

**BOARD OF MAYOR AND ALDERMEN**

**March 5, 2003**

**7:30 PM**

Mayor Baines called the meeting to order.

The Clerk called the roll.

Present: Aldermen Wihby, Gatsas, Guinta (late), Sysyn, Pinard, O'Neil,  
Lopez, Shea, DeVries, Garrity, Smith

Absent: Aldermen Thibault and Forest

Mayor Baines stated before we begin tonight I would like to commend Chief Driscoll and his men and women for the fine work they did last week in relation to the Joseph brothers' case. The department's ability to find the alleged perpetrator, track him back to New York and get him into custody before he fled the country has been well documented in the press. I do want to take a moment in this forum to thank the Chief publicly for the great job the department did. I also want to thank the law enforcement agencies in Connecticut and New York who had a hand in bringing the suspect to justice. I am told that the Manchester Police Department received particular assistance from the Connecticut State Police and the Port Authority Police and the entity that has jurisdiction over Kennedy Airport. Great job, Chief. Congratulations. I would also like to extend thanks to the Smyth Road School community for responding with such enthusiasm to the call that New Horizons has put out for community assistance in light of its current financial situation. I had the opportunity to accept over \$1,000 last week from this school and to hear the stories of the different children and what they did...one child talked about giving up money that he had received from the tooth fairy. Another counted change out of his bank. Another girl had been saving a dollar to buy ice cream in school. Little stories like that demonstrating how thoughtful young children can be in responding to the needy of our community was just an overwhelming experience. From lunch money to allowances to tooth fairies and many other stories children came to the rescue. I want to thank their principal, Mrs. Tomasko for her leadership in this effort. We are now working with the other schools in the City in an effort to get as many students as possible involved in this effort. Again, we also want to reach out to other segments of the community as well. Next week I will be at the Meetinghouse Senior Center just across the river to accept a check from the residents there. Again, we want to remind people in the community that New Horizons still has a very significant need. We do not want to have to have them close Angie's Shelter or any other services for the homeless. If people could send \$1 or \$5 or \$10, whatever you can give to New Horizons would be very much appreciated.

Alderman Lopez stated since you mentioned Angie's Shelter I just want to let you know that I received some telephone calls today that I would like you to check into. People are saying that it is going to close if they don't receive the money. Do you have any knowledge of that?

Mayor Baines replied yes. That was one of the strategies that they were going to use to deal with this over \$100,000 deficit. That is a definite possibility unless we are able to raise this money in this community and also secure a stream of financing going forward. A lot of the people who have been big givers to New Horizons have been unable to give the amount they have in the past because of what is happening with the national economy. That is why we are very active. Every time I have a chance to speak I am doing public service announcements on the radio...we are going to raise the money. I don't think there is any danger of it closing because I am very confident the community is going to come forward.

### **CONSENT AGENDA**

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

#### **Minutes for Acceptance**

- A. Minutes of meetings held on July 16, 2002; August 5, 2002; August 6, 2002 (three meetings); August 27, 2002 (two); and September 4, 2002 (two meetings).

#### **Approve Under Supervision of the Department of Highways**

- B. Pole petitions from Public Service of NH:
  - #11-969 pole on Lincoln Street
  - #11-973 two poles on Tzinas Street
  - #11-974 pole on Flint Street

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

- C. Communication from the New Hampshire Department of Environmental Services relative to Wetlands Bureau File #2002-01459, 181 Old Wellington Road, Manchester.
- D. Minutes from the Piscataquog River Local Advisory Committee meeting held on February 6, 2003.

### **REPORTS OF COMMITTEES**

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

- E. Advising that it has accepted the City's monthly financial statements for the seven months ended January 31, 2003 and is forwarding same to the Board for informational purposes.
- F. Advising that it has accepted the following Finance Department reports:
  - a) department legend;
  - b) open invoice report over 90 days by funds;
  - c) open invoice report (all invoices for interdepartmental billings)

- only);
- d) open invoice report (all invoices due from the School Dept. only); and
- e) listing of invoices submitted to City Solicitor for legal determination

and is forwarding same to the Board for informational purposes.

#### **COMMITTEE ON JOINT SCHOOL BUILDINGS**

- G.** Advising that it has accepted the enclosed project financials, architects' and consultants' reports for the month of February 2003 relative to the Roofing Projects – Manchester Schools, Bakersville Kindergarten Addition & Electrical Improvements, Memorial High School Media Center, and McDonough Kindergarten Addition and is submitting same to the Board for informational purposes.

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

- H.** Recommending that certain regulations governing standing, stopping, and parking and operation of vehicles on Kennard Road 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 LOPEZ, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.**

Mayor Baines presented two nominations

Scott Ellison to succeed himself on the Manchester Development Corporation, term to expire March 11, 2006.

Bill Sirak to succeed himself on the Manchester Development Corporation, term to expire March 11, 2006.

On motion of Alderman Sysyn, duly seconded by Alderman Pinard, it was unanimously voted to suspend the rules and confirm the nominations of Scott Ellison and Bill Sirak to the Manchester Development Corporation, terms to expire March 11, 2006.

#### **OTHER BUSINESS**

Report of the Committee on Administration/Information Systems regarding a request from The American Cancer Society to utilize Singer Park for their annual Relay for Life event, if available.

Mayor Baines stated I would like to ask the Board to refer this item to Mr. Sherman and Mr. Jabjiniak to work it out. As you know, that property is now under control of another entity at this time.

On motion of Alderman Wihby, duly seconded by Alderman DeVries, it was voted to refer this item to Mr. Sherman and Mr. Jabjiniak.

A report of the Committee on Bills on Second Reading was presented recommending that Ordinances:

“Authorizing the Mayor to Dispose of Certain Tax Deeded Property Known as Hobart Street, Map 0497/Lot 0008”; and

“Amending Section 33.046, Entrance Pay Rates (G) of the Code of Ordinances of the City of Manchester”; and

“Amending Section 33.024, 33.025 and 33.026 (Assessor’s positions) of the Code of Ordinances of the City of Manchester.”

ought to pass and layover.

Alderman Sysyn moved to accept, receive and adopt the report. Alderman Smith duly seconded the motion. Mayor Baines called for a vote. The motion carried with Alderman Wihby being duly recorded in opposition to the ordinance regarding the Assessor’s positions.

Communication from Alderman Garrity in reference to the West Side Senior Center.

Alderman Garrity read the record addressed to the Board, dated February 20, 2003 regarding the West Side Senior Center as follows:

Dear Colleagues:

As an Alderman who voted in the affirmative for the West-Side Senior Center, I am herein giving notice of re-consideration at the next Board of Mayor and Aldermen meeting to be held March 5, 2003.

It is imperative that city staff discontinue further negotiations in pursuit of any purchase of properties concerned with the West-Side Senior Center site.

My reasons for re-consideration include the unanticipated increase in costs, the amount of money needed to be raised by the Seniors themselves, and the additional burden on CIP funding.

In these tough economic times, it is important that we, as leaders of the City, work to give the taxpayers and the seniors a site that is not only affordable but of high quality. At this time I would like to request that city staff give a formal and detailed presentation on the Wellington road parcel.

Respectfully,  
S/Michael D. Garrity  
Alderman – Ward Nine

Alderman Garrity stated speaking to the letter, in paragraph two I requested that further negotiations do not take place. After investigations down here at City Hall it is apparent that purchase and sales agreements were signed after receipt of this letter. Could you speak to that, your Honor?

Mayor Baines replied yes. The Board took action, as you know, about seven months ago that this would be the site. Since that time we have expended a considerable amount of money doing appraisals and engineering work, architectural studies, etc. A motion for

reconsideration by a Board member can only be made at a regular meeting of the Board of Mayor and Aldermen and also this issue has been reconsidered. Under the rules of the Board you can only reconsider an issue once. This issue has been reconsidered and reconsidered and reconsidered. The executive authority moves forward notwithstanding a formal action of the Board. We had negotiated with the owners of these properties in good faith and had reached agreement and it was imperative that the City meet its obligations to these people who we had negotiated those sales prices with. We consulted with the City Solicitor on that in terms of proper procedure and executed the documents based upon assurances that this was the correct and legal thing to do.

