

## BOARD OF MAYOR AND ALDERMEN

**October 15, 2002**

**7:30 PM**

Mayor Baines called the meeting to order.

The Clerk called the roll.

Present: Aldermen Wihby, Gatsas, Guinta, Sysyn, Osborne, Pinard, O'Neil,  
Lopez, Shea, DeVries, Garrity, Smith, Thibault and Forest

Mayor Baines noted that the special recognition of the Employee Events Committee would be taken up at a later date.

Presentation of the Valley Cemetery Preservation Master Plan by Martha Lyon,  
Consultant with Paysage.

Mr. Ron Johnson stated we would like to thank you for taking the opportunity to present the recently completed Preservation Master Plan for Valley Cemetery. With me tonight I would like to introduce Martha Lyon. She is with Paysage. They are a landscape architecture and historic preservation consultant firm from North Hampton, MA and she is going to explain a little bit about the Preservation Master Plan but just prior to that John Woods who is with the Friends of Valley Cemetery and is the Chair of that group would like to say a few words about the proposed project and his group. I will turn it over to John.

Mr. John Woods stated the Friends of Valley Cemetery was formed last year and our objective is to raise money to restore the Valley Cemetery and we are very appreciative of the CIP Committee giving us the \$15,000 to partially fund Martha Lyon's study. What we need to continue to do is form a partnership between the Friends of the Valley Cemetery and the City of Manchester. There are a lot of issues that the City must participate with us in restoring the cemetery and I think Martha will hit on some of those items.

Ms. Martha Lyons stated it is a pleasure to be here. I just wanted to give you a little bit of background about this project. I don't know how much any of you Aldermen know about the cemetery but I thought I would talk to you a little bit about that and some of the things that we looked at in the project. Before I start, I just wanted to mention that I am a registered landscape architect and headed up the team on this project but I also worked with several other outstanding consultants who had expertise in other areas like civil engineering, arborculture, gravestone and monument assessments, architecture, structural engineering and so forth so it was a real group effort and I think the City really benefited from having a lot of different areas of expertise looking at this landscape. It was a great project from that standpoint. Again just a little bit of background. As some of you may or may not know, the

cemetery was founded in 1841. It is quite an old cemetery of its size. Cemeteries in this country really didn't come about until the 1830's; cemeteries as we know them today so this cemetery is really quite old and special for that reason. It was designed to house the dead in a safe and sanitary way. A lot of burials were in old burying grounds that weren't very well maintained and often times in places that were affecting water supplies and so forth. This was meant to be a big place where people could be housed safely and comfortably on the outskirts of the City but close enough so people could visit. It was not only a place of burial, but also a pleasure ground, a place of parks and indeed cemeteries were the first public landscapes in this country and this is one of those. Valley Cemetery is what we call a Victorian Cemetery so if any of you have seen photographs from the 1890's or 1880's of the cemetery it was really quite different from what it is today. It had incredible Victorian features in it, beautiful landform, beautiful monuments, unbelievably grand trees and a whole collection of different kinds of plant material. It was really a show place and I think it was a real jewel in the City fabric at the time. Also, as you know it came to house many of the City's very significant founding people – men and women as well as people who were significant in the history of the State of New Hampshire so it is significant for that reason as well. Let me talk a little bit about the project. We did study the history of it as a way to kind of set a context for our own work but we really got into a very detailed work at a lot of the different features of the landscape and that is where we spent most of our time. I just want to report briefly on that. The fabric of this place is largely intact, meaning that it really retains a lot of its early features that were intended for it by the people who established it. Some of those things are the architecture that you know, the chapel that was built in the 1930's, the City tomb, which is tucked down below Auburn Street...there are many beautiful mausoleum gravestones of great artistic significance. The fence that surrounds the cemetery is a quite unusual feature. It is original and mostly intact and so it is something that you don't usually see in cemeteries of this size. It also has many, many historic trees, which are very important and I will just again stress and this is not only for...this is a historic place but for what I have been hearing about earlier tonight, the whole idea of the livability of the cemetery. This is a very, very large and important public open space in the City. Cities are dying for open spaces and so many cities in this country really have golf courses and cemeteries as their open spaces and that is it so this is something that I think really needs to be held on to. It has a lot of assets but it also has a number of problems and that was one of the things that we spent a lot of time looking at in the study and trying to articulate that for both the City and the Friends. How can you make this place come alive again and really be what it was or close to what it was when it was founded? So some of the things that really need some work...the plant community there is in really tough shape. There are a lot of trees that are old and dying. There is not a really great diversity of plants and that is always a problem for long-term health. The circulation systems have really broken down in the cemetery so if you drive through it you will notice that the roads are in kind of crummy condition and a lot of them cut very close to burial areas, which is dangerous and hurting the gravestones. The other thing is that it appears to be out of space, which is a problem for old cemeteries. They run out of land so it is hard to extract revenue from them because you

can't continue to sell grave sites if there is no space for them but in fact in studying the landscape here there is quite a bit of space available and I think this is something that the City can really consider doing if they wanted to extract revenue from it in the long-term, would be to reopen the cemetery for burial, replot some of the spaces perhaps for in ground burials and it would be a new source of revenue. It has been done in many other cemeteries throughout the country very effectively. The other problem, which is quite major and it is major because it is not only a public health problem but it also is one of the major aesthetic features of the cemetery and that is the valley itself. Before the 1950's you probably know that there was a stream that ran through the middle of the cemetery and in the 1950's it was put under ground to contain both storm water and sewage. That system that is running through the cemetery is a very large one. It accommodates a lot of the storm and sewage water that is coming through the City and it is not of adequate size so there is an overflow problem in the valley of the cemetery, which is quite a nuisance for many reasons and it is also quite an eyesore. I know that is something that the Friends of Valley Cemetery and other folks are working on in the City and I would just encourage them to continue to do that for a number of reasons that I don't need to talk about much more. I think the other problem, which has really begun to turn around is its visibility. You know these old landscapes tend to get out of hand, they are overgrown, you don't know that they are there and then people start hanging out in them who shouldn't be there doing inappropriate things. I think that in order to really start making headway with a place like that, just bringing it back and preserving it and making it more of a place that people want to visit, a real destination for visitors to the City, it needs to be visible. Fortunately, the City has this fabulous volunteer organization, the Friends of Valley Cemetery, which has been created to really enhance the visibility and I think they have made remarkable progress in the very short time that they have been around and really deserve a tremendous amount of credit. The other piece of it I think, again relating to visibility, is the whole notion of this Gateway Corridor that is being developed in the warehouse district that abuts the cemetery along Willow Street. That is something that could really enhance the cemetery and on the other hand have the cemetery enhance the warehouse district. I think those two things could really go hand in hand. That said, I will be happy to answer any questions. It was a brief compilation of a lot of work over a number of months and a very long report. I want to thank you, too, for approving the funds that supported the study a year ago.

Mayor Baines stated David Scannell of my office has been in touch with Jerry Reese, an official at AT&T about concerns expressed about the move to channel 96 and we are urging AT&T to assign MCTV a third channel in closer proximity to channel 16 and 22. We are actively working on that in my office.

Alderman Gatsas stated in regards to that also I had some complaints from some constituents who were being charged for a TV Guide without authorization on their billing. If you will notice on the handout that I sent out along with the funds available for the Public Service

reduction costs there is also a letter in there from Mr. Reese talking about that and also talking about channel 96 so that we can get at least the TV Guide portion addressed.

Mayor Baines asked do we want to get a motion from the Board urging AT&T officially to make that switch.

On motion of Alderman O'Neil, duly seconded by Alderman Lopez, it was voted to send a letter to AT&T informing them that the Board of Mayor and Aldermen are urging that MCTV be assigned a third channel closer in proximity to channel 16 and 22.

