those improvements, but as you can see it is rather quickly paid off through, as I said, increased tax revenue and the sale of land. When we reach year 12, the City is completely paid back in their investment and

the positive tax impact to the City is approximately \$2.5 million a year and that goes on in perpetuity. So, again we have tried to structure the plan so that the City doesn't get too deeply into a negative situation before the money starts coming in again. In conclusion, we believe that this project is a visionary approach to creating a corporate environment for the new economy. It involves preservation of open space, significant open space. Of the 833 acres, the total currently contemplated for development is approximately 150 acres. So, beyond the land that is being acquired by the Nature Conservancy for preservation and perpetuity, there will be a significant amount of land, interior to what we are thinking of as the developable portion of the site, that will also remain open space. This project will set the standard for high quality development in New England. There have been many folks that have tried, but the City is in a unique position to take the long view and to insure that something very good happens at Hackett Hill for the City. Perhaps most importantly, it creates a stable return on the City's investment and is one of the last opportunities that the City has to increase the tax base.

Alderman Hirschmann stated thank you for the presentation. One of the things that Mr. Brensinger said was assurances for the potential people coming into the park and I am very concerned about assurances for the people who are already up in that corridor. One of them would be Glen Haven Condominiums. Those are people who have invested in condominium homes and they are very concerned about setbacks in that Area A1. Any building that would go there they would like a green space protecting their condominium from the backside. If we are going to do this, that there is only one entry way from Hackett Hill so there aren't multiple curb cuts and problems created on Hackett Hill so the people already there are insured that there is some stability up on that road. Two other things that I have written down. I put on the agenda to create a conservation zone because on the current zoning map of the City there is not a conservation zone so I want Hackett Hill to be considered a conservation zone. A thing that happened yesterday...in yesterday's Union Leader there was a serious front page article on this park and one graphic from a man named Tom Lynch of the Union Leader was very incorrect showing

the new interchange south of the landfill. I got a call from Denron Plumbing and it looked like the new interchange was going through their building. I said absolutely not. Any new highway interchange 10 years out or whenever it is going to be would be on the north side of the landfill so that his building would not be taken. I asked the City Editor today to put a correction in the newspaper so that the panic could stop. Lastly, when that new entranceway is created on Hackett Hill, it looked like you curved the road...I don't know what you did there but we are spending \$500,000 on lights on Front Street and I want to make sure that we don't have to invest more money in lights 100' up the road. My concerns are that your plan shows about 17 buildings on the 800 acres. I think that for a Class A park that would be adequate. Any more than 17 buildings with the infrastructure that exists would be a problem, but I know that we are talking long-term. I am just asking that no cuts onto Hackett Hill from that A1 area happen because it is abutting a residential zone and south on the Dunbarton end that is also a residential zone. There are neighborhoods on both ends of this proposed park and I would like the neighbors to be taken into consideration.

Alderman Thibault stated I would have to agree with Alderman Hirschmann and many of the comments that he has made up to this point. A few things that I would like to bring out is that I would like to make sure that this land, as it is with the transfer of UNH land to that, that the City owns all of this land as it is presently displayed here. Is it all owned by the City presently?

Mr. Leddy replied there are two properties that are not owned by the City that were part of the overall study area. None of that is part of what is contemplated for development. The 833 acres of UNH land is all currently owned by the City. There was also another property that is owned by Mr. Pichette and another property that is owned by Alliance Resources, which was Optima. Those, I understand, the City has entered into negotiations to purchase those pieces of property.

Alderman Thibault asked so they are not presently owned by the City.

Mr. Leddy answered no.

Alderman Thibault stated the other question that I would have and I spoke about this before is that I would certainly want to make sure that the land that we are trying to preserve out there is identified before anything can happen. In other words, that we make sure that this section of that land will not be touched in any way by anyone. My next problem would be the relocation of the fire station and has anyone contacted the Fire Chief to make sure that they agree that this is where that fire station should go? That would be one of my biggest problems because in that area, if you will, that is going to be the lone fire station in my opinion and I want to make sure that the Fire Department or the Fire Chief would be comfortable with the location of that fire station. My last question, if you will, is exactly how that timeframe is going to happen so that all of these things could, in fact, coincide together. That is a major problem, especially in that area of the City, which is far from the center of the City to get to. These are some of the questions that I want answered.

Mr. MacKenzie replied there have actually been a couple of sites identified for the fire station. I know that the Chief is interested in access not just to the Hackett Hill area, but potentially southerly as well. They would like to have the opportunity to go in a number of directions. The current location is actually fairly limited in terms of its access to Hackett Hill Road, but when and if the interchange is built, a location on the access road would provide much better access to other parts of the City so I know he has been concerned about the potential location and he has expressed a long-term interest in a possible fire training facility somewhere in this area so we are aware of those two interests.

Alderman Shea stated I have a couple of questions for Mr. MacKenzie. How will the Hackett Hill individualized Master Plan affect the larger Master Plan that we adopted in 1993 that is currently in effect?

Mr. MacKenzie replied the 1993 Master Plan recognized that this was a unique part of the City and it did actually call for a more detailed plan recognizing that there could be both additional housing, but also a corporate research and development site up there so the Master Plan, which is general for the City, recognized and indicated that this type of study that has been presented today had to be done to provide more detail.

Alderman Shea asked so as a community, Bob, will we rely on one Master Plan or can we anticipate additional individualized Master Plans for revising zoning ordinances and for land use. In other words, do you envision that other sections of the City can have an individualized type of plan?

Mr. MacKenzie answered yes. Given the scope of a conceptual Master Plan for the City, it is only generalized. We will always have special area plans, whether that is a downtown area plan or a civic center area plan or a South Willow Street area or a Hackett Hill. There is always a tremendous amount more detail that you have to get into in special development areas so you will always have, besides your overall community plan, special area plans to really make those development areas happen.

Alderman Shea asked so in all of this we are adhering to the requirements of our municipality and according to...I have before me the NH Planning and Land Use Regulations so we are conforming to that as well, Bob.

Mr. MacKenzie answered yes. I believe so.

Mayor Baines stated again this is just an initial introduction of this and we would like to wrap up the discussion.

Alderman Levasseur stated for the public hearing, I have been called on many occasions by people obviously because it is going to be a hot issue, people calling me for conservation reasons. When we have the public hearing, I hope that these experts will be there to answer these questions because I don't think that we have the capacity to handle those questions that are going to come regarding the trees and the white owls and the other things out there that people want to save.

Mayor Baines asked what is the procedure for a public hearing.

Mr. MacKenzie answered it is not a required hearing so the Board could send the plan to a public hearing for public comment.

On motion of Alderman Hirschmann, duly seconded by Alderman Thibault, it was voted to send the Hackett Hill Master Plan to a public hearing.

Mayor Baines stated before we proceed with the agenda, I would like to make a couple of comments about an opportunity that I had over the last couple of weeks that made me very proud to be part of City government. One was the issue that we dealt with with Aldermen and the Chief of Police, a delegation from Concord, Governor Shaheen, Commissioner Shumway, the neighbors and the Moore Center regarding the location of the facility near Bridge Street. I was very pleased the way the Aldermen and everyone in this community came together to seek a resolution that was fair to the neighborhood and our community, but also looked at the long-term needs of a needy population. Secondly, I want to particularly commend our Health Department and Fred Rusczyk in particular for their preparedness in dealing with the West Nile Virus situation that happened to land

between my house and Alderman Pariseau's house. The response from City government was nothing short of phenomenal and also the response from MCTV, even though we carried the initial press conference live, we had a public forum the next night at Beech Street School and the Union Leader did an incredible job of putting out information to the public and they armed people with facts regarding that situation. I think as a result our community has responded appropriately so I want to particularly thank everyone who was involved in that and especially again the Health Department and Fred Rusczek for being as well prepared as they were to confront that challenge. Before we move to the Consent Agenda, I want to remind the Aldermen that last week only three items were removed from the Consent Agenda and the meeting moved along just fine. I also want to remind you that we have a process of referring things to Committee so as much as we can do that as possible would be much appreciated.

### **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. Minutes of a meeting held on May 2, 2000.

### **Approve Under Supervision of the Department of Highways - Subject to the Availability of Funding**

- B. Sidewalk Improvement Petitions 50/50 Program.

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

- D. Communication from Howard Schindler, Director, Division B of the US

Department of HUD submitting a copy of the audit report for the Manchester Housing and Redevelopment Authority for fiscal year ended September 30, 1999.

- E.** Communication from Executive Councilor Colantuono advising of the Governor and Council's acceptance of a special committee report and appointment of a Layout Commission regarding Manchester Airport Access and also approval for the Department of Environmental Services to enter into a loan agreement with the City in the amount of \$2,113,887.54.
- F.** Communication from Parishioners and Fr. Rizos of St. Nichols Church extending their gratitude to the City for recent sign placement at Candia Road and Wellington Road.
- G.** Communication from Mark Reilly, Vice President, Law and Public Policy of AT&T Broadband advising of the completion of the transition of MediaOne to AT&T Broadband.

## **REFERRALS TO COMMITTEES**

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

- I.** Communication from Alderman Hirschmann requesting the Board consider the establishment of a new "conservation zone" within the City.

### **COMMITTEE ON FINANCE**

- J.** Resolutions:

"Amending the 1999 Community Improvement Program, authorizing and appropriating funds in the amount of Four Hundred and Five Thousand Dollars (\$405,000) for the 1999 CIP 310199 School to Work Project."

"Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000) for the 2001 CIP 710201 LED Replacement Program."

### **COMMITTEE ON HUMAN RESOURCES/INSURANCE**

- K.** Communication from R. Bruce Gagnon, President of the Teamsters Union Local No. 633 of NH requesting to meet to discuss the issue of vacation accruals for certain affected City employees covered by various collective bargaining agreements.

#### **COMMITTEE ON LANDS AND BUILDINGS**

- L.** Communication from the Director of Planning recommending acceptance and approval of the location of the General John Stark Statue for City Hall.
- M.** Communication from the Director of Planning regarding the possible land acquisition of a piece of property on the westerly edge of Wolf Park.  
**(Note: concurrent referral to the Committee on Community Improvement.)**

#### **COMMITTEE ON TRAFFIC/PUBLIC SAFETY**

- O.** Copy of a communication from the Director of Planning to Richard Davis recommending an alternative to a request for the discontinuance of Hampshire Lane between Stark and Mechanic Streets.

### **REPORTS OF COMMITTEES**

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

- U.** Recommending that Ordinance:  
"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."  
ought to pass.

#### **COMMITTEE ON COMMUNITY IMPROVEMENT**

- V.** Recommending that requests to accept and expend funds for various projects be approved as follows:
  - 1) Revision #1 for FY99 310199, School to Work Grant to allow

for an increased allocation in the amount of \$405,000 and Revision #2 for an additional allocation for Year 3 in the amount of \$405,000; and  
2) accept and expend funds in the amount of \$10,000 for FY2001 CIP 710201, LED Replacement Program;  
and for such purpose amending resolutions and budget authorizations have been submitted.

- W.** Advising that it has approved a request from the Public Works Director to trade-in only two of the three refuse packers adding an additional spare truck (#517) to their fleet, thereby reducing the total cost to \$326,264.00 for a savings of \$33,736.00.

#### **COMMITTEE ON HUMAN RESOURCES/INSURANCE**

- AA.** Recommending that the Drug-Free Workplace Policy enclosed herein be adopted.

### **COMMITTEE ON JOINT SCHOOL BUILDINGS**

- AB.** Advising that it has accepted the enclosed project summaries and architect's, engineer's and contractor's reports for the month of August 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, Energy Efficiency Conservation Project, School Reroofing Project, Facility Audit, McDonough/Green Acres Gym Asbestos Abatement Project, Central Practical Arts/West Mackin Building Electrical Upgrade and is submitting same to the Board for informational purposes.
- AC.** Advising that it has accepted the attached NORESCO July 2000 Progress Report and is submitting same to the Board for informational purposes.