Alderman Garrity asked don't you think it is common courtesy as a member of the Board and Aldermen and a colleague of yours that with respect it would be only proper that...I was pretty blunt in the letter "it is imperative that City staff discontinue further negotiations."

Mayor Baines replied well first of all any Aldermen under the Charter does not have a right to direct City staff in that manner. Secondly, as I said to you during the meeting when you came in to talk to me about this as recently as the night before you had indicated to me and other Board members that you were not going to change your vote because you had given your word and you were not going to change that. You had given your word to Aldermen. I also made it very clear to you that you had personal conversations with me and never came in to talk to me about it until after the fact. Again, based upon the Charter, the good faith efforts of the Board, and votes taken by the Board this was the proper thing to do. There is a difference between the executive authority vested in the Mayor, and legislative authority, which is policy making by the Board. Also it would take 10 votes to override a veto and I would veto any effort to reconsider or change the location of that site. Those are the...I did consult with the City Solicitor before I moved.

Alderman Garrity asked what is the estimated cost that the seniors themselves are going to have to raise for the West Side senior center.

Mayor Baines replied first of all you know we had made a recommendation as you recall to transfer \$500,000 that was available to meet what we felt was almost a full build up of that center. We have always estimated costs and with that \$500,000 we probably would have estimated I believe approximately \$300,000 that we would have had to raise. Now we are going to have to raise a substantial amount of money. We are prepared to do that by the way. Atty. Dave Nixon as all people know on this Board is a very well respected member of this community and has been meeting with us on a weekly basis. Tomorrow we have a group of community leaders in a meeting with us tomorrow morning to engage in a very comprehensive and extensive effort to raise the rest of the money. I don't think it should have been necessary to do so but we are prepared to engage in that effort.

Alderman Garrity moved to reconsider the West Side senior site. Alderman Wihby duly seconded the motion.

Mayor Baines stated I am not going to accept the motion because under the rules of the Board it has already been reconsidered. It is my understanding that it would take a vote of 10 to override that ruling. Am I correct, Mr. Arnold?

Alderman Wihby asked 10 votes to do what.

Mayor Baines answered to override my ruling.

Alderman Wihby asked to override your ruling on what.

Mayor Baines stated under the rules of the Board you can only reconsider once.

Alderman Wihby stated we have been told by the City Solicitor's Office that we could bring it up as many times as we wanted to under new business. That is what I think Alderman Garrity is trying to do, bring it up under new business.

Mayor Baines responded again he has said that but under the rules of the Board you can only reconsider once.

Alderman Wihby asked I would like to make an appeal to the Board, your Honor. I think the Board should vote on whether or not we want to take this up again.

Mayor Baines replied I said that. It would take 10 votes to do that.

Alderman Wihby asked it would take 10 votes to appeal to the Board.

Mayor Baines answered that is correct.

Alderman Wihby asked where does it say that, your Honor, in the book.

Deputy Solicitor Arnold stated I think he can appeal to the Board. It would take 10 votes to overrule your ruling on the matter, Mayor.

Alderman Wihby asked where is that, your Honor. I just appealed to the Board. I just want to know where it says it takes 10 Aldermen.

Alderman Gatsas stated I think probably if memory serves me right it must have been maybe six or seven weeks ago when I made an appeal to this Board about reconsideration. I think that every Board member should be afforded that opportunity but I think if we are going to

look to the Board for direction then I think that somebody if they are telling us that it needs 10 votes for that situation I believe that this Board can ask for a ruling of the Chair at any time and we can vote on it whether the 10 votes are there or not that is certainly up to this Board.

Mayor Baines responded all I am saying is that the City Solicitor advised me of that today. Again, it could be a mute point because it is going to take 10 votes to do anything. Your own rules of the Board say that you can only reconsider something once.

Alderman Gatsas stated your Honor I believe that during your first term when we had conversation about the civic center you said, I think, and I would hate to go back to those minutes that under new business it can be brought up at any single meeting.

Mayor Baines responded the City Solicitor said that, which is true unless there is a ruling, an enforcement of the rules which says that you can only reconsider once. On this particular case I think that we have reconsidered it maybe three or four or five times. We can't continue to conduct City business if every time we move down a road and now we are seven months down the road...we actually have an architectural rendering of the senior center on the West Side. We have spent countless staff hours and a lot of money has been spent and a lot of effort was made. Surveys were done. We looked at sites and we abandoned sites. We said this site is not a site and this is a good site and this is a bad site and finally we ended up with a site and then we proceeded in that direction and then seven months later we are going to reconsider again. I don't believe that that is good government.

Alderman Gatsas stated then maybe what we should be kept abreast of as a Board is exactly the status of a project. Once we vote on a project in here it seems as though it is carte blanche and nobody asks another question until it is done or if it is done until there is a shortfall and we need more money.

Mayor Baines replied as you know every Board member has a right to ask questions and I think we have made an attempt to keep people informed on this project. Again, let's just act on the issue at hand. Mr. Arnold, is that your ruling?

Deputy Solicitor Arnold responded yes.

Mayor Baines stated then let's take a vote on the appeal to the Board.

Alderman Wihby stated I appealed your decision to the Board. I am just wondering where he is reading that it takes 10 votes. He never got back to me.

Deputy Solicitor Arnold responded I am looking for it, Alderman.

Alderman Gatsas asked does that mean, your Honor...

Mayor Baines interjected it is really a mute point. If we just want to move on the reconsideration and take the motion and vote...

Alderman Wihby interjected it is not reconsidering.

Mayor Baines stated he made a motion to reconsider. I didn't take any other motion. What is the motion on the floor?

Ms. Lisa Thibault responded you decided not to accept the motion to reconsider.

Alderman Wihby stated so there is no motion on the floor and my question is, your Honor, under new business we have been told that we can bring up any subject again.

Mayor Baines replied that is why I am asking the City Solicitor to give us a ruling. He is doing some research.

Alderman Shea stated I know we considered this and then we considered it some more but when did we take a reconsideration vote, your Honor.

Mayor Baines replied way back when we originally dealt with it.

Alderman Shea asked there was a reconsideration.

Mayor Baines replied yes there have been many of them.

Alderman Shea stated I just don't remember a vote ever being taken to reconsider anything here in terms of the civic center because we...

Mayor Baines interjected not the civic center. The point that he was making...I recall that discussion because if you recall there was an Alderman that kept making motions at consistent meetings about the civic center and we raised that issue of how many times can you reconsider it. Mr. Clark said at the time a member can bring forth a motion at any time but also under the rules the Chair has the authority not to accept motions and there is a rule of the Board that says you can only reconsider once.

Alderman Shea asked but I am wondering when did we reconsider the senior center because we really hadn't decided on where it was going to be. I know we considered several places. We talked about it in finite but I don't ever remember a vote to reconsider.

Mayor Baines answered what I am prepared to do if the City Solicitor can't find the reference in which they advised us I will just accept a motion and go from there. Are you prepared to give us any definition on that Mr. Arnold? Let's just take the motion by Alderman Garrity and seconded by Alderman...

Alderman Wihby interjected the new motion.

Mayor Baines replied right for reconsideration. We will have a roll call starting with Alderman Wihby. Aldermen Wihby, Gatsas, Guinta, Sysyn, Osborne, Pinard, Shea, Garrity voted yea. Aldermen O'Neil, Lopez, DeVries, and Smith voted yea. Aldermen Thibault and Forest were absent. Mayor Baines vetoed the motion.

Alderman Shea asked do you need the same number of votes, 10, even if you have some Aldermen missing.

Mayor Baines answered it is 10 votes of the Aldermen elect.

Alderman Gatsas moved to have all agencies or all departments come before us and tell us exactly where we are with costs, conceptual drawings, architectural and every penny that we have spent so far on the senior center on the West Side.

Mr. MacKenzie stated we would be happy to do that. I will note that we have provided status updated twice to the CIP Committee, which is the normal Committee that would review projects as they progress. We can provide the information if the Board so requests.

On motion of Alderman Gatsas, duly seconded by Alderman Shea, it was voted to have City staff provide all information on the West Side senior center to the Board of Mayor and Aldermen.

Communication from *The Hippo Press* requesting that all City advertising, including legal and voluntary, be placed in *The Hippo Press*.

