

BOARD OF MAYOR AND ALDERMEN

April 1, 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,
Shea, Lopez, DeVries, Garrity, Smith and Forest

Absent: Alderman Thibault

Mayor Baines recessed the regular meeting to allow the Public Participation

Session to be completed.

Mayor Baines called the meeting back to order.

CONSENT AGENDA

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

Minutes Accepted

- A. Minutes of meetings held on October 1, 2002 (two meetings); October 15, 2002 (three meetings); October 22, 2002; October 28, 2002; November 6, 2002 (two meetings); November 13, 2002; November 18, 2002; November 19, 2002 (two meetings); November 26, 2002; December 3, 2002 (two meetings); December 9, 2002; and December 17, 2002 (two meetings).

Ratify and Confirm Poll Conducted

- B. Approving a request from Virginia Lamberton, Human Resources Director, to continue the policy of paying the full cost of medical and dental insurance for those employees involuntarily called to active duty.

Informational – to be Received and Filed

- C. Minutes of Mayor's Utility Coordinating Committee meeting held on March 19, 2003.
- D. Communication from Jerry Reese of Comcast informing the Board of a change in the current Federal Communications Commission fee currently paid by subscribers.

- E. Communications from Robert Monaco of the NH Department of Environmental Services advising of two appointments to the Piscataquog River Local Advisory Committee.

REFERRALS TO COMMITTEES

COMMITTEE ON FINANCE

- J. Communication from Joanne Shaffer, Second Deputy Finance Officer/Treasury Manager requesting authorization to expend funds from the EDP Replacement Account for a Sodium Hypochlorite Storage Tank.

REPORTS OF COMMITTEES

COMMITTEE ON ACCOUNTS, ENROLLMENT & REVENUE ADMINISTRATION

- K. Advising that it has accepted the City's monthly financial statements for the eight months ended February 28, 2003 and is forwarding same to the Board for informational purposes.

- L. 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 determinationand is forwarding same to the Board for informational purposes.

- M. Advising that it has accepted the revenue forecast report by department for the current fiscal year and is forwarding same to the Board for informational purposes.

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

REFERRALS TO COMMITTEES

COMMITTEE ON BILLS ON SECOND READING

- F. Communication from Alderman Garrity requesting an Ordinance amendment to 33.027 Employee Recruitment and Selection.

Alderman Garrity moved to receive and file. Alderman Smith duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

COMMITTEE ON FINANCE

G. Appropriating Resolutions:

“Raising Monies and Making Appropriations for the Fiscal Year 2004.”

“A Resolution appropriating to the Manchester Aggregation Program the sum of \$820,634 from Aggregation Fees for the Fiscal Year 2004.”

“A Resolution appropriating to the Manchester Airport Authority the sum of \$42,676,942 from Special Airport Revenue Funds for Fiscal Year 2004.”

“Appropriating all Incremental Meals and Rooms Tax Revenue Received by the City in Fiscal Year 2004 and held in the Civic Center Fund, for the payment of the City’s Obligations in Said Fiscal Year Under the Financing Agreement.”

“A Resolution appropriating the sum of \$2,952,578 from Recreation User Charges to the Recreation Division for Fiscal Year 2004.”

“A Resolution appropriating to the Manchester School District the sum of \$127,075,275 for the Fiscal Year 2004.”

“A Resolution appropriating to the Manchester School Food and Nutrition Services program the sum of \$4,850,750 from School Food and Nutrition Services Revenues for Fiscal Year 2004.”

“A Resolution appropriating the sum of \$15,040,695 from Sewer User Rental Charges to the Environmental Protection Division for Fiscal Year 2004.”

“A Resolution appropriating to the Manchester Transit Authority the sum of \$850,000 for the Fiscal Year 2004.”

“Continuation of the Central Business Service District.”

“A Resolution appropriating to the Central Business Service District the sum of \$225,000 from Central Business Service District Funds for Fiscal Year 2004.”

"Approving the Community Improvement Program for 2004, Raising and Appropriating Monies Therefore, and Authorizing Implementation of Said Program."

Deputy Clerk Johnson stated the Clerk requested that this item be removed because we have distributed to you a substitute package for that item. That substitute package includes substitute Resolutions for the operating budget for the rooms and meals, for the sewer user charges and for the CIP program. We just figured it was easier to give you a whole package. We would ask that the substitute package be referred to the Committee on Finance.

Alderman Wihby asked what has changed.