### **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. Minutes of the Mayor's Utility Coordinating Committee meeting held on September 18, 2002.
- B. Communication from the Parks, Recreation & Cemetery Commission advising of their strong opposition to the proposed consolidation of the Parks, Recreation and Cemetery Department into a Public Works Department.
- C. Minutes of the Manchester Police Commission meeting held on October 2, 2002.
- D. Minutes of the MTA Commission meeting held on August 27, 2002 and the Financial and Ridership Reports for the month of August 2002.
- E. Notice of Rail Revitalization Task Force meeting scheduled for Wednesday, October 30, 2002 at 10:00 AM in Room 203 of the State Legislative Office Building.
- F. Copy of a communication from the State of NH, Department of Transportation, advising of the order resulting from a petition by Redman Homes for a Special Move Permit No. DOT 2002-14.

### **Accept Funds and Remand for the Purpose Intended**

- G. Communication from the Deputy Finance Officer advising of the receipt of \$100.00 from the NH Chapter of the Nam Knights of America M/C for the purchase of supplies for the Canine Unit.

## **REFERRALS TO COMMITTEES**

### **COMMITTEE ON FINANCE**

#### **H. Resolutions:**

“Amending the 2000 Community Improvement Program, authorizing and appropriating funds in the amount of Four Hundred Seventy One Dollars and Fourteen Cents (\$471.14) for the 2000 CIP 420700 Bulletproof Vest Program.”

“Amending the FY2001 Community Improvement Program, authorizing and appropriating funds in the amount of One Million Seven Hundred Seventy Two Thousand Dollars (\$1,772,000) for FY2001 CIP 711001 Public Works Infrastructure Improvements Program.”

“Amending the FY2002 and FY2003 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Two Hundred Fifty Thousand Dollars (\$250,000) for FY2003 CIP 611403 Renaissance 7 Affordable Housing Project.”

“Amending the 2003 Community Improvement Program, authorizing and appropriating funds in the amount of Seventeen Thousand Four Hundred Thirty Five Dollars and (\$17,435) for 2003 CIP 411503 Domestic Preparedness Equipment Funds.”

“Amending the FY2003 Community Improvement Program, authorizing and appropriating funds in the amount of Forty Thousand Dollars (\$40,000) for FY2003 CIP 713403 Wetlands Mitigation Project.”

“Amending the FY2003 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Five Thousand Dollars (\$5,000.00) for FY2003 CIP 811303 – Community Development Initiatives Program.”

## **REPORTS OF COMMITTEES**

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

#### **I. Recommending that Ordinance Amendment:**

“Amending Sections 33.025 and 33.026 (Dispatcher) of the Code of Ordinances of the City of Manchester.”

ought to pass.

### **COMMITTEE ON COMMUNITY IMPROVEMENT**

**J.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$471.14 (Federal) for the 2000 CIP 420700 Bulletproof Vest Partnership Grant, and for such purpose a resolution and budget authorization has been submitted.

**M.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$17,435.00 (Federal) for the FY2003 CIP 411503 Domestic Preparedness Equipment Funds, and for such purpose a resolution and budget authorization has been submitted.

- N.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$40,000.00 (Other) for the FY2003 713403 Wetlands Mitigation Project, and for such purpose a resolution and budget authorization has been submitted.
- O.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$5,000.00 (Cash) for the FY2003 CIP 811303 Community Development Initiatives Program, and for such purpose a resolution and budget authorization has been submitted.
- P.** Recommending that with regard to a petition to discontinue Allen North Back Street, the Board find that Allen North Back Street, having never been opened, built, nor used for public travel, has been released from public servitude pursuant to RSA 231:51.
- Q.** Recommending that with regard to a petition to discontinue Hebert Street, the Board find that Hebert Street, having never been opened, built, nor used for public travel, has been released from public servitude pursuant to RSA 231:51.
- R.** Recommending that with regard to a petition to discontinue a portion of Plainfield Street, the Board find that a portion of Plainfield Street, having never been opened, built, nor used for public travel, has been released from public servitude pursuant to RSA 231:51.
- S.** Recommending that a request for a sewer abatement for property located at 477 Oak Street be granted and approved in the amount of \$296.05. The Committee notes that such amount was recommended to be abated by the Environmental Protection Division of the Highway Department.
- T.** Recommending that a request for a sewer abatement for property located at 56 Pine Street be granted and approved in the amount of \$199.44 plus accrued interest. The Committee notes that such amount was recommended to be abated by the Environmental Protection Division of the Highway Department.

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

- W.** Recommending that it has approved a request from the Deputy Public Works Director to hire a full-time temporary Civil Engineer II, salary grade 21, for a period of three years to serve as a Storm Water Program Coordinator. This position will be paid for through an allocation from the Environmental Protection Division.

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

- Z.** Advising that it has approved a request of Mitchell Sawaya, Strange Brew Tavern, for the closure of Franklin West Back Street from Market to the end of their building for a block party on October 19, 2002 from noon until 7:00 PM in conjunction with Oktoberfest events planned in the Downtown area.

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

- K.** Report of Committee on Community Improvement recommending that the Board authorize acceptance and expenditure of funds in the amount of \$1,772,000 (State) for the FY2001 711001 Public Works Infrastructure Improvements Program, and for such purpose a resolution and budget authorization has been submitted.

Alderman DeVries stated this would be referencing the receipt of funds apparently from the State yet the supporting documentation is showing a denial for reimbursement of funds for the repairs on the Notre Dame Bridge and I am just confused.

Mr. MacKenzie stated these are funds for other bridge projects in the City. At the CIP Committee, the Committee specifically asked the Highway Department to determine whether any of those funds could be used for the Notre Dame Bridge, which had significant damage. I believe this letter is in response to that indicating that those funds allocated could not be used for the Notre Dame Bridge and had to be used for the other projects intended.

Alderman DeVries asked so the \$1,700,000 is not going to be for the repair of the Notre Dame Bridge but is for the other bridge projects.

Mr. MacKenzie answered that is correct.

Alderman DeVries moved to accept, receive and adopt the report. Alderman Shea duly seconded the report.

Alderman Thibault stated I either read something or heard something about the fact that the State would not reimburse us money for that bridge but that in fact we could go to the utilities for possible collection.

Mayor Baines replied we are pursuing that. There is a City position on that that we have a legitimate claim to pursue with Verizon on that issue and we are pursuing that.

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

- L.** Report of Committee on Community Improvement recommending that the Board authorize transfer and expenditure of funds in the amount of \$250,000 from FY2002 CIP 611702 HOME Affordable Housing Initiative to FY2003 CIP 611403 Renaissance 7 Affordable Housing Project, and for such purpose a resolution and budget authorizations have been submitted.

Alderman Gatsas asked can we have an explanation of how many units this is and some sort of understanding because I notice it has gone from \$200,000 to \$450,000

Mr. MacKenzie stated this project involves two pieces of property that NHS would like to purchase and renovate. It includes the old Midtown Motel and the old Straw Mansion on Temple Court. It is their intent to rehab those units and have them as workforce family housing. This item did go to the CIP Committee. They are asking for gap financing to help finance the total project, which is well in excess of \$3 million. They needed this additional funding to make sure they could meet the affordability guidelines. As I remember, there are 17 units in the Midtown Motel project as proposed and 12 units, I believe, in the Straw Mansion for a total of 29 units.

Alderman Gatsas asked the total of \$450,000, is that going to be repaid to the City or is it...we are back into that list that I think Alderman O'Neil and I talked about for two years and we still haven't gotten addressed but maybe in the next year we can address that. Is the \$450,000 a loan? Does it have an interest bearing account?

Mr. MacKenzie answered in this case there is \$250,000.

Alderman Gatsas responded right but it has gone from \$200,000 to an additional \$250,000 from what I am looking at. There was already \$200,000 allocated.

