

BOARD OF MAYOR AND ALDERMEN

October 16, 2001

7:30 PM

Mayor Baines called the meeting to order.

The Clerk called the roll.

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

Alderman Clancy being deceased, there was no representation for Ward 5.

Report of the Committee on Human Resources/Insurance and the Safety Review Board recommending that a proposed Containerized Trash Program be approved, and noting that the Highway Department wishes to make a brief presentation.

Mr. Frank Thomas stated this is going to be very brief. There are two issues involving solid waste collection that we are seeking support on for what we feel are two very good reasons. The first issue is the proliferation of large trash containers in violation of our existing regulations. Back in the 1960's, regulations were adopted maximizing the size of containers that should be used by the public to 33 gallons and not weighing more than 75 lbs. In the pictures on the screen you can see to the right what a normal size container looks like and a few examples of the kind of containers that are out there now. We are seeing containers up to 60 gallons in capacity. As a result, we are seeing more and more employee injuries resulting in an increase of sick leave costs, lost labor hours and increased worker's compensation costs. Over the years we have tried to address these issues by putting stickers on oversized containers and containers that were too heavy. We have even tried going into retailers and posting notices noting what the City's regulations are but without too much impact. So, what we are proposing to do is address this issue over the next six-month period using an education program informing the public on what our regulations are and why these regulations are in place. We are going to be sending out notices in the water and sewer bills. We are going to have public notices in newspapers. We are going to have information on MCTV and then supplement that with a sticker program noting exactly what is wrong with the containers. After a reasonable period of time, quite frankly, the containers will not be collected if they continue to be in use. The reason for this again is that even though these containers are light when they are empty, they are easily overloaded and very difficult to maneuver when they are being dumped. A lot of these containers have wheels on them that make it very easy for the homeowner but it doesn't help our employees who have to empty these containers. We realize that some residential properties need extra capacity. To that end we are going to be offering for sale 60 to 90 gallon toter type containers that you see in this

picture here. These types of containers are being used in the downtown area successfully. We, at the Highway Department, are going to invest \$50,000 to retrofit our refuse collection fleet with automatic dumpers, which allows us to pick up these toter containers and dump them in our truck automatically so that there is no lifting involved. This is a toter container that sits on the back of one of our trucks. It has an automatic dumping mechanism and just by pushing a button these containers can be emptied. It does avoid back injuries and will also provide an alternative means for residential properties that need the capacity due to the volume of trash they generate. The second issue involves the mountains of trash that we sometimes have to deal with when a tenant moves out of a rental property. These pictures are typical. You can go out on any refuse collection day throughout the City and you can see piles like this. We have, on occasion, sent out crews that have spent three hours picking up piles of trash like this and loading up an entire packer. This, we feel, is far beyond the type of services that a municipality typically provides for solid waste services. We propose to address this issue again over the next six months by revised regulations that we now have that have been adopted by our Highway Commission, education, again through flyers, MCTV, etc. and enforcement down the road. Trash volumes will be limited to twice the available capacity of the containers so if you have four containers, the volume of trash that you can put out for a move will be double that. We also will be notifying larger management companies of our desire to better regulate this issue and also enforce packaging and container requirements that are addressed both in the ordinance and regulations through citation powers that we have. Most property owners, quite frankly, will not be affected by these new regulations regarding solid waste if our regulations are followed and if proper containers are used and packaging like cardboard is broken down and materials are placed in bags and in addition if arrangements are made for special collections that we provide for white goods, refrigerators, stoves, dishwashers and bulky items. If it is addressed properly, most of this stuff can be picked up. We are just trying to avoid the piles that quite frankly are unsightly and cause litter problems. It is really not fair to the other taxpayers in the City. The cost to handle these large piles of trash that are put out really has to be made up by the other taxpayers in the City. We are trying to make the process fairer for everybody in the City. As I mentioned, we are presently going through a process of obtaining citation authority and increasing fines. The fines that are being proposed are going to range from \$100 to \$300 depending on the offense. We are also looking into the possibility of passing the City's cost for collection and disposal of large piles that are placed out there onto the property owners if violations continue. The reason being that our main item to combat these types of problems is not to collect these piles of trash. Now obviously if there is a pile of trash like that on the street we can't possibly leave it there so if we are going to pick it up then we want to pass on the cost to the homeowner. We are here tonight requesting your support so that we can move forward with these proposals in order to reduce employee injuries, operating costs and to provide for a fairer allocation of solid waste costs to the taxpayers of the City. Based on that, I would be glad to answer any questions.

Mayor Baines stated first of all I would like to commend Mr. Thomas for this initiative and also for committing to an educational plan with the community. We met to discuss this about four or five weeks ago and it seems to be a very well thought out and comprehensive plan and the rationale is very sound. I think if people work together, especially with those containers, they are going to make a big difference across the City. You can just look at the alleys downtown and what a great difference it has made in terms of keeping our City clean and we would like the cooperation of all of the residents in the community, which is key. Everyone wants a clean community and this is the way to do it. Any questions from the Board.

Alderman Shea moved to accept and approve the proposal. Alderman Pariseau duly seconded the motion.

Alderman Thibault asked, Frank, do you have any idea where some of this trash comes from. Is it absentee landlords.

Mr. Thomas answered quite frankly a lot of the large piles are in repeat areas. A lot of the property is being managed by management companies so I would have to assume that there are absentee landowners.

Alderman Cashin asked what is the cost of those containers.

Mr. Thomas answered right now we are buying them at wholesale and selling them at our cost. They are between \$50 and \$60. Again, that is the 90-gallon size, which most homeowners wouldn't need unless you have multi-family dwelling.

Alderman Cashin asked so if a tenant moves out and leaves their furniture and takes off in the middle of the night, you are going to hold the landlord responsible for that. Is that what we want to do.

Mr. Thomas answered I would like to think that a lot of these landlords do have security deposits on their rental property.

Alderman Cashin stated generally when these things happen, that last month they use their security deposit for rent.

Mr. Thomas replied that is true but again I would be open to suggestions to modify our proposal. I think we have a real issue here and I think we do have to make the property owners step up to the plate with this. We are not going to come down the first time this

happens but if we see a repeat of this constantly without any signs that they are helping us with this problem then we will look at fining and potentially passing on this cost.

Alderman Cashin responded that is where I was going. If it is repetitious, okay fine then we are going to stop it but if it happens on one occasion I would expect that the landlord would be told look if this happens again you are going to have a problem.

Mr. Thomas replied yes. We are not taking a heavy hand. We are looking to start implementing this in a six month period but we see this as a long process of educating the public and quite frankly if it is an absentee landlord, we will be corresponding with them through registered mail the first time around.

Alderman Levasseur asked are you talking about retrofitting all of your trucks or do you already have...I know you already have one and that is the downtown truck.

Mr. Thomas answered actually we have two trucks retrofitted with these automatic dumpers now. The downtown truck and a spare in case the downtown truck breaks down. If we offer these totter containers to the residential public throughout the City, we are going to have at least one of these automatic dumpers on each vehicle.

Alderman Levasseur asked have you figured out where you are going to be going for that in the next budget or do you have the money to start doing that now. We are talking about passing a motion and I am not sure if we are passing a motion to retrofit all of the trucks.

Mr. Thomas answered we propose to retrofit the trucks out of money that I have in this year's budget by delaying the purchase of other equipment that we had programmed that we will probably be looking for in next year's budget. We plan on moving forward with this so that six months down the road if we see that there is an interest by the public in buying these containers then we will go ahead and retrofit our trucks.

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

Mayor Baines stated I just have a few brief announcements before we commence with the agenda. First of all, I would like to announce that I am appointing Alderman Hank Thibault to the Committee on Bills on Second Reading and I am appointment Mary Sysyn as the Chair of the Traffic Committee and appointing Alderman Mike Lopez to that Committee. Also, you have an invitation for Thursday morning for the inauguration of the work that has been commencing on the Dunlap building. We are going to have a very of couple exciting announcements at that opening about some retailers. Next Thursday we have a Breast Cancer

Awareness Program that we would like to invite you to. The time on that is I believe 12:30 PM at the Hampshire Plaza Mall. Finally, you received notification that the Mayors have been asked to come to Washington, DC within the next week to receive briefings on the new Office of Homeland Security to discuss local emergency management preparedness and to define Mayoral priorities regarding the local/federal partnership on anti-terrorism and continue to focus on the priorities of the airport and airline security and related economic issues. Following my attendance at that meeting, I will report back to the Board of Mayor and Aldermen. You also received notice that we will be having another meeting about the Preparedness Task Force this week. I will be inviting people from the State to insure that we have coordinated all of our activities with the State and also insuring that all protocols within the City have been fine-tuned and revisited and we have open communication between all agencies. I want to report back to you as I did two weeks ago that you should feel very confident about the leadership that is being provided. There are different departments and agencies, both in government and external to government that coordinate activities with us, including representatives from CMC, the Elliot Hospital, Rockingham Ambulance and we are also inviting representatives from the Red Cross to be at the next meeting. I want to assure the public that in the words of Chief Driscoll our goal is to make Manchester the most prepared City in America. To that end, we are working very hard and would like to commend all who are working with us to that end. Does anybody have any questions. If not, we will move to the consent agenda.

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.

