

BOARD OF MAYOR AND ALDERMEN**December 18, 2001****7:30 PM**

Mayor Baines advised that the McLaughlin Middle School 6th Grade Chorus under the direction of Jessica McKillop would present a Holiday Performance this evening. Before we started, one young lady said to me “what is City Hall for”. So, we’re going to get back to her in a little while on that question. Well, I hope that one of the things that City Hall is for is for opening the Chambers to the community so that you can come in and learn about our City Hall and our government, but also to demonstrate to the community the future of our community by opening to your voices and especially enjoying the spirit of the Holiday Season. So, we want to welcome you and we wish you and your families a joyous and happy Holiday Season and the best New Year you could possibly ever have. We look forward to your chorus singing tonight and please welcome Jessica McKillop.

Ms. McKillop stated this evening the 6th Grade Chorus is going to be performing three pieces for you. The first piece is a seasonal piece called “When You Believe”; the second piece will be a traditional song “Ding Dong Merrily on High”; and finally “America the Beautiful”.

Mayor Baines called the business meeting to order.

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

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

Mayor Baines stated this evening it is my honor, on behalf of the citizens of the City to thank some Aldermen who will be leaving us this evening in addition to Alderman Bill Cashin who we recognized earlier and in presenting these tokens of appreciation, I think it’s important to recognize when somebody enters public service they commit a great deal and especially their families and friends and people who care about them and serve with them. So, it is with this spirit of appreciation I present and honor at this time Alderman Keith Hirschmann who is completing service as Aldermen from 1996 to 2002, congratulate him and wish him God speed in the years ahead. Keith, congratulations. Completing two years of service from 2002 to 2002 join me in congratulating Alderman Joe Kelly Levasseur. Also, join with me in presenting this Key to the City...again, Alderman from 2002 to 2002, Alderman Steve Vaillancourt. And, finally, a Key to the City to a gentleman who I have been able to call a

friend and neighbor for many, many years...in appreciation for your profound commitment to public service, your dedication to your constituents, your honesty and your ability to use humor to defuse even the more tense situations and the first one to move to adjourn at all times, our friend and a friend to all who serve the City, Alderman Bob Pariseau.

Alderman Pariseau stated I'd just like to thank my family for giving me the privilege to serve the citizens of Manchester, they're here in the audience tonight. My wife Judy who answers the phone all the time, why don't you stand up. And my son, Gary, who's the next Lieutenant on the Fire Department. And, my daughter, Lynne and my two grandchildren Tabitha and Jeremy. The rest of the tribe is scattered throughout the United States. I do want to thank the citizens of Ward 9 for making the right choices seven times, it was my pleasure to have served them. We didn't agree on all issues and there's a few constituents that did call Mr. Leo Gove, God Bless him, Roger Mitchell, the Devine Family...they're all a help in helping me get through these 14 years. So, thank you all and who knows when we'll see each other, thanks.

CONSENT AGENDA

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

Minutes Accepted

- A. Minutes of meetings held on September 24, 2001 (two meetings); October 2, 2001 (two meetings); October 11 & 16, 2001.

Ratify and Confirm Poll Conducted

- B. Approving the Airport Director to negotiate and execute an easement granting the New England Expedition – Manchester L.L.C., the right to utilize a section of the Manchester-Lawrence Railroad Right-of-Way that the Airport currently owns (unanimous).

Informational – to be Received and Filed

- C. Minutes of a meeting of the MTA held on October 30, 2001 and copies of the Financial and Ridership Reports for the month of October 2001.
- D. Copies of communications from Executive Councilor Colantuono advising of a grant approval in the amount of \$459,891 for the Combined Sewer Overflow Bypass & Reports Project and award of a Juvenile Accountability Incentive Block Grant to the Manchester Police Department in the amount of \$68,821.

- E.** Copies of communications from the State of NH Department of Environmental Services advising of applications from the City of Manchester Parks, Recreation and Cemetery Department to enhance an existing path around Dorrs Pond and an application from Hackett Hill Real Estate Dev. Co., LLC to develop eight 48-unit apartment buildings and one rental office.
- F.** Copy of a communication from the State of NH Department of Environmental Services advising of an application for a state permit by Alltex Uniform Rental Services of 324 Taylor Street to operate two Cleaver Brooks Boilers and One Aeration Process Dryer.
- G.** Copy of a communication from the State of NH Department of Transportation advising of a Parking Regulation in accordance with RSA 265:71 and RSA 236:1.
- H.** Copy of a communication from the State of NH Department of Transportation advising of contemplated awards.

