

**BOARD OF MAYOR AND ALDERMEN**

**February 18, 2003**

**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 stated I have a couple of brief announcements before we begin. I would like to introduce Brian Martineau who is sitting over there. He is from Troop 135 and he is working on his Eagle project. Troop 135 is an Eagle Scout machine over there and this is another young man on that difficult and challenging road to become an Eagle Scout so good luck. I have been to so many Eagle Scout ceremonies at Troop 135 that they have made me an honorary member of the Troop. I would also like to introduce Shawn Frederick over here on my left. He is going to be an intern in my office. Shawn is a student at the University of NH at Manchester majoring in political science so this is a good place to get some coursework in political science certainly.

Presentation by Mayor Baines regarding New Horizons for New Hampshire, Inc.

Mayor Baines stated as you know we have had a lot of publicity lately about the plight of New Horizons. First of all I want to thank the community for coming forward but we still need additional help. I have done a number of appearances on behalf of New Horizons. Channel 9 has been very gracious with time. I have also recorded some public service announcements that you are going to be hearing on the WGIR radio stations and WZID and their radio stations, COOL 96.5, WFEA, WGIR AM and FM. I will be doing a live promo tomorrow on WZID and on the following day on COOL 96.5. We are all out there doing our part but this needs to be a community wide effort. Everyone in the community must recognize our responsibility to those in need in our community. As you know, we are in very tough economic times. What happens is giving goes down. A lot of people who have been benefactors do not have the ability to step forward to the same degree that they have had in the past. I did try to schedule this meeting tonight at New Horizons but we were unable to do it. Instead we brought Mike Tessier here and I would like to turn the forum over to Mike to give us an analysis of the situation and what we need to do as a community to help New Horizons.

Mr. Mike Tessier stated I am very pleased to be here this evening. What I would like to do is incorporate a brief Powerpoint presentation that we use for our Thanksgiving breakfast to explain exactly what we are and the many things that we do and perhaps give you a better understanding of the dilemma we are in and hopefully we can get through this. We consider

ourselves a very important part of the City because we serve the people from Manchester who are the most needy. New Horizons for NH is a soup kitchen, a food pantry and two homeless shelters. Our goal is to help those people from Manchester, the most needy, to help themselves. We serve meals to those who cannot afford them. We help those who do not have a home and many of our residents of Manchester who have a difficult time choosing groceries, electricity, or medical. We help those people as well by furnishing...well most recently 1,400 bags of groceries a month and that doesn't include the bread line where folks can come in and get baked goods and groceries three times a week. It gives you an idea of the size of our organization. It is growing by leaps and bounds. Most of the produce, practically all of the produce that you see here was donated by supermarkets. Prior to them being removed from the shelves they give them to us. The savings here...you can see we put a figure of \$5 per meal and over that period of time it comes to be significant. You see the baked goods in the foreground and in the background you can see the produce and vegetables and such. Certainly our shelter is not a glamorous place but it is warm, it is clean, it is safe and it is growing. If the City had to house these people, 160 people a night, the going rate would be \$50/night and that would be quite expensive for the City of Manchester. Angie's Shelter is our most recently opened. It is a place for 25 homeless women. It is a remarkable place. It is clean. It is safe and we work a little bit harder to get these ladies out and on their own. We have actually had some success stories. Most recently we had a lady who is now in her second year of nursing school who was a resident of ours for a period of time. The prison makes the quilts on the bed. The Policemen's Wives Association has done the stenciling on the walls. It has been a cooperative effort from the community to get that place open. Our soup kitchen is not just for those people who spend the night with us. Anybody who comes to our door we will feed. We have breakfast for those people who stay over and we have a meal in the evening hours for anyone that comes to our door. We have two seatings, one for our older folks and then one for the larger group. Again, a good chunk of our food is donated by the grocery stores in the City and our cooks are remarkable in what they can put together in a short period of time. Everybody who spends some time with us is required to see a case manager so that we can do what we can to help them get back on their feet. That is not a requirement of a homeless shelter but it is something very important that we think we need to do so that we can help people become members of society. Each month an individual who spent almost a year with us comes in and hands me \$200 as a thank you for the time that he spent at New Horizons. Our client base goes from the age of 18 to a gentleman who is in his mid-80's. This picture is part of Angie's Shelter, which is on Green Street. We get a lot of support from the different organizations throughout the City. We are experts in nothing but we depend upon those around us for their expertise. We do a lot of work with the Veterans. They seem to wind up with us for a period of time and we work very hard to get them back out into the community. Volunteers are what we couldn't function without. We presently have 26 employees that run two shelters, a soup kitchen and a food pantry. The 1,700 volunteer hours that people do for us is what makes it possible for us to function. They serve the food, they bag the groceries, they help with the cleaning, and they go to the stores to pick up the produce for us. We couldn't survive without them. If we

had to pay them, there is a pretty steep figure that we would have to come up with. The residents help out where they can. If they are not employed we have tasks for them to do. Just to give you an understanding of how we got into the position that we are in, we are about \$125,000 behind fundraising from last year, which is about \$100,000 behind what we had budgeted for with our expenses. That along with opening our new shelter has put us in a difficult position. We have done as much as we can with trying to control costs. We let a part-time bookkeeper go. We let a full-time shelter manager go. We have frozen four other people but when you pay your staff between \$8 and \$10 an hour you are not going to achieve a lot of savings there. We are there to support the people of Manchester and if it weren't for us these issues would fall upon City Welfare. Paul Martineau and I have had some significant conversations about that and he has been one of our greatest supporters. My goal is two-fold. One is I want to work with City government and I want to thank the Mayor for all of the help he has been giving us. I hope you folks, as Aldermen will help us as well. I also want to work with the City of Manchester, the residents, to help us get back on track. The biggest problem we have is 80% of our budget is raised by donations and grants each year. That is very difficult, particularly in a year like this where everybody's portfolios are down and the people aren't able to donate. I would like to extend...I invited the last Board of Aldermen to come and visit us. I would like to invite this Board to come anytime. I would love to show you around and show you what we do. I think you will be surprised at the place and I welcome you.

Mayor Baines stated Mike could you give an address for people who want to send a check to help out New Horizons.

Mr. Tessier replied our address is 199 Manchester Street, 03105. Our phone number is 668-1877. You can rest assured that if you call whoever picks up the phone is more than willing to help you out.

Alderman Lopez asked could you clear up one particular item that is going around the community that you do not accept cooked food and stuff like that.

Mr. Tessier answered yes. We discussed that a little bit earlier. We will take food in any way it comes in. Quite regularly we do get catering services that will bring us meals and we pass those right along. I think there was a misunderstanding. We have had some turnover in our cooking staff so there may have been a problem there but we welcome it because it takes the burden off of our budget when we can get that.

Mayor Baines stated again we are asking for people in the community to step forward. I have had some very interesting discussions with people from various sectors of the community since we have taken this on as a responsibility. We urge any one in the public...I have been telling people in the different public relations that I have engaged in that whether it be \$1, \$5, \$10, \$100...whatever you can give it would go a long way towards helping the

community. My wife and I will be sending a check to New Horizons and we ask other people that have the ability to reach a little deeper. We are in some very difficult times and we want to make sure that the most vulnerable in our community aren't left behind. I really believe that our support of this is a moral responsibility as citizens of this community. I have been working with New Horizons for over 20 years. In my other capacity at West High School I got the students involved. I think they are the number one benefactor around Thanksgiving time to New Horizons still today. It is very important...those of you who have not been to the shelter I urge you to do so. I used to bring students there every year to tour the entire shelter so that everyone gets an understanding of what New Horizons does and the needs of our community. I would like to thank Mike. We are not going to be closing a shelter. I keep telling Mike that. That can't happen so it won't happen. I know this community is going to respond in a way that is going to make all of us gratified.

## **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 from Verizon New England, Inc. and Public Service of NH:
  - #920753 pole on Granite Street (Verizon)
  - #942489 ½ interest pole on South Willow Street(Verizon)
  - #649348 pole on Byron Avenue (Verizon and PSNH)
  - #920290 pole on Electric Street (Verizon and PSNH)
  - #942512 pole on Hackett Hill Road (Verizon and PSNH)
  - #649757 pole on Holt Avenue (Verizon and PSNH)
  - #11-970 pole on First Street (PSNH)
  - #11-971 pole on Harvard Street (PSNH)

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

- B. Communication from AT&T Broadband providing an update regarding their domain name change from attbi.com to comcast.net.
- C. Copy of a communication from AT&T Broadband submitting the fourth quarter 2002 franchise fee payment in the amount of \$238,494.77.
- E. Communication from Manchester Transit Authority submitting copies of the minutes of their December 3, 2002 and January 13, 2003 meetings and reports for the months of November and December 2002.
- F. Communication from the University of New Hampshire advising that Gene Coburn of the Highway Department has achieved the status of Road Scholar One.