Informational – to be Received and Filed

- A. Communication from Christine Hardy, Events Manager, thanking the City for allowing the 3rd annual Walk for Easter Seals to take place on September 30th.
- B. Communication from Thomas P. Colantuono regarding Governor and Council authorization for two agreements with the Manchester Housing & Redevelopment Authority.
- E. Manchester Water Works 2000 Annual Report.
- F. Minutes of the Mayor's Utility Coordinating Committee held on September 19, 2001.

REFERRALS TO COMMITTEES

COMMITTEE ON FINANCE

H. Bond Resolutions:

“Authorizing Bonds, Notes, or Lease Purchases in the amount of Four Hundred Fifty Thousand Dollars (\$450,000) for the 2001 CIP 511001 McIntyre Ski Area Rehabilitation Phase 4 Project.”

“Authorizing Bonds, Notes, or Lease Purchases in the amount of Three Hundred Thousand Dollars (\$300,000) for the 2002 CIP 810802 Revaluation project Phase II & III Project.”

“Authorizing Bonds, Notes, or Lease Purchases in the amount of One Million Dollars (\$1,000,000) for the 2002 CIP 411202 Cohas Brook (SE area) Fire Station Project.”

I. Resolutions:

“Amending the FY2002 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Seventy thousand Eight Hundred Fifty One Dollars (\$70,851) for FY2002 CIP 511302 Veterans Park Staging Project.”

“Amending the 2000 and 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Ninety One Thousand Five Hundred Dollars (\$91,500.00) for certain Police and Health Projects.”

“Amending the FY2002 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000) for FY2002 CIP 811102 Wetland Inventory Evaluation Project.”

“Amending the FY2000 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Hundred Twenty Five Thousand Dollars (\$125,000) for FY2000 CIP 511000 ISTEPA Project-B&M Goffstown Branch.”

REPORTS OF COMMITTEES

COMMITTEE ON ACCOUNTS, ENROLLMENT, AND REVENUE ADMINISTRATION

- J.** Advising that it has accepted the monthly financial statements for period ending September 30, 2001 and is forwarding same to the Board for informational purposes.

- K.** Recommending that the Board approve the first quarter fiscal year 2002 write off list for Accounts Receivable as enclosed herein. The Committee notes that it has requested the City Solicitor to review possible collections processes and has requested that the Finance Department provide a regular listing of accounts unable to be collected to the City Clerk's office in the future for cross referencing of licenses issued by that office which may provide a mechanism for collection of revenues due the City.
- L.** Advising that it has accepted various reports relating to open invoices filed with the Committee on October 9, 2001 as follows:
- a) department legend;
 - b) open invoice report over 90 days by fund;
 - c) open invoice report (invoices for interdepartmental billings only);
 - d) open invoice report (invoices due from the School District); and
 - e) customer comments report – customers meeting over 90 day criteria.
- M.** Advising that it has reviewed the results of an audit conducted of the Highway Department's consumable inventory balance as of June 30, 2001 and accepted same.

COMMITTEE ON COMMUNITY IMPROVEMENT

- N.** Advising that it has approved utilization of \$70,851 in Central Business District Revitalization funds for the Veterans Park Staging and for such purpose an amending resolution and budget authorization has been submitted.
- O.** Advising that it has approved acceptance and expenditure of \$91,500 in funds for projects as follows:
- 1) increase of \$50,000 for FY00 CIP 411100, Operation Safe Home
 - 2) \$100 in additional grant funds for FY01 CIP 220601 STD Clinic
 - 3) increase of \$41,400 for FY01 CIP 411001 Weed & Seed Coordinators
- and for such purpose an amending resolution and budget authorizations have been submitted.
- P.** Advising that it has approved acceptance and expenditure of \$10,000 in private funds for the Wetland Inventory Evaluation Project; and for such purpose an amending resolution and budget authorization has been submitted.
- Q.** Advising that it has approved \$450,000 in enterprise bond funds for the McIntyre Ski Area Rehabilitation Phase 4 project and proved extension of the project to June 30, 2002; and for such purpose a bond resolution and budget authorization has been submitted.
- S.** Advising that it has approved \$1,000,000 in bond funds for the Cohas Brook (SE area) Fire Station Project; and for such purpose a bond resolution and budget authorization has been submitted.
- T.** Advising that it has approved revisions to the Sanitary Landfill Closure, Civic Center Area Revitalization Strategy, and Police Department projects and for such purpose budget authorizations have been submitted.

- U.** Recommending that an approximated \$23,000 be utilized from the Livingston Park bond funds for a pedestrian entrance to Livingston Park through Clarke Street. The Committee notes that the intention is to review CIP fund balances near the end of the fiscal year to replace the funds being utilized, which were scheduled for improvements in the Dorrs Pond area of Livingston Park in conjunction with private funds and grant funds.
- V.** Recommending that a request of William Jabjiniak to apply for an additional \$6,000,000 line of credit from the HUD Section 108 financing program.
- W.** Recommending that a request of William Jabjiniak to apply for a \$5,000,000 line of credit from the Fannie Mae's American Communities Fund. The Committee notes that such line of credit would require a security interest in the property involved and pledging the City's future years' allocations of HOME funds as security.
- X.** Recommending that it has approved a request of the Public Works Director to utilize uncommitted balances in the M.E. R. bond account to purchase two refuse packers.
- Z.** Advising that it has assigned two surplus police cruisers to the Highway Department; and that two vehicles from the Highway Department shall be disposed of through auction.
- AA.** Recommending that \$10,000 of Park Improvement Funds be utilized as a match for increased funding for the Piscataquog Trailway – Phase I project to address increased costs resulting from the need for environmental monitoring and disposal of hazardous materials including the soils and railroad ties; and for such purpose an amending resolution and budget authorizations have been submitted.

COMMITTEE ON HUMAN RESOURCES/INSURANCE

- AB.** Recommending that a request from the Water Works Director to reclassify a Laboratory Assistant position, Grade 14 to Conservationist, Grade 13 and establishing it as a regular part-time position be granted and approved.

SPECIAL COMMITTEE ON CIVIC CENTER

- AC.** Advising that it has approved the following change orders:
 - Change Order #43 adding \$23,885.00;
 - Change Order #44 adding \$6,480.00;
 - Change Order #45 deducting \$5,027.99;
 - Change Order #46 adding \$49,792.00;
 - Change Order #47 adding \$26,846.00;
 - Change Order #48 adding \$40,921.00;
 - Change Order #49 adding \$240,550.00;
 - Change Order #50 adding \$28,183.00;
 - Change Order #51 adding \$33,637.00;
 - Change Order #52 adding \$941.00; and
 - Change Order #53 adding \$200,000.00

which were filed with the Committee on October 2, 2001.

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

- C. Communication from Stephanie Lewry, Intown Manchester, expressing disappointment in the outcome of the recent Traffic Committee meeting, which resulted in maintaining metered parking hours until 10 PM.

Alderman Sysyn moved to refer this item to the Traffic Committee. Alderman Pariseau duly seconded the motion.

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

- D. Minutes of the August 28, 2001 MTA Commission meeting and Financial/Ridership reports for the month of August 2001.

Alderman Gatsas asked is there somebody here from the MTA because I have a couple of questions on a telephone poll.

Mayor Baines asked Commissioner John Trisciani to come forward.

Alderman Gatsas stated after reading some of the minutes of the meeting from August 28, I noticed that there was a telephone poll conducted for a lawsuit versus AT&T Broadband in regards to a converter box.

Mr. Trisciani replied yes.

Alderman Gatsas asked can you give this Board a little insight as to why there was a \$5,000...

Mr. Trisciani answered as much as I got out of it, it was a box that they were blaming one of the drivers for tampering with. The whole thing was done in probably a week or a week and a half and the MTA was notified I believe in May when this happened. It was brought up at a meeting three months later and they wanted to take a vote on it to pay the \$4,000+ and I questioned why it was moving so fast. The only answer I got was that the attorneys wanted it that way.

Alderman Gatsas asked is the \$5,000 some negotiated number that was with AT&T because of an assumption of...

Mr. Trisciani interjected somebody tampered with the box.

Alderman Gatsas asked when you say tampered with the box, they were getting HBO and...

Mr. Trisciani interjected when I have been down there I have never seen anything but CNN news or the Disney Channel on it. I have never seen HBO.

Mayor Baines asked, Alderman, would you like us to get some background information on it.

Alderman Gatsas answered I certainly would like some other information on it.

Mayor Baines asked the Clerk to follow-up with the MTA to get that information to the Board.

Alderman Vaillancourt stated on another matter completely, it has come to my attention and I would have brought it up earlier had I known earlier but I learned from somebody who I guess could be termed a whistle blower that the MTA in the Ridership report counts transfers as a separate ride, which is in violation of the Federal way of doing this. I would like to find out if that is true and if so if we will look into that to make sure that we are not violating any Federal law.

Mayor Baines asked the Clerk to so note.

Alderman Lopez asked, Commissioner, can you tell me what the Positive Approach Program is. This Board has constantly worked with the HR Director of the City to try and solve some problems down there and as a Commissioner have you sanctioned this Positive Approach Program.

Mr. Trisciani answered I didn't.

Alderman Lopez asked has it been approved by the Commissioners.

Mr. Trisciani answered yes I would imagine it has been by the others.