REFERRALS TO COMMITTEES

COMMITTEE ON FINANCE

K. Resolutions:

“Amending the 2002 & 2001 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Hundred Fifty Thousand Dollars (\$150,000) for the 2001 CIP 511601 Parks Capital Improvement Project.”

“Amending the 2002 Community Improvement Program, authorizing and appropriating funds in the amount of Sixteen Thousand Dollars (\$16,000.00) for FY2002 CIP 410402 - MHRA Community Policing Program.”

“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 FY2002 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Twenty Thousand Dollars (\$20,000) for FY2002 CIP 713802 Webster/Beech Traffic Improvement Project.”

“Amending the 2002 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Fifty Thousand Dollars (\$50,000) for the 2002 CIP 713902 Kelley Falls Infrastructure Improvements Project.”

REPORTS OF COMMITTEES

COMMITTEE ON ACCOUNTS, ENROLLMENT AND REVENUE ADMINISTRATION

- L.** Recommending that the false alarm fees for Duperron Enterprises be reduced from \$1,150.00 to \$250.00.
- M.** Advising that it has accepted the monthly financial statements for period ending November 30, 2001 and is forwarding same to the Board for informational purposes.

COMMITTEE ON COMMUNITY IMPROVEMENT

- O.** Recommending that the Board authorize a reduction in the amount of \$415,403.84 for FY2001 330301, School Capital Improvement Program-Cash in accordance with an agreement between the City and School District.
- P.** Recommending that the Board authorize transfer and expenditure of funds in the amount of \$27,500 (from Discretionary Sidewalk Program Allocation for FY2001 711001, Public Works Infrastructure Improvements Program, Revision #1.
- Q.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$100,000 for FY2001 750001, Infrastructure ADA Access Improvements.
- R.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$16,000 for FY2002 CIP 410402 – MHRA Community Policing Program (federal dollars from the US Department of Housing and Urban Development); and for such purpose a resolution and budget authorization has been submitted.
- S.** Recommending that the Board authorize the transfer and expenditure of funds in the amount of \$50,000 (Community Development Block Grant) by transferring the money from 2002 CIP 710602 Elmwood Gardens, Streets, Sidewalks to 2002 CIP 713902 Kelley Falls Infrastructure Improvements; and for such purpose a resolution and budget authorizations have been submitted.
- T.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$20,000 from Tarrytown Real Estate Holdings, Inc. for FY2002 CIP 713802 Webster/Beech Traffic Improvement Project; and for such purpose a resolution and budget authorization has been submitted.
- U.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$10,000 from private developers for FY2002 CIP 811102 Wetland Inventory Evaluation Project; and for such purpose a resolution and budget authorization has been submitted.
- V.** Recommending that a request for CIP Project Extensions, as enclosed herein, be granted and approved through June 30, 2002.
- W.** Recommending that with regard to a petition for discharge of portions of Belair and Gerard Streets, the Board find that Belair and Gerard Streets, having never been opened, built, nor used for public travel, has been released from public servitude pursuant to RSA 231:51.
- X.** Recommending that with regard to a petition to discontinue a portion of Whittier Street, the Board find that Whittier Street, having never been opened, built, nor used for public travel, has been released from public servitude pursuant to RSA 231:51.
- Y.** Recommending that a petition to discontinue portions of Faltin, Lingard, Upton and Loring Streets for a shopping center project off of South Willow Street be referred to the next Road Hearing scheduled for Monday, January 14, 2002 at 5:15 PM in the Aldermanic Chambers, City Hall.
- Z.** Recommending that a request for a sewer abatement for property located at 40 Danforth Circle be granted and approved in the amount of \$221.65. The Committee notes that such amount was recommended to be abated by the Environmental Protection Division of the Highway Department.

- AA.** Advising that they have approved the reduction and/or elimination of CIP projects to cover anticipated shortages in the Welfare budget as follows:

2002	411102	Hazard Tree Removal (Partial)	\$ 15,000
2002	810702	Community Development Initiatives (Partial)	5,000
2002	711402	Traffic Signal Reconstruction	55,000
2002	711002	Chronic Drains	55,000
2002	810001	Valley Cemetery Master Plan	15,000
2002	510902	Livingston Park Pool & Bathhouse	5,000
			<u>\$150,000</u>

- AB.** Advising that they have approved a request from the Deputy Public Works Director to purchase and register a trailer to transport a Bobcat loader for an approximate cost of \$2,900.