## **REFERRALS TO COMMITTEES**

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

- G. “Authorizing the Mayor to dispose of certain tax deeded property known as Hobart Street, Map 0497/Lot 0008.”

### **COMMITTEE ON FINANCE**

- H. Resolutions:

“Amending the 2003 Community Improvement Program authorizing and appropriating funds in the amount of Eight Hundred Ninety Five Thousand Seven Hundred Twenty Five Dollars (\$895,725) for the 2003 CIP 215903 Lead Hazard Control Program.”

“Amending the 2002 Community Improvement Program, authorizing and appropriating funds in the amount of Fifty Thousand Dollars (\$50,000) for the 2003 CIP 713603 Northwest Traffic Improvements Program.”

## **REPORTS OF COMMITTEES**

### **COMMITTEE ON COMMUNITY IMPROVEMENT**

- I.** Recommending that the Board extend the project completion date of 2003 CIP 711503 TIP Improvement Project (Candia Road Construction) to June 30, 2004, and for such purpose a budget authorization has been submitted.
- J.** Recommending that a sewer abatement for property located at 448 South Porter Street be approved in the amount of \$239.74 as recommended by the Environmental Protection Division of the Highway Department.
- K.** Recommending that a petition to discontinue a portion of Bell Street be referred to a Road Hearing to be held on Monday, March 24, 2003 at 5:30 p.m. in the Aldermanic Chambers of City Hall.
- L.** Recommending that the Board authorize acceptance and expenditures of funds in the amount of \$895,725 (Federal) for the FY2003 CIP 215903, Lead Hazard Control Program, 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 \$50,000 (Other) for the 2003 CIP 713603 Northwest Traffic Improvements Program, and for such purpose a resolution and budget authorization has been submitted.
- N.** Recommending that the Board authorize the Public Works Director to execute a Notice of Intent to conform with the U.S.E.P.A. National Pollution Discharge Elimination System – Phase II Program on behalf of the City.

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

- O.** Advising that it has approved use of the Middle Street Lot to be posted City Hall Parking Only to accommodate City employees attending a St. Patty's Day Employee Coffee Social in the Aldermanic Chambers sponsored by the Members First Credit Union; such hours of posting to be 8:00 a.m. through 11:00 a.m.
- P.** Recommending that the Board endorse the new Chamber of Commerce logo for use by the City and businesses.
- Q.** Recommending that certain regulations governing standing, stopping, and parking and operation of vehicles be adopted and put into effect when duly advertised and posted.

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

**D.** Communication from NH Department of Environmental Services advising of a proposed Title V Operating Permit for Kalwall Corporation.

Alderman Shea stated this has to do with an informational item to be received and filed but I just want to call to the attention of the parties that may be this is the proposed Title V Operating Permit for Kalwall Corporation. I realize in deference to Alderman Pinard that that is in his ward, however, I have expressed concerns in my ward because of carbon monoxide emissions in the air around different parts of my ward. What I want to call attention to, your Honor, is the fact that because of our newly adopted zoning ordinances I would like to know who makes the decision if this permit meets our City's zoning ordinance specifications for manufacturing facilities under our performance standards. I am not sure if anyone from the Building Department is here. Max Sink may be here. That would be one question.

Mr. Max Sink stated to answer your question if I understand it correctly the permit here is issued by the State. We really don't have any input into that process of whether it is appropriate or not or whether it meets the zoning ordinance. There is no correlation that I know of between the two.

Alderman Shea asked there is no coordination between our new standards as far as enforcing permits versus State requirements. Is that what you are indicating? In other words, if for instance the zoning inspector were to go and see some kind of a violation for whatever reason, he wouldn't have to refer that to the DEA is that what you are saying?

Mr. Sink answered yes. The Department of Environmental Services, the Air Resources Board...our zoning ordinance deals basically with nuisance type things or restrictions on nuisances and hazards that are created by industrial processes that are adjacent to residential districts.

Alderman Shea asked is that why...this particular company was cited for that. They went to the DEA and indicated that they were breaking pollution laws and that is why they had to be fined and as part of the stipulation they were granted money to put higher stacks so that the mitigation would be met. This is why they did that but my point is that in fulfilling these responsibilities it is a company that we obviously want to keep in the community but it does have an impact on the people living in that particular area obviously or else they wouldn't have been cited and to issue a permit is one thing. You indicated there is no particular legislation in the City that would regulate that but there has to be some kind of control to make sure that it is being monitored for the discharge of VOC, which is volatile organic compounds, which were emanating into the air. That is what was causing a problem in that particular section. My question is do we monitor certain permits that the State grants so as to insure that the people living around this particular place are protected? I am asking. I don't know.

Mr. Sink replied the answer is no. We do not monitor whether or not those permits are being complied with. That is being done by the State and I think it is done on an annual basis.

Alderman Shea responded I am not talking about the permits. I am talking about once the permits are issued do we, as a community, go to the facility and monitor. Either the Health Department or the Building Department or anyone or does the State just say you have a permit and you can then do a certain thing. Do we insure that as part of this in a year or two years or three years or does the State do it or does anyone do it?

Mr. Sink replied I believe the State does it.

Alderman Shea asked are you sure.

Mr. Sink answered I am not entirely positive but I know that we don't have any authority to enforce any part of the permits that the State issues.

Alderman Shea stated you keep referring to the permit. I am not talking about the permit. I am talking about once the permit is issued. Do you follow me? Do we monitor whether or not certain types of controls are then in place to insure that people within the immediate environment are protected as a result of this permit?

Mr. Sink responded I wouldn't say we monitor it but we certainly would respond to complaints from the community.

Alderman Shea asked so in other words if somebody were to complain to either your department or to the Health Department there would be someone that would go and say well there is some kind of situation that exists here that is endangering the people living in this particular area and they would then refer it to the office in Concord that issues that. Is that correct?

Mayor Baines stated Max I am going to let the City Solicitor talk a little bit...obviously the Health Department would be getting involved in issues like that, which they do on a fairly frequent basis.

Solicitor Clark stated you are talking about a permit for air emissions. Now the DES does monitor that. They do have to make sure that there is an annual review to make sure that once the permit is issued the company is following those standards. The City also has permits that it issues for water and stormwater disposal and such. Anybody that complains to the City, the City would pass that complaint on to the State and the State would enforce their permit.

Alderman Shea asked so it is done by the State.

Solicitor Clark answered yes.

Alderman Shea moved to receive and file the communication from the NH Department of Environmental Services. Alderman Pinard duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Nominations to be presented by Mayor Baines, if available.

There were none.

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

Mayor Baines calls the meeting back to order.

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

“Amending the 2003 Community Improvement Program authorizing and appropriating funds in the amount of Eight Hundred Ninety Five Thousand Seven Hundred Twenty Five Dollars (\$895,725) for the 2003 CIP 215903 Lead Hazard Control Program.”

“Amending the 2002 Community Improvement Program, authorizing and appropriating funds in the amount of Fifty Thousand Dollars (\$50,000) for the 2003 CIP 713603 Northwest Traffic Improvements Program.”

ought to pass and be Enrolled.

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

Ordinances:

“Amending section 33.011 (Retired Employees; Policy on Rehiring) of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.046 by adding paragraph (H) Entrance Pay Rates of the Code of Ordinances of the City of Manchester.”

On motion of Alderman Osborne, duly seconded by Alderman Pinard, it was voted to read the Ordinances by titles only and it was so done.

These Ordinances having had their second readings by titles only, Alderman O'Neil moved on passing same to be Enrolled. Alderman DeVries duly seconded the motion. Mayor Baines called for a vote on the motion. The motion carried with Aldermen Garrity and Smith being duly recorded in opposition to the first ordinance.

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

Mayor Baines called the meeting back to order.

Mayor Baines stated I would like to advise the community that there is a snow emergency in effect tonight as this meeting is being shown on Tuesday, February 18. I believe it goes into effect at 9 PM.

A report of the Committee on Enrollment was presented advising that Ordinances:

“Amending Section 33.011 (Retired Employees; Policy on Rehiring) of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.046 by adding paragraph (H) Entrance Pay Rates of the Code of Ordinances of the City of Manchester.”

were properly enrolled.

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

Alderman Gatsas asked can somebody help me. I guess on the actual receivables I am looking at...I can't really tell on Page 2 Open Invoice Report by Aging Interdepartmental by Customer Type...

Deputy Clerk Johnson interjected, stating the alderman was on a different item.

Mr. Clougherty stated I think I can clarify. You are looking at the Committee agenda for the Committee on Accounts that met previously. That is not the action of the Committee we are talking about right now. Mayor Baines called for a vote on the motion to accept the report. The motion carried with Aldermen Garrity and Smith being duly recorded in opposition to the first ordinance.