### **COMMITTEE ON LANDS AND BUILDINGS**

- AD.** Recommending that a request from the Water Works Department submitting a land transfer/detention pond easement proposed to be located near the intersection of Raymond and Eaton Hill Road in Auburn, NH be granted and approved, subject to the review and approval of the City Solicitor.

**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.**

- C.** Minutes of MTA meeting held on June 27, 200 and copies of the Financial and Ridership Reports for the month of June 2000.

Alderman Levasseur stated I just wanted to ask...the minutes of the MTA meeting I would like to be double-sided from now on instead of wasting paper.

Mayor Baines replied the City Clerk's Office will correct that.

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

- H.** Communication from Bernard and Sheila Brusco requesting the Board review the current disputed land parcel with Water Works.

Alderman Levasseur stated after reading the letter from the constituent who has a problem or a concern regarding this land parcel, we are sending it back to the Manchester Water Works when, in fact, that is who she is having her problem with. I think this should be referred to Lands & Buildings.

Mayor Baines replied it is under the jurisdiction of the Board of Water Commissioners, as I understand it.

Alderman Levasseur responded well then she is not going to get this request addressed.

Solicitor Clark stated I believe it should be referred back to the Water Commissioners. Land is under their jurisdiction as part of the watershed. There has been a mix-up on the tax deeds.

On motion of Alderman Thibault, duly seconded by Alderman Pariseau, it was voted to refer this item to Manchester Water Works.

- N.** Communication from Zane Knoy, Co-Chair of the Manchester Regional Area Committee on Aging advising of their support for a free-standing building for a new Senior Center.

Alderman Shea stated this is in regards to communication from the Co-Chair of the Manchester Committee on Aging advising of their support for a freestanding building for a new senior center. First, I would like to compliment the seniors of our community for demonstrating in favor of their goal for a freestanding building for a new senior center

because that is how a democracy works and also for the financial support extended by Aldermen Levasseur in helping with the feeding of the people and the MTA for providing transportation for the seniors. My motion, your Honor, is to ask all members of the Board to receive a copy of the final report of the feasibility study for a new senior center submitted by Tom Wallace, the architect. I know he submitted one to Bob MacKenzie and myself, but I think that all members, in order to get a full picture of what the feasibility does involved, should receive a copy.

Mayor Baines stated I will have the Clerk make sure that all members of the Board receive a copy.

On motion of Alderman Pariseau, duly seconded by Alderman Shea, it was voted to refer this to the Committee on Lands & Buildings.

- P.** Petition submitted by Laurie Cavanaugh on behalf of residents of Cass Street requesting stop signs be placed at the intersection of Cass and Central Streets in order to cut down on speeding vehicles.

Alderman Vaillancourt asked is Mr. Lolicata still here. It refers to using stop signs to stop people from speeding through neighborhoods. We dealt with this in the Traffic Committee again tonight. I have calls from numerous people regarding speeding in neighborhoods. It is a tremendous problem and I think one of the greatest problems in the City but I would just like Mr. Lolicata to address this and tell us whether it is proper to use stop signs to control speeding because there seems to be a misconception out there that we can use stop signs to control speeding and I don't believe we should be doing that.

Mr. Lolicata answered you are exactly correct, Alderman, and lately we have been doing an awful lot of just the opposite of what the manual has been asking. I believe that this is one of the biggest problems in the City. Just recently we put up some down on President

Road as it was the wish of the people and we thought it might help. I have been down there and I was there last Friday and the people who asked for them are going through them. There have to be warrants, which are in the book, for these signs and for signals. Lately, we have been pretty lax about this. Now in most of the meetings I have been saying no and the reason I am saying no is for safety. In regards to this, I wish people would be more attentive to what they are doing. I know it sounds foolish, but in the manual you do not put up stop signs just to slow people down. There are warrants for these things. There are warrants for four-way stops. I stopped that years ago. The only time you put in a four-way is just before you are ready to put in signals. You have to have volumes, accident ratios, etc. We are putting them up because somebody says cars are going down the road too fast. Well, a lot of these things have been done by the Police Department. They have been taking some recordings and lo and behold the average speed is 36 MPH, 37 MPH, 38 MPH and that is the norm. I know people tend to say cars are going 50 MPH to 60 MPH, but when you are going 30 MPH it only seems like that to most people. It is coming to a point now where people have to realize the things that they are asking for they are the first ones that turn around and say it is not working because they are not warranted. He brought up a good point tonight and I am glad that he did because at most of these meetings now we should take a hard look at what some of these things are. The Police Department is having a hard enough time taking care of crime, but I think maybe if we can get some kind of a sub-Committee on the areas where these things are occurring that maybe the Chief can get a hold of one or two people and concentrate on these areas and really start hitting them. I am not saying that if the speed limit is 35 MPH to give out a ticket for 36 MPH. Even a judge would laugh at that but people hitting 45 MPH or 46 MPH and it is recorded, they should be stopped. Yes, Alderman, I think some of these things have to be looked at real closely and I hope we start doing that very shortly.

On motion of Alderman Vaillancourt, duly seconded by Alderman Thibault it was voted to refer this to the Committee on Traffic/Public Safety.

Alderman Clancy stated the policy of the Traffic Committee is that we don't put four-way stop signs unless it is near a school zone for Alderman Vaillancourt's information that was brought up tonight at the Traffic meeting at which you were present.

- Q.** Communication from Mike Pelletier relative to the current practice of towing vehicles during declared snow emergencies.

Alderman Vaillancourt stated I think that we should invite Mr. Michael Pelletier to the next meeting when this is dealt with. He said in the letter back on February 8 that he would like to discuss ways of getting the problem of snow emergency dealt with. I think we should honor that and invite him to the next meeting.

Alderman Vaillancourt moved to refer this item to the Committee on Traffic/Public Safety under the proviso that Mr. Pelletier be invited to the meeting. Alderman Levasseur duly seconded the motion.

- Report of Committee on Accounts, Enrollment and Revenue Administration**
- R.** Advising that they have requested an audit of the \$200,000 that the City gives to Intown Manchester.

Alderman Hirschmann stated I took Items R, S and T off because these are actions that the Committee took that we are advising you of. I don't know why this item is on the agenda because I have requested a lot of audits and there are no reports of the other ones, but this is public money that we are asking to be audited.

Mayor Baines asked would that be done by normal course as part of the audit anyway, Kevin.

Mr. Clougherty answered what we will do is we will get the information from the audit that was done on Intown by their external auditor, Vachon. We will get copies to start with and meet with the external auditors this week and talk about a scope and bring that back to the Committee on Accounts.

Alderman Cashin asked are we auditing the auditors. What is all of this foolishness?

Mr. Clougherty answered the request that was made was to take a look at the program and get some information on how it was structured and how it had been carried out. As I said, by looking at the audits that had already been performed, that may already be answered in the audits that were performed by the external auditor to date. We are not looking to replicate something out there that has already been done.

Mayor Baines asked why wouldn't we just go with a copy of the audit that had been done. Why are we having an audit to audit the auditor?

Mr. Clougherty answered that may be what happens. We may end up getting those reports. We don't have one for FY00 and they are in the process of developing that audit and as soon as it is available we will make it available, but the request that was made of us at the Committee on Accounts was to take a look at getting some information on the programs and the definitions and how they have been carried out. If that is already in those audits, then I agree there is no reason to follow-up on it.

Mayor Baines stated my feeling is as Alderman Hirschmann said, that this really shouldn't be on the agenda at all. It is just a matter of receiving the audit report. There is no audit going on. They are requesting copies, which is the normal scope of business. Am I correct on that?

Alderman Hirschmann replied we are asking for an account of the public money, whether it is in their report or not.

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

**Report of Committee on Accounts, Enrollment and Revenue Administration**

**S.** Advising that it has accepted the attached report from the Board of Assessors and is submitting same to the Board for informational purposes.

Alderman Hirschmann stated this was important because again it is a report of the Accounts Committee but the reason it is important is the Chairman of the Assessor's Office met with us that night and he said the way the valuation is going on this year that perhaps we would not reach the \$60 million of assessments that was placed in the FY01 budget. That is why properties like Hackett Hill development and other properties will be extremely important because we might not reach the budgeted assessment gain.

On motion of Alderman Hirschmann, duly seconded by Alderman Thibault, it was voted to accept, receive and adopt this report.

**Report of Committee on Accounts, Enrollment and Revenue Administration**

**T.** Advising that it has accepted the attached financial reports through the period ending July 31, 2000 and is submitting same to the Board for informational purposes.

Alderman Hirschmann stated again this is a report from the Accounts Committee. I thought it was important to pull off because it is financial statements for the City and I would like everyone to know that in those financial statements the School District still has receivables, your Honor, and that has to be pointed out because it is not stated clearly here but at this time there are still receivables due the City from the School District.

Mayor Baines stated just a note that we have been working on that with the auditor. That has been a concerted effort on my part, Kevin's part and everybody is working very cooperatively on that.

On motion of Alderman Hirschmann, duly seconded by Alderman Thibault, it was voted to accept, receive and adopt this report.

**Minority Report of the Committee on Human Resources/Insurance**

- X. Minority report submitted by Alderman Vaillancourt recommending that the proposal from the Planning Director for an organizational change of the Planning Department, submitted by the majority of the Committee on Human Resources/Insurance, be denied.

Alderman Pariseau moved to receive and file the minority report. Alderman Cashin duly seconded the motion.

Alderman Vaillancourt stated they are together, birds of a feather, and this bird is going to cost the City of Manchester more money. I think it was the late Senator, Everett Durkson who said a little money here and a little money there and all of the sudden you are talking about serious money. Mr. MacKenzie has put this proposal before us and it is about another \$20,000. This should have been done at the time the Yarger Decker study was done. I would have opposed the Yarger Decker study, but now we are getting more money for Yarger Decker and more money for this reorganization. It is not necessary so I filed the minority report saying we don't need to incur more and more money for the citizens of Manchester and although it is a small amount it is going to add up so I would oppose the motion to receive and file and suggest that you accept the minority report and let them muddle on the way they have been doing for years and years in that department and not incur more funding for the City of Manchester.

Alderman Gatsas asked the two positions, Mr. MacKenzie, is one of those Mr. Jabjiniak's position.

Mr. MacKenzie answered no. This does not relate to that particular function.

Alderman Gatsas asked on that chart that you gave us, where was Mr. Jabjiniak's position.

Mr. MacKenzie answered it was a Planner III position in long range planning and special projects.

Alderman Gatsas asked are those positions that we funded through the budget process.

Mr. MacKenzie answered yes they are.

Alderman Gatsas asked so if Mr. Jabjiniak's position doesn't work out you still have room for him to come back.

Mr. MacKenzie answered we have been authorized to fill the position because we still have the current workload.

Alderman Gatsas asked so you are filling his position along with two others.

Mr. MacKenzie answered no. They would be internal changes within the department. There are no new staff complements to be added.

Mayor Baines stated it is a shift in responsibility.

Alderman Gatsas asked which is more money.

Mayor Baines answered yes. Responding to statements of fact, we had the explanation of exactly what we were trying to do with this in terms of improving the efficiency and effectiveness of the Planning Department, which we outlined in the letter that Bob sent to me on July 6, 2000.

Alderman Gatsas stated so let me understand. The Planner III position is being filled? That is Mr. Jabjiniak's position now?

Mr. MacKenzie replied again, there are two separate issues here. One is related to the Destination Coordinator. As part of that action, the Board did authorize that we fill that position. Secondly, there would be two people that would change positions within the department to assume certain responsibilities, one an Assistant Director, but they are in essence two different actions here as part of the committee report. Two separate ones.

Alderman Gatsas asked so you are saying the Committee already told you to fill that Planner III position. Is that it?

