

**BOARD OF MAYOR AND ALDERMEN**

**December 3, 2002**

**7:30 PM**

Mayor Baines called the meeting to order.

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

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

Absent: Alderman Garrity

**2. Presentation to Employee Events Committee.**

Mayor Baines stated the Employee Events Committee was formed as part of the City's commitment to the concept of Total Quality Management (TQM) the theory that it has as its cornerstone "respect for employee participation" in the decision-making process, building camaraderie among employees is also a component of the TQM philosophy. Tonight, we are recognizing those employees who are members of the Employees Events Committee the group that has planned and executed many outings that many employees have participated in including trips to Red Sox games and ice cream socials. I should point out to those watching that this was not done on City time nor with City money. Would the members of the committee please come forward to accept their certificates: Anne Hatin, Cheryl Bell, Connie Benoit, Glen Gagne (who's not here this evening), Michelle Harrington, Hazel Roche and Ruth Smith. Please come forward and let's congratulate them for a job well-done. Anne, would you like to say a few words.

Ms. Hatin stated I just want to thank you for recognizing us to let everybody know that we are planning on lots more events in the future for the employees. Many of them have enjoyed our discount tickets that we've offered throughout the summer for all the fairs and events in the area as well as some of our trips and we're going to do many more, we're doing a fund raiser right now to earn some money so we can promote some other things...we're selling entertainment books.

Mayor Baines stated congratulations and thank you for a job well-done, we appreciate it.

**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.

**Approve Under supervision of the Department of Highways**

- A. Pole Petitions submitted Verizon & PSNH  
#11-963 East Industrial Drive  
#11-964 River Road & Arizona Street  
#920143 South Main Street

**Informational – to be received and filed**

- B. Minutes of the meetings of the Manchester Airport Authority held February 26, April 23 and June 27, 2002.
- C. Copy of communication from Alderman Garrity to the Planning Director regarding a zoning amendment relating to Residential ADA issues.
- D. Communication from AT&T Broadband advising that the company has been merged with Comcast Corporation.
- E. Communication from AT&T Broadband advising of pricing and programming changes.
- F. Minutes of the Piscataquog River Local Advisory Committee meeting held November 7, 2002.

**Accept Funds and Remand for the Purposes Intended**

- G. Communication from Chief Kane advising of the receipt of \$1,000.00 from Wal-Mart Foundation for the purpose of purchasing a thermo-imaging camera.

**REPORTS OF COMMITTEES**

**COMMITTEE ON ACCOUNTS, ENROLLMENT AND REVENUE  
ADMINISTRATION**

- J. Recommending that the accounts receivable write-offs for the first quarter of FY2003 be approved.
- K. Advising that it has accepted the monthly financial statements for the four months ended October 31, 2002.

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

- I. Communication from Attorney Marts on behalf of MDC and Manchester Place, LLC requesting granting of easements on Bridge and Kidder Streets and submitting same to be authorized for execution as follows:
  - A. Bridge Street Landscaped Area
  - B. Bridge Street Garage Footing
  - C. Kidder Street Retaining Wall
  - D. Kidder Street Utility Service Structure

Alderman Thibault stated I wonder if we could have the people from the Bridge Street, MDC and Manchester Place, LLC so that they could answer any questions the Board may have compared to some of the easements that they're looking for. I don't see where there's any big deal there, but I would like the rest of the Board pose any questions to these gentlemen, if you have them, and I'm quite sure they'd have the answers for us and Frank Thomas is also here to answer any questions (as usual) that we may have, so if you would.

Mr. Dacey stated I'm Brian Dacey from Manchester Place, LLC and we're here this evening because there are these easements that are before you that we have reviewed with City staff and come before you this evening. Why don't I ask Tony Marts to give you a quick description of exactly what this is and we can answer any questions you might have.

Atty. Marts stated as you can see from your presentation package we're looking for four easements. Three of which are actually underground, they're literally just for footings for some of the foundations and the walls for the project. The fourth easement we're looking for is a landscaping easement and David Steele from CLD has a rendition of what that looks like and it's really just for landscaping between the Bridge Street sidewalk and the building itself. So, there's no construction there. All there is is the landscaping itself with a hedge on Bridge Street. All of that will, of course, be subject to the Department of Public Works approval in terms of all the construction we do including that landscaping.

Alderman DeVries stated the consideration given for the sidewalk sweeper for clean-up...the trees...is that something you've worked out with with Public Works or Intown Manchester or whoever.

Atty. Marts replied yes. Mr. Thomas has asked that we wrap the trees in a metal grating to protect them. Other than that to the extent there's any kind of snow damage it will be the developer's responsibility to correct it.

Alderman DeVries asked as far as sweeping leaves and that sort of things on the sidewalks that's all handled within the property manager?

Atty. Marts replied the City will continue to maintain it's normal sidewalk routine, just to make sure it's done consistently but, of course, within the landscaped area that is our responsibility and the City can require us to do certain things there in terms of maintenance and clean up.

Alderman Gatsas stated 230,000 sq. ft. construction support for a maintenance of a footing on the Bridge Street side asked does that encroach on the sidewalk easement that runs along the backside of the property.

Atty. Marts replied no it does not.

Alderman Thibault stated I would just ask Frank Thomas if he has any problems that maybe we don't know of or should be aware of.

Alderman Thibault moved to approve the request authorizing execution of the easements subject to the review and approval of the City Solicitor. Alderman Pinard duly seconded the motion. The motion carried with Alderman Gatsas abstaining and Alderman Osborne being recorded as opposed to Item B.

**H.** Ordinance establishing a City of Manchester Art Fund submitted by Mayor Baines.

Alderman Wihby stated there is a two-page substitution for the ordinance rather than the one included in the agenda. Also, instead of sending it to the Committee on Bills on Second Reading can we suspend the rules and vote it in tonight.

Mayor Baines replied we could do that if you want to move to suspend the rules and bring it to the full Board.

Alderman Wihby moved to suspend the rules and place the ordinance on its final reading by title only at this time without referral to the Committees on Bills on Second Reading and Accounts, Enrollment and Revenue Administration. Alderman Shea duly seconded the motion.

Mayor Baines stated this is a proposal that I am submitting on behalf of the Arts Commission to establish a special fund to make it easier for people who would like to donate money to the City to help us encourage art...not only in the buildings here in City Hall, but on City property. We've been trying to make an effort to enhance City property through the arts and I appreciate the support of the Board to adopt this ordinance.