Mr. MacKenzie stated they had received \$200,000 in the CIP process. The Board would only be voting on the additional \$250,000 so it would go to \$450,000. The NHS had originally requested \$450,000. In the CIP process there were not enough available new funds to fund the entire \$450,000 so they have come back and they do need that money that they did originally request. It is not an increase in any project costs. They are just trying to get the funds that they originally requested from the Board.

Alderman Gatsas asked is it an interest bearing account. Is it a zero account? Is it a loan? Is it not to be paid back? Is it forgiven? What is it?

Mr. MacKenzie answered we would normally negotiate that with NHS. HUD allows these funds to be a grant. We do encourage, if it is near market rate housing, to try to get the money back. I believe the current approach is to try and get this as a repaying loan but as a low interest or zero interest.

Alderman Gatsas moved to table the item stating I believe that in the best interest of this Board we should know...you know as you were talking about public disclosure with the Assessors I think we should know the public disclosure of whether this is a grant or a loan.

Alderman O'Neil stated I want to make sure I understand this. Bob, you say that the staff will negotiate whether it is a grant or a loan?

Mr. MacKenzie replied we do look at the bottom line of the proformer to see how much they can actually pay.

Alderman O'Neil responded that is not how it was presented to the Committee I don't believe. I thought that all of these HOME funds were loans.

Mr. MacKenzie replied no. Many of the HOME grants are...

Alderman O'Neil interjected I am talking about the recent ones that we just heard a week or so ago.

Mr. MacKenzie stated of those that we heard recently most of them were loans. Some of those would be grants. When you start looking at projects that cannot repay anything, such as the New Horizons Emergency Shelter, there is simply no income stream to help pay back those funds.

Alderman O'Neil asked shouldn't that be presented to the Committee that way, whether it is a grant or a loan. I guess I was under the impression that everything we acted on last week were loans.

Mr. MacKenzie answered some of the projects have not proceeded enough to determine how much they will need and what the actual operating cost and any revenues will be. We did talk about the Brown School. Normally, MHRA projects are not loans. They are typically grants. In that case they are partnering with a non-profit organization. Where possible, we do try to make them loans, but again until we actually see the final operating proformers we don't make that call. We go by HUD guidelines to whether it should be a grant, low interest loan, no interest loan or full market rate loan.

Mayor Baines asked is there a problem with this being tabled this evening.

Mr. MacKenzie answered I don't believe this project would be affected if the Board tabled it.

Alderman O'Neil duly seconded the motion to table. Mayor Baines called for a vote. There being none opposed, the motion carried.

Alderman Gatsas stated I guess my question, your Honor is on that last one. We have already given them \$200,000. Do we know if that is a loan or was that ever presented to CIP?

Mr. MacKenzie stated again it was discussed when the CIP was presented that it would most likely be a loan but also a low or no interest loan. Again, the total contract has not been negotiated with NHS. They are waiting to see if there are additional monies. We could report back on that \$200,000 as well.

Mayor Baines replied why don't you do so.

- U. Report of Committee on Community Improvement recommending that a request from Chief Driscoll to purchase five new police vehicles with a portion of funds received from the Department of Justice Equipment Block Grant be granted and approved.

Alderman Gatsas asked the grant that is being given by the Department of Justice for the cruisers, how much is it and what is it for.

Mayor Baines called Chief Driscoll forward. While you are up here, I want to publicly commend the Police Department for the extraordinary job they did coordinating the arrival and departure of President Bush in the City of Manchester. It made all of us very proud with the efficiency and professionalism that our Police Department is known for and the many comments that I received at the Airport from Secret Service and also other law enforcement personnel made me very proud so I want to publicly commend you.

Chief Driscoll stated in answer to Alderman Gatsas' question, the grant is in the amount of \$91,631. It is a grant that the City has received for the last four years. It is generally right around that amount of money. It comes from the COPS office. It is the Local Law Enforcement Block Grant. This community has been a recipient of a number of community policing grants for salaries of officers. Those still exist. This money is provided by the Federal government to support equipment needs – firearms, radios, police cars...any type of equipment that supports community policing. It is up to the community how that money is spent.

Alderman Gatsas asked this Department of Justice Block Grant, is it earmarked for radios or anything that you want.

Chief Driscoll answered we make the decision as to how it is spent.

Alderman Gatsas asked is this part of a block grant from Justice Works.

Chief Driscoll answered no. This is from the COPS office.

Alderman Gatsas asked so this has nothing to do with digital radios.

Chief Driscoll answered no, Sir, it does not.

Alderman Gatsas asked you have already been supplied with digital radios from the State Police.

Chief Driscoll answered we are working with the State Police on that whole radio issue now. Our radio system was far superior to what most of the small communities in New Hampshire had. As a result of the Drega incident, the State got a considerable amount of money. We were involved in initial negotiations with the State Police and agreed to go to the end of the line so other municipalities throughout the State could come up to our level. We are receiving a significant radio allocation as we speak and I suspect that it will certainly meet the needs of the community. We are in good shape in that regard.

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

Mayor Baines stated a point of personal privilege for Alderman Forest that I forgot at the beginning of the meeting.

Alderman Forest stated I just wanted to make this comment first because I had asked Steve Tierney to stay. Last week I got an invitation to Meetinghouse assisted living down along the river, which is this handout on Page 9. The seniors there are in wheelchairs. Some of them are handicapped. Again, it is an assisted living community. The reason I was brought down there was for them to complain about a sidewalk near their facility and when I arrived there I came to find out that their complaint had already been taken care of the day that I showed up. Steve Tierney from the Highway Department...most of the time we call Highway and complain about what they do but in this particular case I want to commend Steve and his crew because when I arrived they had already taken care of the sidewalks, they cleaned up the area and these ladies are happy now that they can wheel themselves all the way to Elm Street and beyond. Steve and his crew also took care of a little area there that had a barricade missing. The youngsters were going there to drink and there was dumping being done. I want to publicly thank Steve Tierney and his crew at the Highway Department for taking care of this problem.

**V. Report of Committee on Human Resources/Insurance advising that it has reviewed and approved an ordinance amendment:**

“Amending Sections 33.024, 33.025 & 33.026 (Weed and Seed Program Coordinator) of the Code of Ordinances of the City of Manchester.”

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

Alderman Wihby stated this committee report recommends that it be sent to the Committee on Bills on Second Reading for review and I understand that this is 100% funded by the Department of Justice and Ginny is asking that we approve this because the person has already been selected. Can we suspend the rules and not send this to Bills on Second Reading tonight?

Mayor Baines replied yes. The motion would be to suspend the rules and pass it...what would be the motion?

Clerk Bernier stated you want to suspend the rules and place it on its third and final reading as an Ordinance.

Solicitor Clark stated that is correct. You want to place it on its third and final reading to ordain it.

Mayor Baines asked so should we take a vote on that first.

Solicitor Clark answered you can just suspend the rules and place it on its third and final reading.

“Amending Sections 33.024, 33.025 & 33.026 (Weed and Seed Program Coordinator) of the Code of Ordinances of the City of Manchester.”

On motion of Alderman Wihby, duly seconded by Alderman Pinard, it was voted to suspend the rules and place the Ordinance on its final reading at this time without referral to the Committee on Bills on Second Reading, without referral to the Committee on Accounts and Enrollment and further that the Ordinance be Ordained.

- X. Report of Committee on Human Resources/Insurance recommending that the Mayor's proposed reorganization of the Assessor's Office, as enclosed herein, be approved and that same be referred to the Committee on Bills on Second Reading for ordinance preparation and technical review.
- Y. Report of Committee on Human Resources/Insurance recommending that the Mayor's proposed reorganization for the Elderly Services Department, Office of Youth Service, and the Health Department, as enclosed herein, be approved and that same be referred to the Committee on Bills on Second Reading for ordinance preparation and technical review.