Alderman Wihby stated we have a communication from *The Union Leader* also. In reading it, it makes a lot of sense that we might save a few dollars by putting it in the *Hippo Press*. I don't think anybody would argue that but we are also limiting ourselves that we are not going statewide. We are looking for the best price out there but for the time being as well as *Hippo Press* is doing we should continue to go with *The Union Leader*. I think we will save money in the long run because we will have more people seeing the notices. I move to receive and file.

Alderman Pinard duly seconded the motion.

Alderman Osborne asked is somebody from the *Hippo Press* here. Could he come up and explain the situation?

Mayor Baines called Mr. Jody Reese forward.

Mr. Jody Reese stated I am the publisher of the *Hippo Press*. I have some packets for all of you guys first.

Mayor Baines replied the Clerk will take care of that. If you could just sit down and explain your letter.

Mr. Reese stated first of all I would like to thank you for giving me the opportunity to speak to you tonight. I think this is an important issue for the City and obviously for my newspaper. I am in receipt of the letter from *The Union Leader* as well regarding their points. I do think that this issue is best discussed at the Committee level. It does get quite complicated but I will be happy to talk about it here if you would like. *Hippo Press* could perhaps save the City tens of thousands of dollars a year by placing its legal advertising in my newspaper rather than in *The Union Leader*. I don't have hard numbers from the City but the Clerk's Office spends about \$13,000 a year they say in legal advertising. Each department has their own budget and spends a certain amount of money with *The Union Leader* for legal advertising. That \$13,000 that they spend with *The Union Leader* would be less than \$5,000 with *Hippo Press*. So we are talking about some significant money over the course of a year and that money could go to other things. I know that the City is looking at laying off employees. I know that it is looking at tax increases next year. I as a business person in the City obviously wonder...we meet the legal criterion under the law of which we are a paper of general circulation and we are a general interest newspaper. You can find us all over the City. It seems that the money that you spend is greater with *The Union Leader* than with us and gets you nothing extra. You are legally required to publish these notices in the newspaper. You are not legally required to publish them in the largest newspaper in the State. You are paying for circulation in Berlin, in Keene, in Portsmouth. Do the people there in those cities really need to be notified legally by the City of Manchester? In Hooksett the Town of Hooksett advertises mostly in *The Hooksett Banner* for their legal advertising. *The Hooksett Banner* is a free newspaper with less than 6,000 circulation. It is not mailed to every home. It can be found here and there. That publication is owned at least in part by *The Union Leader* and they don't seem to have a problem placing their legal ads in that newspaper there. I understand what Alderman Wihby says but we would save the City significant tax dollars and you would be meeting the legal requirements under the law. Also, in the letter...does everyone have this letter here from *The Union Leader*? I called *The Union Leader* today and the circulation of the Manchester edition alone it says is 34,296 daily and 41,089 on Sundays. That is the Manchester edition of the newspaper. Those newspapers are not distributed in Manchester. The numbers in Manchester are, as you will see provided in those packets, more likely between 19,500 and 20,800 in the City of

Manchester and that includes Hooksett. So absolutely our size is smaller on a weekly basis. In Manchester we go through between 10,000 and 11,000 newspapers and *The Union Leader* goes through between 19,000 and 20,000 newspapers. At the same time, we are less than half the cost. *The Union Leader* is \$23.67 per column inch to advertise and our open rate is \$10 per column inch. If the City were to sign a contract, we could probably get that a little lower. Ultimately I don't see why the City would pay all of this additional money, tens of thousands of dollars a year for something they are not required to do. It doesn't make sense. Thank you.

Alderman DeVries asked could you tell me the distribution in the outlying parts of the City. How are you facilitating that now? Grocery stores and that sort of thing?

Mr. Reese asked are you talking about inside the City or...

Alderman DeVries interjected yes within the City limits but say the South end of Manchester. Where as a resident in the South end would I find a *Hippo Press*?

Mr. Reese replied you guys have in your packet something called Distribution Locations. We have every one of our locations listed here. For example, on the East side I run into Real Pinard picking up his copy of the *Hippo* at Sandy's Sub Shop. That is one location but in the South end where you live you can pick it up at Jane and the Beanstalk. There is a supermarket also right across from the fire station.

Alderman DeVries asked so you are not in the larger grocery stores yet.

Mr. Reese answered yes we are. We are in every Shop n' Save or I believe they are Hannaford now in the City. We are in both Vistas. Anybody can find a copy of the paper any time they want. We also have street boxes all around the City as well. There is no barrier to picking up a newspaper from us. In the South end for example, the Hannaford on John E. Devine Drive would be a good location.

Alderman Guinta asked, Jody, would you include these notices on your website.

Mr. Reese answered I don't see why not.

Alderman Guinta asked are you suggesting that these notices do not reach beyond the geographical circulation group that *Hippo* currently utilizes.

Mr. Reese answered I am saying that the City is legally required to publish certain notices and that we fulfill that need. We are a Manchester newspaper. We just basically reach the City of Manchester. We don't go to Keene or Berlin and yes, I believe that Manchester notices should only reach Manchester, absolutely.

Alderman Guinta asked do we in any way as a City or do you feel that the City limits itself in any way when we only circulate legal notices to Manchester, for example, bids.

Mr. Reese answered that is a very good question. I believe that anybody who wants to do business with the City of Manchester and I am sure there are many companies that do, will seek out the places where the bids are located and posted. It has been suggested that...there are numerous companies in the State that provide services to Manchester and would like to see those bids and they are welcome to get the newspaper. They can have it mailed to them. It is very easy to do. On this idea that people don't want to do business with the City of Manchester because the ad is not in *The Union Leader* I don't understand. I also find it...

Alderman Guinta interjected I am not saying that someone would not want to do business if an ad did not appear in *The Union Leader*. I am just suggesting is there a lack of accessibility to a legal notice that is only in a paper that doesn't circulate beyond...

Mr. Reese interjected not to Manchester residents; no.

Alderman Guinta stated not to Manchester residents but I don't know the numbers off the top of my head but non-Manchester bidders. I honestly don't know.

Mr. Reese replied I understand your point. Are businesses outside of Manchester going to know that the City is seeking a bid for X, Y or Z?

Mayor Baines asked do we put our legal notices also on our website.

Deputy Solicitor Arnold replied not all of them. I don't believe so.

Mayor Baines stated that might be something we want to look into. We are going to look at doing that. We should be doing that.

Alderman Guinta stated I have a question and it is not necessarily for Jody. Is it sufficient to post a legal notice on our City website or do we have to utilize additional media outlets?

Deputy Solicitor Arnold replied I think you have to...depending on the legal notice that is being posted in many instances you have to use some outside media. For instance, notices of zoning changes you would have to publish in the paper. Under our procurement code, procurement has to be published in a newspaper of general circulation. In minor instances you would have to go to outside media.

Alderman Guinta asked is there any case law that talks about the size of circulation of that particular newspaper or is it just generic in saying it has to be posted in a widely circulated publication. I am talking about case law.

Deputy Solicitor Arnold answered there is only one case in New Hampshire that I could find that dealt with general circulation in somewhat limited circumstances and it involved the Department of Transportation. It did not define what general circulation was in the statute. There was a decision about one particular newspaper without going into the facts behind it.

Mayor Baines stated I was just thinking in terms of getting more information out there. It is worth this conversation just for that.

Alderman Wihby stated the reason I made this motion was not because people think it is not legal just to go with the *Hippo Press* because it probably is as far as what Jody is saying. If we wanted to do that we probably could go with the lowest bidder. I just think that we limit ourselves if we don't go statewide rather than just in Manchester. Jody you made a comment that you don't think it affects us. You don't think if you are going for hiring we should hire outside of Manchester?

There are good people outside of the City. That is why we have always chosen *The Union Leader* because it is a statewide publication and hits more households than the *Hippo Press*. Nothing against *The Hippo Press*. It does a great job in Manchester. I advertise in it myself. It is just that I think when we are doing something for the City we want to hit as many people as possible. It sounded like in the numbers you gave us it was \$7,000 or more a year is all that we are spending but we are going statewide. I guess my feeling is that if we are spending \$7,000 extra in advertising we are probably saving a lot on the other end because we are getting bids and getting good people coming from throughout the State.

Mr. Reese stated the \$7,000 was just in reference to what the City Clerk's Office spends. Each department spends an additional amount of money and I am not sure but the Planning Department must spend how much...