Ordinances:

“Amending Section 33.011 (Retired Employees; Policy on Rehiring) of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.046 by adding paragraph (H) Entrance Pay Rates of the Code of Ordinances of the City of Manchester.”

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

These Ordinances having had their third and final reading by titles only, Alderman DeVries moved on passing same to be Ordained. Alderman Lopez duly seconded the motion. Mayor Baines called for a vote on the motion. The motion carried with Aldermen Garrity and Smith being duly recorded in opposition to the first ordinance.

Communication from Frank Thomas, Public Works Director, requesting authorization to accept funds and execute any related documents for the Household Hazardous Waste Collection Project to be held on Saturday, May 10, 2003.

On motion of Alderman Forest, duly seconded by Alderman DeVries, it was voted to accept the funds, remand for the purpose intended, and authorize the Public Works Director to execute any documents necessary to carry out the project.

Resolutions:

“Amending the 2003 Community Improvement Program authorizing and appropriating funds in the amount of Eight Hundred Ninety Five Thousand Seven Hundred Twenty Five Dollars (\$895,725) for the 2003 CIP 215903 Lead Hazard Control Program.”

“Amending the 2002 Community Improvement Program, authorizing and appropriating funds in the amount of Fifty Thousand Dollars (\$50,000) for the 2003 CIP 713603 Northwest Traffic Improvements Program.”

On motion of Alderman Sysyn, duly seconded by Alderman O'Neil, it was voted to read the Resolutions by titles only and it was so done.

On motion of Alderman Thibault, duly seconded by Alderman Osborne, it was voted that the Resolutions pass and be Enrolled.

**TABLED ITEM**

16. Communication from Bill Hoyt, Citizens for NH Land & Community Heritage, submitting a sample resolution In Support of Continued Funding for the Land and Community Heritage Investment Program (LCHIP) and requesting the Board's support of same.

On motion of Alderman DeVries, duly seconded by Alderman Shea, it was voted to remove this item from the table.

Alderman DeVries stated Item 16 deals with the NH Land & Community Heritage Grant, the LCHIP. We heard considerable testimony at our public hearing this evening. I believe the last round of LCHIP grants that was awarded last week the City of Manchester received approximately \$307,000, which is leveraging in the life of LCHIP over \$2 million that has come to the City of Manchester. I would like to ask the rest of the Board if they would consider sending the endorsement to the State of New Hampshire endorsing the full funding or improved funding of the LCHIP Program. I do realize that the Governor in his budget

presentation has considerably downgraded the funding from \$12 million in the prior biennial budget to \$4 million in this biennial budget. Unfortunately, especially when we consider how Manchester has been able to leverage the funds that we have received from LCHIP, I think this is going to greatly affect many of the projects that we would like to accomplish here in the City of Manchester and it would be an oversight for this Board not to endorse full funding for the LCHIP Program. I would like to ask the Board at this point in time to send it on its way.

Alderman DeVries moved to send an endorsement of the LCHIP Program to the State.  
Alderman Shea duly seconded the motion.

Alderman Wihby stated, your Honor, first of all it is \$12 million to \$8 million but I have to ask a question. I guess there are dollars leveraged that everybody wants to bring up. We say it is \$4 to \$1. Is that implying that for instance \$200,000 for the Valley Street Cemetery and then it says leveraged \$856,000 so that is assuming that some money came from someplace else. That is private donations, maybe City money, etc. Are we assuming then that that wouldn't have been done if LCHIP didn't go through? Is that what we are assuming? How can we say that that wouldn't have been done and people wouldn't have come forward to help out if LCHIP money wasn't put in to that?

Mayor Baines called Mr. Wood and Mr. Hoyt forward and stated that a number of organizations that are supported it is contingent upon additional funding. Sort of like a challenge or a match or something like that that happens with these grants.

Mr. John Wood stated I am the Chairman of the Friends of the Valley Cemetery. We had talked to several foundations here in Manchester and they have said to us this. We will not give you grants of money unless you can show that the State is on board with this program. I can provide these letters to you that would show that various private foundations such as the Hunt Foundation are anxious to see the State involved with us so it is very important that we have State backing on this project.

Alderman Wihby asked is it true that we got \$18 million so far in LCHIP money but the City of Manchester only received \$651,000.

Mayor Baines stated I don't think John would know that.

Alderman Wihby stated looking at 2001-2002 where it says there was \$6 million given and \$12 million last year it looks like at least \$18 million but the number you are using is \$651,000. I don't know why somebody could say it is 10%.

Mr. Wood replied this particular round it was 10% because the round was \$6 million and they have roughly \$600,000...

Alderman Wihby interjected do you think it had anything to do with this Board making a stink about it last time.

Mr. Wood replied no I don't think so. I think all of these are very worthy causes and they would have funded them whether the Board said something or not.

Alderman Wihby asked so the ones in the past weren't worthy you don't think when they only funded \$200,000 out of \$6 million.

Mr. Wood answered I can't comment on that.

Alderman Wihby stated I guess where I am coming from is there is only one sentence in here that I and I don't know if this is what we are sending...no one has really said what we are sending.

Mayor Baines replied well we are going to clarify that before I call for a vote.

Alderman Wihby stated if we just took out that sentence that said we are recommending funding at a \$12 million level I don't think anybody has a problem with it. We are endorsing it but we don't have to set an amount. There is \$8 million in there now. If the Senate and House want to increase it, that is fine but I don't know why we would want to say \$12 million because that doesn't assure us...all we are doing is I think we were better off with the budget this year then we assumed we were going to be with the numbers. If they are going to go ahead and add \$4 million to this who says that they don't go ahead and cut \$4 million on the other end where we were able to get some extra money.

Mayor Baines asked what would you recommend as the wording.

Alderman Wihby replied just taking out that sentence that says, "Whereas the Commission further recommends the LCHIP Program be funded at an annual level of at least \$12 million." Just take that out and let everything else go through. I was told at the last meeting that they weren't looking for a total amount anyway by somebody but they just wanted an endorsement. If we just send the endorsement I don't know why there is anything wrong with that.

Mayor Baines asked Alderman DeVries are you comfortable with that.

Alderman DeVries answered no not at all. For us to send an endorsement saying that we approve of a \$4 million biennial budget is going to severely compromise the forthcoming projects from the City of Manchester whose only hope of funding is going to come from the LCHIP Program. The City of Manchester in the past has faired extremely well with our

preservation projects. Where we have not done as well as is in our environmental conservation projects. I believe that we are looking to send a specific message from the City of Manchester that we might ask LCHIP instead if they would look at the criteria they use on conservation and environmental projects and maybe see if there is a way that that can be tweaked to the urban environment so that our conservation projects can be competitive. We have done extremely well in preserving historical sites throughout the City of Manchester; better than any other city or town in New Hampshire and I really don't see how we can complain. We just need to say okay how does this work for environmental projects coming from an urban environment that don't meet their strict criteria for what they can leverage from purchasing large tracts of land.

Mr. Bill Hoyt stated I am with Citizens for New Hampshire Land and Community Heritage and we submitted the Resolution. I just wanted to clarify that line for Alderman Wihby. That line that references the \$12 million was the original Land and Community Heritage Commission recommended \$12 million per year. It wasn't intended as an endorsement by Manchester that you would be recommending \$12 million. It was just that that was the initial recommendation of the Commission back in 1999.

Alderman Wihby replied that is what I was getting at. Somebody at the last meeting pointed that out that you weren't looking for an amount, just the endorsement of the program. Do you have a problem if we took that sentence out and said we endorse the program?

Mr. Hoyt responded no I don't have any problem with that.

Alderman DeVries stated if you don't feel that that is going to compromise the potential that this worthwhile project is going to be funded at greater than the \$4 million recommendation that the Governor has put forth...that is my concern that if we do not send a message saying \$4 million is not enough for this program...

Mayor Baines interjected I think the idea is getting support out there for the program if I am hearing you correctly and that is the most important message that goes forward. Am I correct in saying that?

Mr. Hoyt replied that is correct. Citizens is advocating this year for \$6 million based on the current economic climate. We still believe that in a better economic climate that \$12 million a year would be the right number.

Alderman Guinta stated I don't think we should confuse tabling this motion in support of this idea. I think the Board as a whole last time this came up supports LCHIP as a program. The concern that was voiced by some of the people on this Board was the amount of money in LCHIP versus the amount of money that Manchester is receiving from the program. We certainly may be doing well preservation wise, but it is Land and Community Heritage. We

are not receiving some of the funds that I think and I think other Board members think that we should be receiving. For example, the Palace Theatre is a great example. This community has endorsed the Palace Theatre, has enhanced it financially through some of our City funds but my idea at least is to and I think other Board members is to ensure that Manchester receives its fair share of the funded amount. I think that was the reason for the tabling so we could come up with some sort of way in which we could ensure the City that we receive the appropriate amount of money in the upcoming years.