Mayor Baines stated I know Alderman Osborne pulled these off. I recommend that we table this pending the Committee on Administration action.

On motion of Alderman Lopez, duly seconded by Alderman DeVries, it was voted to table the two reports.

Alderman Shea stated I don't think that these should go to the Committee on Administration. I think these should go back to the Committee on Human Resources because that is the Committee that decides whether or not a particular item goes to the Committee on Administration. Why should the Committee on Administration decide on an item related to Human Resources? The proposal that you brought in tonight is entirely different than the proposal that was discussed at the Committee on Human Resources. It was either amended or changed. I sit on Human Resources and I was unaware of the new proposal that you brought forth. My motion would be to send this to Human Resources so that they can discuss this and then send it to the Committee on Administration.

Mayor Baines replied I agree with a couple of things. First of all, it needs to be tabled because it would be a report of the Committee but I agree with you and I apologize for the miscommunication. It should go back to Human Resources as well. Am I correct, Alderman Lopez?

Alderman Lopez stated I agree with that statement that it should go back to HR but I also think that it is an important issue and I would ask the Chairman of Administration to have a combined meeting with the Committee on Human Resources. I would appreciate it if we could get together and do this.

Mayor Baines replied I support that as well but I don't think that the Committee on Human Resources needs to refer things to the Committee on Administration if I am correct.

Clerk Bernier stated no. If I understand the motion, it was to table Items X and Y.

Mayor Baines stated and they also need to go back to both committees and I recommend that the two Chairmen get together and consider a joint meeting so we can move this forward.

Alderman Wihby asked so Items X and Y are tabled at the full Board.

Mayor Baines answered the reports are tabled because the Committee on Administration did not act on the Assessor's proposal and never got to the second one tonight so it is just going to go back to the...

Alderman Wihby asked so Item Y is still at the Committee on Administration and the Committee on Human Resources is going to take it over again.

Mayor Baines replied well they would like to have a joint meeting because there were some changes in the original proposal that I came with in tonight.

Mayor Baines advised there were no nominations.

On motion of Alderman Thibault, duly seconded by Alderman Pinard, 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 2000 Community Improvement Program, authorizing and appropriating funds in the amount of Four Hundred Seventy One Dollars and Fourteen Cents (\$471.14) for the 2000 CIP 420700 Bulletproof Vest Program.”

“Amending the FY2001 Community Improvement Program, authorizing and appropriating funds in the amount of One Million Seven Hundred Seventy Two Thousand Dollars (\$1,772,000) for FY2001 CIP 711001 Public Works Infrastructure Improvements Program.”

“Amending the 2003 Community Improvement Program, authorizing and appropriating funds in the amount of Seventeen Thousand Four Hundred Thirty Five Dollars and (\$17,435) for 2003 CIP 411503 Domestic Preparedness Equipment Funds.”

“Amending the FY2003 Community Improvement Program, authorizing and appropriating funds in the amount of Forty Thousand Dollars (\$40,000) for FY2003 CIP 713403 Wetlands Mitigation Project.”

“Amending the FY2003 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Five Thousand Dollars (\$5,000.00) for FY2003 CIP 811303 – Community Development Initiatives Program.”

ought to pass and be Enrolled.

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

Alderman Gatsas stated on the Finance agenda under the CIP budget authorizations, 411201, COPS MORE 2001, it says under comments \$102,000 in matching funds to come from the general operating budget, years to be determined at a later date.

Mr. MacKenzie stated I would refer that to the Police Department although the Board should be aware that the COPS program was a program that provided funding for the City for several years but part of that was a commitment that the City would continue funding that COPS program when the Federal funding expired.

Alderman Gatsas stated I am not concerned with that, I am concerned with the comment on the bottom that says \$102,000 in matching funds to come from the general operating budget, years to be determined at a later date.

Chief Driscoll stated every year that we have had COPS funding programs, and they go back I think four years now, when we initially receive that grant the percentage is 75% and the City pays the 25%. As these grants move forward the City assumes more and more of the responsibility and then generally picks up the total. Every year when we submit our budget, we determine the amount that the City is responsible for in these grants and that to this date has been funded. I think that number to which you refer, \$102,414, is the amount funded by the City this year in the budget.

Alderman Gatsas asked, Mr. Sherman, is that correct.

Mr. Sherman answered I would have to go back and look at the budget to verify that.

Alderman Gatsas stated my only concern is this says years to be determined at a later date and I would assume that if it was funded in this budget it would say matching funds coming from the operating general budget of this year. It looks like we are putting that off to a later date.

Mr. Sherman stated the only thing I will say is this was a 2001 project that is being amended so the \$102,000 could have been funded out of 2001 or 2002. We would have to go back and match up the grant and pull out the records and see which year the City matched those funds.

Alderman Gatsas stated on the revision it says that it has been reduced from \$204,000 to \$102,000.

Mayor Baines asked is there any problem approving this tonight from the Finance Officer's perspective.

Mr. Sherman answered I don't believe there is a problem.

Mayor Baines stated okay and then you will report back at the next meeting on exactly how it is being handled.

Alderman Shea asked the money that you have received has totaled how much.

Chief Driscoll answered I can't tell you that at this time.

Alderman Shea asked but has the money that we have received from grants in your opinion been justified.

Chief Driscoll answered absolutely. There is absolutely no question that the money that we have received has allowed this City to move forward in the arena of public safety. One of the best things that President Clinton did during his eight years in office in my opinion was the COPS program. It has benefited this City tremendously and continues to this day to do that.

Alderman Shea asked so it goes back to President Clinton. I am just saying it goes back how many years?

Chief Driscoll answered four or five years.

Alderman Shea asked so we have been receiving grant money for four or five years.

Chief Driscoll answered absolutely.

Mayor Baines stated you should also know, Alderman, that a big issue at the Conference of Mayors was for continuation of COPS funding even though it was earmarked to be reduced and eventually phased out, there is a very strong lobby going forward to keep it moving. The good news is that with the budget resolutions being the way they are in Congress right now that they are going to go on continuing resolutions because they can't solve the budget, which means that the funding as I was told in Washington, remains the same and will not be reduced in the next fiscal year. It is a very effective program and Mayors across the country are very excited about it, as we are and we are urging Congress to continue the funding.

Alderman Shea asked because we have been involved with grant money, does that help our cause. Has that been beneficial for us?

Chief Driscoll answered absolutely in a variety of different ways. Alderman Wihby asked earlier about the Weed and Seed Program. On just that grant alone that everybody in the community has worked on, it will benefit us across the Board in 100 different ways. That is a real good thing for the City of Manchester.

Report of the Committee on Administration/Information Systems, if available.

There was no report available.

A report of the Committee on Community Improvement was presented recommending that the Board approve HOME funding in the amount of \$600,000 for the construction of approximately 150 new housing units of which a minimum of 60% would be affordable units, be funded and taken out of FY2002 CIP 611702 and FY2003 CIP 611603 HOME Affordable Housing Initiatives

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

Alderman Gatsas asked, Mr. MacKenzie, can you tell me what affordable housing means.

Mr. MacKenzie stated in this particular case they are looking to bring units to market for roughly \$700/month. That would be the low end. They will have units in the project that are on the market rate side that are in excess of \$1,000/month. The subsidized units would basically start at much less than the current market rate.

Mayor Baines asked are they two-bedroom units.

Mr. MacKenzie answered most of them are one-bedroom units. The 90 units are low-income senior housing.

Alderman Gatsas asked is this a loan or is it a grant.