Mr. MacKenzie answered the Committee has recommended to this Board that the position be filled.

Alderman Shea asked, Bob, what functions or responsibilities will the creating of an Assistant Director allow your department to perform that otherwise would not be possible.

Mr. MacKenzie answered right now, much of my responsibility is providing to this Board special requests and special projects. Currently, all departmental staff report to me so there is no structure within the department. I am hoping to create a situation where the day-to-day issues that come before the staff are handled through a structure so that I can

focus on the special projects that are called upon by the Board. We do handle some very significant projects on the private development side. There is over \$100 million worth of projects each year and every one of those projects is important to the owners. In some cases, they do not all go through because we have to balance those projects with the neighborhood concerns. So, these are multi-million dollar projects and we have to handle them correctly. On the other side is the CIP Program. Again, that involves tens of millions of dollars. We have to make sure that it is overseen properly. Any particular error in a Federal grant can cost us \$10,000, \$20,000 or \$50,000. We have to make sure those are properly accounted for so we are looking for a coordinator within our department to handle the CIP program, again, so that I have the ability to respond to issues presented by this Board. I believe that the organizational structure will improve our ability to respond to the issues that are raised before us and can make sure that we don't make very costly mistakes.

Alderman Shea asked, Bob, is it possible for you to delegate that responsibility without having to have a Deputy or an Assistant Director. Can you just say to someone in the office, as you have in the past, that your responsibilities would involve these particular types of projects, etc.

Mr. MacKenzie answered we had reviewed this with the HR Director and Yarger Decker. In essence, I don't believe we could delegate such important responsibilities without compensating them appropriately.

Alderman Shea asked if the position of the Destination Manchester Coordinator were eliminated, would you still want an Assistant Director.

Mr. MacKenzie answered yes. Again, those two issues are separate in my mind. I have recognized the need for organizational change over the last 12 months. That is a separate issue from the Destination Manchester Coordinator position.

Mayor Baines stated this was under discussion long before that situation.

Mr. Hobson stated I just want to elaborate, your Honor, that at the meeting what we discussed and this relates to Alderman Gatsas' question, there is an initial change in salaries overall to the general fund for \$15,000 for this year and \$5,000 for next year. However, the changes that Mr. MacKenzie will make and the offset to the hiring of the people coming behind will be no cost...there will be no additional salary costs in this year's budget to the Planning Department and we are also planning for a minimal, a very minimal increase to happen to next year's budget because of the staffing behind that position. Also, as Mr. MacKenzie said there is a change with Mr. Jabjiniak's position to pay for that completely out of Federal funds. That will also free up some more Federal funds in the Planning Department budget.

Mayor Baines stated it also reduces the cost of filling that position.

Mr. Hobson replied right. I am referring to that as back filling. There should be no extra cost to the general fund in this year and a very minimum cost next year.

Alderman Wihby asked if you go to the organizational chart, the Assistant Director, that is the new one and then there are two Planner IV's. Which one is the new one? The one on the right?

Mr. MacKenzie answered the one on the right related to the CIP Program.

Alderman Wihby asked and the Planner IV that is under the Assistant Director, who is that.

Mr. MacKenzie answered that is a current Planner IV. There will be no change in that.

Alderman Wihby asked is that Bill.

Mr. MacKenzie answered no, it is not.

Alderman Wihby asked so where was Bill on this.

Mr. MacKenzie answered a Planner III in the long-range planning/special projects.

Alderman Wihby asked so that was Bill and it is still going to be a III and it is going to be a temporary position.

Mr. MacKenzie answered again I have talked to HR about that. I do recognize the potential for...if something did not happen properly with the Destination Coordinator but again I have been assuming that it would be a successful program.

Alderman Wihby stated my understanding was when we okayed this that it was to be a temporary position and now it is a full-time position.

Mr. Hobson replied we were planning on back filling that Planner III position at a lower salary, but nevertheless we were planning on filling that position.

Alderman Wihby responded that didn't answer my question. Is it full-time or temporary?

Mayor Baines stated if, in fact, after 12 or 18 months we decided in assessing the situation that the position was not meeting its potential, we would go back and eliminate a Planner in that department and return the previous person to that Department.

Mr. Hobson replied your proposal was that it was a 12-18 month program and that we would revert back to the previous plan, yes.

Alderman Wihby asked so it is a temporary position that you...I understand that you are trying to move somebody up into that but that person has to know if he moves up that it is a temporary position.

Mayor Baines answered that is correct and that is what we put in place for that position. We asked the question early on and the answer was yes, we could do that and that is the way we proceeded with it. That is our plan.

Alderman Wihby stated so the new person should know that it is a temporary position.

Mayor Baines replied absolutely.

Alderman Gatsas stated what is the difference between the position that we created in the last...I guess I have a problem that this wasn't presented to us in the last meeting because what is the difference between the position we created and I certainly fully endorsed that position, versus an Assistant Director's position?

Mayor Baines replied we need to clarify that because these two things were not even tied together.

Alderman O'Neil stated they have nothing to do with one another. My understanding is all they are doing is on the Community Improvement Program they are taking a Planner III and making it a Planner IV, correct?

Mr. MacKenzie replied that is correct.

Alderman O'Neil stated and then on the other side I am not sure what Pam's grade was before...Planner IV.

Mr. MacKenzie answered Planner III.

Alderman O'Neil stated and she is becoming the Assistant Director. That is all that is happening here. There are no new positions. It has nothing to do with the Destination Manchester position. All it is doing is making a more efficient and more accountable department. Instead of being a one-man show, Bob is now designating some responsibility to some people and the costs are minimal.

Alderman Gatsas stated the problem I am having is that obviously we still could have used Federal funds, put Mr. Jabjiniak in the Assistant Director's position, reduced the cost to the City and done what we wanted to do because obviously he made a presentation tonight that certainly sounded like an awful lot of CIP money in there and I don't know if he just developed it out of the clear blue air or if it was something that we are doing that he is doing with a different title somewhere else.

Mr. MacKenzie replied we have and I would be happy to show you...in fact I think it is in this package, our current workload and our current workload would not allow the Destination Coordinator position to fit into our operation and get the rest of our work done. The workload in terms of growth management, regulating subdivision site plans, and planned development is tremendous. We also have the CIP Program specifically. So, we do not have a position in our office that deals with economic development and with downtown business creation. That is not within the scope of our planning and community development program. If you want that, that has to be newly created and that is what has been done as part of the Destination Coordinator position.

Mayor Baines stated I would just make it clear that one of the good things about what has been happening with this economy is it has created an awful lot of activity in the Planning Department, which ultimately bodes very well for the City but we have to figure out how we are going to manage it appropriately, efficiently, and respond to people quickly because as we have talked about in talking about people coming to Manchester, there first contact for a lot of these projects is in the Planning Department and we are trying to move them along as fast as possible and still respect the integrity of the process and I think what this reorganization is doing is helping us achieve that. It is a critical part of that and that is why we have it before you this evening.

Alderman Wihby stated we had a Planner IV. Why couldn't the Planner IV have taken the Assistant Director's position instead of a Planner III? It sounds like we are taking somebody that is a lesser grade and making them higher than someone who was higher than that person before. The second question I have, your Honor, is was this in the original budget when Bob submitted to the Aldermen that he had planned on coming forward in his budget and asking for these changes?

Mr. MacKenzie replied the first question is I have to determine the person who can best do the job that is going to oversee two sections of the department – long range planning/special projects and growth management. Growth management is an extremely difficult area, perhaps the most litigated of any particular function of government in most communities and I have to have someone in there who can do the job and make sure that they are handling it properly the way the City wants it handled. So, that is a call that I have to make in terms of picking the right person. What was the second question?

Mayor Baines asked was it included in your budget.

Mr. MacKenzie answered yes. There was \$12,000 that I had requested in the budget for reorganization. That would cover the cost. It turns out that as a result of the Destination

Manchester position, which was separate, that money in essence will be saved and I would return that money to the City in the end.

Alderman Wihby asked but whatever it was, it was included in your budget that you wanted to change it.

Mr. MacKenzie answered yes.

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

**Majority report of the Committee on Human Resources/Insurance**

- Y. Majority report recommending that a proposal from the Director of Planning for an organizational change of the Planning & Community Development Department be approved.

Alderman O'Neil moved to accept, receive and adopt the report. Alderman Pariseau duly seconded the motion.

Alderman Vaillancourt stated this is no longer a majority report. The vote of the Committee was 2-1. Aldermen Sysyn and O'Neil being the two and I being the one. Alderman Sysyn is no longer here and Alderman Shea has already voted with me so this is now, in fact, a minority report if we go by the August committee. So, the tables have kind of been turned. Your Honor, 15+5 still equals 20 in this world and mark my words although this isn't going to cost more this year, remember the problem we had at budget time when you add new positions and make new changes like this, this is going to cost you money down the road in years to come. You cannot deny that. You can hide it for this year, but you can't forever so I will oppose this and I thank you.

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

**Report of Committee on Human Resources/Insurance**

- Z.** Recommending that the A-STEP change for department heads submitted by Human Resources be adopted.

Alderman Levasseur stated I have a question about the way we get this thing done here. You have a Committee of Human Resources and five Democrats sit on it by the way, you have a department head who wishes to pursue an A-STEP shall complete and A-STEP application and forward it to the Human Resources Director for review and the Human Resources Director shall submit the application to the Mayor for final approval. I don't know where the process is that we are included in any of these decision regarding who gets paid, how they get paid, what steps they get and all that other stuff.

Alderman Lopez replied the Human Resources Director made this administrative change primarily because he did not want to be the one to evaluate department heads. That should be the CEO who evaluates department heads and department heads should be the ones that he wants to recommend get A-STEPS or whatever the case may be. I would ask Mr. Hobson if he would like to comment.

Mr. Hobson stated it is just a regulatory change. This policy, in total, was adopted by the Aldermen last year and we noticed that as we went through the budget process this year and we sat down with Mayor Baines, that department head A-STEPS, which would actually give them an increase, was coming to my office for review and approval. Mayor

Baines and I were very uncomfortable with that. As Alderman Lopez said, it goes to the Mayor who is the CEO and actually reviews the department heads with this change.

Mayor Baines stated so in the prior procedure, it was approved by the Human Resources Director and now it is just going as the other processes regarding evaluation, with the Mayor for department heads.

Alderman Levasseur asked so you are approving raises for these guys. It doesn't come to the full Board?

Mayor Baines answered none of them do.

Alderman Levasseur stated I think that is kind of crazy. I wouldn't even have known about this. We get something put on the consent agenda and if you don't pull it off, you don't know anything about these events. I mean Alderman Lopez when you came onto this Board you had a big worry about the A-STEPS and the raises, especially for department heads. You made that completely clear to me and now I see that this has been a change and I am just questioning it.

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

5. Mayor Baines presented nominations as follows:

**Board of Health**

Yasmin Miranda-Smith to succeed Robert Courtois, term expiring July 1, 2003.

Dr. Nicholas Skaperdas to succeed himself, term expiring July 1, 2003.

**Parks, Recreation, and Cemetery Commission**

Michael Worsley to succeed Fred Harris, term to expire July 7, 2003.

On motion of Alderman O'Neil, duly seconded by Alderman Wihby, it was voted to suspend the rules to confirm the nomination of Dr. Skaperdas. There were none recorded in opposition.

On motion of Alderman Wihby, duly seconded by Alderman Cashin, it was voted to confirm the nomination of Dr. Skaperdas to succeed himself to the Board of Health, term expiring July 1, 2003.

Mayor Baines advised the other nominations would lay over to the next meeting in accordance with the rules.