Mr. MacKenzie interjected about \$3,000.

Mr. Reese stated this adds up over the 23 departments in the City. We don't have a hard and fast number but it could be as high as \$100,000 that the City spends in legal advertising with *The Union Leader* every year. I don't disagree that under the best of circumstances we would like to advertise in the largest newspaper we possibly could. Why not put those ads on WMUR and reach even a larger audience? What I see though is that you are legally required to do something. You are legally required to place an ad in a newspaper with general circulation and that, I think you should do at the cheapest expense possible. You should be frugal. People who are looking for jobs who want to work for Manchester,

companies that want to do work for our City, I believe that they would seek out the information. There is a wonderful website, NHWorks.com, which includes all of the jobs that the City has open on it and I use that as well to look for employees. There is no lack of people looking for work out there and they are looking everywhere. I don't think that somehow if we didn't have the ads in *The Union Leader* that the bids would stop coming in or we would get somehow higher bids. A company that has a better product will come and they will tell you we will do this bid for less. I mean that is what I am doing here and I believe that it is in the businessman's best interest to do that in each case.

Alderman Pinard stated I have a quick question. It says here that the circulation is between 10,000 and 11,000 and *The Union Leader* is 20,000 roughly. Owning a store before I think I know a little bit about newspapers. What is your return weekly from Sandy's or Goldenrod or whatever? Out of the 11,000 what do you pick-up?

Mr. Reese replied we actually print 13,000 and we get back anywhere from between 1,000 and 700 each week so our circulation is at about 12,300 and depending on that weeks cover it oscillates a little bit. The number I gave you there was not the number we print but the number that people pick up and that is the number in the City. We do distribute a few more thousand in places...

Alderman Pinard interjected overall in the City each week what do you bring back. I know your paper is free but the other papers you get a credit for. What do you get for a return for the whole City? If you return 50 from Goldenrod...have you got a total for return for the City? I think that would give us an idea of what the circulation is.

Mr. Reese replied sure. We get approximately 700 to 1,000 returns each week.

Alderman Pinard asked that is overall in the City.

Mr. Reese answered that is overall. That is everywhere but almost all of our circulation is in the City so yes.

Alderman Osborne stated I am going to give you something to take back with you to think about. Number one, have you ever thought of putting in these legal notices for nothing? This way here it would improve your readership. I think this would be an avenue for you to look at. If you put these legal notices in the *Hippo* whenever the City has one out there then people will be looking at your newspaper as well as the other.

Mayor Baines replied well we are going to ask *The Union Leader* to do the same thing.

Alderman Osborne responded well no but he is a small newspaper...*The Union Leader* I know is not going to do that and I don't want any wisecracks but I mean I am trying to...

Mr. Reese interjected when the guy I pay for the paper gives me the paper for free.

Alderman Osborne stated well he is a small newspaper and this will improve his business. That is the way it is. If you want to improve your readership then I think this should be put in there. There is nothing wrong with it.

Mr. Reese replied I agree that it should be put in there and I am willing to do it for a fair price. I am a Capitalist after all.

Alderman Osborne stated well it is up to you. You have to spend money in advertising yourself being in business right? You have to spend money one way or another so this is a good way of doing it, I think, for the City.

Alderman Lopez stated I think Alderman Wihby is correct in what he has said but I would like to ask you a question. Where we have to put notices in the newspaper and you run on a weekly basis would we be held hostage if we wanted a contract we would have to go this week or next week and we might need something in the paper on a daily basis as some things require that we publish notices three times in the paper.

Mr. Reese replied it is interesting that you asked that question. Because our paper is a weekly and it goes over seven days I think actually it is my understanding from what my attorney tells me that that would take care of the requirement to be published for three separate days and it would save the City additional money obviously.

Alderman Lopez stated I think for us to vote on something that tonight there is a lot of legal questions involved and there is a lot of money involved. We don't know at this particular time, for example, what our total cost is that we are doing in advertising. Maybe, your Honor, somebody can dig that up so we can have that figure for the future. Maybe we can make some type of deal *with The Union Leader* at the same time if we know that we are doing let's say in using your words \$100,000 a year we want a better buy and that will save us money too. There are a lot of unanswered questions so I think until we get that I have to agree with Alderman Wihby.

Alderman Gatsas asked, Jody, can you tell me...the readership you are talking about is 10,000 and 20,000. Is that 10,000 a week and 20,000 daily?

Mr. Reese answered well yes and no. The same people don't read the newspaper every single day. Some do of course and different people read the weekly paper at different times so there is something they call a coom. It is sort of like your total readership over four weeks and daily newspapers they might do it over a week. Let's say Alderman Wihby there receives *The Union Leader* every day and of those days he might read it every one of those

seven days so you are obviously just getting one reader but his son might read it one day but not the next day and so that day you would get an additional reader. *The Hippo Press* works the same way. One week Alderman Wihby might read that newspaper and the next week he might not but his son might. What you are asking is is it a daily and does it multiply out that many times more. Do they actually have seven times 20,000 right?

Alderman Gatsas responded I am not concerned about the seven times. I am more concerned about the three day running of a specific notice, which is 60,000 versus 10,000 because you are saying that...

Mr. Reese interjected well it is not truly 60,000 because 20,000 new people don't read the paper the next day.

Alderman Gatsas stated I can't tell you that.

Mr. Reese replied well that is not the case. There is something like 90% of the newspaper is read by the same person every day. So no you are not getting 60,000 readers versus 10,000 readers. You are getting more like 20,000 readers versus 10,000 readers. Again these are also household numbers. The Union Leader and I both claim that the paper is read more than one time. Our paper is read about three times and they claim their paper is read about three times as well. I just wanted to make one point responding to Alderman Lopez and that is that I believe the appropriate place to discuss this and with the City's attorney is in a committee meeting, perhaps the Committee on Administration. That is where we should discuss it.

Mayor Baines responded I think that is a very good idea.

Alderman Gatsas stated we are having the discussion right here.

Mr. Reese replied well it can get very complicated and that Committee can make a recommendation to the Board.

Mayor Baines stated well there is a motion on the floor. It has been duly seconded and debated. Is there any further discussion?

Alderman Shea stated I just wondered in terms of someone putting an ad in the paper...I am not sure if Leo or someone can comment who puts them in what kind of service we have received and are we satisfied with the service that we have received in putting our ads in *The Union Leader*. Has it been a positive relationship and if it is and the wheel isn't broken, why fix it? If it isn't well you know...I am assuming Leo that you put most of the ads in the paper for the municipality here.

Clerk Bernier replied most of the ads are placed by the City Clerk's Office with *The Union Leader*. They have been very supportive and very helpful. As a matter of fact on occasion they have probably stopped printing so we could get our legal notices out there because of time constraints. We have no problems at all.

Alderman Shea asked how long of a relationship have you had with *The Union Leader*.

Clerk Bernier answered the City Clerk's Office has had a relationship with them for 16 years.

Alderman Shea asked and during the course of the 16 years you have been satisfied with the service you have received.

Clerk Bernier answered we have had no problems.

Alderman O'Neil asked is the intent that we are going to act on this right now.

Mayor Baines answered there is a motion to receive and file.

Alderman O'Neil stated for some reason both papers thought this was going to Committee the way their letters were addressed. I have a number of questions. I take what Jody says to be true but I don't know that we spend \$100,000 a year in all of our departments. I have heard two departments totaling \$16,000 here this evening. I don't know the legal requirements. Is there a difference between one day versus multiple day and daily versus weekly? Can some of our notices be covered by just simply placing them on the website? I don't know.

Mayor Baines asked Alderman Wihby do you want to withdraw your motion and send it to Administration.

Alderman Wihby stated my mind is not going to be changed. I have nothing against *The Hippo Press* or the legal requirements. I am going to assume that we probably could put it in *The Hippo Press* legally. My concern, your Honor, is getting it statewide so that everybody is able to bid. I think that brings down our cost.

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

Alderman Lopez stated in relation to some of the questions that were asked here could you have your staff look into those and work it out because we can bring up this motion again at any time.

Mr. Scannell stated we will ask the departments for their budgets for advertising and get that to you.