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- AC.** Recommending that a request to close a portion of Elm Street, from Lake Avenue to Hanover Street, on January 1, 2002 for the Mayor's Inaugural Walk be granted and approved under the director supervision of the City Clerk, Fire, Highway, Police, Traffic and Risk Departments.
- AD.** Recommending that regulations governing standing, stopping, parking and operation of vehicles be adopted and put into effect when duly advertised and posted.

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

- I.** Ordinance amending Section 151.41 (C) Parking Trailers Outside Parks submitted by Alderman Shea.

Alderman Shea stated Item I has to do with the ordinance amending Section 151.41 and its Parking Trailers Outside Parks and it's being referred to the Committee on Bills on Second Reading and the reason for the proposed change is the result of several complaints from constituents in different parts of my ward. The proposed prohibition as listed will help to ensure that the cause for such complaints will be addressed, so that is really why I'm bringing up these three provisions, Your Honor, and moved that it be referred to the Committee on Bills on Second Reading. Alderman Wihby duly seconded the motion. There being none opposed, the motion carried.

- J.** Communication from Louis Craig, Executive Director of New Horizons, requesting \$26,000.00 from Contingency to cover the Emergency Overnight Shelter Program.

Alderman Shea stated this is in regard to opening up French Hall to the homeless and I have a couple of questions I'm not sure people...

Mayor Baines advised it's going to the Committee on Finance and we can discuss it in Finance.

Alderman Shea moved that the communication from Louis Craig be referred to the Committee on Finance. Alderman Wihby duly seconded the motion. There being none opposed, the motion carried.

Report of the Committee on Community Improvement:

- N. Recommending that the Board authorize the transfer and expenditure of funds in the amount of \$150,000 from 2000 CIP 650300 Hackett Hill Development to 2001 CIP 511601 Parks Capital Improvement Project; and for such purpose a resolution and budget authorization has been submitted.

Alderman Vaillancourt stated this is in regard to a \$150,000 transfer from the CIP Hackett Hill Road Development to the Parks Capital Improvement Project. I just wanted to ask why this is happening and what this means to the Hackett Hill effort that people have labored over.

Alderman O'Neil replied it was the understanding of the committee that this was something that we actually did during the budget process and this was just the official action of making this happen and we did this during the end of the budget process. So, that's my understanding and I believe the rest of the committee's understanding which is why we're doing this.

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

4. Mayor Baines made the following nomination:

Water Works Commission:

Patricia Connell as a member of the Water Works Commission replacing Donald Perkins.

Alderman Pariseau moved to suspend the rules and confirm the nomination of Patricia Connell as a member of the Water Works Commission replacing Donald Perkins, term to expire January 2005. Alderman Cashin duly seconded the motion. There being none opposed, the motion carried.

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

Mayor Baines called the meeting back to order.

OTHER BUSINESS

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

“Amending the 2002 & 2001 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Hundred Fifty Thousand Dollars (\$150,000) for the 2001 CIP 511601 Parks Capital Improvement Project.”

“Amending the 2002 Community Improvement Program, authorizing and appropriating funds in the amount of Sixteen Thousand Dollars (\$16,000.00) for FY2002 CIP 410402 - MHRA Community Policing Program.”

“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 FY2002 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Twenty Thousand Dollars (\$20,000) for FY2002 CIP 713802 Webster/Beech Traffic Improvement Project.”

“Amending the 2002 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Fifty Thousand Dollars (\$50,000) for the 2002 CIP 713902 Kelley Falls Infrastructure Improvements Project.”

ought to pass and be Enrolled; and further recommending that \$56,000 be appropriated from the \$1 million set aside for welfare purposes to cover emergency overnight shelter program costs.

Alderman Pariseau moved to accept, receive and adopt the report of the Committee.

Alderman O’Neil duly seconded the motion.