Deputy Clerk Johnson stated it is my understanding that the intention was to suspend the rules and place the ordinance on its final reading by title only at this time. So, we would look for a motion to read by title only.

“An Ordinance Establishing an Art Fund for the City of Manchester.”

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

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

**5.** Nominations to be presented by Mayor Baines.

There were no nominations presented by Mayor Baines.

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

Mayor Baines called the meeting back to order.

Deputy Clerk Johnson advised there was no report of the Committee on Finance.

- 9.** A report of the Committee on Administration and Committee on Human Resources was presented recommending that the Board of Assessors recommendations for reorganization be adopted as follows:
- Preserve a three-member, full time Board of Assessors
  - Total staffing of 9 FTE's as outlined in Proposal 2 (attached)
  - Board of Assessors to establish policies and procedures to hold formal, posted public abatement meetings with procedures followed in accordance with state statutes, conforming to state right to know laws, and with minutes filed with the City Clerk.
  - Develop additional controls to timely inform full Board of Mayor and Aldermen regarding tax base and abatement issues.

Alderman Forest moved to accept the report. Alderman Sysyn duly seconded the motion.

Alderman O'Neil stated I asked at the joint meeting this evening and I think I'm confused, I thought there was some talk at one time that when some incumbents left of downgrading them. I asked that question and nobody seemed to follow what I was asking.

Mayor Baines stated my original proposal, first of all, was that we would red line both the department head in that position and also the second position would be downgraded originally to a \$41,000 position which is the standard that we discovered in terms of what appraisers are being paid in municipalities, am I correct, Ginny, on that.

Ms. Lamberton replied it's in the middle.

Mayor Baines continued by stating there was some concern by the Board in doing that and we said to that in order to get the votes for the restructuring of the Department, I was willing to compromise in red lining that position so that when there was a retirement then that

position would be downgraded to the role of appraiser, so the cost going forward with what you have on the table tonight is very substantial as we increase going forward. If you put in place an upper tier or management that starts out at a quarter of a million dollars going forward and you look at the way salaries have been escalating in the City since Yarger Decker you're talking about a significant amount of change. So, that's where the difference in the finances is and that again would be my recommendation since the restructuring is not going forward we do not need those kinds of high paid positions in those departments and there would be a considerable cost savings if you would adopt that proposal going forward in years ahead, so that is where the savings were and will not be realized now with that recommendation.

Alderman O'Neil stated we did some quick match tonight and there appears to be a savings...the difference in the two plans that was presented was around \$19,000, but that was without those changes going forward. Was there ever a cost analysis done of what those savings would be going forward as people left positions.

Mayor Baines replied again the theory was that we would take the salary that we were paying Mr. Porter, the salary we were paying for the other position held by Mr. Nichols and take that money and create appraisers who would actually be in the field doing the work, so the costs going forward again...we can recalculate them again, but all you need to do is look at those salaries going forward and what they represent...an average of four or five percent increases per year over a quarter of a million dollars, you're talking a big chunk of money going into the next five or six years and, quite frankly, the City can't afford that.

Alderman O'Neil stated we were given numbers on budgets and again there was only a \$14,000 difference and that's where I guess I'm kind of confused.

Mayor Baines stated again I will clarify that I was only supporting the red lining of Mr. Nichols position because I was told and you were part of some of the discussions that in order to get the complete restructuring forward that we would have to protect that position and at that salary, that was not my recommendation. That position should be downgraded if you're not going to go forward with the restructuring and you're not going to realize any cost savings and you're not going to deliver on the services that need to be delivered. The taxpayers are not being served properly by this proposal going forward, but this is a democratic process, the Aldermen vote that way and they're going to find the money to fund it because I'm not going to budget for it when I present my budget to you. This is the wrong approach, but I've said enough on that and I will veto and you can override it if you so please...this is not the right thing to do. We're in a very tough financial situation and I still don't think that the action of this joint committee the people are grasping the seriousness of the matter, why don't you just come up with a number, let's layoff people. Instead of going through all of this restructuring and trying to do it systematically, give us a number because we put a lot of work into these restructuring efforts...talk to Alderman Lopez, Ginny

Lamberton, all the department heads that have been working on this. Come up with a number and we'll just lay people off if that's what you want to do.

Alderman Gatsas stated I have a document here from the City of Manchester Police Department inviting all of the Aldermen to 17 positions that have increased, is that in your budget also?

Mayor Baines replied that does not increase the budget, in fact we have a proposal that we're taking approximately \$73,000 out of that budget.

Alderman Gatsas asked isn't this the same thing though, your Honor?

Mayor Baines replied no it is not the same thing.

Alderman Gatsas stated you're telling me there is no impact...and my understanding is that Alderman Wihby had asked, I think, at three meetings ago that if there were going to be any positions to be filled that they would come forward to the full Board and you had agreed.

Mayor Baines stated that is not true, it is the Mayor's prerogative to manage the hiring freeze going forward. Again, I wasn't proposing a restructuring of the Police Department. I believe that the structure of the Police Department is the appropriate structure, I'm talking about a different approach to Assessors...we're really dealing with apples and oranges here. We worked...again, Alderman O'Neil worked with me, Alderman Lopez as Chairman of the Committee, Ginny Lamberton to look at additional cost savings within the Police Department, we brought the Chief in, we talked about public safety issues, the critical nature of those positions dealing with the crime in the City. I'm not proposing restructuring of the Police Department.

Alderman Wihby stated just for the record, your Honor, I didn't ask that the Aldermen would be brought into the hiring freeze, maybe I will later on, but I did ask if there was a hiring freeze still on and I was told there was.

Mayor Baines stated that is correct.

Alderman Wihby asked are you just considering these not being hired?

Mayor Baines replied what we're doing is, as I said to you from the get go is we're scrutinizing every single position that comes forward. We've set up a process to do that, we're not going to jeopardize public safety in the community and we look at positions, for example, we approved some in the Fire Department where it was going to cost more money not to fill them and we go through a very deliberative process in City government and we will continue to use that process.

Alderman Lopez stated for clarification for the rest of the members is that we did research the minutes and everything else when the decisions were made in the structure of the Police Department because it is the structure, I call a type of military format because they need the supervisors and stuff like that. But, at no time did the Board of Mayor and Aldermen put or take a vote to tell the Mayor that he could not fill any position and so that was the reason that we sat down and looked at it and all of the positions that the Chief has within his budget and in addition to what's in his budget he has given up \$73,000 which we'll talk about later.