**6. Report(s) of the Committee on Community Improvement, if available.**

A report of the Committee on Community Improvement was presented recommending that the Board approve a resolution and budget authorizations for the Bond Building Renovation project. The Committee noted that all financing was loan related and subject to backing through a personal guarantee by the owners of up to \$1 million. To decrease costs associated with the project and consummate the personal guarantee, the Committee has requested the City Solicitor prepare an ordinance amendment excluding this project from the terms of the procurement code. The Committee recommended that the staff and developer proceed with the project, with the understanding that the Board would adopt an amendment to the procurement code for this project at its next regular meeting.

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

Due to acceptance of the report, Deputy Clerk Johnson presented a resolution.

Resolution:

“Amending the 1999, 2000 and 2001 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Million Eight Hundred Forty Thousand Dollars (\$1,840,000) for the 2001 CIP 650701 Bond Building Renovation Project.”

On motion of Alderman O’Neil, duly seconded by Alderman Pinard, it was voted to read the resolution by title only and it was so done.

On motion of Alderman Lopez, duly seconded by Alderman Clancy, it was voted to refer the resolution to the Committee on Finance.

7. Report of the Committee on Traffic/Public Safety, if available.

A report of the Committee on Traffic/Public Safety was presented recommending that a request to close Kenney Street at Hanover Street and Hilton Street at Amherst Street from 10 AM until 11 PM on September 15, 16, & 17, 2000 for the annual Glendi celebration be granted and approved under the direct supervision of Police, Fire, Traffic, Risk, Highway and City Clerk.

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

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

Mayor Baines called the meeting back to order.

**OTHER BUSINESS**

10. Report of the Committee on Finance, if available.

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

“Amending the 1999, 2000 and 2001 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Million Eight Hundred Forty Thousand Dollars (\$1,840,000) for the 2001 CIP 650701 Bond Building Renovation Project.”

"Amending the 1999 Community Improvement Program, authorizing and appropriating funds in the amount of Four Hundred and Five Thousand Dollars (\$405,000) for the 1999 CIP 310199 School to Work Project."

"Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000) for the 2001 CIP 710201 LED Replacement Program."

ought to pass and be Enrolled.

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

#### 11. Ordinances:

“Amending Sections 33.024, 33.025 and 33.026 (Welfare Specialist III, Deputy Welfare Commissioner) 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.”

On motion of Alderman Wihby, duly seconded by Alderman Pariseau, it was voted to dispense with reading the ordinances by titles only.

These Ordinances having been presented for their second reading by titles only, Alderman Pinard moved on passing same to be Enrolled. Alderman Pariseau duly seconded the motion. There being none opposed, the motion carried.

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

Mayor Baines called the meeting back to order.

A report of the Committee on Accounts, Enrollment and Revenue Administration, was presented advising that Ordinances:

“Amending Sections 33.024, 33.025 and 33.026 (Welfare Specialist III, Deputy Welfare Commissioner) 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.”

were properly Enrolled.

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

- 15.** Communication from Alderman Hirschmann requesting that Lake Avenue from the east side of Elm Street and easterly up to Pine Street be renamed *Raymond Wieczorek Boulevard*.

Alderman Pariseau moved to refer the communication to the Committee on Traffic.

Alderman Clancy duly seconded the motion. The motion carried.

- 16.** Communication from Alderman Pinard requesting that pursuant to City Charter Section 3.14(e) the Board support him in his endeavor to remove the current MTA Commission membership at this time.

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

Alderman Pinard stated he wished to thank the drivers for showing up here tonight, and some of the passengers. Mr. Clark I have a question for you. I understand that if I would have made a motion tonight to remove the MTA Commissioners it was illegal, can you give these drivers and the people and seniors of this community your version of why it would have been illegal.

City Solicitor Clark stated first of all you are talking about a charter provision, which governs city boards and commissions. The MTA is a separate municipal corporation. It's not governed by our Charter. In my opinion that provision does not give you the authority to remove them. When the Board moved back in the early 1970's to establish the MTA they followed the statute. At that time they probably could have put in more restraints if they had wished, they did not do so and they limited Board participation to the appointment of members and to the budgetary process. Secondly, even if that provision of the charter did apply you couldn't just move to remove somebody, that provision that you are referring to talks about cause. To remove someone for cause you have due process requirements. You would have to have written charges. You would have to have a public hearing where both sides would be able to give their positions, and you would have to vote on those charges.

Alderman Pinard thanked Solicitor Clark, and again thanked the drivers but guaranteed that this was not over. I think Alderman O'Neil will clarify another thing that is going to happen.

Alderman O'Neil stated that the last time the CIP Committee met with regards to this matter we met with legal counsel for advice. What Tom has pretty much stated tonight, not so much the removal of the commissioners but what our jurisdiction is he explained

that night, it is very limited, to appointments and the budget. And at the last meeting of the CIP there was a vote taken to request to meet with the commissioners. In working the schedule with the City Clerk it probably will happen either the 18<sup>th</sup> or 19<sup>th</sup> of this month. Because of the elections next week we could not meet. I would request when that meeting does take place that all members of the Board attend if they are available.

Alderman Vaillancourt stated that is very interesting because in item 18 all members of the Board were denied access at the last such meeting, but my question was to the City Solicitor on this. If in fact you have known this for several days why is it that we are just learning of this tonight when all of these people could have been informed in advance so they wouldn't have to be here tonight, and sit for the last two and one half hours. When did you know that this was going to be deemed against the city charter, did you just discover it in the last hour before the meeting.

Mayor Baines stated in addressing comments to people from the city I think we can address them in a very positive and respectful manner.

Alderman Vaillancourt stated with all due respect, did you know this before this evening.

Solicitor Clark responded as with all other departments we received the agenda late Friday afternoon. As you know, Monday was a holiday and there was not work and today was the first work day back.

Mayor Baines stated he knew there was a motion on the floor but asked if Alderman Pinard would be willing to withdraw the communication.

Alderman Pinard stated no; he would wait until the CIP Committee met.

Mayor Baines called for a vote on the motion to receive and file the communication. A roll call vote was taken at the request of Alderman Vaillancourt. Aldermen Vaillancourt, Levasseur, Pinard and Shea voted nay.

Aldermen Pariseau, Cashin, Thibault, Hirschmann, Wihby, Gatsas, Clancy, O'Neil, and Lopez voted yea. Alderman Sysyn was absent. The motion carried.

Mayor Baines stated I appreciate the fact that the CIP Committee is going to meet and we invite all the aldermen to join the meeting with the Commissioners. I believe its time to work with the commission at the MTA. I've met with Commissioner Chairman Boisvert last week. We've worked together for many years. He is a very dedicated public servant that is willing to work with us to solve the issues and I believe that it is imperative that we focus on the commission as it has been established in a law that goes back to 1973, when Mayor Dupuis was mayor. The transit company as you know was in severe trouble. The city got involved, and it was set up purposely as an independent corporation, under state law. I think we all need to be cognizant of that. These issues are either going to be resolved. You can't have two different appendages of city government trying to manage and regulate an agency of city government. They have a board of commissioners, appointed by the Board of Mayor and Aldermen, that have authority under this state law to oversee that department. I think that we at some point in time need to put our confidence and faith back in the commission through the appointments that we make through the board of commissioners. When we resolve to do that I think then, and only then, will we be able to resolve all the problems and put them in the environment that they belong, and that's with the commissioners of the Manchester Transit Authority. I'm committed to working with Chairman Boisvert to accomplish that and I wish the rest of the Board would join with me in that endeavor. I think the outcome will be much more favorable than it may appear to be with some of the aldermen at this time.

**17.** Communication from Alderman Sysyn seeking the Board's support in

finding alternative mechanisms through passage of state legislation to address the issue regarding the placement of individuals in group homes through the Moore Center.

Mayor Baines noted that they had been working on that issue and received a call from Representative Pepino today to say that he and other members of the delegation were drafting legislation to deal with that matter.

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

**18.** Communication from Alderman Vaillancourt requesting the Board adopt a new Rule 27. Such rule to read as follows:

"Any alderman requesting permission of the Chair of any standing aldermanic committee to attend and/or participate in an executive and or non-public session of committee meetings shall be granted such authorization to do so."

Alderman Pariseau moved to refer the item to the Committee on Administration.

Alderman Hirschmann duly seconded the motion.

Alderman Vaillancourt stated a little history on this. I wrote a letter to your honor back on the 8<sup>th</sup> of August explaining my absolute dismay when the sub-committee of the CIP went into executive session and banned me from even being there regarding that issue of the Manchester Transit Authority.

Alderman Pariseau noted it was not the sub-committee, but the committee.

Alderman Vaillancourt stated the sub-committee on the MTA had a meeting with thanks to Don Welch was on MCTV, Alderman Gatsas, Pariseau Shea and I were there and Alderman Clancy and that issue was discussed and the people of Manchester were very interest in this. So when this came before the regular CIP committee and they decided to

go into executive session I was very concerned, I wanted to go into executive session with them to find out what was happening. I was told that I could not attend this. I think that was wrong. I think any aldermen on this board when he wants to sit in on any committee should be allowed to do so though not being allowed to vote because he or she is not a member of that committee. I was absolutely dismayed by this action of the chairman of that committee so I wrote a letter to your honor and I received a response saying that you would refer this to the Board of Mayor and Aldermen at the next regular scheduled meeting. I also received after communication with the City Solicitor Thomas Clark, on August 25, saying that the committee is a body set forth by RSA etc. etc. and that they had every right to do this, but that it should be handled at the full Board of Mayor and Alderman level, thus I am doing what I was instructed to do by your honor, and by the august city solicitor. I'm bringing this forward. I can't imagine any alderman opposing this resolution that an alderman be allowed to sit in on meetings of this board, so I don't understand why this has to be referred to a special committee. I think it could be approved tonight, it should be a standing rule of this board.

Mayor Baines stated the reason being was because it was moved and seconded by an alderman and that is the process.

Alderman Levasseur stated he agreed with Alderman Vaillancourt on this issue, but also thought that it should be amended to say that in committee meetings we should be allowed to speak. I think that the best thing that we have going for us is that we can get things accomplished in committees, a lot of work gets done there. I have never been turned away from being able to speak and I have been to many meetings, but I think the rule should be amended to say that if so desired you should be able to speak and not to have that authorization.

Mayor Baines stated that he had a motion to refer this to committee and at that time that could be taken under consideration.

Mayor Baines called for a vote. The motion carried.

- 19.** Communication from the Airport Director seeking authorization to accept Federal and State grants.

On motion of Alderman O'Neil, duly seconded by Alderman Pariseau, it was voted to approve the request.

- 20.** Communication from the Airport Director relative to relocation and replacement of the existing Airport rotating beacon and seeking authorization to sell the existing beacon site, acquire easements for the new beacon site, and sell property located at 1001 Harvey Road.

Deputy Clerk Johnson noted there was a replacement letter, which corrected a typographical error. It had been distributed to the Aldermen through the Airport Director.

On motion of Alderman Shea, duly seconded by Alderman Pinard, it was voted to approve the requests subject to the review and approval of the City Solicitor.

- 21.** Communication from the Airport Director seeking authorization to modify leases with Gael Terra Associates (Highlander Inn) for the Executive Health Club property.

On motion of Alderman Cashin, duly seconded by Alderman Wihby, it was voted to approve the request subject to the review and approval of the City Solicitor.

Mayor Baines advised that item 22 was removed from the agenda.

In response to question, Deputy Clerk Johnson advised that the Airport Director had requested the item be removed.

23. Communication from the City Clerk requesting that the polling hours for the State Primary Election scheduled for Tuesday, September 12, 2000 be set to begin at 6:00 AM and end at 7:00 PM.

On motion of Alderman Clancy, duly seconded by Alderman Vaillancourt, it was voted to set the polling hours as requested.

24. Communication from the Director of Planning requesting that the Board accept a conservation easement at 454 Sheffield Road.

On motion of Alderman Cashin, duly seconded by Alderman Pariseau, it was voted to accept the conservation easement for 454 Sheffield Road as requested.