Mr. MacKenzie answered this would be a zero percent interest loan with repayment of the principle amount to be determined from cash flow as the project starts. We are working with NH Housing Finance Authority using the same funding mechanism. They are actually putting in \$2.5 million into the project and financing the balance of the rest. We have worked out a position with NH Housing Finance where we would roughly get the balance of cash flow that NH Housing Finance does not get. It is a loan. It is a zero percent interest loan that is based upon net cash flow.

Alderman Gatsas asked what were the numbers again. NH Housing is inputting how much?

Mr. MacKenzie answered they are putting in a subordinate position \$2.5 million.

Alderman Gatsas asked subordinate to what.

Mr. MacKenzie answered subordinate to the primary financing, which is roughly \$11 million, which they are also providing.

Alderman Gatsas stated and we are going in the third position.

Mr. MacKenzie replied we would be in second position after NH Housing Finance.

Alderman Gatsas stated well if they are subordinating \$2.5 million to \$11 million, we would be in third.

Mr. MacKenzie replied we would be in second place with them. They would have the first place position with their primary construction financing. We would be in second place along with their subordinated funding.

Mayor Baines called for a vote on the motion to accept, receive and adopt the report. There being none opposed, the motion carried.

Ordinance:

“Amending Sections 33.025 and 33.026 (Dispatcher) of the Code of Ordinances of the City of Manchester.”

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

On motion of Alderman Pinard, duly seconded by Alderman DeVries, it was voted that the Ordinance ought to pass and be enrolled.

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

Mayor Baines called the meeting back to order.

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

“Amending Sections 33.025 and 33.026 (Dispatcher) of the Code of Ordinances of the City of Manchester.”

was properly enrolled.

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

Communication from Alderman Osborne requesting that the intersection of Belmont and Massabesic Streets be named “*Bruno Square*”.

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

Mayor Baines asked Alderman Osborne to provide a brief explanation.

Alderman Osborne stated basically I grew up in Ward 5 and I used to go to the Empire Theatre years ago, which the Brunos' owned at the time. They had the candy store there

next to it and a few dwellings around there so they are well known in the area. I thought it would be adequate to name that intersection after them.

Communication from the Director of Parks, Recreation and Cemetery Department on behalf of the Commission seeking Board approval of renaming the City's Skateboard Park the "Adam D. Curtis Skateboard Park".

Alderman Forest moved to approve the request. Alderman DeVries duly seconded the motion.

Alderman Lopez stated everybody is well aware and I am sure the Board of Aldermen are, this is Adam Curtis, the 12-year-old son of Jackie Curtis who lost his life in July. Adam wasn't a baseball player or sports minded or a great star in that area, but he sure was a kid that every parent would love to have. His courtesy in addressing people by Mr. and Sir and Madame and saying thank you was greatly appreciate by all that had encounters with him. I want you to know that I saw this young lad grow up to be a young teenager when I delivered mail to his family. I want to tell you that as a mailman we always get the dogs after us but this little boy always took care of the dog when I delivered his mail. Just so that the Board of Mayor and Aldermen know, the City raised some funds and there has been conversation on whether we should put a park bench over there and other things. I appeared before the Parks & Recreation Commission and felt that this would be greatly appreciated by the parents and it would do great justice to a young lad in the City that we lost. I appreciate the vote to name the skateboard park the "Adam D. Curtis Memorial Skateboard Park".

Mayor Baines stated I appreciate your comments, Alderman, and having been at the dedication of that park with former Mayor Wieczorek and seeing Adam there and his excitement with the opening of that park and based on the wonderful comments that you made this evening and as a tribute to Adam and his family, I think this is a magnificent gesture on behalf of the Commission and I want to commend them for it and urge the Board to act at this time.

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

Mayor Baines stated I know we will have an appropriate dedication and make sure that we are all invited so that we can pay appropriate tribute at that time.

Communication from the Tax Collector advising that the Tax Collector intends to execute a tax deed(s) under RSA 80:76 relative to TM 196, Lot 13; TM 200, Lot 1; TM 200, Lot 2; TM 200, Lots 21 & 22; TM 643, Lot 28 and TM 840, Lots 2 and 3. The Tax Collector notes that the Board of Mayor and Aldermen may notify the Tax Collector not to execute a tax deed(s) if acceptance of the property would subject the City to either potential liability under state or federal environmental laws or, in the Board's judgment, undesirable obligations or liability risks. Given a history of the properties, there is a risk that fuel, oil or other substances may have contaminated the properties.

Alderman Lopez moved to approve the execution of tax deed(s) under RSA 80:76.

Alderman Lopez duly seconded the motion.

Alderman Smith stated this goes back quite awhile with Alderman Cashin and I am sure the Building Department appreciates my calls every two weeks. As everybody knows, it is a blighted area. It is a junkyard. He has threatened people and so forth and it is like a dagger with two ends. It might be contaminated and it might not be but I think it is in the best interest of the City to acquire the property and we can do what we can like maybe put in family housing or affordable housing.

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

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.

On motion of Alderman Thibault, duly seconded by Alderman DeVries, it was voted to commit the warrant in the amount of \$76,631.64 to the Tax Collector under the Hand and Seal of the Board of Mayor and Aldermen.

Communication from the Water Works Director seeking Board approval of a 10-year lease renewal with the Youngsville Athletic Association for the use of 9.8+/- acres of land on the westerly side of Route 28 Bypass south of Candia Road.

Alderman Pinard moved to approve the lease renewal between the Manchester Water Works and the Youngsville Athletic Association, subject to the review and approval of the City Solicitor. Alderman Shea duly seconded the motion.

Alderman Gatsas asked what is the amount that they are paying.

Mayor Baines asked Mr. Tom Bowen to come forward.

Mr. Bowen answered the amount of the lease is \$1/year.

Alderman Gatsas asked for a youth athletic association, the thriving Water Works will only pay them \$1/year.

Mr. Bowen answered no they are paying us \$1.

Alderman Gatsas stated okay I was worried that you were leasing land from them at \$1/year.

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

Resolutions:

“Amending the 2000 Community Improvement Program, authorizing and appropriating funds in the amount of Four Hundred Seventy One Dollars and Fourteen Cents (\$471.14) for the 2000 CIP 420700 Bulletproof Vest Program.”

“Amending the FY2001 Community Improvement Program, authorizing and appropriating funds in the amount of One Million Seven Hundred Seventy Two Thousand Dollars (\$1,772,000) for FY2001 CIP 711001 Public Works Infrastructure Improvements Program.”

“Amending the 2003 Community Improvement Program, authorizing and appropriating funds in the amount of Seventeen Thousand Four Hundred Thirty Five Dollars and (\$17,435) for 2003 CIP 411503 Domestic Preparedness Equipment Funds.”

“Amending the FY2003 Community Improvement Program, authorizing and appropriating funds in the amount of Forty Thousand Dollars (\$40,000) for FY2003 CIP 713403 Wetlands Mitigation Project.”

“Amending the FY2003 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Five Thousand Dollars (\$5,000.00) for FY2003 CIP 811303 – Community Development Initiatives Program.”

On motion of Alderman O'Neil, duly seconded by Alderman Thibault, it was voted to suspend the rules and dispense with the reading by titles only.

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

Ordinance:

“Amending Sections 33.025 and 33.026 (Dispatcher) of the Code of Ordinances of the City of Manchester.”

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

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

## **TABLED ITEMS**

Communication from Jay Taylor, Economic Development Director, requesting to expend an additional \$5,000 in Manchester AirPark funds to complete appraisals related to the proposed Courthouse Square project for a total authorization of \$15,000 based on the lowest of the two proposals received.

This item remained on the table.

Report of the Committee on Lands and Buildings recommending that a request to approve a proposed formal agreement between the Welfare Department and Manchester Emergency Housing be referred to the full Board without recommendation.

This item remained on the table.