Deputy Clerk Johnson answered in the operating budget there was a total change of \$27,529, which was CIP administration and City Clerk. Rooms and meals tax is merely a reference to 2004 because there have been changes in accounting the Finance Department has requested that. The sewer user rental fees has been decreased by \$459,366. The CIP resolution was

increased on the cash side by \$2,500 for Art Build. These were pursuant to the Mayor's recommended budget and they were substitutes from last night.

On motion of Alderman Wihby, duly seconded by Alderman Shea it was voted to refer the appropriating resolutions to the Finance Committee.

H. Resolution:

“Authorizing the Finance Officer to effect a transfer of Fifty One Thousand Dollars (\$51,000) from Contingency to the Special Projects Line Item in the Fiscal Year 2003 Building Maintenance Division Operating Budget.”

Alderman DeVries stated I am looking for somebody from Highway to tell me why we are transferring money from contingency.

Mr. Kevin Sheppard replied I believe this was covered during the last meeting. Frank Thomas was here and he went through the costs incurred by our Building Maintenance Division at the Rines Center.

Alderman DeVries asked so it is 100% related to the Rines Center.

Mr. Sheppard answered correct.

On motion of Alderman DeVries, duly seconded by Alderman O'Neil, it was voted to refer the Resolution to the Committee on Finance.

I. Resolution:

“Authorizing the Expenditure of Excess Unexpended Series 1998 General Airport Revenue Bond Proceeds for Additional Capital Improvements in furtherance of the Manchester Airport Capital Improvements Program.”

Alderman DeVries stated I have some questions of Kevin Dillon if we could bring him up. This one is a little bit more complicated. Kevin maybe you could start off by giving me some background information. I realize this is related to a 1998 CIP Airport project and the interest earned during the years of bonding have left you with \$1 million left from that project. Correct?

Mr. Dillon replied that is correct.

Alderman DeVries stated and that \$1 million needs to be spent before the year 2010 which is when the life of that bonding would normally be up so we are looking for how that would be spent. Do you have project already in mind that you are transferring that \$1 million to?

Mr. Dillon replied we will be using it for the Brown Avenue widening.

Alderman DeVries asked 100% of that is going to the Brown Avenue widening.

Mr. Dillon answered that is correct.

Alderman DeVries stated when I looked at the past bonding I noticed it was for land acquisition.

Mr. Dillon responded it was a combination of projects.

Alderman DeVries asked what was the last project. Is that Brown Avenue widening also?

Mr. Dillon answered there has been a series of bonds. In the 1998 bond there was monies for Brown Avenue as well as for property acquisition and other projects at the Airport.

Alderman DeVries asked so any similar project this \$1 million will be available for. It doesn't have to go to the Brown Avenue widening?

Mr. Dillon answered it doesn't have to go to that particular project but based on the advice of Bond Counsel it was suggested that it be targeted towards projects that were at original bond issue if there was a funding need for those projects.

Alderman DeVries asked could you say that again.

Mr. Dillon answered it doesn't have to go to that specific project but based on the advice of Bond Counsel he suggested that the money be used for projects that were in that original bond issue that still had a funding need.

Alderman DeVries asked such as land acquisition.

Mr. Dillon answered it could be land acquisition. It could be Brown Avenue. There was also runway work that was bonded in 1998.

Alderman DeVries stated my point is and I realize it was rather poorly received earlier in the year when we found out that Londonderry would be the recipient of \$500,000 and Manchester could not be on the receiving end but if I look at this today and I say though I understand why you would want to spend the money to offset the Airport expenses for Brown Avenue, I am not sure that I would agree with that and I am not sure that all of the residents of Ward 8 would agree with that, specifically some of the residents that we are aware of that are particularly impacted by the Airport that have not been offered any past

opportunities to get out of the very difficult situation. I also realize that we do have some park lands adjoining those very difficult properties so we might be able to look at expanding one of our City parks at the same time that we help some residents out of a difficult situation. I would like to propose to this Board that we table this action until we have the opportunity to further pursue that line of thought.

Mr. Dillon responded let me correct a couple of points. The money cannot be used for a non-Airport purpose. This is Airport bonded money so it cannot be used to purchase park property and it cannot be used for any other purpose other than an Airport purpose. In terms of some of the property acquisitions that I think you are alluding to on Brown Avenue, notwithstanding the fact that this money is available, the property acquisitions that we would make would still have to fall within FAA guidelines. Those property acquisitions are outside of the FAA guidelines and it would be a mute point. This money has to be used for a capital project associated with the Airport. Either that or we can wait until 2010 and elect that the fees are part of the bonds by repaying this money that was accrued interest.