Alderman Lopez stated I would like to make a recommendation and the City Clerk can follow-up on it that all of the Aldermen get information on the Positive Approach Program because the HR Committee put a lot of work into the employee relationships at the MTA.

Mr. Trisciani responded I will say one thing on that. Back in April I met with Mr. Hobson to try to get a set-up where everybody that works for MTA would be put under one roof. I was shot down. Mark Hobson backed me up. It was going to happen. I left for Hawaii on April

I and I came back and Mark Hobson was gone and so was the set-up. Then this new Positive Approach Committee was set-up and that is one of the reasons I dislike it.

On motion of Alderman Vaillancourt, duly seconded by Alderman Pariseau, it was voted to receive and file the MTA Commission minutes, financial and ridership reports.

- G. Communication from Michael D. Roche, United Steelworkers of America, regarding the Yarger Decker study.

Alderman Shea stated this was a communication from Michael Roche of United Steelworkers of America regarding the Yarger Decker study in his letter he indicated that City wide 90% of the money that was spent on cash bonuses and special merit pay went to non-unionized, non-affiliated employees who make up about 20% of the total workforce. I think that some of the points he raised here, particularly that the Yarger Decker study cost 400% more than the Arthur Young study done a decade ago and other points. I think that all employees should be treated fairly. I don't see anything in here that would indicate any shenanigans but if there are 20% non-union employees and 90% of them are receiving bonuses and special merit pay and nobody else is then I think there is a little bit of a judgement.

Alderman Shea moved to refer this letter to the committee studying the Yarger Decker program. Alderman Pariseau duly seconded the motion. Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

Report of Committee on Community Improvement

- R. Advising that it has approved \$300,000 in bond funds for the Revaluation Project Phase II & III; and for such purpose a bond resolution and budget authorization has been submitted.

Alderman Levasseur stated the \$300,000 in bond funds is this is the last payment that is due to the CLT. I would think that the whole Board would have to vote on this.

Alderman O'Neil stated I don't remember the specific discussion that took place in the CIP Committee.

Mr. MacKenzie stated I do know that this is the last chunk of money to be authorized by the Board for this project. There are no further amounts to come before the Board.

Alderman Levasseur replied I find it disconcerting that something as big as the revaluation issue would come to us and then be stuck in a consent agenda for the last payment of

\$300,000 that we are holding. I just did some more work on some of these...Mayor I have a report that I will give you and the rest of the Board tomorrow showing that 110 properties just in the months of August and September, the assessed values and what they sold for as so disparate as to be absolutely ridiculous. We are talking about buildings selling for \$161,000 yet being assessed for \$120,000 or \$115,000. All of them are within the 50% to 75% range. I will pass this out and I would ask that we table this until the Board checks into it. I think we should be holding these funds for a little bit longer.

Deputy Clerk Johnson stated I just want to advise members of the Board that this particular item refers to a bond resolution and budget authorizations, which do appear further on in your agenda. The bond resolutions would have to lay over anyway. It will show up twice, once on the regular Board agenda as a referral to Finance and then it comes in on the Finance Committee as a budget authorization and resolution.

Mayor Baines asked so the motion that we would make here would be what.

Deputy Clerk Johnson answered this is a report from the Committee just advising that they have submitted those resolutions and budget authorizations. If it is a question of holding it up for another meeting, certainly the resolution will and the budget authorization could be held in Finance.

Mayor Baines stated why don't we do that and we will get the information that Alderman Levasseur requested.

Alderman Pinard moved to accept, receive and adopt the report. Alderman Thibault duly seconded the motion.

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

Report of Committee on Community Improvement

- Y. Recommending that the Board of Mayor and Aldermen find that a paper street known as Palmer Street referenced in a subdivision plan titled Land of Bond & Dodge dated May 1895, recorded as plan #300A in the Hillsborough County Registry of Deeds having never been opened, built, nor used for public travel has been released from public servitude pursuant to RSA 231:51.

Alderman Levasseur stated I thought this one would have to go to Lands and Buildings because it is an issue of a paper street.

Deputy Clerk Johnson replied this refers to a paper street. The City does not own property under the streets. It is a street that was laid out in a plan in the 1800's and under the State law after 20 years went by it lost its public status. That is the finding of the Committee and the Committee is looking to the Board to accept that finding.

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

Mayor Baines presented nominations

Personnel Appeals Board

Ann McCardle to fill the unexpired term of Karen Rumfelt, term expiring March 2004.

Under the rules of the Board, the nomination was to lay over to the next meeting.

Alderman Vaillancourt stated under nominations I was under the impression that we were going to look at the nomination for the new MTA Commissioner at this meeting. Would that come under new business.

Mayor Baines replied because that is an Aldermanic appointment and one of the only commission posts that is established under State law it should come up under new business.

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

Mayor Baines called the meeting back to order.

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

“Authorizing Bonds, Notes, or Lease Purchases in the amount of Four Hundred Fifty Thousand Dollars (\$450,000) for the 2001 CIP 511001 McIntyre Ski Area Rehabilitation Phase 4 Project.”

“Authorizing Bonds, Notes, or Lease Purchases in the amount of Three Hundred Thousand Dollars (\$300,000) for the 2002 CIP 810802 Revaluation project Phase II & III Project.”

“Authorizing Bonds, Notes, or Lease Purchases in the amount of One Million Dollars (\$1,000,000) for the 2002 CIP 411202 Cohas Brook (SE area) Fire Station Project.”

ought to pass and layover and further that Resolutions:

“Amending the FY2002 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Seventy thousand Eight Hundred Fifty One Dollars (\$70,851) for FY2002 CIP 511302 Veterans Park Staging Project.”

“Amending the 2000 and 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Ninety One Thousand Five Hundred Dollars (\$91,500.00) for certain Police and Health Projects.”

“Amending the FY2002 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000) for FY2002 CIP 811102 Wetland Inventory Evaluation Project.”

“Amending the FY2000 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Hundred Twenty Five Thousand Dollars (\$125,000) for FY2000 CIP 511000 ISTEPA Project-B&M Goffstown Branch.”

ought to pass and be Enrolled.

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

Report(s) of the Committee on Bills on Second Reading, if available.

Alderman Wihby stated there are no reports because we were supposed to have met the other day but we rescheduled that to Thursday at 6:30 PM at the Nynex Building. There are two items on the agenda that I want people to know we will not be taking up. One is the South Willow Street rezoning for the Shaw’s Supermarket and the other one is Biron Road. We are not going to be taking those two up. I guess people were going to come to Monday’s meeting but it is rescheduled to Thursday and we will not be taking those two items up.

Alderman Vaillancourt stated for those people who are so interested maybe they could be given some advance notice of when you do plan to take those up.

Alderman Wihby replied we don’t know. We are waiting for the report from Planning before we schedule it.

OTHER BUSINESS

Communication from Mayor Robert Baines regarding the Settlement Agreement.

Mayor Baines stated we do have the Settlement Agreement and I would like to ask Solicitor Clark to comment on this but before I do so I want to thank the Aldermen who participated in that long day in Superior Court and Alderman Pariseau for being available for a life line and consultation. It was a long day and we had a lot of give and take and a lot of compromise and a lot of common ground was found. I also want to report that the Board of School Committee adopted this agreement unanimously and I think that is a step in the right direction. I am especially pleased with their agreement to sit down and discuss shared services regarding Human Resources, legal services and finance. We feel that is a step in the right direction in terms of doing some things to save money as we talked about early on. I would now ask Solicitor Clark to advise the Board on the Settlement Agreement.

Solicitor Clark stated as the Mayor indicated, this is the agreement that had been developed after countless meetings between various members of this Board and members of the Board of School Committee. It embodies what I believe are discussions that will take care of the problems that have existed between these two Boards and addresses the concerns that were raised in the lawsuit. It gives the Board of School Committee a couple of more tools to work with by allowing them to have expendable trust funds. It retains the authority of this Board to appropriate funds. It reiterates that the Board of School Committee is only authorized to spend those funds that are appropriated. If there are excess revenues or excess interest that are not appropriated, they have to come back to this Board for appropriation. I believe it takes care of the issue of chargebacks by changing the way we do the appropriation. The Mayor will set-up a procedure where there will be a gross budget net appropriation, which will include some interest and the City will retain interest on the money collected until such time as it is paid over to the School District and that will enable us not to have to do administrative chargebacks any further. It reiterates that the \$6.8 million was the \$6.8 million and that money will be paid over within 60 days of this approval. It sets up a plan for the reduction and elimination of the deficit. That is a quick overview. I would be happy to answer any questions if there are any.

Alderman Shea asked in your judgement, Tom, have the rights and responsibilities of both sides been clearly delineated and spelled out. Has that been done so that under the contractual agreement they know where we are coming from and we know where they are coming from and the outcomes as far as rights and responsibilities. Has that been spelled out.

Solicitor Clark answered I think it is clear between the parties now. They know that this Board has the final say on appropriations. They know they can only spend what is appropriated. They know they cannot overspend. They know that if they are going to have expendable trust funds it is up to this Board to determine whether and to what extent to fund them.

Mayor Baines stated the issue of interest was also taken care of and also you should know that as part of this agreement a process was agreed to in which the School District will work with City departments to establish a written contract if you will for services early on in the budget process so that we have a clear expectation of what services will be provided to the School District and the cost amount to make the budget process move along a lot smoother as well.