Alderman Shea stated I think that at the meeting this evening I initiated the discussion by indicating that there were two specific problems or questions that had to be answered. The first, your Honor, had to do with a 3-member Board that would be selected by you that would make judgments concerning appeals or abatements and as an Alderman and directly working with constituents as other Aldermen do, of course, I have had the experience to see first-hand how abatements, how appeals are handled and when my constituents have dealings with the present two members, there were three obviously before, they have always been (I follow-up on a call)...they have said to me I am satisfied, I was treated courteously, I was treated with fairness and I was treated promptly. I happened to go down for business today and I observed a gentleman who came into to the Assessor's Office, an elderly gentleman and I observed someone coming over to that gentleman and explaining to that gentleman...he explained that he was 67 years old and his wife was 61 and she was handicapped. The person in charge indicated to that person what they had to do, they then turned it over to one of the Assessors who indicated a little bit extra, that person was treated fairly, promptly and right away I believe that person was satisfied. Right away, I thought why do we need three non-members to make a judgment concerning that gentlemen and other people...there was another gentleman that had to speak to the Assessors about another consideration...when they are doing this now and so I said I really don't think that we need three other people as a part-time Board to either verify or recommend or make judgments on these people that want because anyone that goes there, your Honor, is in need for the most part. So, that was one question that I think we tried to solve this evening whether we should have as you're recommending three people. I think originally you came up with five, but State statutes say you need three, but these people would be regulated under State statutes and not under City statutes, as it were. The second question that came up was how many people do we need in the Assessors Office and what should their role be and there were discussions about whether a person is an assessor, an appraiser or can they be an appraiser but not an assessor but not being paid at the assessor's salary, etc., etc. Then there was discussion about how many people should be there because we are coming back in the year 2004 with an additional cost in order to reassess property and does it make sense to add people now who would be able to go out into the community and possibly save the City and the taxpayers money by calling to the attention of the owners who do not have permits the fact that they are violating and that they must have permits and, therefore, they would be taxed extra for their property. So, there became a lengthy discussion about how much

money are we going to save if we follow what you're recommending and what the Assessor's are recommending and finally we came to the conclusion that there really wasn't any money in the budget for these people because it had already been taken away by filling a budget gap that had already been brought up by you in order to fill the last tax increase. So, I guess the conclusion finally was that the consensus was that the nine people out of the ten people there was that we should go upon the recommendation of the Assessor's... and the difference I thought was about \$9,000 maybe it's \$19,000, so that's really what it boiled down to.

Mayor Baines stated you're talking literally hundreds of thousands of dollars going forward. Secondly, Aldermen, the original contention that I had is that the abatement process should be a public process such as we do with planning and zoning. You don't want people on planning issues coming into the Planning Director and saying okay I'll solve your planning issue, it's a public process. Government is about public processes, in full view of the public like we are tonight. The abatement process should not be a process that solved by you going in or a constituent or as my parent's did many years ago with their situation going in and there's some confidentiality with people too. But, generally, it should be a public process. If somebody is getting an abatement on their property whether it's commercial going from \$10 million to \$8 million there should be a public discussion about it and there should be people weighing in on it and there should be a vote of people that are citizen representatives as they do in every other community in New Hampshire, as they do in Nashua and the Chief Assessor in Nashua gets paid \$68,000 a year, I believe, when we checked it. The appraisers get paid in the \$40's as I recall. So, that is what we're talking about. If that's your solution we cannot afford that solution in my view, we can't afford it. We can do it for less cost, more efficient and not having that full-time Board of Assessors and moving it to a public process; that was my contention from day one. If people disagree that it should be a public process that's fine, it's a democratic process, but my responsibility as Mayor that's what I recommended and I believe that should be the case as it is with zoning, planning, boards of mayor and aldermen, committee meetings...the assessors, yes that's the way it's done, I don't think that's the right way to do it and I have a great respect for you but I disagree with that approach.

Alderman O'Neil stated I think during all of these discussions that have gone on over the last few months regarding the Assessor Department, I think we're probably 90 or 95 percent in agreement...the Mayor, the Board of Aldermen and the staff...one of the recommendations, your Honor, that came out tonight was for the Board of Assessors to establish policies and procedures to hold formal posted public abatement meetings with procedures followed in accordance with State statutes conforming to the State Right-to-Know Laws and with minutes filed with the City Clerk. So, whether there still remains a disagreement over a part-time Board or the Assessors of the Board that is expected to happen, so I believe that addresses one of your concerns. Again, I had thought there was some discussion about what

happens down the road and when I tried to ask that question tonight I wasn't able to get an answer on it. So, I think we're 90 or 95 percent in agreement on this.

Mayor Baines interjected from my perspective we can't afford a quarter of a million dollars in established salaries for three top people within that department; that's where I start to come from and we're looking at some significant financial challenges going forward. The people are seeing a different situation and if the Committee on Administration or any committee wants to take up a restructuring of the Police Department go to it or a restructuring of the Fire Department...we're not at that stage right now and the Board has weighed in on that on numerous occasions but if they're willing to look at that I'm willing to sit down as well.

Alderman O'Neil stated there seemed to be a general consensus that in order to properly do the work of the office moving forward that nine full-time employees seem to be in agreement when we looked at both recommendations, so the only real difference was the full Board versus the part-time Board and then what we're paying the assessing positions and the question was asked could assessor's be in fact at a lower grade and I believe the answer was yes.

Mayor Baines stated if you take the combined salaries of the other two positions you're talking well over \$140,000/\$150,000 here, you could hire three people there for two to do the grunt work of appraising and there have been many conversations that some of us have had about the appraising process and that's what the going rate is right now. Why we're paying that amount of money when we could be paying less amount of money is beyond me, but if people have the money to do it that's your vote to do it. I say you don't.

Alderman Lopez stated I'd just like (for the record) as part of the discussion the City's Assessor said that at one point that he'd need \$700,000/\$800,000 in 2004 and if he had these positions he couldn't give us a number as to how much money he would need, but I would like to ask that question...you are going to need money regardless of whether you have 7, 8 or 9 positions in 2004...whether that figure is \$300,000, \$400,000 or \$500,000 would you agree with that, Steve Tellier?