Mayor Baines stated absolutely and I appreciate you clarifying that because the Board originally voted and then reconsidered talking about the fact that Alderman O'Neil brought it up after we had passed it and went back and said I think we should reconsider that giving the reasons you just stated so I appreciate...

Alderman Guinta interjected the amount is \$8 million for the biennial.

Mayor Baines replied exactly.

Alderman Gatsas stated the clarification I wanted to make to make sure that everybody understands is it is not \$4 million in the budget but it is \$8 million in the biennium. The Resolution here says \$24 million.

Alderman O'Neil stated with all due respect to Mr. Wood, I believe our lack of action at the last meeting got the attention of some folks in Concord and that is why there were significant grants to the City of Manchester. I truly believe that. I believe this program was set-up as a rural program and not an urban program and I wish there were some way the Legislature would address that. I don't think it is specifically set-up for the needs of cities. The numbers that were presented two weeks ago prove that. I would love to see the breakdown of all of the programs that got funded a week ago. It is my understanding and I don't know if this is correct but the two largest cities in the State don't have a seat on the Commission. That is of concern to me and I wish the Legislature would take a look at that.

Ms. Jane Beaulieu stated I want to comment on the amount of money that Manchester has received. Outside of the Bass Island project I think the Bass Island project has been the only project that has not been funded. It is, I believe, just a lack of...the Palace Theatre also, but as far as land protection projects I believe that was the only project that has not been funded in the past. We need to get our Conservation Commission or our Heritage Commission members to apply for the money. I just wanted to let you know, Mr. O'Neil, that I will be attending the Legislature luncheon on Thursday and at that time I will be able to meet with Legislators and talk to them about the need to adjust the criteria for urban land protection projects. I will be there and a few other Manchester representatives will be there to address that question.

Alderman O'Neil asked is that because you believe there is a problem with the program in addressing urban needs.

Ms. Beaulieu answered I think you just need to address problems if you find that there is a problem. I guess in the past they haven't you know really felt that there was a problem in the criteria but I think if enough of us or maybe one or two of us speak loud enough then I think we could adjust the criteria in the future.

Alderman Guinta stated I would like to go one step farther and create some sort of entity from the City's perspective that can monitor the amount of applications that we have into LCHIP and monitor the funding of proposed projects coming out of Manchester. I think we need to make sure and I think we all want to work together here and achieve some of the same goals. What my concern is is while maybe the number of projects that were out there, a high percentage of them were funded for Manchester but in the overall perspective comparing Manchester to the rest of the State we don't seem to be getting our fair share and maybe that is because our applications are not high enough. I would like to see some sort of entity from this Board if it can be created to monitor what we are applying for.

Ms. Colglazier stated I just want to enforce that the number of grants really reflects the number of applications and a lot of other communities were just more active and more organized in getting their applications in and also the Commission has a responsibility to distribute grants around the State, which I think they have done rather successfully. I do think that there have been a number of urban grants made and Bill you probably have a full list.

Mayor Baines stated the other thing is, you know I have been Mayor almost four years and this is the first time I have participated in a discussion like this on this issue and I am sure a lot of Board members have been here longer than I have. It is the same situation. We have to increase the awareness about the availability of funds. As Jane knows there are lots of projects in this City and we have done a pretty good job looking at preservation and I think this discussion has been very, very beneficial. We have raised the awareness about the availability of these funds.

Mr. Hoyt stated just to emphasize the point too, \$4 million spread over the entire State of NH doesn't go very far. It doesn't take much to eat up \$500,000 or \$1 million in one project alone. Just be cognizant of that.

Mayor Baines replied we are always aware of how that amount of money only goes a limited amount of ways.

Alderman DeVries stated I just wanted to once again...agreeing with Alderman O'Neil and as I have already stated I am not supposed to us customizing this letter that we are sending

forth from the City of Manchester to further request that they adjust the criteria and that they are grading the conservation or land acquisition projects so that the City of Manchester can be more competitive in the environmental community. It became very apparent to me in dealing with the I-93 funding, mitigation funding, that there is a prejudice in the environmental community for urban projects and without specific criteria that gives us a competitive edge we are not ever going to in my opinion receive as much because they cannot purchase as large a tract of land in the City of Manchester as the same dollar amount can purchase in the North country. That is never going to change. It is expensive for them to try to affect an environmental project in Manchester but somehow that needs to be addressed. I think this Board should endorse that with some sort of sentence that customizes this endorsement as well as the efforts that are going forth through the Legislature to get that message across.

Mayor Baines stated we should also find a way of getting this information on the City's website too so the people are aware.

Ms. Beaulieu stated someone phoned me today in reference to that. I also wanted to let the Aldermen know that at the For Manchester forum last week there were four projects that were identified for LCHIP funding for the community to get involved with.

Alderman Wihby stated we still don't have anything in front of us that we are sending. If we are sending this sheet, again this is the one we had done back in 2001. Should we be tabling this again to come up with the wording that we want? Is that what we are looking for?

Alderman DeVries stated I just think that we can add one additional...you said you wanted to drop the "of at least \$12 million" and I am not opposed to that. We can add one more "whereas the City of Manchester hopes to progress the review of criteria so that an urban environmental project can receive fair consideration." It will be followed-up with individuals who will be giving testimony in front of the Legislature.

Mayor Baines asked would you withdraw your motion and substitute it with that.

Alderman DeVries answered yes.

Mayor Baines stated and Alderman Shea withdraw your second. I would like to have a little bit more discussion before we actually put something back on the floor to make sure that everybody's concerns are addressed.

Alderman O'Neil stated Alderman DeVries said we may...I have no problem putting the word environmental in there but I think there is also historical which is another word used. Let's make sure we get the right wording in there. The Palace Theatre for instance would not be an environmental issue. It would be more of a historical issue.

Ms. Beaulieu stated I think what you want to do is just add “urban area” or “urban towns or cities”. Basically just that word.

Alderman O'Neil stated the Committee that may be very appropriate for this is the CIP Committee. Most of these projects have gone through the CIP Committee for some funding over the past few years and that may be the Committee to follow-up on Alderman Guinta's point about having the City involved and knowing who is applying in order for us to support and we maybe need to develop a little more formality to it so that is the Committee that I recommend it go to.

Alderman Smith stated I think this project is well worthwhile and I think the hang up is the monetary structure. Why can't we send a letter and say additional funding is requested for this program and try to get our Legislators to lobby for us?

Alderman Lopez stated I think there ought to be two things here. I agree with Alderman Wihby that if we take out the \$12 million and send a Resolution and send a separate letter with the guidelines that we would like them to change their criteria and stuff like that...I think putting that into the Resolution it will get lost. A special letter from the Board of Mayor and Aldermen as to exactly what we want and spell out the numbers as to the criteria for urban should be spelled out in a special letter not in a Resolution in my viewpoint.

Alderman Wihby stated I think we ought to do what the Chairman just suggested. Send it to the Committee because there is no rush on this. The House and the Senate aren't going to be voting for awhile to do this so we might as well have the Committee look at it and maybe Jane can come in and help us out with the wording that we need and then we can move forward with everything.

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

Alderman Wihby asked, Jane, as far as membership is it true that there is nobody from Manchester or Nashua on the Commission that decides where the funding comes from and how is the Commission set-up.

Mr. Hoyt replied I don't believe there is anyone from Manchester. There is one gentleman from Bedford.

Mayor Baines asked how are people appointed.

Mr. Hoyt answered there are two Legislators from the Senate and two from the House and as far as the other members I am not really sure to tell you the truth.

Alderman Wihby stated what I am trying to get at is Jane can get together with...we have a Senator sitting here and if she can get together with the Senator on maybe changing the Commission and the wording that you need for the criteria for the urban projects I think we could start on that issue as well as coming up with our own Resolution from here.

Mayor Baines stated okay then we will take this up at the next meeting of the Board of Aldermen.

Alderman DeVries stated I think several of the people giving testimony tonight though said that the message that we are sending from the City of Manchester would be important for the Legislature to see the endorsement. No, I don't think the funding of this program is going to be final in the budget but I am just wondering if we shouldn't be sending that message along – sending this letter amended by dropping the \$12 million and saying that the City of Manchester wants to see it continue to be funded and then as a separate action at Committee level work the criteria.

Ms. Beaulieu stated I believe it needs to be sent as soon as possible but I really would like to send a second letter once we endorse the Resolution.

Mayor Baines stated the motion on the floor was to send this to the CIP Committee. I thought that was the direction we were moving in.

Alderman DeVries replied I thought we were working on an amendment to this letter.

Alderman O'Neil asked what would the Legislature be doing in the next month that would require the letter.