### **NEW BUSINESS**

Mayor Baines stated you do have in front of you a Resolution. We have been engaged in quite a bit of discussion over the past several weeks about rails and we are asking that this Resolution be adopted by the City. For the record, I will read it.

“A Resolution Encouraging the Governor and Council to approve the contract extension to Parsons Brinckerhoff for the return of commuter rail service to Nashua.”

- WHEREAS, commuter rail service between the City of Manchester (including the Manchester Airport) and Boston would offer our citizens an important alternative to using congested highways; and
- WHEREAS, rail usage offers benefits to the environment; and
- WHEREAS, having rail service to Manchester and the Airport would be a significant economic development opportunity for the City; and
- WHEREAS, restoring commuter rail service to Manchester hinges upon the restoration of service to the City of Nashua first; and
- WHEREAS, an extension of the contract with the Parsons Brinckerhoff is necessary to continue to implement commuter rail service to Nashua; and
- WHEREAS, the contract extension requires approval by the Governor and Council; and
- WHEREAS, failure to execute the agreement by March 19 may jeopardize federal funding for the project and may delay the project for at least a year;

NOW, THEREFORE, BE IT RESOLVED that the Board of Mayor and Aldermen of the City of Manchester strongly encourages the Governor and Council to execute the contract extension with Parsons Brinckerhoff for the return of commuter rail to Nashua in order to allow future service to the City of Manchester at the earliest possible time.

RESOLVED, that this Resolution shall take effect upon its passage.

Alderman Pinard moved to adopt the Resolution. Alderman O'Neil duly seconded the motion.

Alderman Wihby asked where is this coming from.

Mayor Baines answered we have had some discussions...Mayor Streeter initiated some discussions. We have been having ongoing discussions with the City of Nashua about ways

we can cooperate on different challenges facing our community. Alderman O'Neil recently attended a meeting in Nashua. I don't know, Alderman, if you want to comment a little bit about it. We also had a meeting with Councilor Wieczorek yesterday to talk about this and asked him if he thought this would be an okay Resolution to forward to the Council because they are in deliberations. I don't want to speak for him but he indicated that he wouldn't have any objection to this being forwarded to the Council.

Alderman Wihby asked where is it.

Mayor Baines asked where is the whole issue. Right now it is about a \$70,000 issue...

Alderman O'Neil interjected a \$76,000 issue.

Mayor Baines stated a \$76,000 issue to continue the study and there is some concern about using the Highway trust money. There was a split vote on the Council 3-2. It is going to come up for reconsideration.

Alderman Wihby asked is it more of a funding issue rather than...

Mayor Baines interjected it is both.

Alderman O'Neil stated it is not necessarily a funding issue. Of the \$76,000, the State's share is only \$15,000. I think it is more about this pending lawsuit over the highway fund money but failure for the State to move forward on this...the Congressional delegation is looking for some direction from the State. They fought very, very hard on this to secure funding. I want to say \$26 million may be secured to date potentially. They are looking for some direction. Do they continue to fight for additional funding or not.

Alderman Wihby asked is this tabled somewhere.

Mayor Baines answered it may come up again at the next...I think there was a vote several meetings ago.

Alderman O'Neil stated I believe it is going to be brought up again on the 19<sup>th</sup> of this month. Again, our understanding is that if the delegation doesn't get some direction they may not continue the fight on this.

Mayor Baines stated again unrelated to that I attended a meeting with the Governor this afternoon talking about efforts to bring back rail service to Southern NH so I think it would be very beneficial if the community started talking about it in sort of a concerted voice to get the message especially to Washington.

Alderman O'Neil stated we know that budgets can always be interchanged but I believe in the capital budget that the Governor presented he put \$3.5 million for acquisition of the first train station in Nashua. There seems to be some support to keep moving forward on this. It was just felt that a Resolution from the City might be helpful to not only Councilor Wieczorek but maybe to some of the other Councilors in Concord.

Alderman Gatsas asked the cost is \$26 million. What is the State's portion of it?

Mayor Baines answered I don't think there has been a determination of the State involvement.

Alderman O'Neil stated I don't think the cost is \$26 million. I believe that number...I apologize because I don't have my notes in front of me but for some reason I believe that number as being secured by the Congressional delegation. I could be wrong.

Mayor Baines stated it is really just to complete the study. I forget how much money has been spent on the study. It is over \$1 million. They just want to complete the study to send a message...Congressman Bass in particular has been working very hard to secure money to help with the Nashua situation and unless the study is completed that will jeopardize that Federal funding. That is the way I understand it.

Alderman Gatsas asked this is another one of those studies that we pay for before we know there is a project in place.

Alderman O'Neil answered no. They need the study to continue the project. Without having my notes I don't want to be quoted on this \$26 million. Mr. MacKenzie and Mr. Thomas were with me at the meeting. They might remember what the delegation is...

Mr. MacKenzie interjected I believe that the \$26 million was needed to get rail service back to Lowell. I believe that the Congressional delegation has secured \$9 million so far towards the project.

Alderman Gatsas asked does somebody know what the State's cost will be or do we just not worry about that.

Mayor Baines answered at this point in time all we are talking about is completing a study; that's it.

Alderman Gatsas stated your Honor we are sending a Resolution to the State looking to help...I guess my first question would be is Nashua doing a Resolution.

Alderman O'Neil replied they did a Resolution two years ago.

Alderman Gatsas asked are they doing another one.

Alderman O'Neil replied I can't tell you that.

Alderman Gatsas stated we should make sure that Nashua gets it first. Why are we worried about carrying the water for Nashua?

Mayor Baines replied we're not.

Alderman Gatsas stated that is what this says.

Mayor Baines responded I don't believe it does but that is your interpretation of it.

Alderman Gatsas stated it says right here "restoring commuter rail service to Manchester hinges upon the restoration of services to the City of Nashua first."

Mayor Baines replied that is true.

Alderman O'Neil stated it is never going to come to Manchester if it doesn't go through Nashua first.

Mayor Baines stated you can't get there from here.

Alderman Gatsas asked so somebody is giving you a guarantee that if it is completed to Nashua that they will complete it to Manchester.

Mayor Baines answered no there aren't any guarantees. As you may have read in the paper a couple of weeks ago, Dave Fink at Gilford Rail is talking about a proposal to bring commuter rail back to Nashua and Manchester and up to Concord to Merrimack and down to Lowell. That was the topic of discussion with the Governor today. All we are talking about here is trying to insure that the study is completed to guarantee the funds for the completion of the funding for Nashua. We are trying to help out a sister community because ultimately it is going to help us.

Alderman O'Neil stated just for the record, Kevin Dillon of the Airport is on record that he would like to see rail service come to Manchester.

Mayor Baines called for a vote on the motion to adopt the Resolution. The motion carried with Alderman Gatsas abstaining.

Mayor Baines stated I have a couple of announcements. There is going to be a joint meeting of the Board of Mayor and Aldermen and the School Board next Wednesday to have a general discussion of the School District budget situation. Board members have been contacted about attending meetings over the next couple of days looking at the recommendations for design build and all of the cost issues related to that like financing and other information. We urge you to attend the meetings over the next couple of days. If you are unable to attend any of the meetings would you please contact Mr. Clougherty or Mr. Sherman in the Finance Office and schedule a time to come in and be fully briefed maybe early next week.

Alderman Wihby asked why aren't we going to do it in public at one of these meetings. Why do we have to go singly?

Mayor Baines answered it is going to be brought up. The process that was outlined and we gave it to the Board the last time is that they are finalizing all of the financial figures and they thought it would be of benefit to brief everybody like they do with every major project that comes before the City and then there will be a formal presentation as well.

Alderman Wihby asked do we brief everybody formally one-on-one before we have an Aldermanic meeting. We have never done that before.

Alderman O'Neil stated I think it has been done several times before. It was done on Bridge and Elm. At least Aldermen were asked to attend meetings. Not all of them did but that is at least one that this has happened on. I believe I know we have attended meetings before with regards to this project. There was at least one that this has happened on and I believe...I know we have attended meetings before with regards to this project. One-on-one's at the School District, not one-on-one's but I attended with Committeeman Kacavas at one time a couple of months back. This isn't a new theory of having these briefings ahead of time.

Alderman Wihby asked so if we have these meetings does that mean that we are not going to take it up at the full Board meeting.