Alderman DeVries stated I think it is open to interpretation when you say that it has to be Airport related because those homes are going to be directly impacted by the widening that we are discussing at this time.

Mr. Dillon responded we have already gotten this determination from the FAA. As you know they are not eligible for acquisition.

Alderman DeVries stated we certainly have seen previously circumstances where the FAA guidelines have been stretched if you will to accommodate other situations beyond their specific guidelines and that is why I am asking rather than have a lengthy discussion today that this we tabled so that we can sit with the appropriate parties and see if there isn't some way that we can hammer that out to the better benefit of Manchester Ward 8 residents.

Mr. Dillon replied again the money has been earmarked for a specific project that has received the approval of this Board that needs the funding so one way or the other either I am going to raise the money by using this excess interest or I am going to end up raising parking fees or some other method to fund Brown Avenue, which as you know because of the cost of construction and some of the delays that we have encountered as well as the cost of some of the property acquisitions on Brown Avenue, has escalated greatly. So whether I am going to use this money or I am going to take it from another source, you are just impacting the cash flow of the Airport by delaying this.

Mayor Baines asked so you recommend that this move forward this evening.

Mr. Dillon answered yes.

Alderman DeVries stated I also understand that the point of view or the benefits to the Airport are not always the benefits to Ward 8. We are at opposing ends of the issues at times and this might be one of them.

Alderman Lopez stated I have a question for the Finance Officer or Mr. Dillon. What is the timeframe here? Is it something that can't be talked about in Committee in the next 30 days?

Mr. Dillon stated again I am not too sure too many things are going to change over the next 30 days in terms of our funding needs. We are already moving ahead with the Brown Avenue project and we would like to allocate the money. If we do not get the money within the next 30 days though it would not be crucial but we would move forward with the project. We said one way or the other there will be a funding source that will be allocated to pay for Brown Avenue. This makes logical sense based on the fact that the original bond was directed towards the Brown Avenue widening.

Alderman Sysyn moved to refer the Resolution to the Committee on Finance. Alderman Guinta duly seconded the motion.

Alderman O'Neil stated I would ask my colleague from Ward 8 to reconsider her previous motion that she made and go along with approving this and would strongly suggest that you and the Airport Director and I would be a third party if necessary, sit down and try to talk about the issues of Ward 8 and the Airport and see what we can do to address some of those issues. I am not sure this is the best forum to be having that discussion. I would be willing to help assist in that to see what we can do to address the issues of Ward 8.

Mayor Baines stated the only issue on the floor is to refer the item to the Committee on Finance.

Alderman DeVries stated first I would answer Alderman O'Neil that unfortunately the Airport Director and I have had many conversations, especially on these particular properties, and we have not been able to move in any direction that is worthwhile either to those residents or to our Parks & Recreation Department that would very much like to be expanding their properties since they have an abutting park; Pine Island Park. I am not saying that it has to be the only use of those properties but it certainly is something for us to consider. Most importantly I wish I could offer some very distressed residents some sort of resolution and I see in front of me a potential. I know the Airport will redirect their revenues. They will find the ability to raise the \$1 million. I have been looking for 15 months and I haven't found any money to help those residents that would be useful.

Alderman Garrity asked, Kevin, when does the \$1 million have to be spent. By the end of the fiscal year?

Mr. Dillon answered there is no specific timeframe.

Alderman Garrity asked do you need it by the end of this fiscal year for the Brown Avenue widening. Is that why you are putting it into that account immediately?

Mr. Dillon answered if it is going to be directed towards this project I would estimate that we would need those funds by November.

Alderman Garrity asked would you be open to have Alderman Pinard hold a special Airport meeting and maybe we could discuss it as a Committee and bring it back to the Board on April 15.

Mr. Dillon answered again I can only stress that under the advice of Bond Counsel I see no other use for these funds.

Alderman Garrity asked can they be used for soundproofing.

Mr. Dillon answered I can't use them for soundproofing. That is not a bonded purpose.

Mayor Baines called for a vote on the motion to refer the Resolution to the Finance Committee. The motion carried with Aldermen Lopez, Shea, DeVries and Garrity being duly recorded in opposition.

Nominations were presented by Mayor Baines as follows:

Zoning Board of Adjustment

Steve Freeman to succeed Calvin Cramer, term to expire March 1, 2006;
George McNamara to succeed John Brady, term to expire March 1, 2006; and
Marguerite Wageling to replace George McNamara as an alternate, term to expire
March 1, 2004

Elderly Services Commission

Victoria Chapman to replace George Morrissette, term to expire January 2005

Alderman Shea asked in the replacement of both Mr. Cramer and Mr. Brady, have they fulfilled their two terms.