Alderman Gatsas stated I would say that this issue is probably not going to be talked about or discussed for increased funding until June.

Mayor Baines asked so why wouldn't we want to make sure that we do it right and come back at the next meeting. I think very clearly we are on record of supporting LCHIP and it is just a matter of sending the right communication from the Board. I would urge for a vote and I am going to call for a vote. The motion to refer the LCHIP Resolution to the Committee on Community Improvement carried with Aldermen Lopez, Shea and DeVries being duly recorded in opposition, and Alderman Gatsas abstaining.

Alderman Shea stated even though the budget is not going to be...this item is not going to be discussed supposedly until June it has been submitted in the Governor's budget. What are we talking about? They are not going to discuss anything until June or do they prioritize

things so that...I don't understand why it is going to be discussed in June. Isn't that when the budget is set?

Alderman Gatsas replied Alderman Shea the functions at the State level are much different than what they are here at the City level. I can tell you that the LCHIP grant that is there for \$8 million is going to be on a less priority list than some of the other things that are following through on the budget.

Alderman Shea responded you can say that but do you have any guarantee.

Mayor Baines stated he is just giving his assessment of the situation.

Alderman Lopez stated I just want to make a comment that if I read the paper correctly the Representatives at the State have \$15 million to distribute any way they want in the Governor's budget. Now knowing that there are a lot of towns and cities looking for extra money in LCHIP if enough pressure came on those people they could possibly put some more money into LCHIP. I really believe that we are making a mistake by not sending the Resolution. Send the criteria in another letter. Supporting the Resolution and taking out the \$12 million that Alderman Wihby said is fine. Let's take out the \$12 million, support the Resolution and move it forward. I don't think we have to send the whole thing to Committee. We didn't get an opportunity to discuss that to the full extent.

Mayor Baines replied the only thing is that the Senate and the House are on vacation next week so now we are into March and within a week and a half we will have the Resolution in order. I fail to see why that timeline and the people that are the advocates don't see any problem with it either.

Alderman O'Neil stated I am certainly no expert on the State Legislature but I did spend two years up there and in all honesty LCHIP will not be the priority of the Legislature the next few months. It will be the operating budget of the State of NH. That is always...just in my one budget that I worked on, at the tail end. The other thing is with regards to the Resolution they have already acted on the most recent funding. When does the next cycle begin?

Ms. Colglazier replied there will not be another cycle until there is a budget.

Mayor Baines stated well we already voted and unless somebody wants to move something we are going to move forward.

Mayor Baines stated I do have a press release to read from the Director of Water Works that we need some help from the public with. Manchester Water Works in conjunction with the area Fire Departments is asking its customers in Manchester and the surrounding towns to

assist in the removal of snow around public fire hydrants. Manchester Water Works currently has a workforce of 27 employees with seven pieces of heavy equipment assigned to work on removing snows, which covers nearly 3,200 public fire hydrants in the Greater Manchester area. The Director of Water Works, Tom Bowen, indicated that in a normal storm we have typically several hundred area residents that help out by clearing the snow from the hydrants immediately adjacent to their houses. We want to thank them for their continued efforts. In a storm such as we recently experienced, I know we had 21 inches of snow, it could take the department as much as a week to 10 days to complete the job without additional help from the public. It goes on to state in a fire emergency a couple of minutes spent removing snow by the Fire Department could be critical to their efforts resulting in additional loss to property and potentially even the loss of life. With more precipitation a possibility for the coming week Manchester Water Works and your Fire Department need your help. Again, if you have a fire hydrant in your area, please help out and remove the snow from that area. Are there any communications from members of the Board before I ask for action on another item? We distributed a letter to the Board of Mayor and Aldermen. This is regarding the senior center project. I am asking for two actions this evening and I will ask Mr. MacKenzie and the City Solicitor to explain a little bit about number one. I am asking that the Board authorize the use of eminent domain for the acquisition of property at 66 Main Street for the development of a public senior center and a separate action that the City transfer approximately \$550,000 from the Chase Project to the Senior Center Project.

Mr. MacKenzie stated I will go first. Tom Clark is here and aware of the eminent domain process but just briefly there were three properties that were identified that when the Board approved the project to go ahead that had to be acquired. Two of those properties have a negotiated price. The third property there has been no final agreement on. I know that two of the property owners are anxious to close on this process but of course the City could not realistically close on those until we are assured we have all three so it is at a point in the project where it is necessary to acquire the property and it may be necessary to utilize eminent domain and go through that process, which Mr. Clark can explain. The second issue of price, the original price, the original estimate for the project was just under \$3.1 million. Because of increased property values, the total project cost has gone up to about \$3.4 million. In order to get the project under construction there would be a need of roughly \$400,000 to \$500,000 more. The Finance Department has indicated that there are funds available now from the Chase project that was, in essence, bridge financing for that project, which is now available. Just to clarify, that was originally money that was bonded for the sanitary landfill project that was borrowed at the time to be used for the Chase project. Now in working with the Highway Department it does not appear necessary for those funds to be utilized for it. Those funds could be used, in essence, to allow the construction of the senior center to start.

Mayor Baines stated secondly as it said in the letter Atty. Dave Nixon who I think all of you know has come forward and volunteered to chair a community fundraising effort. We have

begun meetings with Atty. Nixon. They are going to be on a weekly basis as we engage in a community-wide effort to raise the additional funds. Similar to an effort that is underway in our sister city of Nashua.

Alderman Smith stated I am really concerned about the property values. Are we being held hostage and I would like to know why the Assessors are not here at our regular Board meeting. I would like to ask them a few questions. There is quite a difference in the amount of money that was originally valued, the assessed value, and what they want. Bob, do you know if we are being held hostage by these people? It is double the amount.

Mr. MacKenzie replied no I don't believe so. The City has actually done two appraisals on these three properties. When we had the appraisals done, the appraisals were almost twice the price of what the properties are assessed for. Two of the owners are willing to sell for roughly the price of the appraisals. The third property owner had their own approximate estimated value so there was a difference between the City's appraisal and their estimate. Although we hoped to come to a conclusion on that negotiation, we have not at this time.

Alderman Smith stated I am very familiar with these properties and very familiar with the area. I would like to know and it is too bad the Assessors aren't here but is this being extended throughout the City. It seems like on accounts there is a certain valuation and then when they go up for abatement and everything else like that we are paying money left and right. I don't know what the story is. I thought that all department heads were supposed to be present at every meeting.

Mayor Baines replied they are when there is an item affecting them and I will talk to them tomorrow. They may have missed this. They usually are here.

Alderman Lopez stated I would like to move that we approve both of these items.

Alderman Thibault duly seconded the motion.

Alderman Thibault stated in line with what Alderman Smith has just brought up, I would like to know is if we are taking this by eminent domain what figure are they going to go by here or are they going to reassess that.

Mayor Baines replied they are based upon the appraised values.

Mr. MacKenzie stated we should probably turn that over to Mr. Clark.

Solicitor Clark asked what is the question.

Alderman Thibault replied if, in fact, it goes to eminent domain, which is basically what we are looking at which figure are they going to be using or are they going to reassess that property over again.

Solicitor Clark responded when you go through an eminent domain process you are required to get an appraisal from a certified appraiser. That is the offer you make under the statute and they have so many days to accept it. I believe it is 10. If they don't, we file a petition to take the property. They have a right to challenge the value that we use up at the Board of Land and Tax Appeals. There will be a hearing scheduled up there. Our appraiser will explain what he believes the value is. Their appraiser, if they have one, or the property owner can get up and say what he thinks the property is worth and the Commission will make a decision. Parties that are unhappy with that decision have the right to appeal to Superior Court.

Mayor Baines stated we are still hopeful that we are going to reach a successful agreement and we won't need eminent domain.

Solicitor Clark stated on these actions here for eminent domain especially what you are doing is authorizing the start of the process, which will be the setting up...you have to have a public hearing first where the property owner and the City gets to make testimony before the Board can take an action to take it by eminent domain.

Deputy Clerk Johnson stated first was the eminent domain and then the other is I believe there will be Resolutions that will have to come back to the Board to transfer the funds as well.

Alderman Thibault stated what I am getting at your Honor is the worst scenario is what is brought out here. This would be the worst scenario.

Mayor Baines replied yes.

Alderman Shea stated in view of the fact that we have so many conflicting problems here, I make a motion that we table this until we get more information

Mayor Baines replied I am going to continue some discussion before I entertain a motion and we need to talk about why we need to start this process moving if we are going to start construction in April. That is the reason these are on here.

Alderman Wihby stated in paragraph 3, that last sentence that says and I may request the Board's assistance in determining whether this is a Citywide pattern we are talking about the assessed values being lower than what they are, are you trying to imply there that maybe the revaluation was wrong.