25. Communication from the Public Works Director requesting the Board accept State hazardous waste clean up funds, enter into a contract with the NH Department of Environmental Services, Waste Management Division for the Fall 2000 Household Hazardous Waste Collection project, and authorize the Public Works Director to execute such documents as may be required.

On motion of Alderman Hirschmann, duly seconded by Alderman Wihby, it was voted to approve the request to accept the funds and authorize the Public Works Director to execute documents as may be required.

26. Communication from Joanne Smogor requesting permission to send Red Ribbon Week Breakfast invitations and red ribbons to city employees with their paychecks for the upcoming Red Ribbon Community Breakfast scheduled for October 26, 2000.

On motion of Alderman Lopez, duly seconded by Alderman Shea, it was voted to approve the request as submitted.

**27. Ordinances:**

“Amending Sections 33.024, 33.025 and 33.026 (Welfare Specialist III, Deputy Welfare Commissioner) 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.”

On motion of Alderman O’Neil, duly seconded by Alderman Wihby, it was voted to dispense with the reading of the Ordinances by titles only.

These Ordinances having been presented for their third and final reading by titles only, Alderman Pariseau moved on passing same to be Ordained. Alderman Thibault duly seconded the motion. There being none opposed the motion carried.

**28. Resolutions:**

“Amending the 1999, 2000 and 2001 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Million Eight Hundred Forty thousand Dollars (\$1,840,000) for the 2001 CIP 650701 Bond Building Renovation Project.”

"Amending the 1999 Community Improvement Program, authorizing and appropriating funds in the amount of Four Hundred and Five Thousand Dollars (\$405,000) for the 1999 CIP 310199 School to Work Project."

"Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000) for the 2001 CIP 710201 LED Replacement Program."

On motion of Alderman Wihby, duly seconded by Alderman Hirschmann, it was voted to read the resolutions by titles only, and it was so done.

Alderman O’Neil moved that the Resolutions pass and be Enrolled. Alderman Hirschmann duly seconded the motion. There being none opposed, the motion carried.

Alderman Hirschmann questioned why item 22 was pulled from the agenda.

Deputy Clerk Johnson advised that the item was pulled at the request of the Airport Director.

**TABLED ITEM**

**29.** 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.

(Note: tabled July 19, 2000.)

This item remained on the table.

### **NEW BUSINESS**

Alderman Hirschmann nominated Socrates Makris of Coolidge Avenue to the Manchester Transit Authority, to replace Cindy Val who had resigned.

In response to question from Mayor Baines, Solicitor Clark advised that normally nominations did not require to be seconded, you can nominate as many as you wish and then you can close nominations.

Alderman O'Neil nominated John Triciani to the Manchester Transit Authority, to replace Cindy Val who had resigned.

Alderman Wihby moved to close nominations. Alderman Pariseau duly seconded the motion. The motion carried.

Mayor Baines advised that the nominations would lay over to the next meeting.

Alderman Vaillancourt stated since there seems to be such a state of flux on this particular commission, and since they do in fact need a fifth person, would it be in order to move that we rescind the requirement that they lay over and move to vote tonight.

Mayor Baines advised there was a motion to suspend the rules by Alderman Vaillancourt. Alderman Hirschmann duly seconded the motion.

Alderman Wihby stated he thought they had a CIP meeting to discuss the commissioners and everything on the 19<sup>th</sup>. I guess at this point I haven't even spoken to either one, and I know on the 19<sup>th</sup> we are going to have a meeting with the commissioners, so at this point why can't we let it go until October.

Alderman Hirschmann stated it was nice that they were going to be meeting with the commissioners, but this was a vacant seat and I think we should fill it so you have someone to meet with.

Alderman Wihby stated he wanted to see what the problem was first down there before I'm going to decide on who the best qualified person was for the job.

Alderman Wihby asked how many members had not had a chance to speak to the nominees.

Mayor Baines called for a showing of hands noting half the Board had not.  
Alderman Levasseur noted they did not have any resumes either.

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

Mayor Baines stated these will lay over until the next meeting of the Board of Mayor and Aldermen.

Alderman Levasseur asked the Board how we got ourselves into this MCTV mess. I don't really remember us making any kind of vote that we should take control of MCTV.

I think we should leave it where it is with the School Department. I don't know why we politicized this whole thing.

Alderman Hirschmann answered we haven't.

Alderman Levasseur asked we haven't taken control of it yet.

Alderman Hirschmann answered we haven't politicized it.

Alderman Levasseur stated well there seems to be the perception out there that the Board wants to take control over everything and I think we should clear that up.

Mayor Baines replied let me just explain where we are at the present time. I had Wayne Robinson on my staff convened a committee made up of...why don't you go through the membership and the process, Wayne.

Mr. Robinson stated we have Ron Chapman from the School District, Grace Sullivan, Tom Arnold from the Solicitor's Office, Mark Hobson from HR and Kevin Clougherty from the Finance Department and we are just looking at the various options that are available to us as far as how to best organize MCTV. We are not talking about cable contracts or anything like that.

Mayor Baines stated we plan to have a recommendation hopefully at the next meeting in October.

Alderman Hirschmann asked what is the relationship between MCTV and the School Department.

Mayor Baines stated we have maintained the existing relationship as I understand it with the schools and we are doing reverse chargebacks that we have outlined to make sure that all bills are taken care of so at the present time we maintain the existing situation because we had to work out a situation in the interim until a final decision was made by this Board.

Alderman Hirschmann stated I stopped by the studio and she was on vacation. Is she considered a teacher so she was on vacation for the whole summer?

Mr. Hobson replied she is still under her current teacher contract and she reports to the School District.

Alderman Hirschmann asked is the answer that she is on vacation for the summer.

Mr. Hobson answered no. I don't recall exactly what her contract calls for but she does have a different working year than a teacher.

Mayor Baines stated again we are working on a recommendation and we should have one at the next meeting.

Alderman Wihby stated I agree with Alderman Levasseur. This Board, and I guess it was a comment from somebody was upset in the School Department or the School Board and made it sound like the Aldermen took away something that was working. The School Board had MCTV under them. They chose not to fund a position that they could have but they chose not to last term. The Aldermen gave that position to be able to be filled this year along with two new positions. So, we have given them three new positions, your Honor, and to have School Board members say well the Aldermen are trying to get control and they are not good for MCTV and they are going to hurt MCTV after this Board gave them three new positions, I guess I take exception to. I guess you were at

that meeting and you were quoted and you never even defended the Board saying that we gave them three new positions and fully funded the budget better than the School Department had because we recognized that it is a valuable resource to the City. I guess I was concerned with the comment from the School Board and not any defense from yourself, your Honor.

Mayor Baines replied well I thought I had been very defensive of the situation and explaining not specifically like you talked about but I have not been aware of any conversations amongst the Board of Mayor and Aldermen about taking control or doing anything of that nature. We were looking at where MCTV best fits and looking at the community planning that went on and other issues revolving around that. I take your comments and we will reassess it. I don't believe there has been an attempt to do that.

Alderman Vaillancourt stated instead of arguing here with the School Board I think this is just another example of the benefits of MCTV. Any Alderman who wants to respond to the School Board could get his or her own show if they would like to go on the waiting list which we currently have because of the lack of funding for some of these positions. I would like to say in response to Dr. Sullivan being at the studio if, in fact, she is entitled to have the summer off then I think we might owe her a little more money because she has been there almost every time I have been there this summer.

Mayor Baines stated I ask the Board to respect the fact that we do have a process that is going to be coming forward with a recommendation that I believe will be in the best interest of the future of MCTV. If we could find a way to move forward, I would appreciate it.

Alderman Gatsas stated just to correct Alderman Vaillancourt, there has not been a lack of funding of any of those positions. The positions have all been funded; every single one of them. The entire budget was funded. I believe you voted for that.

Alderman Wihby stated to follow-up on both of those, are those positions hired and if not why aren't they. The money is in the budget. It is not this Board. This Board gave the funding. They should be out interviewing and hiring the positions.

Mr. Robinson stated those positions have been authorized and they must be going through the process.

Alderman Wihby asked are they.

Alderman Cashin stated Dr. Sullivan is here so why not let her speak for herself.

Dr. Sullivan stated first I would like to answer Alderman Hirschmann. I work a longer contract than a teacher's contract so I don't have the entire summer off. In fact, many summers I work more than I am supposed to be working. Now, the question about funding of positions, I need to understand the concept here. What is the question?

Alderman Wihby stated the question is that this Board funded three positions. One was available that wasn't filled and two new positions. We funded it starting July 1. We have heard all this criticism that we have hurt MCTV by not filling the positions yet they are funded so somebody should have started the process on interviewing and hiring the people. They should have been hired by now.

Dr. Sullivan replied the money was not sent over to school because there was some misunderstanding as to where the operational structure was.

Mayor Baines stated we did authorize the positions and we entered into an arrangement with the School District on reverse chargebacks.

Dr. Sullivan replied right. It wasn't on July 1 though. It happened after that.

Alderman Wihby stated July 1 those positions were funded. So was Finance holding up the money?

Dr. Sullivan replied not anymore.

Alderman Wihby asked were they holding up the money.

Dr. Sullivan answered there were some problems as to whether or not we belonged to the City and when people said we belonged to the City I said that hasn't been authorized so we couldn't...

Mayor Baines interjected I made that change early in July and put it in writing to the School District. Kevin, would you address that please?

Mr. Clougherty replied that is my recollection Mayor.

Mayor Baines stated we addressed it and we set a process. We made an arrangement with the School District. We put it in writing. We sought the advice of the City Solicitor on how we would handle that. We set-up the arrangement with the Finance Department and the Business Administrator and the School District.

Dr. Sullivan replied with all due respect it wasn't July 1. We had to wait to get the authorization and once we got the authorization we went ahead and went through the process of hiring those people as School District employees, which is what we are doing now. We advertised and tomorrow and the next day we are going to be interviewing people for positions, but looking at the community-wide assessment plan and the amount of people that are on the waiting list for public access even with the additional people,

one to do government and one to do public, because we still have a shared facility and we asked for \$70,000 for lease money so that we could go into a new facility and that was taken out of our request, we are not going to be able to fulfill everyone being able to become a public access producer because we still have public sharing with education during the day time and public at night. There still hasn't been...we have never...people from MCTV have really never sat down and worked out what the community assessment plan was and what our needs are. We have a 10-year plan. It hasn't been discussed as to what that plan addresses. We are going and we are going to hire a couple of people but it is still not going to meet the needs because we don't have adequate facilities.

Alderman Wihby asked, Grace, didn't we fund what you asked for.

Dr. Sullivan answered no.

Alderman Wihby asked we did not fund all of the positions you asked for. We didn't fund the \$70,000 for the lease but we funded all of the positions you asked for so if you are short you should have come to the Aldermen and asked for more help.

Dr. Sullivan answered I was told at the beginning of cable negotiations that the Committee on Administration would approve 2.5% of the cable gross. I based my budget on 2.5% of the cable gross. The community plan certainly says that we needed more than 2.5% of the gross, but I was realistic. The funding that we got was not 2.5% of the gross. We still don't have guaranteed funding. It is very difficult to separate operations and the cable contract, which we have had no...we have no idea of what is going on in the cable contract.

Alderman Wihby asked what do you care what is going on in the cable contract when your budget is made up as a department and whatever you asked for was funded other

than the lease agreement. What do you care what is going on with the contract? You got every penny you asked for.

Dr. Sullivan answered with all due respect there are technical provisions that we have had no input on, especially in regards to transition to digital television and from what we have heard what is going to happen is...in terms of the channel capacity and again I don't know. I haven't been there. These are just rumors. We have heard that we are not going to get a percentage of the spectrum of capacity, which is critical. If this is a 10 year contract and we don't have digital capacity then within two or three years there probably won't be any MCTV because if you have three channels...analog channels are going to make one digital channel so we are back to the beginning of 1990. This discussion has not taken place. I would have hoped that it would have taken place in a Committee meeting, a working session that we have been waiting to have.