Alderman Shea asked Tom could you tell the Board members what City ordinance or ordinances and what State laws were used by the attorneys to implement this agreement. In other words, did we follow the ordinances and State laws in making this agreement.

Solicitor Clark answered yes we did. We wouldn't violate the law in the courthouse.

Alderman Shea replied you wouldn't violate them but were there State laws implemented so that in the event that this goes into a particular court of law there would not be any kind of violation of State law or City ordinances.

Solicitor Clark responded both sides have complied with the law. This agreement is in accord with the law.

Alderman Shea stated so in your judgement that would follow. My third question is what future challenges do you anticipate regarding future discussions with the School District.

Solicitor Clark replied at this point I am not aware of any future challenges with the one exception of the proposed Charter amendment. This settlement does not address that. Both parties felt that it would not be economical to have a full trial on the proposed Charter amendment until after we found out whether or not it passed the electorate. If it doesn't pass they will take a non-suit and if it does pass they will decide whether or not they are going to challenge it.

Alderman Shea stated I know that some School Committee members reason that it should remain a School District whereas there is some discussion at this level that it should become a School Department. My last question is regarding the school property, does the City own the school buildings or does the School District own the school buildings.

Solicitor Clark replied the City owns the buildings. This language in the Settlement Agreement tracks the Statute. Once a property is built, it is turned over to the care, custody and possession of the School District. When they are finished with it, they turn it back over to the City.

Alderman Shea stated well one of the concerns that I have in looking over this is if you look at number 14 on page 5, it says, “the City and District agree that the Board of School Committee shall have the possession, care and control.” Now wouldn’t it have been better if we excluded the word possession because in looking up the word possession, that means owned. Wouldn’t it have been better if we just included care and control. In other words if we were to go into a court of law and if this was included and I am not saying it will become a bone of contention but if it were and this is included, that word possession, why was that included.

Solicitor Clark replied the School District felt that it was important to show that they had possession under the Statute and under the Statute they do have possession. They have care and control of those buildings until such time as they do not need them at which time they are turned back over to the City. The title remains in the City and shall remain in the City. There is no dispute on that between this Board and the School Board at this point.

Mayor Baines stated I appreciate those questions because this was discussed at length. It is covered under the RSA and consistent with that. With ownership comes bonding and that was a key factor in coming up with this resolution that they follow the Statute.

Alderman Levasseur stated going to Alderman Shea’s very important question, the statutory and ordinance provisions in our red book on Page 117, City Property, states “The Board of Mayor and Aldermen shall have the care and superintendence of the city buildings, all city property and all public squares and streets; and the power to sell or let what may be legally so disposed of and to purchase property, real or personal, for the use of the city whenever the interests of convenience shall require it.” That is RSA 47:5. We are now giving up possession, care and control of all school property and fixed assets including, but not limited to. The scary words are “but not limited to.” We have a nice big building that they call the Administration building that is not included in this. Who owns that. Is it going to be the City or the School Department. Obviously it is going to be the School Department because of the words “not limited to.” The word possession means exclusion. It means when you possess you have the right to exclude others from entering your property or to do whatever you want with that property. It also allows them to go and get their own services. If they don’t want to use City services to plow their parking lots, they don’t have to use them. That is what this language is telling me and I think that it is scary to be able to say that we are

asking for a Charter amendment on November 6 and we don't know if it is going to pass yet we are entering into an agreement right here trying to put the cart before the horse. Right here we are trying to enter into an agreement and we are all sitting here waiting for November 6 and in this document is specifically states that if the Charter amendment passes they are going to court, your Honor. They are taking us to court. They don't want to ever come back and be a department. I don't know why we would go forward and approve this agreement before the Charter amendment is voted on. I would ask for a motion to table until after the amendment is voted on.

Solicitor Clark stated Alderman Levasseur has quoted a portion that is in the Charter. It does deal with City property. There are several statutes that deal with property that is turned over to a district. The Statute specifically states that all school buildings are built under the jurisdiction of a Joint School Building Committee and when it is built it is turned over to the School Board. It is not turned over to this Board to manage. When they are finished using a school and they deem it as surplus, then they turn it back over to this Board here. There is nothing in this agreement that changes the actual title of those properties. They remain in the City. The Administration building property remains deed titled in the City. It is in their care and possession though.

Mayor Baines stated I will not accept a motion to table. We made a commitment in court to bring this to the Board for a vote tonight up or down and we are going to fulfill that commitment.

Alderman Levasseur stated I would just like to go through line by line. The first page, line number three says, "the City and District agree that no further interest is due to the district from FY00." Would there have been any interest at all and what would that number have been. Does anybody know the answer to that.

Mr. Sherman replied I believe that initially the School District felt that the City owed them in excess of \$200,000 in additional interest. We took the time to sit down with the School Treasurer and go through our daily cash flows that we had generated and after that meeting she concluded that the School was not due any more interest.

Alderman Levasseur asked as far as the chargebacks on number four, the \$1 million as part of the agreed upon FY00 chargeback of \$6.8 million, would we have not wanted to include a higher number because then we get more tuition money back. What was the thought on that one.

Mr. Sherman answered if you recall the \$6.8 million was really an unknown figure that was placed in the budget. We utilized the chargebacks that we had done prior to the separate of

the City and School in coming up with that \$6.8 million, which had always included CIP projects. The School's contention was that because the \$1 million was budgeted under CIP they didn't feel that was included in the \$6.8 million. We had always felt that it had been included. It is not an issue of trying to get a higher number or a lower number or a more exact number. The issue was whether CIP was included in the chargebacks.

Mayor Baines stated that has been the City's position on this issue from Day 1 that was accepted as part of this agreement.

Alderman Levasseur asked on Item 9, the first line says, "the City and the District agree that all chargebacks shall be subject to written agreement between the City and the District." Would it not be more prudent to have that agreement already put into writing now. Again we are putting language in here but we don't have an agreement in place on what exactly constitutes a chargeback.

Solicitor Clark replied the chargeback will be determined based on what you appropriated here. The department and the School District will sit down early in the budget process and come to a written agreement as to what they believe the services will be and what the cost will be and both parties will come forward with signed agreements stating these are the chargebacks we will pay for and these are the services we will provide.

Mayor Baines stated I will give you an example. At the end of November and beginning of December coming up, I am going to be directing the department heads to sit down with the School District to negotiate agreements on exactly what the chargebacks are going to be as we prepare for the next budget process. That was the essence of it.

Alderman Levasseur replied I understand that and I think it is good but what I have a problem with is what happens if they don't agree. We are back to square one. In other words, a chargeback is a simple thing. You are going to allow...we already know pretty much what the chargebacks are going to be for maintenance and such. We pretty much have those numbers figured out. I am wondering because I know there are a couple of School Board members who specifically have spoken out against these chargebacks and really have a hard time with what we consider chargebacks and we don't have that agreement in place.

Mayor Baines stated I think going forward this is going to be good because we are going to have a written agreement. If you notice down the line, Alderman, once the final budget is adopted they have agreed that within 30 days they will amend their written agreement. So there will be actual written agreements that will be amended with agreements from both parties. I think this was a major accomplishment.

Alderman Levasseur stated on Item 10 it says, "the School District will use all general fund surpluses from FY2001." They haven't shown any surpluses in the last three years. I don't know why you expect there are going to be surpluses coming.

Mayor Baines replied we are hoping for a positive audit report, aren't we Mr. Sherman.

Mr. Sherman responded yes. We had discussions with the School auditor and he tell us that there will be a surplus. He didn't indicate how large it would be but there would be a surplus for FY01.

Alderman Levasseur stated the Mayor doesn't have line item control over the School Board so why would they want to have a surplus. They are going to use their money...

Mayor Baines interjected well there are certain safeguards that the City Solicitor outlined to you. They have agreed that they do not have any authority to spend any money without coming back to this Board, including interest. There are certain provisions that we have agreed to within this agreement that would encourage them to insure that they have money. First of all, they made an obligation to pay back the deficit so the more that can be paid back through this process, the more beneficial it is going to be not only for the School District, but for the entire City.

Solicitor Clark stated that is correct. They have also committed over the next couple of years to generate a minimum of \$500,000 in surplus.

Alderman Levasseur stated B, C and D do, it specifically states that they are going to appropriate \$500,000 for a deficit reduction. In other words, they are just going to add \$500,000 into their budget in FY03 and then another \$500,000 in FY04 and then whatever the make-up balance of all of that deficit is in FY04 we are binding the Board for future deficit reductions. What is the actual amount of the reduction. You only have \$1 million. I hear it is \$2.3 million. Why wasn't the \$2.3 million put into B, C and D.

Mr. Sherman replied you are right. At the end of FY00, the School District had a general fund deficit of \$2.5 million. The reason that you don't see these numbers add up to \$2.5 million is we don't know what the surplus from FY01 and FY02 is going to be. As those surpluses come in and we start to reduce the \$2.5 million as we generate these \$500,000 items for B, C and D, the catchall is down in D. that is where the Board says okay we have been at this for three years now and what is the bottom line and what is the final hole that we need to fill. Whereas you don't have all the numbers yet, you can't put a definitive answer in there.

Alderman Levasseur asked but you would agree that whatever the deficit number is going to be isn't really going to come out of anything from the School District but it is going to come out of what the taxpayers are going to have to appropriate. If you are short \$1.3 million in two years because they didn't have any surpluses, that is going to have to be added in the FY04 budget.