Mayor Baines replied we are just trying to find out, as Alderman Smith indicated, why we have that kind of situation. I think what we are seeing is a very hot real estate market and I think a lot of that is attributed to that but we are just going to be talking a little bit with the Assessors on what they are seeing and obviously that also projects our need to get on line to make sure that we can capture that revalue as the State requires. That is all that is meant to say. Nothing more than that unless you saw something else.

Alderman Wihby stated no. I said that the revaluation was wrong and we shouldn't pay those guys and you were on the other side of that and now this looks like you are saying maybe something is wrong.

Mayor Baines responded there was a little bit more to that discussion than that but I appreciate you bringing that up again.

Alderman O'Neil stated not to beat it but I am sure you are going to take a look at this issue of assessed value and appraised value because it is of great concern when I read that in the letter today. I do agree that we have made a commitment on this project and we need to move forward on it.

Mayor Baines stated that is why I want to talk about it and why I would be urging against table this. There is a timeline and everything is moving along as we anticipated and in order to get the eminent domain...and there are going to be Resolutions that are going to come back to the Board. These are not the final votes this evening. Can you explain a little bit about the timeline, Mr. MacKenzie?

Mr. MacKenzie stated the Board had directed the staff to act expeditiously on it. I think there are three items that are important to keep the project moving. One is that right now is a very good time to go out to bid. The contracting world is at a point where other projects are winding down and we could perhaps get our best bids if we could bid it in the next couple of months. The second issue relates primarily to the timing. If we do not acquire the property until after April 1 we start to have to pay a portion of the prorated taxes so we will start to see an escalation in those costs related to the City. I think the third issue relates to the two property owners who are willing to talk to and negotiate and close with the City and are very anxious to have that occur so that they can move forward.

Alderman Thibault stated it just seems to me that after three or three and a half years of talking about this project here we are again contemplating tabling it. I hope this Board will go on record as not tabling this thing but to move forward as expeditiously as possible and cautiously as possible. Let's make sure we dot all the I's and cross all of the T's and make sure everything is there. To table this at this point to me is just so aggravating and the

seniors of this City what they are going to think about what this Board is doing playing this game. Thank you.

Deputy Clerk Johnson stated the Clerk would note based on what Mr. MacKenzie just said if, in fact, the Board decided it wanted to proceed with eminent domain there are 30 day public notice requirements under that so the earliest the public hearing could really be held at this point probably would be April 7 so you are already one week into April before you hold the public hearing to find one way or the other whether you want to proceed with eminent domain regardless of whatever else you do with the project. I just want the Board to know that.

Alderman Osborne stated I just want to bring up one thing. If we would have had Wellington Road rather than where we are here we wouldn't be going through this in the first place. I think it is a lot of money here, an awful lot of money. I don't know where it is going to end up but I am opposed to it.

Alderman Wihby asked on eminent domain or the transferring of the bond balance are 10 votes necessary to pass those.

Mayor Baines answered no majority votes.

Alderman Gatsas asked Mr. MacKenzie can you refresh my memory with cost of the project please, construction cost.

Mr. MacKenzie answered yes I can. We do have, if the Board would like to see it, I don't want to drag it out anymore but I do have a cost estimate, an original cost estimate and the current cost estimate prepared by the Highway Department if the Board would like to see that.

Alderman Gatsas responded I would trust you analysis of what you have seen. What is the current cost...what was the first cost that you showed us and the current cost?

Mr. MacKenzie stated the original cost estimate done by the Highway Department was \$3,024,000. The current cost estimate is \$3,407,000.

Alderman Gatsas asked that is without the acquisition of eminent domain.

Mr. MacKenzie answered that includes acquisition.

Alderman Gatsas asked without the acquisition. I just want to know cost of the construction of the building.

Mr. MacKenzie replied the actual hard building cost, in both the original and the current, is estimated at \$1.875 million. That is a construction cost of \$125/square foot.

Alderman Gatsas asked for how many square feet.

Mr. MacKenzie answered 15,000.

Alderman Gatsas stated and you said that number was \$1.875 million.

Mr. MacKenzie replied yes.

Alderman Gatsas asked without any eminent domain costs.

Mr. MacKenzie answered yes.

Mayor Baines stated acquisition costs.

Alderman Gatsas stated we currently have appropriated \$2.575 million. Is that correct?

Mr. MacKenzie replied that is correct.

Alderman Gatsas asked so if I subtract the construction cost from that number that is an additional \$700,000 that we have for fit-up so just to go back to where Alderman Thibault was going we could have built this building, had the seniors in it probably within the next six months and had \$700,000 to furnish that building if we would have gone to Wellington Hill. Now we are looking at an additional...almost double the cost. I don't think it is prudent of this Board to look at that. I didn't think it was prudent of the Board to look at it when we looked at it. Alderman Thibault, again, maybe we should table this because maybe the consideration of twice the amount of money that we had planned on spending when we have a piece of land at no cost and no eminent domain at \$1.8 million for construction costs and we could put that building there and get it done in a very quick, reasonable fashion and still have \$700,000 left over, I think we ought to cross those T's and dot those I's and we ought to take a look at where we are going. We are talking about 50 parking spaces at a center on the West Side that makes no sense.

Mayor Baines stated I am going to call for a vote for the motion that is on the floor.

Alderman O'Neil asked can I get a clarification of the motion on the floor.

Mayor Baines replied the motion on the floor is to approve the motion by Alderman Lopez regarding Item 1 and 2 of my letter.

Alderman Shea stated there was no second to that.

Mayor Baines replied it has been moved and seconded. We will have a roll call vote.

Alderman Wihby stated point of order. Just to verify what you said about the bond balance can Kevin just verify that you can move bond balances without 10 votes.

Mr. Clougherty responded yes you can.

Alderman Guinta asked for a point of order.

Mayor Baines replied no we are going to have a roll call vote.

Alderman Gatsas stated personal privilege. Don't we have the opportunity to table if there is a table in question?

Mayor Baines replied the Chair is going to call for a vote. If the votes are not there, then they won't be there but the Chair has the right to accept or reject motions. Roll call starting with Alderman Wihby.

Alderman Wihby, Gatsas, Guinta, Sysyn, Osborne, Pinard, Shea, and DeVries voted nay. Aldermen O'Neil, Lopez, Garrity, Smith, Thibault and Forest voted yea. The motion failed.

Alderman Wihby moved to table this item.

Mayor Baines replied there is nothing to table.

Alderman Lopez stated the motion dies but the money is still there for the senior center and we can still move forward with the senior center. We have \$2.575 million.

Mayor Baines replied there are two issues. Number one, you are not going to move it forward without eminent domain so no matter what happens unless we get eminent domain this project could end up being delayed for another year or two.

Alderman Lopez responded so the seniors wait another three or four years.

Mayor Baines stated absolutely.

Alderman Gatsas moved to take the \$2.5 million and move the construction site to Wellington Hill. Alderman Shea duly seconded the motion.

Mayor Baines asked for a roll call vote.

Alderman Gatsas asked can we have discussion on the motion.

Mayor Baines responded do you really think we need to. We have been discussing this for years.

Alderman Gatsas stated I think I am going to go back to my original...if we are talking about eminent domain and if we are talking about a situation to get a senior center built then we should do it and I guess Alderman Smith doesn't want to listen but that is okay. I think that we should go forward at some point to understand where we are going. If we are not going to get the bonding issue and we are not going to do the eminent domain then we have a senior center that is sitting there. I don't understand why this Board wants to play such hardball with seniors. We have the money. It is within our budget and without our means. We can do something else with that other \$550,000. We are forcing an issue when we can put up a building for \$1.8 million on a piece of land the City owns. It makes no sense to displace properties and take it over by eminent domain and look to spend another \$500,000. It makes no sense, your Honor especially when we are here in hard times. We could put that \$550,000 to work someplace else. We are not depriving the seniors of a center. We are giving them one on open acreage with more parking than what they are getting at the West Side Center. I don't understand what the problem here is.

Alderman Lopez stated I believe there a couple of problems. I believe the \$2.575 million, even though you did not approve the eminent domain tonight, maybe the individual will change his mind due to the action tonight and I think we ought to give that process an opportunity to work number one. Second, David Nixon being the Chairman of a fundraising committee I think the necessary funds will be there. I also believe that during the process of selecting the site and Mr. MacKenzie you can correct me if I am wrong but the numbers that Alderman Gatsas is throwing out I think you have indicated that the acres up there might cost a lot more money in putting together at Wellington Road due to the construction, the sewage, the water and everything else that has to go over there. I don't have the documentation but if I could pick your brain a little bit could you elaborate the difference between Wellington Road and the West Side.