## **NEW BUSINESS**

Alderman Garrity stated I have two items. Back during the budget season we talked about having a report to the full Board in January for the Harrington Healthcare. I was just checking to see the status on that report.

Ms. Lamberton stated I have been working with Jack Sherry, the consultant and his staff since that day and we are having phenomenal difficulties with Harrington responding to us, which we find to be somewhat odd. For at least two months now, we have been trying to get them to compare our current list of providers with their network. Today I actually faxed them a copy of our provider list again to see if they could match it up. When I matched it up, the numbers were largely different so what we were trying to do is see if they could contract with another network to provide the identical providers. We are going to keep trying but things aren't looking very positive. I expect to give you a report before January.

Alderman Garrity stated the second item is, Mayor, as you are the Chairman of the School Board could you tell us if there is anything on a tuition agreement. We keep talking about the \$70 million in profits but we don't have a tuition agreement.

Mayor Baines stated we do have a joint meeting coming up and I will ask Mr. Cook to be present and give an update on that as well.

Alderman DeVries stated I would like to bring up an item that was tabled at a prior meeting but is not showing on our agenda, which would be the consultant fees for the impact fees for school and fire. I have had discussions with the Director of Planning, Bob MacKenzie, and he indicates that there have been funds found for the consultant's fee and I would like to allow him to elaborate on that so we might move this along tonight.

Mr. MacKenzie stated I am going to be careful about the terminology “found”. First of all we did review with the Solicitor’s Office as to whether any of the impact fee money itself could be used for reviewing and updating the impact fee ordinance and that could not happen. We did look at other projects to see if there were any funds and there were not any. Our only conclusion was to see if the School Administration would be willing to match this on a 50/50 basis with 50% coming from the Board out of contingency and 50% out of some School fund. We did review that with Ron Chapman. He indicated that they would allow usage of the money from a School Capital Improvement Program, a Cash program, of \$5,000 if the City was going to match \$5,000 out of contingency. That was after you requested me to meet with Kevin Clougherty and we met a couple of times and did review it. That would be our recommendation.

Alderman DeVries moved to use \$5,000 from contingency contingent upon written verification from the School Department that they are going to pay the other \$5,000 to hire a consultant to review and update the impact fee ordinance. Alderman Pinard duly seconded the motion.

Alderman Forest stated Alderman DeVries mentioned that this was a tabled item, which is not on the agenda, therefore, shouldn’t it be taken off the table on a motion.

Mayor Baines stated it was referred back to the Planning Department to come back to the Board. It was not tabled.

Alderman Smith asked how much do we have in contingency. Didn’t we just take money out of the contingency fund?

Mr. Sherman answered we have \$161,000 right now.

Alderman Garrity asked, Bob, is there a reason why we can’t fund this out of the impact fees that we currently get.

Mr. MacKenzie answered the State statutes are fairly clear. If you look at them, they state that these funds can only be used for new construction to add school capacity.

Alderman Garrity stated it doesn’t make a lot of sense if we can’t use the money from impact fees to increase our impact fees.

Solicitor Clark stated the statute is clear on what you can use the actual impact fees for. We can’t use it to help develop another ordinance or to review the ordinance and hire a consultant.

Alderman Shea stated in all of this discussion, what is the purpose of the consultant. How much are we going to get as a result of the consultant's work?

Mr. MacKenzie replied the fees were adopted in 1995 and have not been updated since. They range from \$700 for smaller apartments up to \$1,600 for a single-family home. The ordinance would have to follow procedures for redeveloping an impact fee ordinance and would look at such things as demographics, school growth and projected use of the money. The outcome, roughly \$10,000, would be a new updated fee schedule, which would come back to the Board. There would be a public hearing to gain public input and then the Board could consider adopting the new fees. It is assumed that the fees would increase and would help pay for the additional school improvements.

Alderman Shea asked so there will be no grandfathering in any of these people who got away with not paying impact fees for the last few years. This is just to bring it up-to-date so that it will be applicable to present situations.

Mr. MacKenzie answered this is only for new construction in all residential properties, except for senior housing over the age of 62.

Alderman Gatsas stated we heard a ½ hour presentation on workforce family housing and now we are looking to hire a consultant to increase impact fees so the cost for workforce family housing will increase. I don't know if that makes much sense that we are trying to find housing but yet we want to find a consultant who is going to increase fees so that the cost for that housing is going to go up. I think that is not working hand in hand with what we saw for a ½ hour presentation.

Mr. MacKenzie replied the Planning Board requested that the staff and the Board of Mayor and Aldermen authorize this study. Clearly there is need for school improvements. Ultimately, yes, Alderman it will increase the cost of housing to some extent. That would be a decision that the Board would have to weigh once they look at the fees to see if it is appropriate to increase some cost in housing to help pay for schools. It is a balancing act.

Mayor Baines asked when was the last time that this was done.

Mr. MacKenzie answered 1995.

Mayor Baines asked is there generally a recommendation or rule of thumb in terms of how often that should be reviewed.

Mr. MacKenzie replied ideally it would be reviewed every year.

Mayor Baines asked so we haven't reviewed it in seven years.

Mr. MacKenzie answered correct.

Mayor Baines asked do you recommend this review at this time.

Mr. MacKenzie answered yes with the understanding that ultimately I would like to see those fees and work with the homebuilders to see what the actual impact on housing costs would be.

Mayor Baines asked but you are recommending that we go forward with this study.

Mr. MacKenzie answered yes.

Alderman Gatsas stated since 1995 with the chart that Mr. MacKenzie had offered up, it looks like from 1995 until 1999 there are less than 800 units that have been built in the City. Is that correct?

Mr. MacKenzie replied yes.

Alderman Gatsas asked so we are looking to take those 800 units on an average of 200 units a year and increase the cost because we have so much building going on that we are going to be able to get more money from the impact fees to give to the School Board.

Mr. MacKenzie replied I am not sure if I quite understand that question.

Alderman Gatsas stated my question is the average, if we are saying it is 200 units and let's use the highest amount and say that it is the \$1,600 fee for all residential housing. Let's say it wasn't for any low income and it was \$1,600 for 200 units. That is \$32,000 on a yearly basis for impact fees. Is that correct?

Mr. MacKenzie replied generally our total fees are quite a bit more than that. It is about \$150,000 a year in total if you average it out.

Alderman Gatsas asked so if we look for a 10% increase of that fee to \$15,000, we are taking \$5,000 now from the School Department and they are taking it from what line item.

Mr. MacKenzie answered a School Capital Improvement Cash program.

Alderman Gatsas stated so they aren't going to improve schools for \$5,000 and we are going to look to do a study.

Mr. MacKenzie replied correct.

Alderman Lopez stated it is unfortunate this has to be brought up again, but it goes back to those words “we will look into it.” Kevin and Mr. MacKenzie said they would look into this \$5,000 a meeting and half ago and here we are talking about taking \$5,000 out of contingency. They were going to go back and find the \$5,000 and report back to this Board and this hasn’t been done. It is unfortunate that the regulation does stipulate that every year you shall do this. I don’t know why we have words like “you shall” do something and we go on year after year and don’t do these things. Something is wrong here. The terminology that is being used lately, and maybe we have to get definitions of some of this terminology to make sure we know what we are talking about. If it says “shall” then we should do it otherwise we should change the ordinance and say “will” or “may.”

Mayor Baines asked do you have a response to that, Mr. MacKenzie. If it says, “we shall do it” then how come we haven’t been doing it?

Mr. MacKenzie answered I think it comes down to a cost issue. It is my opinion that it would not be an appropriate use of money to...and you do have to go through a formal process to review it under State statute and that process involves staff time or a consultant. I think that spending \$10,000 a year to review it would not be appropriate.

Mayor Baines asked but does the statute say “shall.”