Mayor Baines replied no. We will be taking everything up. If you want to have the briefing before it is presented to the full Board you are entitled to come. We urge you to come because there is an opportunity to have the one-on-one interaction. Randy, did you want to comment on that?

Mr. Sherman stated one thing I would say that we have done is brought the folks together in one room who hopefully will have all of your answers. The last time around we had high school principals there. We are bringing Tim Clougherty, Finance staff, School staff so when you come in and you look at the numbers and you look at the plan you have the opportunity to sit there and ask questions and get the answers there. Sometimes in a full

public forum once you have gone on for three or four hours it tends to get a little stale and late and everything else and this just gives everybody the opportunity. Certainly I would encourage you to attend. It isn't mandatory in any fashion but it is an opportunity that we are offering to everyone if they would like to come.

Alderman Wihby stated I asked a long time ago that we be presented with other options. I got a letter a couple of weeks ago from Mr. Kehas talking about what he thought should happen as far as the study group that he was in. If we go to this meeting are we going to hear that side of it too?

Mayor Baines replied you are going to hear about every aspect of the project.

Alderman Wihby asked are we going to hear about Bedford moving on and that kind of stuff.

Mayor Baines answered yes there will be discussions of all of the different scenarios.

Alderman Wihby asked and all of the numbers.

Mayor Baines answered yes the numbers related to every particular scenario.

Alderman Gatsas stated I think in the past every time there has been these little group sessions I have asked if we can receive the material before hand so that we have an opportunity to review it before we go to these meetings and for some reason I asked again today when I was informed about a meeting and somebody was supposed to get back to me and I have not heard. I think that the policy of this Board from two years ago was that all paperwork...anything that we were going to look at or meet on we would receive before we had to sit down. Now when we are talking about a \$70 million project or \$100 million project I think it is only appropriate that somebody gives us the information before we sit in any meeting.

Mr. Sherman responded we certainly can...we will have the information available at the meeting. If Alderman Gatsas would like us to package that up and meet with us next week we certainly can do that. As late as 5:00 this evening we were still running financing scenarios. So the information...

Mr. Sherman interjected I don't think the courtesy should just be to Alderman Gatsas. I think it should be a courtesy to all 14 members of this Board.

Mr. Sherman stated we can certainly offer it to anybody. I think as the Mayor said if you can't make it this week or you have a reason why you don't want to come in this week we certainly can do something next week. We are still negotiating the contract. We are still finalizing the numbers.

Alderman Gatsas responded for some reason he is making it sound like I can't go.

Mr. Sherman stated again as we finalize things we can package up...again we are just offering the opportunity to School Board members and Aldermen to come in and have a more detailed question and answer session. Again, we would be glad to do this at any point and provide any information that anybody is requesting in advance.

Alderman Gatsas stated for him to make it sound like I can't be there is wrong. My request was is before I meet that we are distributed the paperwork. I think I was very clear with that. It had nothing to do with I need a special meeting. I think that every Alderman on this Board should be distributed paperwork before anybody sits down with anyone.

Alderman Shea stated if you recall, your Honor, I did mention to you very clear that I don't think there are enough votes for the design-build to go through and you indicated well when you get all of the information. I think in fairness to the people of Bedford we probably should indicate this evening whether the members of this particular Board would agree to go with the design-build or whether or not we would not and I suggest, your Honor, that we give a clear message to the people of Bedford and to the other communities that if the Aldermen on this Board are not going to support the design-build there is no reason to give false hope to the people of Bedford or the people of Hooksett or the people of Auburn or the people of Candia that we will. I realize, your Honor, that a lot of information has gone through and people have worked very diligently but, your Honor, there are pressing needs for the students of Manchester, which many of us...at least I am speaking for myself, feel in this regard. I can tell you, your Honor, that I do not believe that the votes are here for the design-build.

Mayor Baines replied the only thing I would say to you and I would ask you is wait until you see the entire proposal – the financing, the design, the different alternatives which we are going to ask for. I think it is a little bit presumptuous to say you are not going to vote for something when you haven't even seen it.

Alderman Shea responded, your Honor, I have been exposed to the explanation. We all have individually and philosophically I am not in favor of having the Bedford students continue in the City of Manchester using our schools. I am not in favor of that for several reasons, one of which is there are alternate plans whereby we will not have mega schools and we will not have underground garages and we will not have different types of problems existing in the City when these people decide after a few years to remove themselves from the community of Manchester and build their own schools. I am in favor of renovating schools and I believe, your Honor, you asked me to come up with a plan and I definitely could come up with a plan publicly or privately with you which would be more in terms of what the Parsons Brinckerhoff report has indicated, Option M, which would save the City \$7 million. I think,

your Honor, that we have to be honest and say are we going to on March 5 going to go along with design-build or aren't we? These are questions that the people in Bedford are entitled to. They are going to vote on March 11 and if they vote in favor of it and on March 18 we say no are we being fair to them. That is my comment, your Honor.

Mayor Baines responded again I would ask you to listen to the full presentation and then we will make our judgements based on all of the information that is presented. I think that is the fair thing to do.

Alderman Shea stated I know people have worked very hard, your Honor.

Mayor Baines responded all I am asking you is to listen to all of the information. That is all I have ever asked.

Alderman Guinta stated my sense of the situation and what I am hearing tonight and have heard in the past is that there is a lot of frustration with lack of information presented to, as you described, the policy members of this Board, which is the Aldermen. I think there is a sense of growing frustration with first of all how much money we have spent without any authorization from this Board. I suspect there has been money spent.

Mayor Baines replied it was voted on by this Board.

Mr. Sherman stated the City hasn't spent any money on design.

Alderman Guinta asked what about the architectural plans.

Mr. Sherman answered they did that all as part of their bid process with absolutely no guarantee...

Alderman Guinta interjected but there has been a request in front of this Board to pay whoever we do not choose.

Mr. Sherman replied yes at one point that was discussed.

Alderman Guinta stated well I think at some point that is going to happen so I count that as money that...

Mayor Baines interjected the answer is no.

Mr. Sherman stated we have gone back to both parties and told them that that will not happen and they have both accepted that. They both told us that we own their designs and

we own all of their work at this point. They fully understand that there will be no compensation.

Alderman Guinta asked so that issue is dead and that will not come before this Board again.

Mayor Baines answered that is correct.

Alderman Guinta stated so at this point we have actually spent zero dollars with the exception of the time that all of our staff has spent.

Mayor Baines replied that was the whole concept of design-build when we brought it to the Board for endorsement.

Alderman Guinta asked when was the information available. The Mayor's Office has the information. The departments who are working on this have the information.

Mayor Baines answered no they don't.

Alderman Guinta stated if someone is working on it someone has information that I don't have.

Mayor Baines asked Frank Thomas to come forward.

Alderman Guinta replied I don't want...

Mayor Baines interjected I want Frank to come up and talk about the process because we don't have the information.

Alderman Guinta stated there is information that exists that this Board does not have.

Mayor Baines replied we had the session how long ago with the Board.

Mr. Sherman stated we got the initial bids on the high school on December 6. We had the one-on-one's in early January. The second bids came in February 14 I believe. After that we had interviews and we have been negotiating contracts. Again, as I mentioned as late as today we are still working on numbers and contract issues.

Mayor Baines stated and all of the information we have up to this date and up to this part of the process was be released to all of the members of the Board and to the press.

Alderman Guinta asked when are you talking about – Friday.

Mayor Baines answered no several weeks ago. All of the information we had at that point was released to all members of the Board and to the press and that is what we are in the process of doing now. They just interviewed the two firms two weeks ago. Frank, can you explain that please? Nothing is being kept from the Board.

Mr. Thomas stated we really do not have a full package yet. As Randy noted we are still negotiating with what we feel right now is the firm that we are going to be recommending. We were still getting numbers in today. We are still finalizing those numbers. The contract is being negotiated with the firm. As of this afternoon we were still negotiating with them as far as the risk, you know spreading the risk back and forth on some of the issues that could possibly come up. It is not like we have had a...this process is not like designing a building, putting it out to bid, getting the bids back, taking a look at the low bid and making the award. That is not the design-build process. This process was...we said to the various teams this is kind of what we are looking to do based on Parsons-Brinckerhoff. They came in with their own teams, their own preliminary designs. We took a look at them all. We said well okay we wanted to look at this scenario for this and another scenario for this and put them all together and we just got those numbers in on the second phase maybe three or four weeks ago.