Mr. MacKenzie replied when I gave the cost of \$1.875 million to Alderman Gatsas that was for the building only. It does not include site development costs, furnishings, other hard costs, design, survey, soil testing and permitting. If you look at the total cost of the project, exclusive of land acquisition, the project cost is \$2.65 million. You could utilize that on the Wellington Road site. It is my understanding based upon being familiar with that site that there will be some additional costs. It would likely be on the order of roughly \$200,000 for additional site costs and there would be additional design fees because there is a designer who has already been paid for some design on the West Side. In essence, you would be approaching roughly \$3 million for the total project cost. Again to be clear that would still

be somewhat less than the West Side site but certainly more than what was indicated by Alderman Gatsas.

Alderman DeVries stated there is an additional cost associated with the Wellington Road project, which I don't think is being taken into consideration and that would be the potential value of that particular parcel being seven acres of land that I have heard individuals say has great potential for the City to sell being located right next to one of the major healthcare facilities/clinics. It is also surrounded by multi-family housing. There is great potential value for the City to sell that parcel to an individual developer. I am not quite sure how that is zoned but that might be something that is more appropriate for this Board to look at. I would make a recommendation to the Board that tonight we break down the proposals because I am not opposed to the West Side Center. I am opposed tonight to allocating additional monies towards that project. I would like to see us move the eminent domain process along so that the timeline can be kept and to continue the discussion to see if the additional \$500,000 might be raised through private fundraising efforts as opposed to the City continuing to fund that project.

Mayor Baines replied maybe we didn't clarify that enough and I apologize. The goal is to use that money and we had talked with Atty. Nixon about raising money and hopefully refunding a good portion of that because we think we have the potential to raise the necessary funds here.

Alderman DeVries responded my point is that we don't need to transfer the money from another project this evening. We just need to approve the eminent domain process.

Mayor Baines stated we have a motion on the floor to approve the Wellington Road site and we are back on the site issue right now. The Board has already taken an action approving the West Side site. We have proceeded with architects. Part of this is also connecting to the West Side Library and creating an entire complex out there and the issue of parking continues to come up. We are also building in proximity to the senior housing, which will preclude the necessity of additional parking because a lot of people are going to walk to this center. It is on an active bus route on the West Side and the East Side and also transportation issues that we can effect for other people. This has been a multi-purpose project and a lot of time, effort and dollars have been spent on this project and certainly years have gone by so if we can do that let's put the issue of the site to rest again, take that vote and then we can entertain some additional motions.

Alderman Lopez moved to amend the motion to state that the Wellington Road site will be selected provided that we do not get eminent domain on the West Side.

Mayor Baines replied we know that we can get eminent domain. We have the right to acquire the property by eminent domain.

Alderman Lopez responded we have the right but will we get the process to work for eminent domain on the West Side.

Mayor Baines stated I would suggest that we not get into the eminent domain and I would ask Solicitor Clark to explain that.

Solicitor Clark replied I wouldn't put that into this motion.

Mayor Baines stated let's let the motion on its own live or die.

Alderman Shea stated I just want to respond to what my colleague on my left said about the property on Wellington Road. I think during the discussion there was a discussion about putting a senior center there but there was also a further discussion about putting affordable housing or whatever the term might be now for residents of Manchester who could be situated in that particular vicinity, your Honor. It wasn't just that it is a plot of land that we can sell in order to make a particular amount of money but as Alderman Osborne has said many times, once you sell that property it is gone forever and if we are talking about ensuring that the citizens of Manchester, both the old and the young, are properly taken care of and I know that Alderman Thibault if I might add has indicated that those of us who have viewed the West Side site differently than himself feels that we are not supporting the seniors. We are responding, your Honor, to the concerns that our constituents have indicated to us. Many, many people that are in Ward 7 have indicated to me that they are not in favor of placing a senior center at the expense that we are putting at the site that is being proposed. Obviously you have a group of people on the West Side, God love all of them, but they are sticking together. They have four votes to come forth. The point of the matter is are we doing the right thing for all of the citizens of Manchester and are we doing the creative kinds of things financially that Alderman Gatsas was referring to. If we are going to save hundreds of thousands of dollars then we should be very careful about how we are going to spend that money and I think, your Honor, that we really have to examine this. One other point, as we both know, is that the bonding for this particular project was sort of a back door kind of situation at the time because many of us were not aware of the fact that there was kind of a group of people saying in essence we have enough votes to put this through. My point is that we should stop and think and consider what is the best situation for all of the citizens of Manchester. I think the best situation is what Alderman Gatsas has suggested.

Alderman Smith stated the seniors on the East Side and West Side voted for the West Side Center so the constituents that you are referring to, I don't know where they are coming from. There were letters sent out and they overwhelmingly voted for the West Side Center. I can see we are coming back to the same thing – East Side/West Side. If I don't have a bat you are not going to have a ball and it is the same situation going on now.

Mayor Baines asked for a roll call vote.

Alderman O'Neil asked for clarification of the motion.

Mayor Baines answered it is to now designate Wellington Road as the site for the senior center. We have been through this before but we are going to go through it again.

Alderman Gatsas asked is this for a less expensive site than the West Side.

Mayor Baines answered no it is only for Wellington Road. We could also sell that property and make a lot of money.

Alderman Gatsas replied well the eminent domain may just be in conjunction with that cost.

Mayor Baines asked for a roll call. Aldermen Gatsas, Guinta, Sysyn, Osborne, Pinard, Shea and Wihby voted yea. Aldermen O'Neil, Lopez, DeVries, Garrity, Smith, Thibault and Forest voted nay. There being a tie vote, Mayor Baines voted nay. The motion failed.

Alderman DeVries moved that the Board proceed with the eminent domain process.

Alderman Thibault duly seconded the motion.

Alderman Wihby asked were you a nay vote last time.

Mayor Baines answered yes. It is the same vote.

Deputy Clerk Johnson asked can we just clarify that to proceed would be to set the public hearing date for the first available date.

Mayor Baines requested the appropriate wording.

Deputy Clerk Johnson replied it would be to refer the question of eminent domain to a public hearing to be scheduled on April 8 at 7 PM in the Aldermanic Chamber.

Mayor Baines asked what if the date and time don't fit with the schedule.

Deputy Clerk Johnson replied I checked the schedule.

Alderman Guinta stated I need clarification on a question. Have we already voted on this and secondly if we do proceed with a vote how many votes do we need to set a date?

Mayor Baines replied it is just a majority vote. That is all it is. It is a new motion that has been introduced separating the two.

Alderman Guinta asked did we already vote on this.

Mayor Baines answered we voted on the two things together.

Alderman Wihby stated the first vote, which was basically those two items, that ended 8-6. Who was the eighth who changed here vote?

Mayor Baines replied Alderman DeVries. She said she wanted the items separated.

Alderman Wihby asked so it was 8-6 not to have it on the West Side then it was...

Mayor Baines interjected no. All the Alderman said and I think she said it quite clearly is she would like the motion separated because at this time she felt she could vote for them separately and that is what she has done.

Alderman Wihby asked so the first motion was the two items together and that didn't pass and then it went to Wellington Road and that was defeated and now we are voting on Item 1.

Mayor Baines answered yes. Alderman Lopez requested a roll call vote. Aldermen Lopez, DeVries, Garrity, Smith, Thibault, Forest, and O'Neil voted yea.

Aldermen Shea, Wihby, Gatsas, Guinta, Sysyn, Osborne, and Pinard voted nay. There being a tie vote, Mayor Baines voted yea. The motion carried.

Alderman Guinta asked can you just clarify what is happening right now. This is going for a public hearing? What exactly is it that is going to a public hearing?

Mayor Baines replied first of all let me explain two things. First of all, we are still optimistic that we will not need eminent domain.

Alderman Guinta asked does eminent domain requires a 10-person vote from this Board.

Mayor Baines answered no. It is a majority vote.

Alderman Guinta asked are you sure.

Solicitor Clark answered yes.

Alderman Guinta asked where does it say that.

Solicitor Clark replied the law just states an action by the governing body. It doesn't say you need 10 votes. You are mixing up bond issue and bond resolutions with eminent domain.

Mayor Baines stated are you all set. That is all that is happening right now. We may be reporting to you at the next meeting that they have agreed to purchase and at that point in time we will proceed with purchasing the property.

Alderman DeVries moved that the Board consider sending the balance of \$550,000 that was under discussion this evening to the newly created grant writer to consider for LCHIP grant funding. Since the City has already decided that we haven't received our fair share of LCHIP funding, it seems appropriate that the additional funding that might be needed on the historic building that the library is located in might be a very appropriate project for LCHIP.

Mayor Baines responded the only thing I would say is we are very early in a budget process and we are also going to have some needs associated with this project. The Board may come back and decide that after we talk to Atty. Nixon what is reasonable and I would urge the Board to keep that an open question at this particular point in time. We are facing some very significant needs in this community. I don't think it would be appropriate to do that at this time but if that is the will of the Board then we could do that.