Mayor Baines interjected he is agreeing yes...I agree with that.

Mayor Baines called for a vote on the motion to accept the report of the Committees on Administration and Human Resources.

A roll call vote was taken. Aldermen Lopez and Wihby voted nay. Aldermen Shea, DeVries, Smith, Thibault, Forest, Gatsas, Guinta, Sysyn, Osborne, Pinard and O'Neil voted yea. Alderman Garrity was absent.

Mayor Baines vetoed the action stating I realize the votes are there to override, but I am going to make some very clear statements and if it offends somebody, so be it. I believe very clearly that this decision tonight is about protecting people and positions and salaries. As I said to a reporter early this evening, I wish the same people had been around four years ago when we were firing custodians making \$20,000 or \$30,000 a year. We've got to restructure City government and we have to have government function more efficiently. This is not a step in the right direction as we confront some of the most significant financial challenges the City has faced in probably a decade. All of the financial reports that are coming out... Mr. Clougherty already showed me one today by Bond Review...

Mr. Clougherty replied it's Bond Buyer.

Mayor Baines continued by stating states are in the worse financial situation they've been since World War II. I outlined to you last week the financial challenges facing the City are significant. Now, whether your figures are \$19,000...if we could save that, that's \$19,000, that pays for a lot of good things and what we're going to do is we keep these upper echelon positions you're going to be laying off people making \$20,000 or \$30,000 a year, that is going to be the outcome. We have several other proposals coming forward. This Board has rejected my reorganization of Human Resources, the previous Board, this Board is going to come back again. We have reorganization/restructuring of other departments and then you're going to be lobbied heavily as many of you were lobbied very heavily on this issue by the bureaucrats in City government. I don't believe that's the right way to do, this is a wrong decision, at the wrong time for the wrong reasons. That's my veto message, I veto and is there a motion to override?

Alderman Shea moved to override the Mayor veto. Alderman Guinta duly seconded the motion. The motion to override carried with Aldermen Wihby, Lopez and O'Neil duly recorded in opposition. Alderman Garrity was absent.

Mayor Baines stated somebody is going to tell me where you're going to find the money to fund that department.

Alderman Shea stated I think, your Honor, you're looking at the way to save money is very prudent, but I believe that the Assessor's will save more money by having a staff ready to go around and do work that is going to be neglected if they are not up-to-par, your Honor. It would be as if someone were running a department but didn't have the facilities in which to perform their responsibilities and duties. So, your particular thing and I'm not insulting you I'm just making what could be pennywise by pound foolish, your Honor, because I believe that the Assessor's will come up with more savings than \$19,000 and they will justify because we, your Honor, have a critical problem coming in the year 2004 and the more money that we can save the taxpayers now by having a staff that will be upgraded to the point where they can perform commercial, industrial, residential appraisals, your Honor, in

the year 2003 and the year 2004 before the actual assessment comes into play will pay for itself. So, all we have to do is say look to the future and see whether Mayor Baines is right or whether Alderman Shea is right.

Mayor Baines stated always talking about paying people forty something thousand dollars as opposed to paying \$75,000...we have the exact same goal, we're paying too much for what we're getting; that's all my point was.

Alderman Shea stated you get what you pay for, your Honor.

Mayor Baines stated look at the people that are getting paid positions in City government, look at the total salaries of the Mayor's Office and compare it as well. I don't think we always get the money we're paying for and I've heard you talk about Yarger Decker and your concerns as well.

Alderman Shea stated that's correct.

Mayor Baines stated I don't think when other communities in New Hampshire are paying \$40,000 something why we're paying \$70,000 let's let taxpayers answer that, it's wrong.

Alderman DeVries stated actually that is exactly what I would like to address because part of our discussion when we were in joint committee was potentially regrading the third assessor's position as a grade 24 and I'd like to do whatever necessary in the form of a motion or whatever to move that process along, so that it is not brought in at a grade 26, but in fact breaking out that this would be handling purely residential as opposed to all of the duties, I believe we can reclassify that and bring it in at a grade 24.

Mayor Baines asked what would that pay be?

Alderman DeVries replied I believe it's \$54,000, if I remember.

Mayor Baines asked and we're going to downgrade the other position too to where it should be?

Alderman DeVries replied that's a separate issue.

Mayor Baines stated again I will present my budget with the figures I feel the City can afford at the pay those positions and then the Board of Aldermen can raise them up, if they so desire.

Alderman DeVries asked does that need to be directed for reclassification?

Mayor Baines replied it would go to the Human Resources Committee as a referral, I believe.

Alderman Lopez stated we've been through this and if we're going to do it, let's just do it at the Board level because we're going to go through the same process we went through with Youth Services and we're going to go through the same process and go months and months without solving the problem. If the Board wishes to just go to grade 24 I would waive going to the committee and just do it.

Alderman DeVries moved that the third assessor's position be downgraded to a grade 24.

Alderman Lopez duly seconded the motion.

Alderman Wihby asked what's wrong with 20, 22...what's the special number of 24?

Alderman DeVries asked can I address that?

Mayor Baines replied yes.

Alderman DeVries stated when we had the conversation in the joint committee meeting I guess this was looked at previously and it was applied to Yarger Decker and the classification...anyway, grade 24 to 26 was the spread defined within Ginny Lamberton's Yarger Decker.

Alderman Wihby stated I guess what I envisioned and I think that the full-time Board does a great job, I wasn't in favor of a part-time Board, but I guess what I envision is we don't need three department heads called assessors in that department. We could have had assessor appraisers or whatever and pay them less and red line somebody and hire three or four of them and have five people on a board rather than the three people making decisions. I guess where I'm stuck on this is that there's a motion for a grade 24 and I don't even believe it should be a 24, a 24 is better than a 26, so do I vote yes or do I vote no because I don't think it should be a 24.

Mayor Baines called upon Ms. Lamberton.

Ms. Lamberton stated what I did was I evaluated and analyzed appraisers which came out at 20 and 21 (residential/commercial). I have never personally analyzed the assessor level of position, however, it's my understanding that when Yarger Decker was here and they did their study with the full-time Board as it's currently structured they recommended to the City that the Assessors be at three different levels: residential at a 24, commercial at 25 and the Chair at 26.

Alderman Lopez stated you based the number on grade 21, right.