Alderman Guinta asked if I can give you a scenario, Frank, and I am not trying to put you on the hot seat but you seem to be the person with the answers I am looking for. The towns are going to vote in the next month and then I suspect that this Board is going to vote sometime after that. Let's assume that the towns vote no on the tuition agreement just for the sake of this argument. The towns vote no. We essentially don't have much of a vote because now we have to start this process over again because I suspect we would need to have completely new designs. Whatever we are designing I think probably has the expectation that all of the towns are going to say yes from a population standpoint, right?

Mr. Thomas responded we still theoretically could go ahead with the renovations. The renovations to the buildings still need to be done on all of the schools. Will we have to drop back and regroup regarding maybe putting an extra floor on a building at Central or doing an addition on West? Yes.

Alderman Guinta stated my concern is if we have to drop back to that and I think what Alderman Shea is referring to are alternative plans. Should the towns not agree with the tuition agreement...I mean if one town, if Bedford says we are not going to sign this we are going to go build our own high school we, I think, have lost a lot of valuable time.

Mayor Baines replied no we haven't.

Alderman Guinta responded yes we have because we could have started renovations...

Mayor Baines interjected no because we couldn't have started renovations. We can't start renovations until this summer and we have discussed with the team alternatives as Alderman Shea requested. We have gone through all of the alternatives with both teams and they have said they could do a very quick turn around on any adjustments that have to be made based upon vote. We haven't lost any time, whatsoever, Alderman.

Alderman Guinta stated but we could have...you said that we couldn't start renovations until this summer. That is not true.

Mayor Baines responded well it is because we haven't got the final...

Alderman Guinta interjected why couldn't we have started renovations a year ago.

Mayor Baines stated because we didn't have the design-build process complete.

Alderman Guinta replied we didn't have to use the design-build process. We could have used any process we wanted. It didn't have to be design-build.

Mr. Thomas stated that is correct but the Board here supported the notion of going ahead and procuring these improvements through the design-build process. If you remember we met down at the Millyard museum.

Alderman Guinta replied I remember that and there seemed to be a lot of generalization in that meeting and while I appreciated the information that was submitted to the Board, it seems like this process has taken over a year and now we are at the point where it appears that most Board members aren't even in favor of this plan at this time.

Mr. Thomas stated again I have to echo what the Mayor said. I would reserve your comments until you see the numbers and you see the proposals. I agree with Alderman Gatsas. I think you need to have these numbers but unfortunately we didn't have them a week ago. As we mentioned, we are still getting them in.

Alderman Guinta responded I think it more relates to the tuition agreement.

Mr. Thomas stated the numbers that were given out to the towns for the tuition agreement were the high-end numbers. We gave them a number that they are not going to see. That is what they built into the negotiation.

Alderman Guinta stated I think some of the information that I don't have...I haven't seen any alternative plans. I don't know that that has ever been distributed to the Board of Aldermen.

Mayor Baines replied that is what we are doing over the next two days.

Alderman Guinta asked how long has that information been in existence. You said, your Honor, that we had all of the information that you and the departments have but if those plans have been in existence for three months, we don't have them.

Mr. Thomas answered the problem with...

Alderman Guinta interjected when were they in existence.

Mayor Baines stated there was a bid process...they did not even make the presentations to the City team until about two weeks ago.

Mr. Thomas stated keep in mind that this has been a negotiating process and it is very difficult to negotiate with various design teams when you are throwing out to the public all of these different scenarios.

Alderman Guinta responded I am not talking about the public. I am talking about the Board of Aldermen. Again, I am not comfortable discussing this with Frank because I don't know that it is appropriate for him...

Mayor Baines interjected Frank has headed up this project.

Alderman Guinta stated well I would prefer to ask your Honor.

Mayor Baines replied I gave you the answer.

Alderman Guinta stated the question I have...

Mayor Baines interjected I am going to give you the answer to it but you have asked the question three times.

Alderman Guinta stated I just want a date.

Mayor Baines responded I think it was two weeks ago when the two teams came forward and make their presentations to the City team. At that point in time, these are not final even at that point because a recommendation has not been made until the last couple of days as to which team we are going to. That is what we have put together. Now that they are recommending a design team to go to, they are prepared to sit down with all of the Aldermen individually and explain every aspect of the design and what their recommendation is for the team. As soon as the decisions have been made, it has been released.

Alderman O'Neil stated we need to keep in mind what the framework of this whole thing is. We seem to center around the tuition students coming to the City of Manchester. That is actually a small piece of this. About 50% and Frank you can correct me if I am wrong but about 50% of the project is additions.

Mr. Thomas replied that is correct.

Alderman O'Neil stated about 50% of the work to be done is renovations that are needed whether Bedford comes here, Hooksett comes here or Auburn comes here. That is to about 14 elementary schools or maybe there is more, maybe it is 16. That is to two middle schools – Parkside and Southside. Hillside gets an addition that has nothing to do...I believe Southside gets an addition as well that has nothing to do with Bedford, Hooksett, Candia or Auburn. We need to keep in mind that this is as much about school children in the City of Manchester then it is about kids coming from surrounding towns. If we continue our trend on how we currently fund renovation projects in the City of Manchester I believe I am correct on this number, we average between \$3 and \$5 million a year for renovations. If it is \$80 million, if that is the right number we are talking 16 to 28 years before we implement that Parsons-Brinckerhoff plan. This will be somewhere between four to six years and we get all of the schools upgraded. I think we need to keep that in mind. We hear continuously every year about the problems in our schools around the City. This is about getting our schools renovated, meeting ADA requirements, upgrading mechanical and electrical systems...that is what this project is about. It is about windows and doors. It has nothing to do with Bedford, Hooksett, Auburn or Candia. It has to do with Manchester school facilities and we need to keep that in mind. Thank you.

Alderman Gatsas stated if memory serves me correct, 24 members, well actually 14 members from this Board and 14 members from the School Board four years ago met I believe at the Institute. We had this conversation about schools back then. I made a motion for \$20 million in renovations and I couldn't get a second. I had no conclusion that it dealt with the towns outside of the District. I thought renovations should have been done then. I didn't get a second from a School Board Member. I didn't get a second from an Alderman. So four years ago I thought we should have done those renovations. Two years ago we sat down at the Millyard and we had an excellent presentation. The vote that evening was one person voting against it and that was I because I didn't believe we had enough information to go forward and I said we are going to be here and it is going to be the final hour. Your Honor, I made a simple request. People are calling to set-up meetings for tomorrow and Friday. I just heard from Mr. Thomas and from somebody in Finance that they haven't completed those numbers. My request was that we would have those numbers before we meet. If they haven't completed them, why are we setting up meetings? Why are we talking about it? If somebody can address that and tell me why we are going in if there is not going to be anything given to us, anything that we can look at and I can appreciate where Mr. Thomas is coming from. I understand they are working on a \$70 million project and it

doesn't happen overnight but I would think that out of respect for this Board that somebody would say here is a packet. I think the Aldermen should have an opportunity to look at it and come in and ask intelligent questions rather than sitting there and getting information on a project that we should have information about.

Mr. Thomas responded quite frankly that is our intent. Our intent is to give you the information that we have available. To try to explain the project to you and try to answer some of your questions and then allow you to go home, take a look at it in more detail and if necessary sit down with us again for a follow-up meeting. What we want to do is to try to prepare you 100% so that when we make the formal presentation on the 18<sup>th</sup> you will be informed. You will have the numbers. You will have had the chance to respond back to us on those numbers and any issues that you want to raise on the 18<sup>th</sup> during the presentation will be based on knowledge. That is what we are trying to do. We are trying to give you the information, allow you time to study it, allow you to come back to us if necessary so that on the 18<sup>th</sup> you will have...

Alderman Gatsas interjected when will we have a completed packet from soup to nuts so that we can sit down and analyze it before we talk to anybody.

Mayor Baines asked if you want that probably Monday or Tuesday we could get that together.

Mr. Sherman replied those numbers are going to change every day until we sell those bonds. They are. It is a very...

Mayor Baines interjected I mean the framework.