Mayor Baines answered first of all it has to be paid back no matter what. That is the bottom line here. We are hopeful with these measures that we have put in place that we are going to be able to erode that deficit significantly through these processes that have been outlined.

Alderman Levasseur stated let me ask you this question, Mayor, because I think instead of a \$5.2 billion assessment in valuation it is supposed to be around \$5.3 billion. Is that true.

Mayor Baines replied no. The last conversation we had on this and Mr. Sherman was with me, it is still around \$5.2 billion.

Alderman Levasseur asked so there will be no room in this year to absorb any more of a deficit without increasing it past 2.5%. Is that a true statement.

Mayor Baines answered yes.

Alderman Levasseur asked as far as the schedule of payments, I am not going to go down that path but I just think that you ran a tight agreement but you didn't include any kind of potential for lawsuits or any other kinds of money you know where further deficits would come in. You have come in a \$2.3 million and you are hoping it stays there. You are hopeful to get some reductions as a result of some surpluses but you are not actually accounting for any other deficits that might happen in the next couple of years. I know you are saying that you hope there aren't going to be any but we also thought that this year.

Mayor Baines answered the only thing is that over the past year the Board of School Committee at the sponsorship of the Finance Committee, has adopted very stringent measures and we feel very confident that the person they have working with them on their budget is monitoring things very closely. That is the impression that we are getting and I don't know if Randy wants to comment further on that.

Alderman Levasseur asked have they hired somebody new.

Mr. Sherman answered yes they have and I believe they have good procedures in place to monitor the project on an ongoing basis. I don't think we have the problem that they are going to overspend the budget going forward. The only issue now is whether their revenues

meet projects, but again I think the process is there to monitor that and hopefully the School Board will do that.

Mayor Baines stated we feel more confident than we have felt in some time and that is universal. The feeling that I have is the same feeling that our Finance office has now and we always haven't had that comfort. It would be an understatement to say that.

Alderman Vaillancourt stated the salient point that Alderman Levasseur made and I would ask for a comment on this is that there is not going to be any deficit reduction except what we give them over and above what we normally would. Is that not the case. They can only reduce if we give them in excess of what they need. Is that true or not.

Mr. Sherman replied there are a couple of ways that they can generate surplus. Either they can take the appropriation that the Board gives them and not spend it all, which would generate a surplus or if their revenues come in higher than they anticipate as they did for FY00. In FY00 they overspent their budget but they also had additional revenues, which helped offset some of that. Now going forward if they generate additional revenue, that will reduce that deficit.

Mayor Baines responded that could be the case in this fiscal year that just closed also.

Alderman Vaillancourt stated so no matter how we look at it, the taxpayers of Manchester are going to eat this or pay this somehow.

Mayor Baines replied none of us are happy and again some of this happened before some of us arrived here...

Alderman Vaillancourt interjected I am not trying to lay blame. I am just trying to get to the facts.

Mayor Baines stated it has to be paid back. What we have outlined is a prudent financially sound course of action to do it.

Alderman Vaillancourt stated the next point I would make is you didn't seem at all firm when you said there will be a surplus for this year. You didn't give any kind of a number or any kind of estimate. If what you foresee is a \$2,000 surplus, I would be less happy than if you see a \$500,00 surplus. Do you have any kind of a rough estimate.

Mr. Sherman replied no. Again, we have talked to the auditor and he does not have firm numbers. The City right now is actually in the process of going through a bond sale and we

are trying to get the School statements. Our rating agencies have asked for those. We have been told that the auditor will be in contact with us tomorrow. Again, we can keep the Board apprised if those numbers come in but we have not seen balance sheets or revenues or expenses.

Mayor Baines stated but they are anticipating a surplus.

Alderman Vaillancourt replied a penny could be a surplus. Finally to the City Solicitor Alderman Shea and Alderman Levasseur brought this up and it went by so quickly that I just wanted to highlight it again. I believe you said that if the Charter amendment question, which I believe is question 1 on the back side of the ballot...did I understand you to say that in the spirit of cooperation between these two Boards the School Board has decided that if that should pass they are going to renew their lawsuit possibly. Is that what I understood you to say.

Solicitor Clark responded not quite, Alderman. As part of the lawsuit they filed a charge against the Charter amendment saying that it couldn't be done. We have discussed it with their attorneys and the Board through its negotiating team has discussed it. It does not make economical or legal sense at this time to try that case until you know whether or not it is going to pass. It is already in court. What we are doing is basically laying it on the table until after the election. After the election if it passes the School Board will then determine whether they wish to revive the lawsuit on that one item or now.

Alderman Vaillancourt asked so as I understand it there is nothing in this agreement that says that the School Board will abide by the will of the voters on November 6. True or false.

Solicitor Clark answered this agreement does not stop them from challenging the Charter amendment.

Alderman Vaillancourt stated I was at the Concerned Taxpayers of Manchester meeting last night in which the Finance Committee Chairman of the School Board urged voters to vote against this saying that he felt it was not a proper means to go. Is it not true that you, as the City's top legal officer and in consultation I believe with the Attorney General's Office of the State of NH and the Secretary of State in the State of NH, dotted every i and crossed every t to make sure that this was extremely proper and legal before we even put it on the ballot.

Solicitor Clark replied my office and I do believe that this is a legal means of doing it, yes.

Alderman Vaillancourt asked so you would tell us that if the voters of Manchester pass this on November 6 we would be upheld in court.

Solicitor Clark answered I believe we would, yes.

Alderman Lopez stated I want to commend the Committee because I think they did an outstanding job. We have been fighting for years and I would like to move this.

Alderman Pariseau duly seconded the motion to accept the Settlement Agreement.

Alderman Gatsas stated I think last week or at the last meeting I asked the question about if we were paid the \$600,000+ that we were owed for FY01 and I was led to believe that that was part of this agreement. It is not. Let me go back. The question I am asking is that on the FY00 and FY01 budget, have all chargebacks been paid to the City.

Mr. Sherman replied at this time, no.

Alderman Gatsas asked what is outstanding.

Mr. Sherman answered about \$130,000 if I recall and it is all the administrative departments again. They have not paid for the Solicitor, for Finance...

Alderman Gatsas interjected so the \$600,000 we have received.

Mr. Sherman replied we have received all but about \$130,000.

Mayor Baines stated Mr. Clark, that is part of the agreement to pay isn't it.

Solicitor Clark answered no that year is not covered. This agreement does not cover that fiscal year.

Alderman Gatsas stated so, your Honor, I certainly want to commend the Committee for the work they did. There is only one problem. There is nothing in this document that makes any reference to what happens if this happens again. We understand that the bill must be paid. This Board is agreeing to pay a portion of that bill but what happens if there is another deficit and overexpenditure of a budget. Nothing in here says we made a mistake and we don't want it to happen again. There is nothing in there that says that.

Solicitor Clark replied the agreement does admit that there is a deficit. We are restricted by what State law and the Charter allows you to do. If you feel there is mismanagement at the

Board of School Committee, that is up to the Board of School Committee to determine and deal with. This Board does not have any jurisdiction over there.

Alderman Gatsas responded I can certainly understand that but this Board is asked to extend the funds of the taxpayers. There is nothing in this agreement that protects the taxpayer from this happening again.

Mayor Baines replied my response to that is that is up to the leadership over there and we believe and again Randy has been talking to the auditor regularly and we feel that safeguards are now in place. Am I correct in that interpretation.

Mr. Sherman responded I agree.

Mayor Baines stated and we haven't heard those kind of statements from our Finance Department for a long time or at least since I have been Mayor.

Alderman Gatsas asked so what you are saying is you don't expect a negative balance because their revenues are more than what they expected. Obviously we didn't see those additional revenues when we appropriated the budget. I would assume that is what you are saying to me.

Mr. Sherman answered I don't expect a negative balance because I think the School Board has control and understands their spending responsibilities and that they cannot overspend their appropriation.

Alderman Gatsas asked are their revenues higher than what we projected when we did their budget.

Mr. Sherman answered I anticipate from talking to their auditor that the way they generated a surplus for FY01, which just ended this past June was because they had surplus revenues.

Alderman Gatsas asked how much surplus revenues did they receive.

Mr. Sherman answered that is the number we don't have.

Mayor Baines stated we are waiting for the audit report to be finalized.

Alderman Gatsas stated so again if the generation of the surplus revenues weren't there, we would be in a deficit again.

Mayor Baines replied no. That is not what Randy said I believe.

Alderman Gatsas asked, Randy, if they didn't generate the surplus revenues that they did in FY00 would they be in a deficit.

Mr. Sherman answered if they didn't meet their budgeted revenue projections there is a possibility that if they had spent their full appropriation, yes, they would have generated an additional deficit. Again, I believe that the School Board has the mechanisms in place just as the City does now to watch the revenues and if they see there is a fall off on the revenue side, to react by reducing the spending side to accommodate that. This is what the Mayor did last year.

Mayor Baines asked, Alderman Cashin as a member of that Committee are there any comments that you would like to make about the Settlement Agreement.

Alderman Cashin stated I just think that both Committees have worked very hard, both the School Board and the City. Is someone going to have pay for it. Yes or course they are but if you do it any other way where is it going to come from. It is going to come from the students and it is going to come from education. What we have done here is in the best interest of the City of Manchester ladies and gentlemen and I would ask you to pass it and it should be passed unanimously.