Alderman DeVries stated only if there is a second on that.

Alderman Gatsas duly seconded the motion.

Alderman Wihby asked what is the motion.

Mayor Baines stated to refer the money to an appropriate committee and I am assuming CIP for perhaps disbursement for an LCHIP request.

Alderman DeVries responded the grant writer.

Mayor Baines asked could you restate the motion please.

Alderman DeVries answered I am suggesting that we send it to the attention of the newly hired grant writer for the City of Manchester for consideration for processing the LCHIP grant application.

Alderman O'Neil asked what does that do. I am not sure what that action does.

Alderman DeVries answered it is a historical building if I recollect. Wasn't the City Library a fire station at some point? I think there is some historical merit and it might well be funding that could fall under the LCHIP program.

Alderman O'Neil asked are you suggesting that this money be used to match renovations to the Library.

Alderman DeVries answered I am suggesting that it was probably an oversight for the City not to have gone after funding for this in prior rounds and should the LCHIP program continue to be funded at an adequate measure this might be an appropriate place for us to seek funding.

Alderman Thibault stated as I understand it that building is not going to be touched at all though. That building is not going to be touched at all as I understand it, the old fire station.

Mayor Baines replied it will be touched.

Mr. MacKenzie stated the intent was ultimately that if the senior center is built as a new freestanding facility beside the West Side Community Center that the old center would then be renovated for use as a larger West Side library in the future. There are no funds for it yet, but the intent was to allow that to be used by the West Side Library.

Alderman Thibault asked but it is not being touched at this point.

Mr. MacKenzie answered no.

Alderman Thibault stated well I don't think you will be able to get grant money.

Alderman DeVries responded you are right.

Alderman Lopez stated I don't think there is any harm in sending it to the grant writer. There might be grants out there for senior citizens that could help with this. They do it in Massachusetts.

Alderman O'Neil stated I am a little confused. Why are we sending it to the grant writer? What are they going to...it should go to a Committee of the Board of Aldermen. If the grant writer has identified potential grants the process would be it would go to a Committee of the Board and say we have identified the grant and we need to match that grant.

Mayor Baines responded what I would suggest...I think the idea is a very good one is send the issue to the grant writer to explore whether there are funds available. What I object to is taking any sum of money and applying it to anything of that nature at this time. The issue should go. It should go to the grant writer and to staff to see if there will be additional money to deal with the fire station. I think that is a very good suggestion but to attach a sum of money to it I don't think is appropriate.

Alderman Shea asked is there a grant writer on board, Bob, or is that person still in the process of being hired.

Mr. MacKenzie answered there is not a grant writer on board today. An offer has been made to a person but we have not finalized that yet.

Alderman Shea asked so there is no grant writer on board yet.

Mr. MacKenzie replied not as of today; no.

Alderman Shea stated I was just wondering when the grant writer was going to start.

Mayor Baines replied well an offer has been made. Can I have the Clerk read the motion.

Deputy Clerk Johnson stated my understanding is that the motion's intention is to refer the question of the senior center to the grant writer to explore funding and LCHIP was one of the ones mentioned.

Mayor Baines asked, Alderman DeVries, is that what you said.

Alderman DeVries answered something like that.

Alderman Shea stated we have a non-existent grant writer and we have a non-existing senior center but he is going to write something about both.

Alderman Wihby asked what is he writing it...is he writing it for a particular location or just for a senior center.

Mayor Baines answered the location has already been determined and voted on a number of times. It would be for the present location. It has to do with specifically...I thought you said it goes back to the understanding of whether it was a fire station because of its historic significance. Perhaps this whole thing needs more thought.

Alderman Lopez stated why don't we refer it to CIP.

Mayor Baines replied I think this motion should be withdrawn so we can figure out exactly what the author's intent was.

Alderman DeVries stated I withdraw my motion.

Mayor Baines asked who seconded the motion.

Alderman Gatsas stated I did.

Mayor Baines asked do you want to withdraw your second or continue with a vote. The maker of the motion wishes to withdraw it.

Alderman Wihby stated if you don't withdraw it, tell us what the motion is.

Alderman Gatsas stated I believe that Alderman DeVries made the motion to send the \$550,000 to LCHIP to see if we could leverage the \$550,000 for the building at the library. Isn't that correct?

Alderman DeVries replied yes. I originally did tie the motion to the \$550,000. I am willing to amend that to delete the specific dollar amount attached to that. I don't believe at this point in time that we need an actual motion to have the Mayor prioritize some of the first projects of the yet to be hired grant writer. I understand that he will get the priority shots on which projects he is looking at.

Alderman Gatsas stated I am not withdrawing my second.

Mayor Baines asked if the person who made the motion withdrew it doesn't the person who seconded it have to withdraw it as well.

Solicitor Clark replied generally if a motion is withdrawn it is withdrawn.

Mayor Baines asked are there any other communications from members of the Board.

Alderman Wihby stated I have a question for Kevin Sheppard regarding garbage. One is one garbage pick up for Monday. They haven't come around. Should we tell the citizens that are watching what is happening with that?

Mr. Sheppard replied sure. There was no trash or recyclable collection today. Collections will resume tomorrow so residents should expect delays throughout the week. We will be working probably Saturday and possibly Sunday on trash collection.

Alderman Wihby asked so it is one day late.

Mr. Sheppard answered possibly two days late. Anticipate one day late.

Alderman Wihby asked do you still want it out even though you are still cleaning the streets.

Mr. Sheppard answered after tonight there should no problem getting it out.

Alderman Wihby stated my second question is about the meters downtown. I saw some footage on WMUR that they couldn't get to those meters. Is there any way...do you know when you are going to get to those meters or should we suspend the signs...

Mayor Baines interjected the plan is to begin snow removal in the downtown area this week.

Mr. Sheppard stated that is subject to weather.

Alderman Wihby stated well should we at least for this week suspend the fines for the meters because they can't get to those meters.

Mayor Baines asked, Solicitor Clark, what is the process of doing that.

Solicitor Clark answered the correct process would be to pass an Ordinance since your fines are set by Ordinance. I think you can just give an indication not to enforce the meters at this point.

Mayor Baines stated I will relay that to the Chief of Police.

Alderman Gatsas asked for clarification, people who were supposed to be picked up on Monday I assume were not picked up today.

Mr. Sheppard answered correct.

Alderman Gatsas stated so those people will be postponed until Wednesday.

Mr. Sheppard replied correct.

Alderman Gatsas asked so the people who should be putting out their garbage for tomorrow morning are the people who should have been picked up on Monday.

Mr. Sheppard answered correct. Tomorrow we will be picking up Monday's work plus probably starting Tuesday's work because we will work overtime.

Mayor Baines stated that is an important clarification and I also want to remind people that since this program is broadcast a number of times that we are having this discussion on Tuesday, February 18. If you are still due to be picked up tomorrow, which is Wednesday, February 19, you should still get it out tonight because they may start to go around and pick it up. Earlier we said there was a delay.

Mr. Sheppard stated we probably will not get to Wednesday's work tomorrow but people should consider putting it out on the day of collection.

Mayor Baines asked that means when I go home tonight I have to put out the garbage right.

Alderman Gatsas asked were you supposed to be picked up on Wednesday, your Honor, or Tuesday.

Mr. Sheppard stated Wednesday's work will probably be into Thursday or Friday.

Mayor Baines stated he is saying that you really should get it out on your scheduled time anyway.

Mr. Sheppard responded after tonight we have equipment out there cleaning up the roads tonight and after tonight what I would ask is that people put their refuse out or recyclables out on their day of collection. They may expect delays. It may be out there for a day or two but if it is out it won't get missed once we do come by.

Alderman Wihby stated I saw a lot of them in the snow piles.

Alderman Smith stated Kevin we are on the West Side and they don't count us but our pick up day is this Friday so are you telling me that on Boynton Street you will be picking up on Sunday.

Mr. Sheppard replied we may possibly be working Sunday on solid waste.

Alderman Smith asked do you have any idea how much you have expended of your snow budget right now.

Mr. Sheppard answered I did not bring that with me but I believe that before today we had expended about 70% or 75% of the budget or before the storm I believe, this past storm.

Mayor Baines stated by the way I don't know if you saw but Boston started this snowstorm \$1.5 million in the hole on snow removal. Just about every community I think in the State and the region is already out of money and we are still in the positive.

Alderman Shea stated I think that the Mayor of New York asked for Federal funding. I don't know if we should start preparing the grant writer if he comes on board for that.

Mayor Baines stated the New York City situation is unique. They estimate \$1 million per inch. I am not sure how they calculate it that way because I have always been told that whether it is 1" or 2" or 5" it is really the same removal. Boston estimates \$68,000 per hour.

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

A True Record. Attest.

City Clerk