Alderman Vaillancourt stated since I gave that figure earlier of \$289 a day that was based on \$26,000. I’ve since recalculated and this is the reason I wanted to discuss this a little more. Based on that \$56,000 figure we are now up to \$622 a day, which amounts to \$4,355 a month and that’s why I was intrigued by Alderman Gatsas’ line of questioning because if we are talking about 60 people a day in there, to me we are doing okay, its \$10 per person per day, but if we are talking about only \$10 people a day we are talking about \$60 per person per day, and it’s not such a good bargain. So that’s why I was trying to get a handle at the outset as to whether we are talking 60 or 10 people in there and there didn’t seem to be that information forthcoming, so I guess we have to go forward and do this on faith, but I think perhaps Alderman Gatsas had it correct, if we are only talking about 15 or 20 a day that instead of sentencing them to some prison up on Hackett Hill and that seems to me what this is, not that there is anything wrong with that, I suppose the homeless should be sentenced, no we are really treating them very badly, and if in fact we could be saving money by doing it here in the center city than I think that would be a better deal, so while I am willing to support this, I just wish we had some more refinement of the numbers so we’d know if in fact we are getting a bargain we may be and we may not be.

Mayor Baines called for a vote. The motion carried with none recorded in opposition.

8. A report of the Committee on Community Improvement was presented recommending that a request to discontinue Old Second Street from School Street to Granite Street as enclosed be referred to a Road Hearing on January 14, 2002 at 5:15 PM.

The Committee notes that such discontinuance has been requested by the State Department of Transportation in order to allow disposal of the property.

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

9. Report of the Committee on Community Improvement recommending that a request of Lowell Terrace Associates for a mortgage/debt consolidation for property on Lowell and Chestnut Streets be denied as presented. The Committee further notes that it has requested staff to review current mortgage agreements and report to the Board of Mayor and Aldermen regarding as to whether there is any default on the mortgage at present.

Alderman O'Neil moved to refer this item back to the Committee on Community Improvement. Alderman Pinard duly seconded the motion.

Alderman Levasseur asked for clarification from the CIP Chairman if it would not be a good idea to foreclose on these guys for all our problems because that's a 50 room like boarding house. The guy was threatening that if we didn't help this guy he was going to throw everybody on the street.

Alderman O'Neil stated it is my understanding, and I think the Solicitor and Finance back this up, they are not currently in default.

Alderman Levasseur stated okay, and they won't be.

Alderman O'Neil stated I don't know what the future brings but this needs a lot of work and I think those that were at the last CIP meeting would agree with that.

Alderman Gatsas requested that the Solicitor forward a copy of the documents to him and other aldermen for their review.

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

10. There was no report of the Committee on Human Resources/Insurance, Mayor Baines recognized a report of the Traffic Committee to be presented.

A report of the Committee on Traffic/Public Safety was presented recommending that a request of the Quality Council for utilization of a city lot on February 1 for Manchester Employees Recognition Night at Verizon Wireless be approved; such lot to be designated by the Traffic Director and approval subject to coordination with the Traffic Department.

Alderman Pariseau moved to accept, receive and adopt the report. Alderman Shea duly seconded the motion. The motion carried with none recorded in opposition.

Alderman Levasseur asked about the Human Resource report asking if the insurance plan for Alderman Cashin was to be discussed.

Alderman Lopez stated that the item to which Alderman Levasseur was referring was withdrawn.

11. Notice of Reconsideration given by Alderman Gatsas on December 4, 2001 regarding a motion to enroll resolution:
“Authorizing the Finance Officer to Effect a Transfer of Eight Hundred Eighty Thousand Dollars (\$880,000) from the Specific City Department Accounts to Contingency for Remedial Action regarding the Fiscal Year 2002 Welfare Department Operating Budget.”
(Note: Aldermen Wihby, Sysyn, Pinard, O’Neil, Lopez, Shea, Vaillancourt, Pariseau, Cashin and Thibault having voted yea; and Aldermen Gatsas, Levasseur and Hirschmann having voted nay.)

There was no motion made relating to this item. No reconsideration was taken.

Alderman Levasseur question this being a tabled item, and what was happening to it.

Mayor Baines advised it was gone. The item had not been reconsidered.

12. Communication from Henry’s Auto Body, Inc. advising of their intent to move their business to the McDowell Property on Bass Island, noting Conservation Commission concerns, and questioning if the City has an interest in purchasing the property for municipal purposes.