Alderman Wihby stated I want to echo what Alderman Cashin said. We did put a lot of time and effort into this and I think we have talked about school budgets and City budgets and I have been probably one of the people who picks on the schools the most but we put this thing together...the only other option we would have had was to say to them we are going to take the \$2.5 million out of your budget this year and in the next six months you make cuts. If you want to cut \$2.5 million out of a school budget in six months, that would be devastating to the schools. What we did was sit down and talk about what we wanted to do to try to make this thing work. Instead of adding \$2.5 million to the tax rate this year we decided that we were going to give them a chance to manage their budget over the next couple of years, come in with extra revenues, which they say they have, and reduce that \$2.5 million so that in FY04 it will be a smaller number. They know they can't spend anything additional from what we are doing from now on. They understand that. You have to look at where we started. We started with a letter from them taking us to court and saying that we owed them \$7 million. We said no, you owe us \$2.5 million. We were right on with what we said. All of these things we changed and there was probably about \$8,000 that we changed on our side that we said they owed us and they said they didn't. When it all came down to it, our numbers were right and the only thing we really negotiated on was how they were going to pay that. The choice was are we going to devastate the schools this year or raise the taxes

this year or are we going to do it over a number of years. That is all we have done with this. It is my question that is on the ballot and I feel comfortable enough that the constituents of this City will vote yes and when they do we can take care of all the other things. We can make them use our Finance Department and other departments so that we will know those numbers ahead of time and stay on top of the issue. That is what is missing. We always had that before and since it was taken away, that is why it has cost us more money. I think the voters will vote it back in and we will have that control again. I would endorse what Alderman Cashin said. We should pass this. It passed the Board of School Committee. I didn't think it would be unanimous there but we worked hard on it and there is only one way to go. If you vote no today then you are saying that you want to add \$2.5 million to the tax rate or you want to cut schools \$2.5 million in the next six months. That is what a no vote means tonight.

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

Alderman Vaillancourt stated point of order. As the Chief Executive Officer of this Board, your Honor, I will inform you that you have the right not to accept that motion and I urge you not to accept that motion so that we can another two or three minutes of discussion on this.

Mayor Baines stated well we can continue to discuss this if the Board votes not to move the question. That is the way the process works.

Alderman Vaillancourt responded you have in the past decided not to accept certain motions and that is what I was asking you to do.

Alderman Shea stated point of order. I believe that on Item 7 it says, "the City and District agree that the City wrote off." Shouldn't it be write-off rather than wrote-off.

Mr. Sherman answered that is correct.

Solicitor Clark stated it is correct because we did it in the past. We did it back in that fiscal year.

Alderman Shea asked even though it is not implemented yet.

Solicitor Clark answered we did implement it and we did write it off.

Alderman Gatsas stated I have a problem that if there is a deficit of \$2.5 million, where is this \$746,000 that they are going to pay us within 60 days coming from.

Alderman Vaillancourt stated point of order.

Mayor Baines asked, Alderman O'Neil, are you willing to withdraw your motion to move the question.

Alderman O'Neil answered yes I will withdraw my motion.

Alderman Vaillancourt stated thank you. That was my point of order. Alderman Gatsas was referring to something that wouldn't be allowed.

Alderman Gatsas stated the balance of the \$746,000 that they are going to pay back within 60 days, is this money coming from the FY01 funds or the FY02 funds.

Mr. Sherman replied the \$746,000 is part of the \$6.8 million, which was recorded in FY02 so it is already in the \$2.5 million deficit. Where their cash is...we have no idea what their cash balances are and whether it is FY00 cash or FY01 cash or FY02 cash. It is not an additional expense that they have to record. It is already in the \$2.5 million.

Alderman Gatsas responded that is not what my question is. My question is I assume you have looked at a balance sheet. When we were doing this agreement I assume somebody looked at a balance sheet.

Mr. Sherman replied the last balance sheet we had seen was June 30, 2000.

Alderman Gatsas asked in that balance sheet does it show the availability of \$746,000 to pay the City.

Mr. Sherman answered yes.

Alderman Gatsas asked that is in that balance sheet of FY00, not FY01.

Mr. Sherman answered yes.

Alderman Vaillancourt stated I have three very quick points. First of all I want to say that my confidence in this is finite rather than infinite, which means that I am not extremely confident but I have a limited amount of confidence. Secondly, I would like to say that I share Alderman Wihby's confidence that the voters will pass the question on November 6 and it would be nice to have Alderman Wihby be able to debate the Finance Committee Chairman of the School Committee on my TV show next week so maybe I will invite them

back for the grand re-emergence next week. Thirdly I would like to ask one simple question. Why is it necessary that since we don't know what the surplus for the year will be that we need to do this tonight instead of waiting. I know you told the court that you would bring it forward, but why is it necessary that it be done at this particular second in the overall time span of the universe.

Mayor Baines stated we have been working on this for months and we agreed to spend all of that time in court and we came to an agreement give and take. This has the support of the financial units of both organizations. Everyone is on board with this in terms of solving this issue and we believe it should be brought forward tonight.

Alderman Vaillancourt replied my question is why is it necessary tonight. Would it negate the court settlement if we waited four weeks or whatever.

Solicitor Clark responded presently we are scheduled for trial at the end of October. If this is not settled, we go to court.

Mayor Baines stated the School District could come back and say let's go to court.

Alderman Levasseur stated if both sides asked for a continuance, it would be continued.

Mayor Baines replied I don't want to speak for the other side but there is a feeling that they want this behind us. We are also trying to get this resolved for tax setting purposes, etc. I believe this needs to move forward tonight and I believe the members of the negotiating team of the Board are in unanimous agreement on that as well.

Alderman Shea asked when we write off \$564,459.13 how do we write it off. What do we do to write it off, Randy. What happened. Where did we get the money to write it off.

Mr. Sherman answered the \$564,000+ were FY99 so that was pre-split accounts receivables. Those receivables, by recording them, float into your fund balance. When we write those receivables off, it comes right back out of your fund balance.

Alderman Shea asked so it is the fund balance that we use.

Mr. Sherman answered yes.

Alderman Gatsas stated I need to get this clear because for some reason I am either running into a stone wall or it is not being explained to me correctly. The year 1999 to 2000, the School District had a deficit of \$2.5 million. Is that correct.

Mr. Sherman replied that is correct.

Alderman Gatsas asked if they had a deficit of \$2.5 million then the balance sheet that showed that they had funds of \$746,000 to pay us had to have come from funds that were appropriated or collected for them in the FY01 budget. Is that clear.

Mr. Sherman answered that is correct.

Alderman Gatsas asked so they are paying us with funds for an outstanding balance on money that they have collected in a forward year. Is that correct.

Mr. Sherman answered that is correct. The School District has cash flow problems and in order to pay even some payrolls in the month of June they are borrowing the cash that they are collecting for the taxes in the subsequent year.

Alderman Gatsas asked so either they have, in this current budget of FY00 and FY01, a recognized surplus or surplus income of somewhere around \$750,000 to offset this payment or they are going to have that same problem again if the taxes don't come in in a timely manner by June 30. So, we are just preventing the obvious, your Honor. At some point that money is going to be a shortfall again and we are going to have to make up the difference.

Mr. Sherman answered yes. Again, they are always going to have a cash flow problem but the \$746,000 will not add to their deficit. The expense has already been recorded. The cash has not been disbursed. We have also been trying to work with the School District Treasurer to prepare cash flows and provide them to the City so that we can help alleviate some of the cash flow problems. We are going to work with them to transfer over the tax collections going forward so they have those on a timely basis and we have also talked to their auditor about trying to expedite their payments for their grants that the School District has because that is part of the reason why they have cash flow problems. They also push all of their tuition payments towards the end of the semester rather than receive those funds up front. There are some things the School District can do to better their cash flow.

Mayor Baines stated we are talking about quarterly billing and things of that nature to improve their cash flow.

Mr. Sherman stated but you are right, Alderman. At this point they are utilizing future cash collections to pay their current bills.

Alderman Gatsas asked so on June 30, 2002 if for some hypothetical situation we stopped doing business, both the City and the School District, they would be short \$746,000 as of that date because they would not have the ability to pre-borrow forward.

Mr. Sherman answered yes. If they haven't totally eliminated their deficit, they will be short cash to some extent. I don't know if it would be the \$746,000 exactly but they would have a cash shortage.

Alderman Gatsas stated I understand that the taxpayers at some point are paying for this. I think that if we are all going to look at this agreement then we should look at it in a two lighted manner. One, we should eliminate that \$746,000 and increase the tax rate because that is what is going to happen at some point whether it is this Board doing it or a future Board. If they don't get the revenues coming in then that should be something we look at.

Alderman Levasseur stated I honestly think that there is some sort of a game being played here because after the Finance Committee Chairman came in front of the Concerned Taxpayers last night and Alderman Vaillancourt alluded to this...he doesn't believe and he is an attorney and has been an attorney for some time, Mr. Cook, said that the Charter amendment as written and even it was passed by the citizens of this City will not have any bearing on whether they will become a department or not.

Mayor Baines replied well lawyers have different opinions about issues. That is why we have all of these lawyers around fighting in court.