Mayor Baines answered yes. Both of these gentlemen have served for a very long time and at the appropriate time they will be recognized for their service.

Under the rules the nominations were laid over to the next meeting.

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

Mayor Baines called the meeting back to order.

A report of the Committee on Finance was presented recommending that
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be referred to a public hearing on Monday, April 28, 2003 at 6 PM in the Aldermanic Chambers at City Hall, and further that Resolutions:

“Authorizing the Finance Officer to effect a transfer of Fifty One Thousand Dollars (\$51,000) from Contingency to the Special Projects Line Item in the Fiscal Year 2003 Building Maintenance Division Operating Budget.”

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ought to pass and be Enrolled; and that a request for authorization to expend funds from the EDP Replacement Account for a Sodium Hypochlorite Storage Tank be approved.

Alderman Lopez moved to accept, receive and adopt the report. Alderman Garrity duly seconded the motion. Mayor Baines called for a vote. The motion carried with Aldermen Lopez and DeVries duly recorded in opposition to the Airport Resolution.

Communication from Mayor Baines asking members of the Board to endorse a letter expressing opposition to Senate Bill 77 noting it contains an amendment that strips the authority of the Board of Mayor and Aldermen to set the date for approval of the city charter.

Alderman Lopez moved the item for discussion. Alderman Shea duly seconded the motion.

Alderman Wihby asked is this the same letter that was included in the agenda.

Mayor Baines answered yes.

Alderman Wihby stated so basically it talks about the first amendment. On the second amendment...are we talking about the second amendment?

Mayor Baines replied we could if somebody brings it up but this is just on the first amendment. Any discussion on the first amendment?

Alderman Wihby stated I talked to some Aldermen today that by signing the letter today it was referring to the second amendment.

Mayor Baines responded it only applies to the first one.

Alderman Wihby asked should we...all that was added in the bottom is it says, "shall be determined as provided in the City Charter." That is what was added as far as the fall back budget goes. It gives more local control to the City...

Mayor Baines interjected it is the first amendment we are talking about.

Alderman Wihby stated I am talking about the second amendment.

Mayor Baines responded we can do that after we discuss the first one. That is all I am saying. Let's act on this the way the Board wants to act and you can bring up discussion on the second amendment later. This only refers to the first one. It is the only one the Aldermen signed.

Alderman Wihby stated I don't even know what it says. It says "have a say in the approval of the city charter." What does that mean?

Mayor Baines replied I don't want to express the thoughts of the Aldermen but the Aldermen are saying they oppose the first amendment because they want the authority to set the election.

Alderman Wihby asked where does it say that.

Mayor Baines answered on the letter.

Alderman Wihby asked on what letter.

Alderman Guinta stated you are asking where does it say that in the letter.

Alderman Wihby replied right. Where in the letter does it say that they are only signing this opposing the first amendment?

Mayor Baines stated well that is all that it refers to.

Alderman Wihby responded it refers to it but all it says is "we support the right of the Manchester voter to have a say in the approval of the city charter." That is what they are requesting. It doesn't say just on the first...

Mayor Baines interjected let me read the first paragraph. "We, the undersigned members of the Manchester Board of Mayor and Aldermen, are strongly opposed to SB 77, a bill before you on April 1 that contains an amendment that would strip this board of the authority it has under" and then there are some comments here and then it says "that would disenfranchise thousands of voters and cost thousands of dollars." That is what it refers to.

Alderman Wihby asked so can we send one letter and say that we are in favor of the second one.

Mayor Baines answered we will talk about the second one after we deal with the first one.

Alderman Shea stated basically I spoke in favor of that today because I reasoned that...well as far as I understand it all elections have been set by the Board of Mayor and Aldermen. There has been no instance where we have asked the State through any representative that I know of, to change the dates of any type of City election other than those dates set by the Board of Mayor and Aldermen. I could be wrong but I inquired about that and I was told that there has never been any election involving local offices that has been set by anyone other than the Board of Mayor and Aldermen. That is why I went up to Concord. I felt that

as an elected official I had a responsibility to express my opinion. Maybe I was too forceful and I apologize to members of this Board who may have misconstrued what I had to say but as I indicated I felt and I still feel that it is a matter of personal trust that we as a Board have to learn somehow to depend upon one another in a spirit of trust. We don't have to agree on issues and we probably never...and I indicated, your Honor and you heard me that I probably differ from your opinions and your particular policies more than maybe anyone on this Board but the point of the matter is that we should be informed as to what is going on that is going to impact the way we conduct ourselves. We may have certain ends that we want to meet but we can't take the means that are going to alienate us as a Board. We have to have confidence in one another so that when someone says something they mean what they say and they say what they mean. If we expect our department heads and other officials in our City government to represent us in an honorable manner then we have to conduct ourselves in the same manner. That is why I went to Concord and I testified. People may differ but that is the way I am.