Mr. Sherman stated the framework again is being put together and worked every day. The underwriter has been on board with these guys since last June or July when they first submitted this. It is very complicated financing because you have to deal with the tuition agreements that you have and we are trying to get some of the bonds tax free...I mean interest free so that there is no interest that we are paying on it but that depends on what schools you are doing the work on. We are working with the contractor to go back and identify specific costs, whether they are additions or renovations and whether they are at inner City schools or in the Enterprise zone. You have to constantly deal with those issues and until you get down to the very end you are not going to have final numbers. As far as a framework, yes, the more time we have...by the first of next week or the middle of next week or the end of next week...I mean the numbers are going to get better and tighter every day we go along, especially now that we will have a recommendation on a contractor.

Mr. Thomas stated and keep in mind that financing is only one portion of this. The City's team has been meeting diligently with what we felt is the contractor that we are going to

recommend over the last two weeks. One area that we have been meeting on is the technical issues and trying to resolve some of the technical issues so that there are no surprises. There have been meetings just focusing in on the contract language. That stuff all had to come together because it affected the financing. As Randy mentioned, that is still a moving target right now. But we are going to give you the best information that we have, explain it to you, give you the opportunity to come back and ask us some more questions so hopefully for the 18<sup>th</sup> there will be a discussion based on fact.

Mayor Baines stated again we wanted to get the information...the reason we scheduled the meetings on Thursday and Friday is we thought we could get as much information as possible out to you. We wanted to get it out to you the next day so that you got it first and then we are going to be fine-tuning it and then you are going to get the full presentation and when you see the full presentation, especially related to financing, how this thing works overall, the different alternatives that are involved in it, I still remain very confident that you are going to become very enthused about it. You haven't had the opportunity to do that. All we are asking is that you be patient. If you want to wait until next Monday or Tuesday, I think about six or seven Aldermen have already signed up to participate. If you don't want to do that then you can cancel and we will reschedule you for early next week and we will get more information but we are going to release it all tomorrow.

Alderman Lopez stated we can kick this thing to death and I can understand where a lot of the Aldermen are curious about this and curious about that but I understand, too, and this is the conversation that goes this way. I was told today that I am going to have everything. I am going to have a summary. I am going to have a packet. I am going to have the financial data tomorrow. I hope that is correct, Randy. Are you telling me that you are going to give me a summary of everything financially tomorrow on everything that has been asked by Alderman Wihby and Alderman Shea?

Mr. Sherman responded I am not sure...I haven't seen what the School Department has prepared because some of those answers have to come from the School Department. What you will be able to see from the Finance side is the financing package as it stands right now.

Alderman Lopez asked am I going to walk away from this meeting tomorrow like I was told today by the Deputy Superintendent that I will have all of this information tomorrow and walk away with it.

Mr. Sherman answered I can't tell you what School has prepared for you. I know what Finance has and I know what Highway has.

Mayor Baines stated if you want more information, obviously we will get you that information as well.

Alderman Smith stated on the same lines I was informed by Dr. Bass that he would have concrete information in regards to the finances and that is why I am attending the meeting. I think you have to go through the process and the process where it is working backwards and the towns are voting first before we decide on the budget but it could conceivably be that the towns would vote for the tuition agreement and then we could turn it down as a Board. That is a possibility. I don't know what the ramifications are but I know that we met back in February and there was not a dissenting soul except for Alderman Gatsas on the design-build. I think if we have gone this far we have to go through the process. It is going to end by the end of March and I think we can live with it.

Alderman Shea asked, Frank, proportionately how long have you spent on the design-build in terms of capital improvements versus renovation.

Mr. Thomas replied I don't understand your question.

Alderman Shea asked in other words the concentration of effort in terms of capital improvements, your committee or committees that you are involved with devoted how much time in terms of that project versus renovating the schools. What is the proportion? Is it 50/50, 90/10, 80/20?

Mr. Thomas answered the project was split in two and the reason why it was split in two was because we needed some hard information regarding the additions to the high schools so that the School Administration could negotiate with the towns. We had to have these design teams look at the high school additions and come in with some numbers for the high schools.

Alderman Shea asked so the concentration of effort has been mostly on design-build. Is that correct?

Mr. Thomas answered the whole project is design-build.

Alderman Shea asked on capital improvements versus renovations. In other words, we are talking about two different things as Alderman O'Neil mentioned. Capital improvements means placing a lot of money, \$79 million or \$93 million or \$110 million depending on the figures in terms of starting at the high schools and working down to the middle schools and the elementary schools. Renovations are a little bit less.

Mr. Thomas answered if you want to put a split on it, it is going to be close to 50/50 or maybe a little bit less on the renovations. You have to keep in mind that besides these design-build teams we have had Parsons-Brinckerhoff's first study and their second updated study. That work focused in on the renovations more so than the additions that were being proposed so there has been a lot of effort put in both directions.

Alderman Shea stated I have a few more questions. Would the sending schools...I am not sure if this has been discussed but we know that if the sending schools approve the tuition or that is to say remain as tuition students they will contribute to the capital improvements of the high schools. Would the sending schools be financially involved if we add renovations?

Mr. Thomas replied yes. They are responsible for the additions to the high schools up to a set level that we...

Alderman Shea interjected I am talking about renovations.

Mr. Thomas stated the renovations to the high schools on a prorated basis.

Alderman Shea asked so if we say to the tuition students from Bedford after three years you are gone and you have to go back and build your own school or go with someone else they would still during the three years that we are renovating West High School have to pay for those renovations. Is that what you are saying?

Mr. Thomas answered that is right. I think when you review the tuition agreements, which you will have at the presentation, those are the kinds of questions that will be answered.

Alderman Shea asked and as the Mayor has indicated there are provisions whereby the people bidding on the design-build project have made certain plans for capital improvements and certain plans for renovation of the schools involved, that is the high schools. Is that correct?

Mr. Thomas answered on all of the schools. On every single school.

Alderman Guinta asked on March 18 or by March 18 will we know what the impact on our tax rate will be.

Mayor Baines answered yes. In fact, some of that information will be discussed tomorrow and again I believe that once you see the full presentation, especially the financing and you start to understand the impact of the participation of the surrounding towns and when you further analyze the impact that without them the tremendous burden that will place on the individual property taxpayers in this City, I believe at the end of the day...I have to remain confident that this Board is going to support this project. Based upon what I know of the financing it is probably the most creative approach that I think has been brought to any project that we have done in the City. Secondly and I will reiterate this again and we can go over this privately, publicly and in all of the different forums we have, absent the tuition dollars you are going to be transferring or taking out of your general fund dollars in terms of what is coming in to help with the operation, a significant amount of money that would put a burden on the property taxpayers of the City that would be unprecedented absent the tuition students.

Alderman Smith moved to adjourn.

Alderman Garrity stated earlier you talked about a joint meeting. When is that?

Mayor Baines replied it is at Memorial High School next Wednesday night at 7 PM and that will be a general discussion of the School District budget so that everybody gets on board on the specific issues because that is a significant part of the budget going forward.

Alderman Garrity asked so that is on the School District budget.

Mayor Baines answered yes just a discussion of the School District budget.

Alderman Guinta asked are you still on track with a date for the presentation of the budget.

Mayor Baines answered yes. Tentatively and again it is subject to what happens over the next couple of weeks but I have tentatively scheduled March 20. That could change.

Alderman Guinta stated I don't know if this could be done between now and March 20 but I would like and I don't know which City staff...maybe the Solicitor and the Tax Collector's Office but I would like some information on potential changes to the property tax collection process. As I understand the process, we collect taxes twice a year. I know that there are some State law implications but it seems to me at least with initial study that it would make sense to look into tax collection four times a year, which would do several things. It would bring money in quicker to the City and I think we could realize some cost savings. I don't know if it would make any financial difference to a homeowner whether they escrow or pay cash.

Mayor Baines stated why don't we look into that.

Alderman Guinta stated I do know that there are State laws. I would like to try to get the Solicitor's Office and probably the Assessor and Tax Collector to get together and come up with what type of language we would need to change it at the State level.

Mayor Baines stated for the record I am giving that responsibility to Mr. Arnold this evening. He will get together with the necessary people and get back to the Board.

Alderman Pinard duly seconded the motion to adjourn. Mayor Baines called for a vote. There being none opposed, the meeting was adjourned.

A True Record. Attest.

City Clerk