Alderman Levasseur stated well you hear from our City Solicitor who says that he thinks it will be okay and if it passes they will become a department and you are hearing from another attorney that they won't become a department and then you want to put a Settlement Agreement ahead of this whole thing before we even got to a vote. This is obviously being done for political expediency. I can't see why we can't wait for three weeks.

Mayor Baines stated we had members of the Board, the Dean of the Board and Alderman Wihby involved. I don't believe there were any politics associated with this.

Alderman Levasseur stated the Charter amendment is like a dangling sword over their head and that is why they acquiesced to this.

Alderman Lopez stated point of order. I would like to have Tom Clark repeat what he said.

Alderman Levasseur replied that is not a point of order.

Mayor Baines stated the Chair will decide what is a point of order and not the individual Aldermen.

Alderman Lopez stated I believe I heard you say, Tom, that if this agreement is not approved by the end of the month we have to go to court. Is that correct.

Solicitor Clark replied we are now scheduled for trial at the end of October. That is one reason it is being brought forward now. The judge has asked us to report back next week as to whether or not both Boards have adopted this. I believe the other reason it is being brought forth now is because the tax rate is going to be set in early November and you want a process to eliminate your deficit prior to going up to get your tax rate set.

Alderman Levasseur stated we are not going to be reducing any deficit based on this agreement. We have already decided that you are going to do this over subsequent years. That is the first point.

Mr. Sherman replied State statutes say that it is the Department of Revenue Administration that sets your tax rate, not the City. If you go...our feeling is and we have talked to DRA and asked them about this and they said if you don't have an agreement, if you don't have a plan to eliminate that deficit they have every right to make you raise it in one year. We could go up there this year and they could put a special assessment on and have you just raise it in one year. What they said is they would like to see it at least eliminated over a couple of years or no more than two years. We feel that if we could go up with this plan that the DRA will accept it and not have the \$2.5 million taxed on to this year's tax rate.

Mayor Baines stated I think people know how they are going to vote on this issue. I think all of the issues have been raised and I would like to bring this to a vote at this time.

A roll call vote was taken. Aldermen Wihby, Sysyn, Pinard, O'Neil, Lopez, Shea, Vaillancourt, Pariseau, Cashin, and Thibault voted yea. Aldermen Gatsas, Levasseur and Hirschmann voted no. The motion carried.

Mayor Baines stated I would like to thank the members of the Board for settling this issue and keeping us out of court.

Alderman Vaillancourt stated I would like to express an opinion that a point of order should deal with order. An Alderman should not be allowed to move to the top of the line by wanting to throw in his comments regarding the debate by simply yelling out "point of order." I hope you will honor that. Point of order cannot just be I want to get in on this debate sooner.

Notice of Reconsideration given by Alderman Gatsas on October 2, 2001 regarding a motion to release the \$50,000 appropriation to the Manchester Transit Authority.

Alderman Gatsas moved to reconsider the original motion to release the \$50,000 appropriation. Alderman Shea duly seconded the motion.

Alderman Gatsas stated I think that the testimony we heard tonight and I don't think this Board has received back anything from the Commissioners at MTA regarding...

Deputy Clerk Johnson interjected the Clerk would advise the Board that we did receive a letter late this afternoon. It is addressed to the MTA Commissioners from Eugene Boisvert and it is copied to the City Clerk's Office. It states:

We have all received a letter from the City Clerk's Office that we review the health insurance policy (10%) for non-affiliated employees. This subject will be on the agenda for the October 30, 2001 Commissioner meeting.

s/Mr. Eugene Boisvert

Alderman Gatsas stated I think that obviously from the minutes of the MTA meeting that we read they certainly had the ability to have a telephone poll when it came to extending \$5,000 to AT&T Broadband for a converter box that they had. I would think that the message this Board sent them would have enhanced the situation and they could have had a telephone poll that would have at least stated their position. I think with that maybe what we need to do is hold that appropriation so that they can come back and tell us what their position is. With the situation that we have heard tonight, I think it is only appropriate that we look for somebody to give us some answers.

Alderman Shea stated what I wanted to bring up in terms of reconsideration is I spoke to one of my constituents this evening and that particular constituent indicated that she works 35-40 hours per week on a part-time basis every week and she pays \$175 per week for medical benefits. It is unconscionable that a person would not be put on medical benefits in that regard and it is unconscionable that people who are directing the company don't pay any at all. This is what I brought up before about morale. We really don't treat people fairly in this City. I don't care if the MTA is a special entity. We just don't do it and we have to learn to do it.

Alderman O'Neil asked, Alderman Gatsas, is it your suggestion that if we vote to reconsider this you would then move to table it pending the outcome of the Commissioner's meeting at the end of the month.

Alderman Gatsas replied I would accept that.

Alderman Vaillancourt stated along with the unconscionable items, it is unconscionable that a City Commission would wait until three hours before this Board meets to send a reply. They had two weeks to get us a reply. They could have gotten one here certainly yesterday or last Friday.

Alderman Wihby stated what I don't understand is that today we heard from somebody saying that after this Board nominated somebody they got a letter regarding a conflict of interest telling the Commissioner that he can't be on the Board. That doesn't make any sense. My question is when this came up last time we were talking 11 people and we were under the assumption that they were all managers and then we found out they weren't all managers and there were some regular employees there. When they take this issue up are they still talking about all 11 employees or are they just talking about the management.

Deputy Clerk Johnson stated we had sent over the motion that was made by the Board initially, but what it states here is 10% for non-affiliated employees. I am presuming that is what they are reconsidering.

Alderman Wihby asked is it the intention of Alderman Gatsas that we make the employees pay that 10% too or just the five managers.

Alderman Gatsas answered I believe when Alderman Clancy asked the question he was told that it was management. No one identified that it was non-affiliated employees. If somebody would have cleared that issue up in the beginning it would have stopped there and we would have talked about only the management positions and not the other six or seven people that we may be talking about. I don't think we are looking to go to the rank and file.

Alderman Wihby asked what is going to happen when they go to that Commission is they are going to vote and say gee we are hurting employees and they are going to vote against it. We should distinguish that our concern is that the management over there is who we are concerned with and not the non-affiliated employees. That is what is going to happen. They are just going to vote it down and say we didn't want to hurt the employees.

Mayor Baines stated this \$50,000...without that money going there it affects services in the City and I am concerned about that. Is that matching funds.

Mr. Trisciani replied yes.

Alderman Levasseur stated I agree with you, Mayor. We are sitting here with all of these MTA employees who obviously can't stand their boss...

Mayor Baines interjected I don't think that is a fair statement.

Alderman Levasseur replied I don't mean this...all I am saying is we are just going to create even more of a problem by saying that management has to pay 10%. You want this Board to vote on that. That is the Commissioners' duty. You are holding up \$50,000, which potentially could be \$100,000. It is just going to hurt the whole MTA. It is not going to resolve anything. It is not going to make things any better. You are going to feel better yourselves because you got to smack management around. I don't think you guys are going to solve anything if you get them all ticked off. Let's just give them their money and let the Commissioners do what they have to do. This has to stop somewhere.

Mayor Baines called for a vote on the reconsideration. The motion carried with Aldermen Levasseur and Sysyn being duly recorded in opposition.

Alderman Levasseur asked can I make a point of compromise. How about if we send over \$47,000 and hold back \$3,000 so that it will be \$90,000. It is only affecting five managers and there are eleven employees so we are hurting seven other employees that aren't even managers. I think this is crazy.

Alderman Gatsas stated obviously this item of business was on the agenda and I would assume that somebody from an MTA management position would have been here to address whatever questions we had.

Mr. William Cantwell, Superintendent of Administration of the MTA, stated I am one of the five managers at the MTA.

Alderman Gatsas stated you were here at the last meeting when we addressed the question. In the spirit of compromise this Board offered to send out a letter and we get a response today saying that it is going to be taken up at the next Board meeting. Now I would assume that when we are only three months into your budget that the \$50,000 that we are withholding is not a catastrophic situation that you are going to cut services. If you are telling me that you are going to cut services with that \$50,000 then I am going to ask what services are you going to cut with the \$5,000 that you had to pay for a fine. You are not cutting services because of the converter box are you.

Mr. Cantwell replied no. I would just like to answer the question. Basically the Board of Commissioners approved the union contract in January. Part of the negotiations with the

union contract was they asked for 95% for health insurance. They withdrew their proposal. I guess the management position in speaking with Eugene Boisvert...we got the letter today. It came today and the agenda came today. That is why it was addressed today. Basically I guess the way to explain it would be because the union chooses not to have it for the negotiation, then we are not sure why management should be held to the same position. They could have 100% health insurance as part of their negotiation. The Commissioners set our package and they set it April 27, 2001.

Alderman O'Neil asked for the record what is the percentage that the employees contribute under the union agreement.

Mr. Cantwell answered they pay 10%.

Alderman Shea asked what about the part-time people who work 35 to 40 hours a week. Why aren't they considered under the medical benefits.

Mr. Cantwell answered that would be a subject of negotiation for the union.

Alderman Shea asked has it ever been negotiated.

Mr. Cantwell answered yes it has been suggested.

Alderman Shea asked has it been negotiated and not approved by management.

Mr. Cantwell answered no. It has been a subject of negotiation and withdrawn by the union.

Alderman Shea asked it has been the subject of negotiation.