Alderman Guinta asked how many Aldermen have signed this letter. Again, I apologize for not being at your budget presentation because I had a prior commitment. I did not participate in that...I don't know if it was a discussion or an argument but I didn't participate in it. As I read this letter there are a couple of things that sort of jump out at me. I certainly recognize some of the concerns of the members of this Board to want to be informed and I agree with that and I think that makes sense in terms of what is happening on the State level that affects us at the City level, however, it looks like this...if I read the bill it looks like you can probably dramatically change the intent of the bill by striking one word from the bill or two words "special election." I mean one of your points of concern in your letter is "the amendment would give this power to the members of the charter commission who, in turn, would be empowered to set a special election in the dog days of summer when even the most conscientious citizen may be away or not paying attention. Thousands of voters would, in effect, be denied a right to vote on the city charter." Well, if you just strike "special" that takes care of that and the \$27,000. Would that be correct?

Mayor Baines responded that is one of the issues, Alderman. The main issue is that...

Alderman Guinta interjected I think I am trying to take them individually.

Mayor Baines stated yes that is one of the issues but I think the most important issue to a lot of the Board members that I have spoken to and my concern is that is the authority of the Board of Mayor and Aldermen to set those elections. It always has been and this takes that authority away and gives it to a Charter Commission that was elected to rewrite a Charter not set the election. That is changing the rules in midstream and I think that we have a right to be concerned.

Alderman Guinta asked is the Charter Commission...can they in changing the Charter change who sets the election.

Mayor Baines answered no.

Alderman Guinta asked they can't change that in the Charter.

Mayor Baines answered no it is State law.

Alderman Guinta stated so it is a State law that says the Board of Mayor and Aldermen.

Mayor Baines replied right and also if we change that law that affects every community, not just Manchester. No one has consulted with Nashua or any other cities to see how they would feel about it as well.

Alderman Guinta asked and where did this come from initially. Was it from the Charter Commission?

Mayor Baines answered it came from Alderman Gatsas.

Alderman Guinta stated obviously the Charter Commission proposed this idea.

Mayor Baines answered no.

Alderman Guinta stated as I understood it from what I heard between last week and this week was that there was an oversight in that one area.

Mayor Baines responded that is not what I have heard. I know obviously a lot of members of the Charter Commission and I haven't heard that.

Alderman Guinta stated I read a letter from Alderman Gatsas stating that he didn't oppose...or that the intent was not to rip the Board. Again, I don't necessarily want to rehash that because I believe it has been addressed. It was in the paper where Alderman Gatsas stated he didn't have a problem with what you were trying to do in terms of the amount of money that was being saved.

Mayor Baines replied and we wouldn't have a problem if he withdraws the intent of the bill and doesn't try to take that authority away from the Board of Mayor and Aldermen.

Alderman Guinta asked what happened up at the State level today. Is this now mute?

Mayor Baines answered we don't know. There was a lot of testimony.

Alderman Guinta asked so what is the point of sending this letter if everybody already went up and testified.

Mayor Baines answered because they haven't made their decision.

Alderman Guinta stated so you are essentially sending a letter that reinforces what your testimony was today.

Mayor Baines replied we didn't have the opportunity to take the stand.

Alderman Guinta asked you already gave the letter.

Mayor Baines answered it was signed but we are actually asking for an official vote of the Board tonight. It was asked if there had been an official vote and even though it was explained that we couldn't take an official vote because Alderman Wihby voted against unanimous consent to bring it before the Board for a vote.

Alderman Guinta stated wait a minute. If the letter has already been presented to the Municipal and County government members what is the purpose of doing this?

Mayor Baines replied just to have a vote on it.

Alderman Guinta stated I guess I want to be clear as to what the vote of this Board does if the letter has already been presented to the Committee up in Concord.