Mr. MacKenzie answered the statute does not but the City ordinance indicates that the Planning Board shall review it each year.

Mayor Baines stated so the RSA’s do not require it but the Ordinance requires it.

Mr. MacKenzie replied yes.

Alderman Lopez stated to me the Ordinance...we passed it and we direct that those Ordinances are complied with. I don’t see how any staff member can say it is going to cost too much. It should be reported back to change the Ordinance to do something else. We can sit here and pass Ordinances for everything and then staff is going to say well I don’t have the money and it is not in my budget or whatever the case may be without reporting back to this Board. I think I made my point very clear.

Alderman DeVries stated I would like to refer back to Bob MacKenzie. Can you maybe advise the rest of the Board as to what some of the surrounding towns are getting for their impact fees and how they might compare to the City of Manchester? I remember seeing an article within the last two months indicating that Hooksett has just recently had a substantial or is requesting a substantial increase, which I thought was quite significant compared to what we are charging.

Mr. MacKenzie replied many communities in New Hampshire do not charge impact fees. I think most of the communities surrounding Manchester do now. I know that at least three communities charge more than Manchester. Some communities charge a lot more. The City of Nashua charges roughly \$4,500 per new dwelling unit. It varies considerably depending on what each community adopts. Hooksett is now quite a bit more than Manchester.

Alderman DeVries stated Concord was also I believe.

Mr. MacKenzie responded yes.

Alderman DeVries stated and if I recall the proposal that was in front of the Planning Board maybe Salem was also significantly higher. I guess my point is that I think this Board is having a little bit of difficulty with this because they did not see the full proposal that went in front of the Planning Board when the School Board and Planning Board unanimously came back and asked to have this addressed because they feel that Manchester's impact fees are dramatically out of line with what surrounding communities are getting. I do understand the workforce housing proposal that we saw earlier this evening in that there are needs to be addressed within that but I just don't think that the impact fees in new development paying their fair share towards the cost of new construction that we will have to have is going to dramatically affect that.

Mayor Baines called for a vote on the motion to use \$5,000 from contingency contingent upon written verification from the School Department that they are going to pay the other \$5,000 to hire a consultant to review and update the impact fee ordinance. The motion carried with Aldermen Gatsas and Forest being duly recorded in opposition.

Alderman Lopez asked could Frank Thomas come forward please. There was a meeting on the West Side and a few of the Aldermen couldn't make it because of previous commitments. There was a neighborhood meeting with about 50 residents there and I promised them that I would have Frank Thomas tell the West Side residents about the bridge repair, how long it is going to be and if the second lane is going to be open. They were curious about what was going to happen in the winter months and if they would have difficulty coming across the bridge.

Mr. Thomas stated the Alderman is referring to the Notre Dame Bridge repair project. We do have a contractor on board now. The contractor is SPS New England out of Salisbury, MA. The project has an anticipated construction period of 150 calendar days. That is what is anticipated to do the corrective work. The contract, however, does provide for 270 calendar days. Right now, we do not know if the contractor is going to have a winter shutdown. We anticipate that he will because of bad weather. It is just not practical for him to be out there doing concrete work underneath, etc. If there is a winter shutdown and we

will know shortly, we have been talking with the contractor to get a detailed construction schedule from him. If there is winter shutdown, no work obviously will be done out there during the winter months. That lane that is shut down will continue to be shut down. It will also be closed while the construction activities are going on because you are going to have to have equipment that overhangs the side of the bridge to get in underneath. In addition, the utilities that have to go back in under the bridge will have to use that same equipment that will be in that land that is encumbered. Unfortunately, the lane over the Notre Dame Bridge will continue to be closed. The good news is we have a contractor on board. We have a funded project and the project under the worst conditions will be completed by June of next year.

Alderman Lopez asked just to follow-up, Mayor, I know you mentioned very briefly the negotiations that are going on with Verizon.

Mayor Baines answered it is not negotiations. We are asserting that they have a responsibility under the agreement we had with them to put those cables in. The responsibility is Verizon's.

Alderman Lopez stated I understand that. My comment would be if they can't come to a conclusion here because of the budget situation and we have to come up with the money in order for the construction to be done then maybe they should get their cables off the bridge and put them someplace else. Maybe that should be something...reading the letter from the State that Frank Thomas gave the rest of us, I believe we have that option if they can't solve this problem.

Solicitor Clark replied that is an option that we are seriously considering.

Alderman Lopez responded then let's do it.

Mayor Baines asked well what would be the format because I know we are dealing with the adjuster on this matter but I believe the position of Verizon is that they are not responsible. In order to resolve that, I believe we may have to resort to legal action.

Solicitor Clark stated I would ask that you wait until at least the next meeting and we will come in with something formal if that is the direction the Board would like to go in.

Mayor Baines stated I appreciate you bringing that up. That is an option that the City would have to say you cannot use our bridge. That certainly is an option that is available to us. The City Solicitor is asking for time to come back at the next meeting with some recommendations.

Alderman Lopez stated if I heard him correctly, as long as it is an option of you telling them, I think they can take their cables off of the bridge if they don't come to a negotiation because according to the State Transportation and Bridge people they are responsible.

Solicitor Clark responded if the Board would care to take that vote tonight, we would accept it and we will convey it to Verizon either through our office or the Mayor's Office and we will come back with a report if they want to do something else.

Mayor Baines asked if the Board so desires that the message be transmitted by a vote of the Board, I will be calling the President of Verizon first thing tomorrow morning and advising him of that.

Alderman Lopez moved to inform Verizon that if they do not come to an amicable agreement with the City of Manchester on payment of the bridge repairs, they will have to remove their cables from the bridge. Alderman Osborne duly seconded the motion.

Alderman Smith stated I brought this up back in June. When they do take out a permit, they take it out at their own obligation. They hold the City harmless and because the conduit was not non-flammable, it caused the cables to ignite but you have to realize that the Fire Department utilizes that cable for their fire alarms going across the Notre Dame Bridge. Am I correct?

Mayor Baines stated I think AT&T uses those cables also.

Alderman Smith stated I firmly believe in what Alderman Lopez is saying because if you go back to the minutes of the meeting I said we should proceed right away with the course of action with Verizon.

Alderman DeVries stated that is exactly where I was headed. I do believe that there are fire alarm systems and cables that are co-mingled in the same conduit. Also, our 911 emergency through Verizon would be co-mingled in the same conduit. My only thought is what kind of expenses are we going to have if we need to separate out those lines? Are we talking about demanding something that is going to end up costing us more in the long run? Has anybody priced that out or looked at that?

Mr. Thomas replied no we haven't but that is something that we easily can do.

Mayor Baines stated I know some other people want to speak but maybe the fact that we have this motion that has been made and seconded it might be advisable that we table it and then we can get the additional information. I think the fact that we are considering this might help move this process along. That would be my opinion. Solicitor Clark, do you have an opinion on that?

Solicitor Clark replied I think that is advisable. I think what we need to do is let Verizon know that we are seriously considering this. The fact that it is up before discussion at the Board is going to do that and we can convey that to them. I don't think there is a need to take a final vote on it tonight and I think we can work with Fire and Highway to get cost estimates.

On motion of Alderman Shea, duly seconded by Alderman Pinard, it was voted to table the motion to inform Verizon that if they do not come to an amicable agreement with the City of Manchester on payment of the bridge repairs, they will have to remove their cables from the bridge.

Alderman Forest stated Frank I guess I was one of the Aldermen who missed that meeting but when you start this construction are you going to be closing those two lanes and splitting up the other lanes and what are you going to do about the highway underneath.

Mr. Thomas replied the area underneath going across the Everett Turnpike will have to be protected. We will be working closely with the State DOT. There may be some periods of time, short periods of time when two lanes are encumbered while the contractor is out there working so there could be some additional lane restrictions.