Ms. Lamberton replied the residential was 20 and the commercial was 21 for an appraiser.

Alderman Wihby stated that is why it should go back to Human Resources to find out what she figures it should be.

Mayor Baines agreed that is where it should be.

Alderman Shea stated I have no objection to hiring an assessor/appraiser for whatever class, I'm not saying that they should come in at a salary commensurate with the person that's in charge of the Assessor's Office, all I'm saying is that I think we should have three assessors or assessor/appraiser that is all I'm saying, I'm not raising the amount of money necessarily commensurate with what you're asking or indicating what it's going to be. What I've proposed tonight is we take two separate issues: one, is whether we have three members whom you feel should be; the second is and I made the suggestion, have the person come back with the amount of money that would be needed for a 7, 8, 9 or 11 Board of Assessors...which is what I suggested which was obviously not recognized, but I'm not saying that we should have three assessors having the same money...that is to say at the larger expenditure that you're saying. If we can get an assessor to come into the City at a reasonable cost which will allow the Assessor's Office to function as it should be functioning, I'm for that, so I don't want you to...

Mayor Baines interjected I appreciate the clarification, I feel a little bit better now that the pain has eased at least 50%. The two issues, Aldermen, if I could clarify...I agree it should go to Human Resources with some recommendations and we can look at fine tuning the pay...there is another issue which is the issue of responsibility...the last mess that we just dealt with that none of us want to talk about anymore that caused this whole budget furor is the issue of responsibility. Who's responsible for that department and part of that is...if it's Mr. Tellier or if somebody should be a department head responsible like all other department heads to the Mayor and to this Board as opposed to three people turning around saying it's his fault, his fault, their fault...therefore, it's no one's fault...that's another issue there, so if you want to look at downgrading those positions to an appropriate level I'm all for that, but I also hope we deal with the department head responsibility issue as well so that we don't go through a situation like we did and took us about ten weeks for the Chairman to say it was my responsibility as they fought among themselves to determine who's responsibility it was. There are a lot of issues here aside from money.

Alderman Gatsas stated, your Honor, I believe you sat with this Board and maybe it was the last Board 12 to 18 months ago and we had an individual in front of us that analyzed basically almost every position in the City. At that time, we were 110 to 120% over where we should be. I didn't hear you once say we should put those under control, not once did you say that. I sat here and said we should be controlling it now, we're way too high and we

should be reducing them. Now, I don't know if that was in front of this Board or the last Board and some of you may not have been here, but we had a gentleman sitting in front of us telling us that and it was ignored. I sat there and said we should be adjusting them then and now all of a sudden we're looking to change positions and change costs when we knew that 12 to 18 months ago, that's didn't change.

Mayor Baines stated again, Alderman, you chair a very important committee of this Board and if you'd like to bring in some recommendations to your committee in that regard all of us would like to consider...we have a joint responsibility.

Alderman Gatsas stated let's bring back the gentleman that was here and analyze every position we have here in the City and bring it back to where it should be.

Mayor Baines stated I have no problem doing that, Alderman, I think an interpretation of that might be a little different than Mr. Thomas or others, so I don't think you're totally correct in that, but I'm willing to look at this whole thing. But, again, this was a step in the right direction. We tried to do this on two occasions and we have 15 different ideas so we end up with not doing a heck of a lot and that's part of the problem here. I don't think you probably ran your business this way, you could make a decision.

Alderman Gatsas stated you're right, your Honor. The different is that I didn't look to blame anybody if there was a mistake.

Mayor Baines stated I'm not looking to blame anybody.

Alderman Gatsas stated it certainly sounded that way.

Mayor Baines stated I gave my recommendations, they weren't followed, that's the democratic process...I'm willing to live with that, we'll see if the taxpayers are.

Alderman O'Neil stated I'll go back to a comment I made earlier. We are not that far off and I appreciate Alderman Shea and Alderman DeVries' comments from over there because that discussion did come up at the joint committee meeting tonight and when I said earlier "we're not far off", we're not far off of taking a look at this that would put us in the direction you'd like to you, also puts it in the direction that the Board would like to go. So, we all just need to keep our cool a little bit here and let it go through the process.

Mayor Baines stated inch-by-inch.

Alderman Lopez stated after listening to some of the Aldermen that indicate they would vote for a lower grade with this discussion, I'd like to have this come back to the Human Resources Committee and bring back a recommendation as soon as possible.

Mayor Baines asked could we withdraw the motion to downgrade the third assessor's position to a grade 24.

Alderman DeVries withdrew her motion. Alderman Lopez withdrew his second.

Alderman Lopez moved to refer the Assessor reclassification issue to the Committee on Human Resources. Alderman DeVries duly seconded the motion.

Alderman Gatsas stated I don't have a problem making it a grade 10 if you can find somebody to fill the position, but if we put it at a labor grade 24, 22, 20 and you can't fill the position and we're still one person short what do you propose on doing?

Mayor Baines replied that is why we have the Human Resources Committee and the market value of these positions as well.

Alderman Lopez stated since the Board has voted to have three assessors that's an appointment position by the City Charter because we didn't do anything so, therefore, the qualifications of somebody who is an appraiser...the Human Resources Director will go through the procedures with the Human Resources Committee and we'll make our recommendation what grade back to this Board once she knows the grade then she'll get the applications and submit it to the Board and the Board appoints an assessor.

Mayor Baines called for a vote on the motion to refer the matter to the Committee on Human Resources. There being none opposed, the motion carried.

Mayor Baines stated, Alderman O'Neil, I appreciate your words of wisdom.

On motion of Alderman Thibault, duly seconded by Alderman DeVries, it was voted to recess the regular meeting to allow the Committee on Lands and Buildings to meet.

Mayor Baines called the meeting back to order.

**10.** A report of Committee on Lands and Buildings was presented recommending that with regards to a request of Families in Transition to purchase and develop the Brown School property in cooperation with the Manchester Housing and Redevelopment Authority the Board find as follows:

- 1) That the subject property, conveyed to the City in three parcels in 1911 be found surplus to City needs;
- 2) That the Board find there is a need to develop affordable housing in the City and as such find that it is in the public interest to dispose of such property for such purpose;

- 3) That the Board authorize execution of a purchase and sales agreement to dispose of said property to Families in Transition cooperatively with Manchester Housing and Redevelopment Authority subject to the following:
  - a) That said property purchase price be set at \$400,000. a price deemed reasonable by the Board of Assessors subject to further conditions;
  - b) That the deed contain a restriction that said property be developed and held for affordable housing;
  - c) That a reverter clause be contained within the disposition documents reflecting that in the event the property is not developed for affordable housing within a reasonable period of time, to be determined by the City Solicitor in conjunction with the Planning Director, the property will revert back to the City;
  - d) That said purchase and sales agreement be executed subject to the review and approval of the City Solicitor.