Alderman Cashin stated he did not know if the City had any interest in this for a park, he had not heard anything and these people are spending an extraordinary amount of money on this. I don’t know if you are familiar with the location but that’s where my junkyard is and this guy is either in jail or should be, and we’ve got a couple of auto body places down there. I have worked a good 20 years trying to clean this section up and its been one thing after another. Part of the problem people have is because people are throwing stuff into the river. Well, if Henry’s Auto Body was there, or any business was there, these things wouldn’t happen because they would not allow them to happen. I have grown up with Henry’s Auto Body for years, they are a very decent organization, a good business, they are going to bring taxes to the city, and there is no reason at all why those people should not be allowed to move there.

Alderman O’Neil stated I think it’s important to point out that they are being displaced not by their own choice, they are being displaced for the new off ramp at Granite Street.

They’ve been a long time established business in the city and I think we need to reach out

and do what we can to keep them in the city. Too many times we see businesses leave so I think it's important we do what we can to do what they need to allow them to move forward here.

Alderman Levasseur asked if it was on the west side of the street, on the actual island, or across the street.

Alderman Cashin stated on the east side, there was a logging outfit there.

Mayor Baines asked if there was a motion or other discussion.

Alderman Wihby asked where they got the idea that the city was looking to buy it.

Alderman Cashin stated you have a Conservation Commission and they are looking at it and have some concerns with it, and they are saying maybe down the road the city may be interested in purchasing it for a park. And that is all well and good, but that is not fair to these people. To my knowledge, and if I'm wrong correct me, nobody has approached me about building anything down there.

Mayor Baines stated he believed there was a request in CIP last year.

Mr. MacKenzie advised that the Parks and Recreation Commission had at one point

considered applying to the State Lands and Conservation Investment Program for this site.

The City owns the westerly half of this island, that's Bass Island Park, and again Parks and Recreation Commission had considered applying for roughly a 50% match from ELCIP.

They briefly discussed that with the Board I do not recall if the Board gave authorization to proceed, they may have. At this point Parks and Recreation Commission has not applied for the grant, again it would take a 50% match by the city to make that happen.

Alderman Lopez stated to back that up, I talked to Ron Johnson the other day, and that deadline is over for any grant that they can get for that particular area. They were suppose to submit a grant but they didn't.

Alderman Cashin stated he wished to recommend to the Board that they encourage Henry's Auto Body to build there.

Mayor Baines commented that they perhaps state there is no interest.

Deputy Clerk Johnson advised that the question was being raised as to whether the City had any interest, perhaps the Board could indicate it has no interest and supports their (Henry's Auto Body) moving into that location.

Alderman Cashin so moved to advise that the City had no interest in the property and supports Henry's Auto Body's efforts to move into that location. Alderman Thibault duly seconded the motion.

Alderman Levasseur stated that it should go to Lands and Buildings.

Mayor Baines called for a vote. The motion carried with none recorded in opposition.

- 13.** Mayor Baines advises that a motion is in order that all matters pending before the present Board of Mayor and Aldermen and its Committee as of January 1, 2002 be referred to the next Board of Mayor and Aldermen, and further that all Special Committees shall continue as presently constituted.

Mayor Baines asked if it was not the prerogative of the Chair to name special committees. Deputy Clerk Johnson advised that if the Board establishes Special Committees the Chairman of the Board usually names the chair of the special committee and the special committee chair would pick their members; that was the protocol of the rules. The question comes up because the special committees were continued this year with the members who had remained and new ones replaced those who had left.

Mayor Baines advised that the Charter made it clear that it was the Chairman of the Board. Deputy Clerk Johnson advised that it was the Chairman of the Board this year that did that, so perhaps they could remove that portion from the motion.

Alderman Cashin stated that was right. It was the prerogative of the Chairman to either accept them or replace them.

Alderman Pariseau moved that all matters pending before the present Board of Mayor and Aldermen and its Committees as of January 1, 2002 be referred to the next Board of Mayor and Aldermen. Alderman Cashin duly seconded the motion.

Alderman Levasseur stated he did not see what the problem was in leaving the other portion regarding the special committees as is.

Mayor Baines stated the charter.

Alderman Levasseur stated I know, but when we came in last year the Civic Center Committee stayed the same as it was put in prior to this term.

Mayor Baines stated that the charter says that it's the job of the Chairman, and that motion would be against the Charter.

Alderman Cashin stated yes, I appointed Dave Wihby to chair the civic center committee.