Mr. Cantwell answered it has been the subject of every negotiation.

Alderman Shea asked and it has been withdrawn by the union.

Mr. Cantwell answered yes.

Alderman Shea asked I don't know why it would be withdrawn by the union but anyway it doesn't seem logical that somebody...why was it withdrawn.

Mr. Cantwell answered it turns out to be very costly. It is two different funding sources. The School District pays for the school division and the City pays 40% of the transit division.

Alderman Levasseur asked as far as the management package is concerned, is that put together and then it is determined and you already have it in place. Do the Commissioners say this is what you are getting.

Mr. Cantwell answered after we settle the union contract we revised our benefit package for the first time in 12 years.

Alderman Levasseur asked so it was revised when.

Mr. Cantwell answered it was revised April 27, 2001.

Alderman Levasseur asked and that will go to what date.

Mr. Cantwell answered until they change it again. Management has always had 100% of medical insurance paid. I would say the benefit packages are not equal, but they are equitable.

Alderman Levasseur asked when you say management, there are seven other people that aren't managers. Are they non-affiliated.

Mr. Cantwell answered management is a generic term.

Alderman Levasseur asked do you mean non-affiliated.

Mr. Cantwell answered non-affiliated and affiliated.

Alderman Levasseur stated so this affects the other seven employees and that is what bothers me.

Mayor Baines stated so everyone understands the motion on the floor is to release the \$50,000. That is what we are going to be voting on shortly.

Alderman Vaillancourt moved to table this item. Alderman Pariseau duly seconded the motion.

Mayor Baines called for a vote. The motion carried with Alderman Levasseur being duly recorded in opposition.

Communication and pictures from Mark E. Cardin regarding the Pearl Street Parking Lot.

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

Communication from Richard S. Reed, NH Department of Environmental Services, regarding the 2001 Local Government Financial Test for Manchester Municipal Solid Waste Unlined Landfill Permit No. DES-SW-TP-97-009.

Mr. Sherman stated upon seeing this letter on the agenda we called the State yesterday. My understanding is that they have received everything at this point and this can just be received and filed.

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

Proposal to amend the Purchase and Sale Agreement between the City of Manchester and the Sargent Museum for the purchase of the 88 Lowell Street property.

Alderman Pariseau moved to approve the amendment. Alderman Lopez duly seconded the motion.

Alderman Levasseur stated this never came to Lands and Buildings so I don't know how it got here.

Deputy Clerk Johnson stated it was addressed to the Board and the Clerk's Office placed it on the agenda. It can be referred to Lands and Buildings if you wish.

Mr. Jay Taylor stated the purpose of placing this on the agenda tonight was not necessarily to get a resolution of the issue but simply to make you aware that this potential project is still alive. I believe you all received a letter from the President of the Sargent Museum over the weekend and he has a chronology on the back of that which explains the genesis of this project and the history of it. It goes back about four years now so some of you probably aren't even familiar with the project. Essentially, it is a matter of going through the RFP process to dispose of a former School Administration building at 88 Lowell Street, which was declared surplus by the School District in 1997. Subsequently, this Board directed staff to proceed to try to put the building back on the tax roles, which is what we are trying to do here. The reason this has taken so long is there have been a number of environmental issues

that we have run across in terms of the property itself and this is the reason that this particular issue has dragged on so long. The museum now at our urging has come forward with what their criteria are for closing on the project. They would like to close by the end of the year and obviously so would we. We have been working on this for a long time. There are a couple of issues that they have requested, which I personally am not prepared to recommend at this point. One of them is for the City to give them an indemnification against environmental hazards. I am not sure we want to go that route. I think the purpose of our visit here tonight is simply to advise you that this is an ongoing situation. We would like to have a little more time for the Deputy Solicitor and myself to sit down with the attorneys for the Sargent Museum and try to work out some sort of amicable agreement and we could come back to you hopefully next month with an appropriate amendment and ask for your approval.

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

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

Deputy Clerk Johnson stated the amount is \$80,936.77.

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

Resolutions:

“Amending the FY2002 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Seventy Thousand Eight Hundred Fifty One Dollars (\$70,851) for FY2002 CIP 511302 Veterans Park Staging Project.”

“Amending the 2000 and 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Ninety One Thousand Five Hundred Dollars (\$91,500.00) for certain Police and Health Projects.”

“Amending the FY2002 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000) for FY2002 CIP 811102 Wetland Inventory Evaluation Project.”

“Amending the FY2000 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Hundred Twenty Five Thousand Dollars (\$125,000) for FY2000 CIP 511000 ISTEA Project-B&M Goffstown Branch.”

On motion of Alderman Pariseau, duly seconded by Alderman Shea, it was voted to dispense with the readings by title only.

On motion of Alderman O'Neil, duly seconded by Alderman Wihby, it was voted that the Resolutions pass and be Enrolled.

NEW BUSINESS

Deputy Clerk Johnson stated the Clerk didn't submit a communication, however, we are requesting that the Board set the next Board of Mayor and Aldermen date as November 7 because November 6 is election day.

On motion of Alderman Pariseau, duly seconded by Alderman Vaillancourt, it was voted to reschedule the Board meeting to November 7, 2001.

Alderman Gatsas stated in defense of the City Clerk, I am in receipt of a letter here that went to the MTA Commissioners on October 4 so for somebody to say that they just received the notification yesterday is not fair to the City Clerk's Office. It was sent to all Commissioners, including Mr. Don Clay, by courier on October 4.

Alderman Shea stated I received a call from a constituent who stated that the disability exemption will only be in effect until age 65. At age 65 people are labeled retired and not disabled under existing Social Security guidelines. Therefore, income levels will not be allowed to qualify individuals to receive the disability exemption. In other words, the elderly amount of \$22,000 would be used. I am referring this to the Administration Committee so they can talk to the City Assessor's concerning that.

Mayor Baines replied fine we will refer that to the Committee on Administration.

Alderman Vaillancourt stated earlier in the evening under the previous section we decided to refer to new business the decision on the new MTA Commissioner. First I would like to report that mention was made earlier of the Commissioners we have. I did visit Harry Tentas yesterday who is recuperating from back surgery that he had over the summer, which was a very extensive surgery and he is over in Bedford at Harborside and I know everybody will want to wish Harry well. I believe he will be ready to resume his active duties on that Commission and get back into the ballgame so to speak very quickly. I would like to have the City of Manchester wish Harry a happy recovery, but I wonder if the Board wishes to move on the new Commissioner tonight.

Alderman Pinard asked can I nominate someone.

Mayor Baines asked Solicitor Clark what would be the procedure.

Solicitor Clark answered it is up to the Board to determine if they wish to accept nominations tonight or wait another week.

Alderman Cashin stated I would like to ask the Board to wait. We have discussed this and the name of Alderman Pariseau had come up but being an Alderman he cannot be appointed yet and we would like to wait until the end of the year and look at appointing him.

Alderman Pariseau replied I have been informed by the City Solicitor that as a State employee I cannot accept the position of MTA Commissioner.

Alderman Pinard moved to nominate David Jespersen for the position of MTA Commissioner. Alderman Vaillancourt duly seconded the motion.

Mayor Baines asked are there any other names for tonight. If not, this will lay over until the next meeting and if other Aldermen would like to bring in other nominees they may and we can make a decision at the next meeting.

Alderman Shea asked is there any stipulation other than the Aldermen select someone. Are we looking for a union person.

Mayor Baines answered it is under the State statute as I recall.

Solicitor Clark stated to my knowledge after a quick review of the Statute there is no requirement for it to be a union or non-union person under the Statute.

Alderman Levasseur stated I thought maybe you could put a notice on MCTV for people to call the Aldermen or send in their resumes.

Mayor Baines stated what they could do also is send a letter and their resume to the City Clerk, Leo Bernier, and they would be distributed to all the Aldermen.

Alderman Hirschmann stated I want to ask for the Board's commitment on this nomination that you really look over the credentials and criteria of who becomes the next Commissioner so that it works in a positive light. I really think that someone with business expertise who has been in the business community, maybe they have owned a business or a retired businessman, someone who can really handle management, labor, purchasing, the whole realm of running a big transportation unit. I think this is critical.

Mayor Baines stated it is unique because it does have the authority and if I could offer a suggestion maybe it should go to a special committee.

Alderman Hirschmann stated I would really like the resumes of these individuals to be looked over by a sub-committee honestly.

Alderman Vaillancourt stated I would like to second that thought by Alderman Hirschmann and that is why I seconded the nomination by Alderman Pinard. We have a very unique individual who fits all of those qualifications. He sent me a resume, as well as a cover letter, which I believe Alderman Pinard has had copied to hand out tonight. I believe he is here this evening so maybe we should all get to meet him at least.

Mayor Baines stated just so you understand, the Mayor does not have this appointment. That was an error in your letter. This is an Aldermanic appointment.

Alderman Pinard stated probably six weeks ago I gave all of the Aldermen a copy of his resume. I just want to remind you.

Alderman Pariseau stated I want to remind the Board that next Wednesday the CIP sub-Committee on MTA will be meeting in the Aldermanic Chambers at a time to be determined by the City Clerk.

There being no further business, on motion of Alderman Pariseau, duly seconded by Alderman Sysyn, it was voted to adjourn.

A True Record. Attest.

City Clerk