Alderman Forest asked so we would affect some commute or it possibly could.

Mr. Thomas answered that is correct but we will try to give as much advance notice as we can.

Alderman Shea stated your Honor one concern that I have and again maybe other Alderman might have and this is probably directed towards Leon LaFreniere behind the pole there but we have places in the City where people can't live. They are detrimental to neighborhoods and unlivable and unsightly and owners don't do anything with them. On the corner of Shasta and Union there was a terrible fire there. This place has not been habitable for about 10 or 15 years. Can't we get an ordinance so that somehow or other we can say look after 3 years of 5 years or 10 years if you don't do anything we are going to come and take the property over. I know that I have been talking to you in the past. I showed you something from Biddeford, Maine. Can't we do something, Leon, to say to property owners look your place is a dump so you need to fix it up or we are going to take it?

Mayor Baines stated hazard might be the right word.

Alderman Shea responded we can be very nice and say it is uninhabitable and it doesn't look appealing to the neighborhood or it is lowering the property value. Can't we do something Leon?

Mr. LaFreniere replied typically what we have utilized is the statutory reference to hazardous and dilapidated buildings as contained within RSA 155:B. This has been applied...it really considers buildings that are boarded up and secure as being effectively safe from being an imminent hazard. I do have a model ordinance that I have been working on that I would like to bring to the Solicitor to take a look at that is exactly in that vein that would require buildings that are vacant and secured to be brought to an additional level with regard to potentially installing alarm systems or early notification systems in the event of the security being breached or a fire starting in the building. Clearly, we don't have any current ordinance structure that deals with the aesthetic of a vacant building or the security of a building once it is secured from entry but I do think we have the opportunity to establish an Ordinance that might go some distance towards that and I would like to bring that forward.

Mayor Baines asked can we fast track that because I agree with Alderman Shea. I think we have created a nuisance to other neighborhoods where people have access and create fires.

Mr. LaFreniere stated I do have the Ordinance prepared and ready to go I was just hoping to get some input from some other departments that would be involved in it.

Alderman Shea stated you have kind of left me dangling. Can't we get a real strong ordinance that once and for all says look we are not beating around the bush anymore with you guys, we are saying to you in essence get your place fixed up or you are going to lose it? Can't we do that as a community? Why can they do it in other places and we can't do it here? I don't understand.

Mr. LaFreniere replied the statutory structure in other states that I know have this sort of ordinance structure is quite different. Our enabling legislation does not permit us quite that wide a latitude with regard to property takings.

Alderman Shea asked can our Senator here from District 16 do something at the State level to help with this. Is that possible?

Mr. LaFreniere answered what I would like to do is bring forward the ordinance that I have been working on for some time. The nature of this ordinance is that it involves several departments, including the Fire Department, Building Department, City Clerk's Office and the Solicitor's Office and sets in place a notification procedure for how property owners will be notified and to what level they will be required to bring a building that is vacant up to if they want to leave it in that condition.

Alderman Shea stated what concerns me is like you said putting a fire alarm inside a building. What does that do? Some guy can put \$25 inside and say I have a fire alarm.

Mr. LaFreniere replied one of the aspects of an ordinance of this type is that it forces a certain level of improvement be made to a vacant building and quite often if this minimum level of improvement is required it provides some initiative for a property owner to take the building to the next step and actually have it brought to an occupiable level and be a more productive building. It has been successfully used in other communities.

Alderman Pinard stated I happened to have been at the Airport last Saturday when President Bush was here and I think that we should take our hats off to Kevin Dillon and all of the units from the Methuen, MA and surrounding areas for their disaster drill of a plane crash. Believe me, if you have a chance when they do this again go down and see it. If there is a disaster in this area we are well equipped to take care of everything. I witnessed just about everything that could be done in a plane crash. Kevin Dillon, job well done.

Alderman Gatsas stated there is a letter here that I submitted to the City and also to the School Board to inform both Boards that all PSNH customers, including municipalities and schools, have the availability of some funding that we have been putting aside. It should be about \$17 million that goes towards major renovations, equipment retrofits or replacements of air conditioning, refrigeration and education building operators that is available to all people of the City. My suggestion is that you call Jonathan Marsh at PSNH to inquire and learn more about the energy efficiency program because it will help reduce electric bills.

Alderman DeVries stated I did have a question for Alderman Gatsas on that because you are saying that this is not only for customers of PSNH but that it also includes municipalities and schools. Are you suggesting that possibly this might be a solution for Highland Goffes Falls and its ailing HVAC system?

Alderman Gatsas replied it would be something that would be worth looking at.

Alderman DeVries stated I certainly hope that School Board members are watching this tonight.

Mayor Baines stated well they are actually meeting as we are meeting but we will pursue that first thing tomorrow morning.

Alderman Lopez stated that meeting I talked about was in Ward 11 and Alderman Thibault was at a meeting and I just want to make sure that the Alderman from Ward 12 realized that. Also, this is the second time that I want to bring up the vacant land/vacant buildings. What is the status? Are we going to get rid of some of these?

Mayor Baines stated I asked that we look at it and get an inventory and get the information to the Lands & Buildings Committee. One of the things is we would like the Lands & Buildings Committee to get very aggressive in the area of vacant land so we can begin the

disposal process and help with some of the challenges that we are facing as a City. Mr. MacKenzie, we talked briefly about what needs to be done in that regard. Could you just brief the Aldermen?

Mr. MacKenzie stated one of the issues currently, although there has been a Committee of various staff people, there is no individual in the City that actually deals with the municipal real estate or disposal. The problem is that this is very time consuming. I know one parcel that actually took 10 years to dispose of near Parker-Varney School because of legal issues, survey issues and everything else. Ultimately, it may be beneficial for the City to look at funding part of a position to actually deal with municipal real estate and make sure that excess parcels are sold off and put back into productive usage. It is very time consuming and there is no single City staff person that deals with this.

Alderman Gatsas stated every time we look at a parcel it seems as though some department wants to hold on to it so we go around and around in circles. Maybe we just need to bring everything to the table all at once and I would think that either with Jay Taylor or Bill Jabjiniak that we have some able people who should be able to take this and if there are 400 properties we should do them and do them quickly.

Mayor Baines stated why don't we have some staff meetings here internally, Mr. MacKenzie, and come back to the Board with a process and procedure. We will work with the Chairman in terms of getting a process established.

Alderman Lopez stated you might want to check with Deputy Clerk Johnson. She has a list that she has been updating.

Alderman Pinard stated we have a young gentleman here who is working towards his Eagle Scout badge. His name is Andrew Rockwell. He is from Ward 6. Many Eagle Scouts have come out of Ward 6 and it gives me great pleasure to introduce Andrew Rockwell and wish him the best.

Mayor Baines asked what school do you go to.

Mr. Rockwell replied Central.

Mayor Baines stated I want to commend you for sticking with scouting. As Alderman Pinard said, a lot of young people move away from scouting and don't achieve what you are looking too achieve. Once you attain the rank of Eagle you have done something...first of all you provide a great example for your peers but also achieve something that will be a lifelong reflection of great pride in your achievement. I want to commend you for sticking with it and providing an example for other young people to pursue scouting.

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

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

Mayor Baines called the meeting back to order.

Mayor Baines stated I would like to indicate the Aldermen who are present: Aldermen Sysyn, Osborne, Pinard, O'Neil, Lopez, Shea, DeVries, Garrity, Smith, Thibault, and Forest.

Alderman Smith moved to approve the \$100,000 indemnity fund and the Union hold harmless clause related to the Fire Department Drug and Alcohol Testing. Alderman Thibault duly seconded the motion. Mayor Baines called for a vote. The motion carried with Alderman O'Neil duly recorded in opposition.

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

A True Record. Attest.

City Clerk