Alderman Wihby stated I guess there are two different questions. One is you weren't part of the Administration Committee and that is fine. I don't even know what is going on and I don't even know if it is coming up today but I am getting back to the budget process. In the budget process it didn't matter where your funds were. It didn't matter if you wanted 1% of a \$1 million or 2% of \$1 million. We went with what you asked us for in the budget. So, if it was 10% you got it. Whatever you asked for you got in the budget process. Now the other items are fine. You weren't part of that and I don't know if you should have been or not. I don't know who made that decision but the funding part of it, I guess, is what I take exception to. This Board funded you fully, other than the \$70,000 lease. We funded everything you asked for and yet we look like we are trying to hurt MCTV. Whatever you asked for we gave you. If you had asked for 10 positions you probably would have gotten them but you asked for the two plus the one that wasn't filled and I don't understand why we are having a discussion...and that was July 1 so as of July 1 you had that money. Now, if someone didn't free it up to you...

Dr. Sullivan interjected we did not have the authorization to go after those positions on July 1.

Alderman Wihby asked authorization from whom.

Alderman Cashin asked when did you get the authorization.

Mayor Baines answered it was in July. The budget was passed and then we have a situation for approval of new funding positions and we approved that in July. That was early July. That was approved in early July.

Dr. Sullivan replied yes, your Honor, it was. However, the problem was whether it was going to be a City department, whether we were going to hire people as City employees or School District employees.

Mayor Baines responded excuse me. Immediately at that time, and again I would ask the City Solicitor, the Finance Director and Wayne Robinson, we immediately sat down with the School District people and worked out an arrangement. First of all, I wanted to make sure it was legal so I talked to Tom Clark and asked how can we set this up. I went to the Finance Officer and talked to the people at the School District and put all of the financial arrangements in place to continue the existing situation until the mechanism for the structure of MCTV was resolved. I put it in writing that that would continue until the end of September because our hope is to get a recommendation to the Board in October and then this matter can be put to rests. The positions were authorized. We did continue the existing structure and thus we are in the situation that we are in now. The cable negotiations are a separate issue and I really think that any further discussion belongs at the Committee on Administration. We are working very cooperatively to resolve this. You are there at the meetings as is Ron Chapman from the School District and I feel that it is moving to a very positive conclusion.

Alderman Hirschmann asked shouldn't we refer this to the Human Resources Committee so that we can figure out the structure that she is going to operate under in the future. Won't the Human Resource Director give us some guidance in this matter?

Mayor Baines stated just to let you know, the authorization was given on July 18 regarding this matter after the City Clerk got back to me and resolved it. The letter was to Mr. Tanguay on July 18. I am going to read it because it has been a subject of discussion:

A meeting was held yesterday with Ron Chapman from the School District and Randy Sherman and Mark Hobson from the City and myself to discuss the best way to handle MCTV during its transition from the School District. It was agreed that for the first quarter, FY2001, MCTV would continue to do business as usual. During this time, the School District would continue to pay the personnel costs and operating expenses of MCTV with a chargeback to the City on a monthly basis. Also during this time the Mayor's Office will appoint a committee to discuss the proper placement of MCTV.

Please forward all supporting documentation to Wayne Robinson of my office for review and approval and please feel free to contact Wayne or me if you have any questions or concerns regarding this matter.

So, we dealt with this very promptly and efficiently and approved all of the existing positions as soon as the budget process was finalized.

Alderman Thibault asked, Dr. Sullivan, you just talked a few minutes ago about the 2.5% that as you looked at your budget you projected 2.5%. Is that what I understood?

Dr. Sullivan answered that was back in January/February when I met with the Chairman of the Committee on Administration about the cable contract. The majority of cable contracts that are done in the United States has guaranteed funding and that PEG access

is written into the cable contract. At that time, I was led to believe that the Committee on Administration would support 2.5%. Of course, I would have liked 5% of the cable gross. The standard really is 3%. Many places get 5%. If you went to Londonderry 4% or 5% goes to PEG access. If you went to Bedford, the full percentage of the gross goes to PEG access. If you went to Goffstown, if you went to Boston, if you went to Atlanta, if you went to New York City...

Mayor Baines interjected how about Nashua.

Dr. Sullivan answered Nashua has not set-up PEG access. Manchester was one of the first to set it up and most of the other towns and cities around the State have gone with a percentage of the gross. We currently, under the current cable contract, receive 1% of the cable gross, which was inadequate and the School District had been paying the other costs for it so that is why we asked for a higher percentage of the gross. Again, I think the community needs assessment says that we could be using the 5%.

Mayor Baines stated as I understand the process that is in place, there will be a contract, it is not coming tonight by the way and I have to ask for an extension of another contract tonight as well, that this Board will vote up or down. There will be discussion at that time, I assume about the issues that you have presented and the Aldermen will weigh in on those issues and vote on what has been negotiated. That is the process that has unfolded. As I explained, we are engaged in the democratic process. I want to clearly state for the record that I haven't talked to any Aldermen privately or publicly that has any way indicated anything other than helping MCTV grow and prosper. That has been the total conversation around it and the way that MCTV can best function in this community. The issue of percentages is a totally separate issue. I believe this Board is committed to MCTV, doing the right thing by MCTV and in every conversation I have participated in I have never heard any of the concerns that have been talked about

publicly meeting reality in terms of the way the Board of Mayor and Aldermen feels collectively and individually.

Alderman Vaillancourt moved that the Board of Mayor and Aldermen express their support of MCTV and allow Dr. Grace Sullivan to provide a presentation to the Committee negotiating the contract. Alderman Pinard duly seconded the motion.

Alderman Gatsas stated I think I have sat here biting my tongue for an awful long time. I think that if MCTV were going to stay in the position that they were in we certainly wouldn't have extended the opportunities that we have to Dr. Sullivan for her to come back to yourself, to myself, or to the Chairman of this Board and tell us what she really wanted. I still don't know what she wants. I left that up to you to find out and obviously you have set-up a Committee because that has gone beyond your beyond. So, if we were looking to hurt MCTV we would have still allocated your 1% because under the contract we are still in we are under the old contract. You would have still been operating at 1%, however, this Board saw fit to increase your funding not only in positions but in materials and all other equipment that you sought. I would say that this Board has been very generous to MCTV. The allocation of \$60,000 that we removed from rent was until we found you a new spot, whether we were going to do a consolidation or not. I think that gives you an opportunity at this point to hire people starting July 18 because I understand you have a long list of people that want to get on TV. If that is the case, I think you should worry more about getting those people prepared and on TV if that is what they are looking for than the allocation short funding that you may have received.

Alderman Vaillancourt asked could the Clerk read the motion.

Deputy Clerk Johnson answered the motion recorded is that the Board show its support for MCTV and allow a presentation to the Committee on Administration.

Alderman Gatsas stated I have certainly seen the presentation and if you would like to see it come on down.

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

Mayor Baines advised that the cable contract needed to be extended as the current expiration was due to occur on September 8.

Solicitor Clark stated Tom Arnold has been working on the cable negotiations with our consultant and under the Committee of Administration. As I understand it, the final document is not yet completed. They have been working to get it completed. You had extended the present contract through September 8. We are now looking for an extension until October 6.

Mayor Baines replied October 6 or until such time as the renewal franchise is renewed, whichever occurs sooner.

Alderman Vaillancourt moved to extend the cable contract until October 6. Alderman Pariseau duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Alderman Clancy stated recently I have been getting a lot of complaints about the yard waste being picked up in the City, not only in my ward but all of the wards on the East Side. Something needs to be done because I know their contract is up January 1, 2001. I do call the Highway Department and they get a better response, but I have maybe four or five people in my ward who haven't had the yard waste picked up. Something has to be done about Waste Management picking up this yard waste.

Alderman Wihby asked can Frank address that because my understanding is that we are going to renew their contract.

Mr. Thomas stated we are in constant communication with Waste Management. We, on a regular basis, have been receiving complaints not only for yard waste but for recycling. They are experiencing problems with personnel and turnover. We hear this passed on to us but our response back to them is that they have contracted for services and that is not our issue. However, the truth of the matter is that they are having problems. The contract the way it is set-up, we can't deduct from their payment unless they have a prolonged period of not addressing a situation. Normally if there is an area that is not having yard waste picked up such as Huse Road it is passed on to them and they correct the problem and then the problem shifts somewhere else. It is definitely a personnel issue. After the public presentation that I heard tonight, I plan on meeting with the President of Waste Management tomorrow again to discuss these issues. Their contract is coming up, however, I would probably still recommend to the Board of Mayor and Aldermen that we move forward with Waste Management. The cost of the services that they are providing even though there may be some problems connected with them, are still very favorable to the City of Manchester. If we decided to go out to bid again for those services I can assure the Board that the amount would be substantially higher than what Waste Management is locked into. We are better off to continue to try to work with them. They have shown responsiveness when we have talked to them. We have set-up procedures, at least when we receive a complaint directly, we forward it on to Waste Management and they call us back when the problem is addressed. If we don't hear that they have addressed the problem we contact them again so we do have some checks and balances, however, they do have problems with personnel.

Alderman Gatsas stated the procurement code was a vital issue tonight. I know that you have been working diligently on it. Where do you think you are at at this point?

Mr. Thomas replied again I am going to be making some recommendations regarding the procurement code, which will go to the Solicitor's Office for their review.

Alderman Gatsas asked when do you think.

Mr. Thomas answered within a month.

Alderman Shea stated I must say, Frank, that I have had in the past but I don't presently have problem with Waste Management. In the past Victor Hyman has been very responsive and I told my colleague to my right here his number if he wants to get in touch with him. I think sometimes he works very well with Waste Management. It seems that the problems seem to shift from Ward 7 to Ward 6 to Ward 8 to Ward 5. You know they are playing musical chairs there. I don't know if it affects Wards 1 and 2 at all. I don't see too much up there. It seems they get pretty good service, but those down below don't seem to get as great a service because most of the problems seemed to be focused in our section.

Mr. Thomas replied that is not really the case. The problems are citywide. You can ask Leo Bernier. I believe he lives in Ward 1 and he has experienced numerous problems with his recyclables being collected. It is throughout the City. Again, Victor Hyman is very good. He is our coordinator and he works with Waste Management to try and resolve the problems. Yard waste collection is very difficult because it has tremendous peaks and valleys. The gentleman who raised issues tonight had a lot of yard waste. I think he was telling me that he had a dozen barrels that he had to put out because his tomato crop died. It is hard to schedule a work force when you have those types of peaks and valleys. With all of the rain we had there was a lot of growth in the lawn this year compared to last summer. Again, that is hard to plan for, however, that is still not the City's responsibility. Waste Management has contracted for those services and it is up to

them to get it done. What I had mentioned was that the services we are getting for the price are very good. We have to work with them to resolve the issues.

Alderman Shea asked when does the weekly schedule begin.

Mr. Thomas answered I am not sure.

Alderman Vaillancourt stated I am sympathetic with Waste Management and I am sympathetic with what you have said. The one thing that you cannot do is when you promise something to go back on your promise. The gentleman who spoke tonight called me three times. I called Waste Management twice. They promised they would pick that up Friday, Saturday, Sunday, Monday. Now we are into Tuesday. They have to be made to live up to the promises that they make.

Mr. Thomas replied the gentleman that you are referring to, I gave him my business card tonight and I told him to call me directly and I told him that I would look into it first thing in the morning. Instead of calling Waste Management because he is not getting the service, hopefully I will be able to deliver.

Mayor Baines stated I have noticed them going around some of the neighborhoods with pick-up trucks on Saturdays.

Mr. Thomas replied again they are having difficulties with men and equipment.