Mayor Baines stated the Chairman could name the special committee chairs at the next meeting of the Board and called for a vote. There being none opposed the motion carried.

14. Ordinance:

“Amending Section 38.06 Citation Penalties of the Code of Ordinances of the City of Manchester by establishing and increasing citation penalties for certain offenses.”

On motion of Alderman Thibault, duly seconded by Pariseau, it was voted to read by title only, and it was so done.

This Ordinance having had its third and final reading by title only, Alderman Wihby moved on passing same to be Ordained. Alderman Pariseau duly seconded the motion. There being none opposed the motion carried.

15. Resolutions:

“Amending the 2002 & 2001 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Hundred Fifty Thousand Dollars (\$150,000) for the 2001 CIP 511601 Parks Capital Improvement Project.”

“Amending the 2002 Community Improvement Program, authorizing and appropriating funds in the amount of Sixteen Thousand Dollars (\$16,000.00) for FY2002 CIP 410402 - MHRA Community Policing Program.”

“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 FY2002 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Twenty Thousand Dollars (\$20,000) for FY2002 CIP 713802 Webster/Beech Traffic Improvement Project.”

“Amending the 2002 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Fifty Thousand Dollars (\$50,000) for the 2002 CIP 713902 Kelley Falls Infrastructure Improvements Project.”

On motion of Alderman Pariseau, duly seconded by Alderman Shea, it was voted to suspend the rules and dispense with reading the resolutions by titles only.

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

TABLED ITEMS

- 16.** 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.
(Note: communication from Deputy City Solicitor Arnold dated 12/13/01 enclosed.)
(Tabled 10/16/01)

Alderman O’Neil moved to remove this item from the table at the request of the City Solicitor’s office. Alderman Pariseau duly seconded the motion. There being none opposed the motion carried.

Deputy City Solicitor Arnold stated this item dealt with an amendment to the agreement made between the City of Manchester and the Sargent Museum. The original agreement was signed in 1997. The consummation of that agreement was held up by environmental concerns on the property. In an effort to address some of the environmental concerns and close on the property in the foreseeable future the Sargent Museum proposed after some discussion with the staff consisting of myself and Jay Taylor, the proposal you have before you. You can see that this proposal provides we assign the petroleum reimbursement funds

to Sargent Museum. As you can also see I've gotten with Kevin Shephard's help a communication from that fund saying that they are in fact assignable. There is approximately \$500,000 available to the City from that fund. As of October 16th of this year approximately \$23,000 had been expended on this property. I would not foresee that we would get anywhere close to the \$500,000 that is available. However, as you can also see, that agreement provides that should there be unreimbursed costs for the oil remediation on the property that the City agrees to indemnify Sargent Museum up to a total of \$300,000 with a five year time limit on that. I would point out that that is opposed to the unlimited liability that the City faces on the property now since we own it, and I wanted to put this before the Board so they could act on it as they see fit.

Mayor Baines asked if there was a specific recommendation.

Deputy Solicitor Arnold stated he would recommend that the Board pass the amendment.

Alderman Levasseur asked what kind of museum this was.

Deputy Solicitor Arnold responded that the Sargent Museum is an organization that has possession of an extensive collection of Native New Hampshire artifacts that were accumulated by Henry Sargent, and they want this facility in order to have a place for a permanent exhibit of that collection.

Alderman Levasseur asked what kind of artifacts.

Deputy Solicitor Arnold responded Indian artifacts.

Alderman Shea asked the \$500,000 that is available, where is that in the state.

Deputy Solicitor Arnold responded in the State, yes.

Alderman Shea stated so they are willing to give the City upwards of \$500,000 in the event that this particular pollution or whatever they are dealing with.

Deputy Solicitor Arnold stated that is my understanding, as I said I don't think it will come anywhere close to that since in the past four years we have spent approximately \$23,000.

Alderman Shea asked is the process that when we need money we just tap into this.

Deputy Solicitor Arnold stated in a nutshell. There is an application process but yes.

Alderman Shea noted perhaps they could use some of it for French Hall.

Deputy Solicitor Arnold noted the fund had specific uses tied to it.

Alderman Levasseur stated did we already give this building away, we already voted.

Deputy Solicitor Arnold stated the Board approved a purchase and sale agreement, yes. That agreement has been signed and extended a couple of times, yes so they do have the ability to purchase the building.