Alderman Thibault moved to accept, receive and adopt a report of the Committee on Lands and Buildings. Alderman Pinard duly seconded the motion. There being none opposed, the motion carried.

Mayor Baines stated I want to thank the Board of Aldermen for adopting that as you know there was discussion in committee that the Brown School has been vacant for too many years and we have such a critical need for transitional housing and affordable housing that this was a step in the right direction and I commend the Board for taking this action and I would also like to thank our partners in this project the Manchester Housing and Redevelopment Authority and Families in Transition for the great job that they do serving those who need assistance in our community and we are all indebted to you for that.

11. Notice for Reconsideration made by Alderman Gatsas relative to acceptance of the Report of the Committee on Finance regarding Resolution:  
“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.”  
(Aldermen Gatsas, Guinta, O’Neil and Garrity having voted nay. Aldermen Sysyn, Osborne, Pinard, Lopez, Shea, DeVries, Smith, Thibault, and Forest having voted yea. Alderman Wihby was absent from the vote.)

Deputy Clerk Johnson noted item 11 was no longer applicable due to previous action taken in Committee on Finance.

12. Communication from Deputy City Solicitor Arnold regarding an opinion on Board of School Committees Sub-Committees.

On motion of Alderman Shea, duly seconded by Alderman Shea, it was voted to receive and file the communication from Deputy City Solicitor Arnold.

13. Communication from the Human Resources Director providing a report on the potential of Harrington Benefits administering of the City's health plan and recommending that the City not pursue this company any further.

Alderman Smith moved to receive and file the communication from the Human Resources Director. Alderman Lopez duly seconded the motion. There being none opposed, the motion carried.

Alderman Gatsas asked what are the alternatives?

Ms. Lamberton replied right now we are discussing or should have completed the discussions this week with Anthem about rebates and receiving out their share of the rebates they get. Jack Sherry has been working with them about that and they are supposed to be telling him and us if they're going to share those rebates or not. If in fact they did that would be a considerable amount of money for us to reduce our costs for the administrative fees. If they are unwilling to share the rebates then we are going to have to put all of the health insurance out to bid again or carve out the prescription insurance and go with an organization that either reduces their charges to us for filling prescriptions or gives us the rebates.

Alderman Gatsas stated so we have totally eliminated the self-insured.

Ms. Lamberton replied no. My instructions from the Board were to follow-up with Harrington and report back to the Board as to whether or not we could do business with them and I don't recommend that we try to do business with them because they don't respond to you. If I had a nickel for every e-mail or phone call I made to them I could probably buy a new car.

Alderman Gatsas asked is there a reason why we wouldn't find another third party administrator?

Ms. Lamberton replied absolutely not that is one of the things we're talking about.

Alderman Gatsas stated we will be able to make those decisions because whether it be Harrington or anybody else there's probably a \$2 million savings...

Ms. Lamberton replied I don't know about that but certainly every hundred thousand dollars is a savings.

Alderman Gatsas stated within another sixty (60) days the Mayor's going to be starting on his budget cycle. Well, we're going to get back into June, Mr. Sherry is going to come back in here and tell us we should be looking at a self-insured plan that we could save "X" amount of dollars and we won't be prepared to talk about it.

Ms. Lamberton stated with all due respect I disagree with you. We can put it out to bid, we have the bid specs sitting there from last year. We now know what certain employees who have signed their agreements, what level of benefits they have, it won't take a long time to get the RFP ready is what I'm saying and then last year one of the things that slowed me down was in order to hire Jack Sherry I had to go out with another RFP and that took me six to eight weeks which is why it got backed up so long, but now I have him and so that six or eight weeks won't be a problem this time.

Alderman Guinta asked would Harrington be included in the RFP process or are you asking them by way of this letter to exclude Harrington?

Ms. Lamberton replied I wouldn't exclude anybody. It's just that one of the requirements would be which they have failed to barely respond to is here are the list of our current providers. If you're going to do business with us you have to tell us that you can contract with these same providers.

Alderman Guinta stated so essentially they have not responded to that question and by way of this letter you're providing (1) an update and (2) a request that you not continue asking that question.

Ms. Lamberton stated correct.

- 14.** Communication from the Greater Manchester Family YMCA requesting approval of encumbrances into the Municipal Right-of-Way.

Alderman Pinard moved to approve the request and authorize the Mayor to execute any and all documents required, subject to the review and approval of the City Solicitor; and further that such entrances be erected under the supervision of the Director of Public Works and the Building Commissioner. Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

- 15.** Ordinance:

“Amending Section 70.82 Immobilization of Motor Vehicles for Non-Payment of Parking Fines of the Code of Ordinances of the City of Manchester by increasing the booting fine.”

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

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

- 16.** Notice for Reconsideration given by Alderman Gatsas relative to adoption of Resolution:  
“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.”  
(Aldermen Guinta, Sysyn, Osborne, Pinard, O’Neil, Lopez, Shea, DeVries, Garrity, Smith, Thibault, and Forest voted yea. Alderman Wihby was absent from the vote.)

Deputy Clerk Johnson stated this item was no longer applicable due to previous action taken in Committee on Finance.

### **TABLED ITEMS**

- 17.** 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.  
(Tabled 10/01/02)

This item remained tabled.

- 18.** Report of the 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.  
(Tabled 10/15/02).

On motion of Alderman Wihby, duly seconded by Alderman Forest, it was voted to remove item 18 from the table for discussion.

Alderman Wihby moved to receive and file the report of the Committee on Human Resources/Insurance. Alderman Thibault duly seconded the motion. There being none opposed, the motion carried.

- 19.** Report of the Committee on Human Resources/Insurance recommending that the Mayor’s proposed reorganization for the Elderly Services Department, Office of Youth Services, 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.  
(Tabled 10/15/02)

On motion of Alderman Shea, duly seconded by Alderman Osborne, it was voted to remove item 19 from the table for discussion.