Mayor Baines stated I have a couple of announcements. The next Mayor's Night Out is in Ward 9 on September 13 at Bakersville School. I will also be doing a call-in on September 20 at 7:30 PM on Channel 9, MCTV.

Mayor Baines read a statement regarding Intown Manchester as follows:

I recommend returning the façade program to Intown. It was never my intention for the Destination Manchester position to be involved with the Revolving Loan Fund and its administration by the banks. In addition, it is clear that the banks wish to maintain their relationship with Intown for the management of this vital program, which has improved properties within the district. I must emphasize that there was never any interest on my part or on that of the Board to dismantle Intown. Those of us who supported moving the façade program were addressing only that part of the program that funded signage. In that context, it made sense to have this program in the “tool box” of the Destination Manchester Coordinator. However, given the complexity of the Revolving Loan Program and the desire of the banks to keep the entire program with Intown, it is imperative that Intown retain control of the façade program. However, any entity that receives funding from the taxpayers should expect close scrutiny and reexamination from time to time. It is clear to me that some legitimate issues have been raised about the mission of Intown. In order to strengthen the program and better serve the people in the district and all citizens of our community, these questions will need to be addressed. We must reemphasize Intown’s fundamental mission to ensure clean sidewalks, streets and alleys and to promote events and other initiatives to revitalize the downtown corridor. All of us believe that there is a vital role as an ambassador of downtown to be played by Intown. The issue of district boundaries remains an unanswered question. I am recommending that the Central Business Service District, the Intown Board of Directors, and the CIP Committee devote further study to this question. In conclusion, I am asking all of us to engage in an unrelenting pursuit to bring downtown back to life by supporting the Destination Manchester position and by supporting with word and deed the legions of volunteers involved in Intown and other initiatives who are willing to help us achieve our common goals. These volunteers are asking for our respect and our trust. The Destination Manchester Coordinator position is vital as we strive to recruit retailers back to downtown, expand housing opportunities along the Elm Street area, take maximum advantage of federal dollars to assist us in our efforts, and coordinate riverfront development and other related opportunities to help us expand the tax base.

Mayor Baines stated I have been in conversations over the past week or so with various representatives of the banks and we do have some correspondence from Harold Acre, Senior Executive Vice President of the Bank of New Hampshire and Scott Baker, the President & CEO of the Bank of New Hampshire and from Mike Whitney the President of Fleet Bank. I was also in conversation...Tim Meter has been on vacation but he did finally contact me this afternoon and he said that he is in concert with the other bank presidents. I would like the Board to authorize the return of the façade program to Intown Manchester.

Alderman Cashin moved to return the façade program to Intown Manchester. Alderman Pariseau duly seconded the motion.

Alderman Hirschmann stated I think we might be a little bit premature in doing this at this time. Just as you stated in your address, the issue of district boundaries remains an unanswered question and I am recommending the Central Business Service District, the Intown Board of Directors and CIP Committee to further study this question. Now one of the most eloquent speakers the other night at the public hearing, which the Aldermen weren't really allowed to say anything at, was Mr. Bouffard of Global Real Estate. He gave this visual presentation of the district being expanded all the way down to the Queen City Bridge; another 10 City blocks to the south past the civic center all the way down there. Now if the district is going to be expanded in that capacity, I really don't think that the façade program...I mean how is Mr. Davis possibly going to perform what you want...you want the streets cleaned and all of these other functions and he is taking on the organization which is wonderful. He is getting Hector Valez and other people and how is he going to handle the façade program and this district expansion.

Mayor Baines replied I really feel and I respect your opinions on this and I spent about an hour with Alderman Levasseur reviewing some of his concerns as well and I really feel

that it is important because of the bank situation that the façade program and the revolving loan fund issue be put to rest and we continue to address the other issues.

Alderman Hirschmann responded why don't we wait to hear what their plans are before we do anything.

Mayor Baines replied I really think that in that case it is really two separate issues. That is my response to that.

Alderman Wihby stated the discussion hasn't really been based on is Intown good or not. It has been based on feelings and hurt feelings and name-calling and everything else. I guess when you had called me about the position one of the things we talked about was having him do something else and we heard, depending on where you were and what day it was or what side you were on, you heard that this position had something to do with the façade program and that this would take a lot of time and it was labor intensive. I guess everybody supported it saying well we will take it away and give Rich Davis something else to do and then when you said gee if it takes up so much time and we are trying to free up time for Rich Davis they came back and said no you can't do that because then Bill is going to have too much time to spend and too much of his job to do and you can't give that to him so give it back to Rich because he has the time to do it. I guess it has been a yo-yo back and forth trying to figure out who is doing what and what is right and trying to take care of everybody's ego. Your Honor, I wouldn't have supported the position that you created if I knew that this wasn't going to be part of it. This was going to be a big part of the job that Rich Davis does that was going to be part of the new position that was going to be federally funded. Rich was going to be able to spend more time doing other things, which is what I guess they need to improve downtown. So, I guess I am going to have to not support this because I think that supporting this is saying that the position is okay to do without having the façade program.

Mayor Baines replied I have to take some responsibility for that confusion. The issue of the façade only got involved towards the end of it. It was never part of my original proposal. I felt that the proposal and the course of action that we laid out was very challenging, however, very achievable as we are trying to jump-start some of these initiatives. I never felt that the façade program was a key part of that. It did make some sense as I restated this evening. I still stand behind that. I think that what was done here is clearly an opportunity for us to really take advantage of our economy and some of the initiatives that are possible going on in the downtown area, especially the housing issue. That particularly concerns me and we need to focus on that and obviously the riverfront. I think that part of the Destination Manchester position is very critical and there are very few communities at this time and this juncture that do not have that kind of person who represents the Mayor's Office. I do appreciate your comments but I do feel that the two issues stand-alone and I feel terrible that the two things got mixed together because that was never the intent.

Alderman Wihby responded at that hearing and I guess you said it in this letter and you just repeated it, the discussion was based on getting rid of Intown and I don't think that was anybody's position. There were four people there who were afraid to talk because they are not really against Intown and they thought that Intown was doing fine for Intown but not for the expanded area and they came and approached me afterwards. These were people who have lived in Manchester all of their lives and actually two out of the four came to me the initial time that we passed the expansion of the program just saying that they weren't getting their money's worth for the expanded area and I know you said that is a different issue but I hope that issue...I mean last I knew when we funded the budget we funded it based on we were going to have another discussion about that and it is September and we haven't talked about it later.

Mayor Baines replied I support that Alderman Wihby and I am very clear on that. I also want to emphasize that at the public hearing I appreciated the input from the people but

again I had not heard any discussion from any Alderman about dismantling Intown. It was never something that was discussed publicly or privately. I think there were some issues that I still feel are very legitimate issues that can be dealt with in the appropriate forum and the meeting of the Board is at 8 AM tomorrow morning at the Nynex building and I invite all of the Aldermen and others to attend. I think Alderman Levasseur will be attending with me.

Alderman Levasseur responded I sit on the Board of Trustees but because I have asked a few questions I have been blocked out of a couple of meetings. They have had two or three meetings behind my back and I just got my invitation today only because you told me about it today in your office when we spoke. So, meetings are going on and because you ask a couple of questions everybody turns it into a huge political football. I was called into your office, Mayor, you called me into your office to sell me on the downtown coordinator's position. I don't think anybody in this room knows downtown more than I do. Maybe a couple of people in the audience who have worked here a little longer than I have and I agreed with you that this downtown coordinator was probably the most valuable tool that you could have and I agreed with you and I supported you on it. I sent letters to the editor because you were taking a hammering in the press but you were the one who convinced me that that was going to be a very useful economic tool and that by giving him the façade program and the revolving loan fund program you made him into a very powerful weapon to get downtown filled. Rich Davis has had four years to fill these downtown storefronts. Still many of them are empty. All we have are lateral moves in this City. We don't have any new business coming in. We still don't have a franchise down here. The only franchise we have for a restaurant is Dunkin Donuts and they are hidden away in the Hampshire Plaza. Now this downtown coordinator's position that you put in has already come forward and given us a presentation on a job that he is able to do. Now you ask us to sit here and pretend...you wanted that position so bad that you were willing to do something like that. I feel like I have been cheated and lied to and I don't appreciate it. That is the reason why we agreed to this in the first place and by

doing so we have taken such a hammering from everybody in this ridiculous move on your part and I feel awful about this. I don't know how I can support the downtown coordinator's position anymore.

Mayor Baines replied all of the conversations that I have had with Alderman Levasseur including today have been very positive and cordial regarding this matter.

Alderman Levasseur responded right. You convinced me, your Honor, on that position.

Mayor Baines replied again the issue of the façade program was something that was discussed at the tail end of that. It was a mistake at this point in time. I think the next day I made that comment to Alderman Cashin. I still think it is a very positive move on behalf of the City and I think we can all pull together to make things work.

Alderman Vaillancourt stated point of order. I am just a little confused and maybe the City Solicitor can help me out. You are bringing this in as a reconsideration. I understood that a move to reconsider had to be issued the night of the vote. Now you are moving to reconsider an amendment on an overall move which then passed...I am not quite sure how this is before us today. You don't need to explain, Mayor. The City Solicitor can explain this to me.

Solicitor Clark stated I believe the Mayor is asking for a vote to reverse the action.

Alderman Vaillancourt asked is that possible by our rules that the Mayor can ask for reconsideration.

Solicitor Clark answered the Mayor is not asking for reconsideration. As I understand it, the courts have ruled that each session of the Board of Mayor and Aldermen is a separate

session and any member is entitled to bring up what he wishes to bring up subject to the presiding officer.

Alderman Vaillancourt asked so if three members like Alderman Sysyn and a couple of others are absent tonight I can bring the civic center up again. So, this is not a reconsideration then? So, if this move passes does in fact...this was part of the amendment of something that has already passed so if you negate this amendment do you negate the whole position that was passed last time? I think the answer to that is yes, is it not?

Solicitor Clark answered I don't believe so. It depends on what the motion is.

Alderman Vaillancourt stated well that motion passed with an amendment.

Mayor Baines stated the ruling is that I made a recommendation and asked this Board to support it based upon the bank's input. The banks are not going to support the revolving loan program and the façade program going forward as it is connected. If it is not with Intown, it seems to be the logical thing to do.

Alderman Vaillancourt replied my point of order was that the original motion passed with the amendment. If the amendment is stripped, I believe the motion is stripped.

Alderman Cashin stated my understanding is the question is to return the façade program back to Intown Manchester. I think that can be voted on tonight but I am going to ask this Board can't we just accept the fact that a mistake has been made. Nobody is trying to hurt anybody. Let's stop pointing fingers and let's correct the mistake and get on with it.

Alderman Levasseur replied it is a big mistake, Alderman Cashin.

Alderman Cashin responded we have admitted that it was a mistake. We accept the fact that a mistake was made. It is unfortunate. Now we are trying to correct it. Let's correct it and get on with business.

Alderman Lopez stated I totally agree with the Chairman of the Board. Let's put this in the right hands. Let's move the façade program back and let's sit down with the people that you indicated in your letters and let's do this in a gentlemanly fashion where we can get some answers and maybe the district can be changed but we can't do it here tonight. Let us move forward.

Alderman Shea stated we have been discussing the façade program and the revolving loan program. Why are they so important? Why are they so important for the Central Business District to control?

Mayor Baines replied I would like to answer that. The bank leadership would feel more comfortable because of the nature of the loans and the financial information and other things that they have worked on with different applicants and they feel it should be outside the political process and outside of City Hall. I think when we talked with Mike Whitney at length about it recently because these programs very seldom work with his experience. Manchester is one of the very few places it has worked and it is largely due to the way it has been handled independently by Intown. Those comments were echoed by Harold Acres and strongly by Tim Meter today, the President of Citizens Bank. Because of the nature of loans and the whole process and the independence that is needed outside of government and in the political process that is really the response to that, Alderman.