Alderman Levasseur stated but they wouldn't have the ability to purchase it if we didn't approve the amendment.

Deputy Solicitor Arnold advised he could not speak for the Sargent Museum, if the Board didn't approve it I would suspect that they might consider walking away from it but I couldn't tell you for sure.

Alderman Levasseur asked what the price was we were selling this for.

Deputy Solicitor Arnold responded the purchase price in the agreement is \$500. however, as there was some discussion at the time on what if they took the building and sold it so there are provisions in the purchase and sale that essentially I could go into detail if you wanted,

but call for them should the building be sold at a profit, some amount over the purchase price and the renovations they are going to put into it, some of the net profit would come back to the City to reimburse for a roof that the City put on the building in 1997.

Alderman Levasseur stated we are looking for locations to help people find places to live and now we are turning this place into a museum for \$500. We are just giving these buildings away here.

Deputy Solicitor Arnold responded as I said this was done four years ago, and the building is in very rough shape I certainly would foresee the city putting the money into renovating that building to the extent necessary to put it to that kind of use.

Alderman Lopez moved to approve the amendment and authorize execution of same.

Alderman Pariseau duly seconded the motion. The motion carried with none recorded in opposition.

17. Resolution:

“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.”

(Tabled 11/20/01)

This item remained on the table.

NEW BUSINESS

Communication from Chief of Police requesting the Board authorize him to enter into an agreement with Devine, Millimet and Branch, PA to indemnify and hold the firm harmless from incidents that arise out of the storage of police vehicles in their parking garage.

Alderman O’Neil stated the Police Department has been working for some time to try to reach an agreement with the Devine Millimet law firm with regards to storing a second vehicle there. Alderman O’Neil referenced the points of the letter stating it was his understanding that the City Solicitor had reviewed this and had no problem with it.

Alderman O’Neil moved to authorize the Chief of Police to execute an agreement with Devine, Millimet and Branch, PA to indemnify and hold the firm harmless from incidents that arise out of the storage of police vehicles in their parking garage. Alderman Pinard duly seconded the motion.

Alderman Pariseau asked what vehicles are to be stored.

Chief Driscoll stated they were two large vehicles, trucks, they have a variety of uses at the Manchester Police Department one is their critical response unit that they have had for a couple of years, another is a truck they built last year that they do not want to leave outside during inclement weather.

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

Alderman Levasseur commented his question was for Mr. MacKenzie in that he was noticing the MDC minutes and his top three priorities his third priority included a new school and I think that this Board has been pretty up front in telling this City in giving a vote that we did not want a new school and I saw it. Alderman Levasseur referred to the minutes stating he was asked what his priorities were for the next year and one was building a new high school. Mr. MacKenzie stated that was not correct. They did ask me what we planned to be working on. I indicated that assisting with high school improvements was one of the top three. Alderman Levasseur stated so in other words it was wrongly written it didn't say building a new high school.

Mr. MacKenzie stated no, I clearly did not say that.

Alderman Levasseur noted it was in the minutes and you should check that.

Alderman Shea stated this was a question he would address to Kevin Clougherty. There is a reported \$17 million revenue shortfall in the business profits tax account at the State level. So far I believe we have paid \$7 million back to the businesses. In other words businesses anticipate that they are going to do so much business and they prepay whatever tax they are supposedly going to make on their profits. Well, they are falling short on the business profits tax on a tune of a possible \$17 million. My question to Kevin is should we anticipate any negative financial impact on city revenues from the State as a result.

Mr. Clougherty responded at this point we are not, alderman. The formulas that are in place are statutory and they are obligations of the State and we have no reason to believe they will not honor them.

Mayor Baines stated so the answer is no.

Alderman Gatsas stated I believe that sometime during the last two years there was conversation with the Chief of Police about Maple Street and Beech Street. That the speed and changing those into two-way streets. I would like to bring that forward so we can look at it at the next Board because speed in this city is completely out of control. I was an alderman that was not in favor of changing those streets. I think that I have relooked at it and said that I may have made a mistake and we should take another look at changing those into two way streets and four way stop signs, the speed in Manchester must be controlled. If that means that this Board has to relook at four way stop signs to slow people down than that is what we have to do. Because I find myself going over the speed limit. I think that it is time that we start listening to concerns of the taxpayers and speed is something that they are absolutely hollering about.