Alderman Shea asked when did the contractual agreements run out maybe at one of the meetings we might find out about the rental for the people at the Welfare Department and those at Youth Services on Bridge Street. At one time, there was thought of moving them up

to the Rines Center and also I'm not quite sure about the problem we have with the East Side Elderly Center would be tied in with the fact that we're having, I believe, Mr. MacKenzie mentioned an environmental problem over at the West Side where the Senior Center is due to be built and whether that is going to delay it or curtail...I'm not sure but there was an article in the paper, some notification we received...I don't know if there's somebody over there in a tree who is going to be a protestor for the tree that is obviously part of it. Can you comment on that.

Mr. MacKenzie replied there are no known environmental hazards on the site. There has been identified a fairly historic Elm street and once the architect is on board we're going to determine whether the project can be worked around that tree or not. It's generally in the middle of the site, but not necessarily where the building was originally located, so that will be evaluated.

Deputy City Solicitor Arnold stated with respect to the question about the lease, the lease has expired, however, it has been extended on a month-to-month basis with a 60-day notice to vacate.

Alderman Shea asked should we, at some time, make a judgment concerning whether or not there would be a movement.

Mayor Baines stated they're moving, we've already decided that they're moving, it's just a matter of when they're moving at this point. When the building is ready...this is the whole reorganization/restructuring issue that was scheduled to go to Bills on Second Reading and it languishes in that place whatever it's called...it languishes in the "black hole".

Alderman Shea stated again then there are two questions there. One, is that the contractual agreements will expire once there's provisions made for them in the Rines Center...

Mayor Baines stated the Planning Department is coordinating that in terms of the time frame...

Alderman Shea asked is there enough room for them up there?

Mayor Baines replies yes, there's enough room. Actually, we're waiting for the Mass College of Pharmacy is moving out and that seems to be on schedule. They have bought the KeySpan building. A lot of us worked very hard to make sure they stayed in Manchester and we're very proud of that accomplishment. When they move out and then we have a planning process that's going forward to make accommodations for these other departments.

Mr. MacKenzie stated that is correct but it would not include the Elderly Services Department. It would include the Office of Youth Services, Welfare, Health and City Clerk Archives.

Alderman Shea stated so the one on the east side will remain open indefinitely until a permanent home is built for the seniors on the west side or whatever, is that correct?

Mr. MacKenzie replied I believe that's the case unless the Elderly Services Commission takes a vote to change that.

Alderman Wihby moved to accept, receive and adopt the report of the Committee on Bills on Second Reading. Alderman DeVries duly seconded the motion. There being none opposed, the motion carried.

20. Discussion relative to informing Verizon that if an amicable agreement with the City of Manchester regarding paying of bridge repairs is not made Verizon will be notified that they will have to remove their cables from the bridge.  
(Tabled 10/15/02)

This item remained tabled.

## **NEW BUSINESS**

Mayor Baines stated I have an important announcement to make this evening. I had a visit by Mr. Jay Taylor to my office today. Many of you know that Jay Taylor has been with the City over 30 years. His service to this community is extraordinary...I want to comment on this a little bit because since I have been Mayor on a regular basis I go out and visit businesses and Jay or Jane do accompany me and I've been to over 70 businesses in the community and when I started making these visits I was struck, in particular with the profound respect and admiration to which Jay Taylor is held in the community. A lot of these businesses located in Manchester and Jay's had different positions in government through the year and quasi-government agencies, but there's a tremendous respect out there for him in the community about the work he did allowing businesses to come to Manchester, working through all of the bureaucratic details and growing jobs in our community. The second part about Jay is having participated in many of these development projects whether it's Bridge and Elm, Downtown projects to get buildings rehabed and working with most of us or most recent proposals he has such a breadth of knowledge and history about the way to put deals together and to make them work that I, for one, I'm sure that any Mayor that has worked with Jay would say about the same thing...profound respect and admiration I have for him, so when he announced today that he is going to retire and his last day will be January 3<sup>rd</sup> although some may have been anticipating it, it was a surprise to me and it's going to be a profound loss for the City...we'll have other occasions to say many nice things

about him, but I want to publicly acknowledge Jay on behalf of the community and this is one Mayor that will be forever grateful for your contributions to our community and the personal friendship that we developed since I've been Mayor of the City. Congratulations and good luck to you, Jay.

Alderman Gatsas stated if I could ask the City Finance Officer...have we received that \$50,000 deposit on the agreement that we had with the power plant company?

Mr. Clougherty replied I'll have to get you that, I'm not aware that we have.

Alderman Gatsas asked wasn't that suppose to be deposited with us upon execution of the agreement which happened on that day of November 19<sup>th</sup>. Who's got it and who has it deposited. Could you have verification sent to all Aldermen, please.

Alderman Wihby stated you know when you travel the roads of the City on Saturdays and Sundays...I know a number of businesses complain that people go out there and put signs all over the roads for foreclosings or bankruptcies or final days or whatever and every day they're out there, is there anything that can be done because it's so unfair publicity that they're placed next to businesses that sell furniture, for instance, and they're advertising a final sale on furniture.

Mayor Baines replied that would be the Building Department and I'll discuss that with Leon LaFreniere.

Alderman Thibault stated maybe it should go the same ordinance as the political signs.

Alderman Wihby asked can we look at both of those and come back with something.

Alderman Lopez stated I'm wondering if...this question has been brought up twice by Alderman Gatsas...on the agreement for the Civic Center in reference to the Parking Reserve Fund and the Naming Rights can we get written documentation as to whether or not the amendment that was approved by the Board of Mayor and Aldermen has been complied with with the financial aspects and legal aspects of the agreement that we approved.

Mr. Clougherty stated I believe that will be part of the audit that will be done by an independent auditor, it is in the process of being conducted now.

Alderman Lopez stated you have not received \$325,000 in Parking Reserve Funds from SMG in accordance with the agreement.

Mr. Clougherty reiterated received from them. We make a payment to them based on the agreement for the Parking Reserve Fund.

Alderman Lopez stated I am talking about the fund has been established and on the opening date of the Civic Center we had \$325,000...the agreement that Alderman Gatsas has been asking for.

Mr. Clougherty stated my recollection is that there was a Parking Reserve Fund provision provided for in the event that the dollars were available.