Alderman Shea stated so the opposite of that would be if it were in the hands of say the Destination Manchester Coordinator or anyone else the same results wouldn't be forthcoming.

Mayor Baines replied that was Mike's strong assertion that his experience in dealing with this industry and programs of this nature that they have not been successful and they have been successful here. Mike said that for the past 20 years in New Hampshire these types of initiatives, loan programs, are often not effective or sustainability. This program is a notable exception and Intown should be congratulated for the discipline and creativity that has made it successful. So the major banks have weighed in on this issue and I think it is the right thing to do. I found out a long time ago that when you are dealing with any initiatives whether in private business or education or government occasionally you misstep and you need to change directions. It happens in private industry all the time and they move backward and then move forward and that is what we are asking to do. It makes sense to do it. I don't think there needs to be any acrimony. I think we are on the same page with a lot of these issues and we can move forward in the betterment of the City if we can just move beyond this issue.

Alderman Shea responded well if you will just allow me to be the devil's advocate just for a minute here, I think there are a lot of people who privately have not come forth because in their minds I guess they are a little bit intimidated by the political climate of the situation but I know several people have contacted me and said that they don't feel comfortable with the program the way it is designed and set-up simply because it is restricted to a certain situational position. That is to say that the people on Elm Street seem to be benefiting and the people on Amherst Street and the people on other streets don't seem to be benefiting. The original thought that I had was that I would like to speak for them, your Honor, rather than for the other people that we heard.

Mayor Baines replied I appreciate that and I think that is a boundary issue, which I think needs further study and deliberation and I support that.

Alderman Gatsas stated I have no problem staying with the position we made, however, I certainly don't feel comfortable getting two letters from two banks saying that they are going to withdraw their funding of \$1.4 million for downtown. Now if that is the case, I certainly am not here to punish or hurt any business that is looking to borrow money at lower rates than what they can find anywhere else but if that is the case I think everybody understands how I feel about the expanded zone and how five families that I don't think should be in that zone were taxed. I believe we are going to have that discussion at the CIP Committee, however, I don't think that we should be jeopardizing the opportunity for people to have the ability to get funding. We have letters from two banks here saying that they are willing to withdraw their funding if it doesn't stay in Intown Manchester. Now I don't think that...you know Mike Whitney I know and have a lot of respect for and obviously if he is not comfortable with the situation he has been a banker in Manchester for a long time and has gone through a lot of the tough times with a lot of people downtown so certainly if that is the case then I don't want to jeopardize anybody downtown.

Mayor Baines replied I appreciate that and I would like to move to a vote on this.

Alderman Levasseur stated I sat in your office this morning and I presented you with a 23 minute film of what Intown can't even get done in my own ward as far as keeping my ward clean and keeping the graffiti off of the buildings and keeping the pigeon crap off the sidewalks. Why can't they focus on what the people at the public hearing talked about? They talked about cleaning downtown and making it a nice place to come, sprucing it up and talking about events. People want events. Business people want events down there. This is an economic tool that we are putting back into Intown's hands after we agreed with you to take it out and put it into the Downtown Coordinator's

position. It makes such good sense to let Intown focus on what it should have focused on since the beginning. They lost track. They are not an economic development engine. You have created the perfect economic engine and now you want to throw it back in his hands again.

Mayor Baines replied if you notice, the verbiage that you talked about in my office this morning is included in this memorandum and as I told you this morning the video is very compelling. It is a very compelling video and I talked to Alderman Levasseur today with Wayne Robinson about showing that to the individuals involved and getting a reaction and we are going to proceed with doing that as we stated this morning.

Alderman O'Neil stated I went back and looked at the letter you sent of August 2 and there were 16 bullet points, which are examples of essential work and the façade program is not one of them so I back up that it was a last minute development. I really don't know if it is a tool for the Destination Manchester person or not. I do agree with the statement that Alderman Levasseur just made that Intown does not belong in the economic development business they belong in the activity, etc. business but I take the and I don't want to call them threats but the concerns from the banks very seriously. To lose the opportunity for businesses to get up to \$1.4 million and I think we saw some of those letters at the public hearing, I am concerned about that.

Alderman Wihby asked what is the motion.

Mayor Baines answered the motion on the floor is to return the façade program to Intown Manchester.

Alderman Wihby moved to amend the motion to remove the Destination Manchester Coordinator's position. Alderman Levasseur duly seconded the motion.

Mayor Baines called for a vote on the amendment to the motion. Alderman O'Neil requested a roll call vote.

Alderman Vaillancourt stated you mentioned that you didn't want Intown involved in the political process. I am going to mention the name of a gentleman again whom I mentioned earlier. He made the most cogent comments at the meeting last Monday night. His name is Michael Pelletier who told us and I wonder if your office has followed up on this, that Intown is indeed involved in the political process to the extent that they go to the State House and testify for or against bills up there contrary to the instructions of your office. Have you followed up on whether Intown is, in fact, involved in the political process by doing that when in fact you have told department heads to coordinate all of their testimony through you?

Mayor Baines replied first of all Intown is not a department of the City. They are a non-profit organization.

Alderman Vaillancourt responded that is my question. Is that the hair that is being split to give them permission to do that?

Mayor Baines stated I don't have any control over them. They are not a department of the City.

Alderman Vaillancourt asked so they are involved in the political process very definitely.

Mayor Baines answered just about everyone I know around City Hall is involved in the political process.

Alderman Vaillancourt stated you commented earlier that it should be divorced from the political process.

Mayor Baines replied I was talking in terms of loans and reviewing applications. There is a motion on the floor to amend the motion and eliminate the Destination Manchester Coordinator's position. Roll call starting with Alderman O'Neil.

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

Mayor Baines called for a vote on the motion to return the façade program to Intown Manchester. There being none opposed, the motion carried.

Mayor Baines stated again we are going to follow-up on the video and we will be meeting with the Intown Board tomorrow and I believe there are some legitimate issues that need to be addressed and I look forward to doing so. I appreciate the support from the Board.

Communication from the Chief Negotiator requesting to meet with the Board for a negotiation strategy session.

On motion of Alderman Gatsas, duly seconded by Alderman Cashin, it was voted to recess the regular meeting for a negotiation strategy session with the Chief Negotiator.

Mayor Baines called the meeting back to order.

Mr. Hodgen stated the Board having discussed the proposed agreement with the Association of Manchester Principals, a motion would be in order to ratify the agreement with the Manchester Principals in accordance with the memorandum and the cost

calculations presented this evening with the understanding that Rule 26 would be waived and the raises for the principals would be effective on September 15, 2000.

Alderman O'Neil moved to ratify and confirm the agreement with the Manchester Principals Association in accordance with the memorandum and the cost calculations presented with the understanding that Rule 26 would be waived and the raises for the principals would be effective on September 15, 2000. Alderman Pariseau duly seconded the motion.

Alderman Vaillancourt asked are you asking that all one motion or two separate ones. I can't understand how you can put two motions together. You move the contract and then you move to suspend the rules I would think.

Deputy Clerk Johnson stated as I understand it the motion was to suspend the rules and ratify the contract all as one motion. That can be done by the Board in one motion. It will require a 2/3 vote. To suspend the rules and ratify it in one motion is still a 2/3 vote. You can break it out and suspend the rules and then take up the contract for ratification immediately if you want and do it as two separate motions.

Mr. Hodgen stated a possibility that might address Alderman Vaillancourt's concern might be an amendment to the original motion not to waive Rule 26.

Deputy Clerk Johnson stated you can do it either way. You can take the contract and then suspend the rules and ratify the contract.

Alderman O'Neil moved to approve the contract. Alderman Pinard duly seconded the motion.

Alderman Levasseur asked if we go to September 15 is it annualized at 9% and if it is October 15 is it annualized at 7.35%.

Mr. Hodgen answered as we said earlier it is effective on September 15 and it is 7.35%. I don't know if anybody has calculated the annualized amount if it effective at your next meeting which I think is October 3 it would be something less than 7.35%.

Deputy Clerk Johnson stated I would like to clarify that if the motion is to approve the contract I was still taking September 15 as the effective date. I wasn't changing any effective dates.

Mayor Baines called for a vote on the motion. The motion carried with Aldermen Wihby, Hirschmann, Levasseur and Vaillancourt being duly recorded in opposition.

Alderman Vaillancourt stated I am not sure I understand the procedure.

Mayor Baines replied here is the procedure. Normally, you would take the contract and vote on it and then it would layover until the next meeting so we are following the regular procedures. We voted on the contract and now we are going to vote on whether we are going to suspend the rules and finalize it tonight or have it layover until the next meeting.

Alderman Wihby stated normally you would have voted on the contract without having a date.

Deputy Clerk Johnson stated well September 15 is still after this evening.

Alderman Vaillancourt replied well if it lays over it will be after September 15. Why do we need to suspend the rules?

Alderman Wihby stated whether you suspend the rules or not when October 1 comes it is still going to be September 15. It is going to be retroactive.

Alderman Vaillancourt asked so why bother.

Alderman Wihby stated well this Board say that we weren't going to do retroactive.

Deputy Clerk Johnson stated my understanding is normally when a contract is presented the effective date is when it is actually ratified, which in this instance could be this evening or October whatever but as I understand it what has been presented to the Board was to pass a contract effective September 15. Now in the past the Board has set specific dates for effective dates for the raises in other contracts. That is not an unusual occurrence.

Alderman Wihby replied I disagree with that, your Honor. It is unusual in that we always pass it the date of the next meeting. If we vote against this today and you don't get the 2/3 required to suspend the rules then you are retroactivating it for two weeks and we agreed that we were not going to do that.

Mayor Baines stated the negotiated contract with the Principals effective date is September 15.

Mr. Hodgen replied we committed to them to ask you to waive Rule 26 and make the effective date of the raise September 15 instead of October 3, which it would be if Rule 26 were not waived.

Alderman Wihby stated my concern is that we have sat here to every other union that has come to us and told them that we would not support retroactive and if we do that for this

contract and you are forcing us to do that by setting the date, on October 1 it is going to be retroactive.

Alderman Cashin stated the motion is effective September 15. There is no retroactive.

Alderman Wihby replied if it doesn't pass tonight with 2/3 to suspend the rules, on October 3 this is going to come back to us and we would have to make it retroactive back to September 15. If it passes tonight, then fine.

Mayor Baines stated I was told that there has been some history of this Board when it got to the end of contract negotiations to move both things the same night. I am assuming there is a history of that.

Mr. Hodgen replied we did that with the MAPS agreement last fall.

Mayor Baines stated the Principals have been working and the contract has been settled and we are asking to put this behind us.

Alderman Wihby asked don't you need 10 votes, your Honor.

Mayor Baines answered yes.

Alderman Wihby asked what was the vote just now to pass the contract. Nine to four so I don't think it is going to pass tonight. Why would you pass it if you voted against the contract?

Mayor Baines answered the contract has already passed. Secondly if we don't vote to suspend the rules it will come back at the next meeting and it will still be effective September 15.

Alderman Wihby replied correct which makes it retroactive, which this Board said we would not do.

Alderman O'Neil stated then suspend the rules tonight and ratify it.

Mayor Baines stated I would personally urge the Board to ratify this contract this evening. The principals are back at work. The teachers are back at work. We have settled the contract. Let's settle this tonight. That is what I am urging you to do.

Alderman O'Neil moved to suspend the rules and ratify the contract. Alderman Pinard duly seconded the motion. Mayor Baines requested a roll call vote. Aldermen Wihby, Levasseur, Vaillancourt, and Hirschmann voted nay. Aldermen Gatsas, Clancy, Pinard, O'Neil, Lopez, Shea, Cashin, and Thibault voted yea. The motion carried.

On motion of Alderman Pariseau, duly seconded by Alderman Clancy, it was voted to adjourn.

A True Record. Attest.

City Clerk