Mayor Baines noted this was an item for the Traffic Committee and requested the clerk to so note it and place it before that committee.

Alderman Shea stated I do see Police Officers on Maple Street frequently and hope that they will spread that into other sections of the City as well.

Mayor Baines noted last year at the ward 6 meeting he believed a gentlemen got up and talked about the same thing and said there has to be better enforcement, etc. The police were

there the next morning enforcing and guess who got a ticket. The individual who got up and made the comment.

Alderman Shea stated its reputed that most people who get tickets and I know I had a policeman on the corner of South Taylor and Vinton and the three people who went through the stop sign were people living nearby.

Mayor Baines stated I believe Alderman Gatsas' point was well taken and the Traffic Committee should take that under consideration.

Alderman Levasseur stated I would like to put my view forward that I would like to keep the primary. I know that the Board will be asked to vote on that in the next term. But I wouldn't mind if they were going to make a change to go back to non-partisan. I'd also like to get a media director for Mr. Lolicata. These comments that are coming out in the paper are scaring people with businesses and lots. I hope that we are going to allow the shuttles to go from lot to lot no matter what lot they are. These are the kinds of things that people don't need to be scared about after investing money in their buildings. I would like to ask that the \$1 surcharge not be added to the Monarch tickets. If you would like to go forward with the bigger events I would be amenable, but when it comes to the Monarch games they are family games, the ticket prices are low so the people of the City can go to those so that is what I hope would happen in the next term. I would like to say good luck to everybody who comes forward and sits in these seats, they are a hot seat, there is a lot of responsibility and there is a lot of work and good luck mayor on your next term.

Mayor Baines stated with regards to the traffic situation, I would urge everyone to just relax a little bit. I think the MTA is doing its job in terms of moving people and I would not be in favor of any restrictions on that, perhaps we could do a better job of publicizing the buses and I talked to Don Clay about it to get some signage on the buses. Make sure people are aware that it is free and I know Jay has been working very hard on promotional activities, we are moving in the right direction, and again let's just relax and this thing is going to work its way out.

Alderman Cashin stated I would like to take a minute to thank you, the Board of Aldermen, and especially Leo Bernier and his office for an evening that I will never forget and I really appreciate it. Thank you very much.

Alderman Hirschmann stated it was an emotional night for a bunch of us, leaving public office, but I do want to say to the citizens of Manchester, my six years are very special to me to be able to serve you, it was an honor and I'll never forget it. I took my job seriously and I think you will find my attendance I was here with a good voice for you. I wanted to vacate this seat and not run for this seat before my public service was viewed as privileged. I think three terms in this seat was plenty and again, your interests were my interests and I'm a citizen just like the rest of you and I hope that in the future people will step forward and fill these seats.

Mayor Baines commented public service is a difficult thing and a lot of sacrifices are made in terms of time especially for the people serve, I think the people who take the brunt of public service are families. And I think special accolades go out to your families who have allowed you the opportunity to serve and I know we have had some disagreements from time to time but we are all in agreement that all of us have tried to serve the best interest of the people. I congratulate all of you and wish Godspeed in the months and years ahead.

Mayor Baines advised that he wished to have a motion to move into non-public session.

Deputy Clerk Johnson advised that the motion would be to enter non-public session under the provisions of RSA 91-A:3II d) relative to acquisition of property.

Alderman Thibault so moved to enter non public session under the provisions of RSA 91-A:3 II d) regarding acquisition of property. Alderman Pariseau duly seconded the motion. A roll call vote was taken. Aldermen Wihby, Gatsas, Levasseur, Sysyn, Pinard, O'Neil, Lopez, Shea, Vaillancourt, Pariseau, Cashin, and Thibault voted yea. Alderman Hirschmann voted nay. The motion carried.

Mayor Baines advised that the Aldermen-Elect and staff members have been requested to attend the session.

Members of the Board and the Board-elect met in non-public session with Frank Thomas, Public Works Director; Leon LaFreniere, Building Commissioner; Tom Clark, City Solicitor; Kevin Clougherty, Finance Officer; and Jay Taylor, Economic Development Coordinator. Discussion ensued regarding potential acquisition of certain properties for use by the City. Following brief discussion, on motion of Alderman Pariseau, duly seconded by Alderman Cashin, it was voted to return to public session.

Mayor Baines called the public session back to order advising that no actions had been taken.

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

A True Record. Attest.

City Clerk