Alderman Lopez stated the only thing I'm asking for is the written documentation in reference to those two items: the Naming Rights and the Parking Reserve Fund.

Mr. Clougherty replied okay.

Alderman Shea stated by way of discussion asked we will receive some sort of an audit report within the next couple of months.

Mr. Clougherty replied yes.

A report of the Committee on Traffic/Public Safety was presented recommending that in regard to a request from the Manchester School District to cease the flow of traffic on Lowell Street in front of McDonough School, a regulation to close the street during school hours be adopted. The Committee notes that the staff of McDonough School shall be responsible for placing and removing barriers to be provided by the Highway Department at the appropriate times to meet the intent of the regulation.

Deputy Clerk Johnson outlined an amendment to the report.

Mayor Baines asked where did the amendment come from.

Deputy Clerk Johnson replied it was actually something that Alderman DeVries brought to my attention.

Alderman DeVries stated there is one residence directly across from McDonough School that could have been impacted by the loose wording of the proposal, so we just tried to clarify to make sure they would not be impeded in getting from their driveway to Highland Avenue so that the barricades will be placed west of their driveway.

On motion of Alderman DeVries, duly seconded by Alderman Sysyn, it was voted to amend the report to add that the residential entrance on Lowell Street shall not be prohibited from travel access on Lowell Street to Highland Avenue during such times as the street is closed.

On motion of Alderman Osborne, duly seconded by Alderman Thibault, it was voted to accept the report as amended.

Communication from Robert MacKenzie, Director of Planning, relative to the I-93 Mitigation Program.

Mr. MacKenzie stated I did want to bring to the Board's attention since they had previously taken an action on this item, this is related to the I-93 Mitigation Program and the deadline for all final comments written is December 16<sup>th</sup>. I was suggesting to the Mayor and to the Board that the Board could clarify that original one by...as you can see there are three items here, the first would be to specifically identify the properties in the area of Crystal Lake, the second item would be to ask the State if they would expedite acquisition of one of the parcels which there is a Purchase and Sales Agreement on but that expires early next year and thirdly although there may not be any additional funds, if there were additional funds for mitigation identifying three other possible sites that the Board may wish to submit to the State for their consideration.

Alderman DeVries stated there was one portion of this which I think could be difficult and that would be item 3 (2)...adjacent to Lake Massabesic...there are several parcels involved in that and most of them are highly contested and controversial. The Department of Transportation doesn't like to get into the eminent domain process in the takings of these properties, they would prefer to work with willing buyers and I don't think, after listening to the public hearing and listening to the Hooksett Selectmen entering in saying that are not in favor of having the Hooksett parcels as identified for Water Works parcels and the private homeowners have also come out very much opposed to that particular item, so they would not be willing buyers and I know the Town of Hooksett is going to weigh in against it if we include the additional lands. I would say either to strike that entire sentence or to specifically clarify what we're talking about on that and I would go for striking it.

Mayor Baines asked, Mr. MacKenzie, what is your response to that?

Mr. MacKenzie replied I think my response, at this point, we have had discussions with the Water Works, it's probably reasonable in this case to strike that item (2) would be the simplest approach.

Alderman Gatsas stated I think Mr. MacKenzie ought to check on the dates because I think it may be December 6<sup>th</sup>.

On motion of Alderman Thibault, duly seconded by Alderman Forest, it was voted to support additional comments to the State relative to the I-93 Mitigation Program, except for item 3(2) which is to be deleted.

Communication from Mayor Baines requesting to change the last meeting in January from the 21<sup>st</sup> to January 20<sup>th</sup>.

Alderman Wihby stated I was watching the last show when Alderman O'Neil asked you if this was going to be a problem and something that was going to continue and your response was that there are a lot of Aldermen that want to attend (I think it was a Chamber event), so are a lot of Aldermen going to this because we do have a Chairman of the Board to handle the meetings, why do we have to cancel the meetings.

Mayor Baines replied I would appreciate the personal consideration, Alderman.

Alderman Shea moved to support the Mayor's request for changing the last meeting in January. Alderman Thibault duly seconded the motion. The motion carried with Aldermen Wihby and Gatsas duly recorded in opposition.

- 22.** Communication from the Airport Director requesting to meet with the Board in non-public session to discuss pending litigation.

Alderman Thibault moved to enter non-public session under the provisions of RSA 91-A:3II(e) to discuss pending litigation. Alderman Smith duly seconded the motion. A roll call vote was taken. Alderman Wihby, Gatsas, Guinta, Sysyn, Osborne, Pinard, O'Neil, Lopez, Shea, DeVries, Smith, Thibault and Forest voted yea. Alderman Garrity was absent. The motion carried.

Mayor Baines recessed the meeting for five minutes.

On motion of Alderman Osborne, duly seconded by Alderman Pinard, it was voted to return to public session.

Alderman Pinard moved to support the Airport Director's request to file litigation regarding issues between the Airport and the Town of Londonderry. Alderman Osborne duly seconded the motion. There being none opposed, the motion carried.

Alderman DeVries moved to seal the minutes of the meeting pertaining to Airport litigation. Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

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

On motion of Alderman Smith, duly seconded by Alderman Thibault, it was voted to recess the meeting to hold a negotiation strategy session.

Mayor Baines called the meeting back to order.

Mayor Baines declared that the meeting was adjourned for lack of a quorum.

A True Record. Attest.

City Clerk

**TO BE SEALED**

December 3, 2002

Minutes of Non-Public Session pursuant to RSA 91-A3II(e)

Kevin Dillon, Airport Director, addressed members of the Board advising of issues that had arisen in recent times between the Airport and the Town of Londonderry. Mr. Dillon referred to the Inter-municipal agreement and state law as it related to airport property. He commented on the airport experiencing project delays by various entities acting on behalf of Londonderry. Londonderry was attempting to renegotiate the Inter-municipal agreement by having the airport contribute more dollars to that community than the previously agreed upon and it was somewhat apparent from conversations that the permitting process was being tied to the agreement. Mr. Dillon noted his belief that the airport, under the provisions of 674:54 was exempt. A declaratory judgement and injunctive relief was mentioned within the discussion, along with the introduction of special legislation, which could be discussed with the Special Committee on Airport Activities.

Following this discussion it was concurred the members were ready to move to exit non-public session; the Clerk and the Solicitor were to suggest a motion to support the airport director's request to file litigation. No other discussion than that of litigation issues was discussed.