Mayor Baines replied we would hope two things. Number one that it would signal an official vote of the Board. We didn't have an Aldermanic quorum present so we didn't know how all members felt about it. Secondly, obviously we are trying to mobilize the forces of the Municipal Association in other communities to prevent this from happening. I think it would reinforce that authority that existing Boards have to set the elections.

Alderman Guinta asked can I ask the Solicitor a question because in this letter it doesn't identify some of the...

Mayor Baines interjected there is an opinion from the City Solicitor on how this would impact us as well.

Alderman Guinta stated if the rationale for sending this letter is because it is contrary to State law, I would like to see that or get an opinion from the City Solicitor before we...

Mayor Baines interjected there is one if we could just have some more discussion so I can look for it.

Alderman O'Neil stated I believe a vote tonight reinforces the letter that went up there. I don't think there is anything wrong with that and I do believe the authority for setting dates for elections in the City of Manchester belongs to the Board of Mayor and Aldermen and not to a Charter Commission. That is not what they were elected to do.

Alderman Lopez stated we can talk about this all night. Some of us went up there and testified today. We couldn't get a unanimous consent so individually we signed a letter. It is just an official vote confirming that we disagree with this. We can go on for hours here and talk about this. It is a very simple process. I, for one, disagree with Senate Bill 77. It is taking the authority away from the Board of Mayor and Aldermen and letting a Charter Commission make the determination. The citizens of Manchester, when they elected the Charter Commission, did so with the understanding that there would be a Charter review and that it would be presented back to them to give them an opportunity...as most people go to election at the general election the authority vested in this Board would set the municipal election so I don't see any need for changing. As I was up there today quite a few Representatives said do you realize that this would affect every town and city. It is a major problem. It is not just for Manchester. We can go on all night.

Mayor Baines stated we do have the opinion from the City Solicitor and it is being distributed right now. I will read it for the record. This is from Tom Clark. It says,

“The statute now requires the BMA to order the proposed Charter to the next regular municipal election and in my opinion that is the general election in November. SB 77 changes that process. It allows the Charter Commission to decide at what election the proposed Charter is voted on. It could be ordered to the primary, the general or to a special election.”

Alderman Guinta stated this doesn't say that according to statute the Board of Mayor and Aldermen or the governing body in a city or town sets an election date.

Mayor Baines replied the present law does and they are trying to change that.

Alderman Guinta stated what you just read from Tom Clark doesn't say that a Board of Mayor and Aldermen or a governing body of a city or town sets the election date.

Mayor Baines responded yes it does. Let me just try to clarify.

Alderman Guinta asked where does it say that. Can you read to me where it says that?

Mayor Baines stated this is in reaction to what this amendment that Alderman Gatsas sponsored would do. It would take the authority away from the Board of Mayor and Aldermen and shift it to the Charter Commission.

Alderman Guinta responded I understand what the amendment does. I am still trying to find out what statute actually says that the Board of Mayor and Aldermen or the equivalent of a governing body from a city or town sets the date.

Mayor Baines replied we have that too.

Alderman Guinta stated it wasn't handed out then.

Mayor Baines stated the current law set the date for the Charter approval "at the next regular municipal election (see RSA 49-B:4VI)". That is the law.

Alderman Guinta asked can you read it again. Do you have the actual statute itself or the interpretation?

Mayor Baines answered again we asked Tom Clark to review the statute and let us know what the impact of SB 77 would be on it.

Alderman Guinta stated so it sounds like...I still disagree with the interpretation. To me it doesn't say that the Board of Mayor and Aldermen set the date. It sounds like it says...Tom Clark is saying in my opinion that is the general election because the first sentence says, "the statute now requires" and this is Tom Clark's writing I assume, "the statute now requires the BMA to order the proposed Charter to the next regular municipal election." The next regular municipal election is the general or the primary?

Mayor Baines replied well the City Solicitor has ruled. Mr. Arnold, could you answer that?

Deputy Solicitor Arnold stated certainly. Our interpretation of that statute requires the Board of Mayor and Aldermen to refer it to the next regular election that is not a primary election at which you elect municipal officers.

Alderman Wihby stated what has happened with this is say we are taking authority away from the Aldermen. The Aldermen have no authority. The Legislature took the authority away from the Aldermen. They ordered the Aldermen to send it to the general election or to the municipal election. So they ordered it to us. We don't have any say. It is not ours. It is the Legislature's. What this amendment did was it gave us the authority or it gave us the local control where the Charter Commissioners, who are elected by the people, they decide when it is going to go and how it is going to go. So we are taking local control away from us by saying this. It is not the Aldermen. There is no authority. We have to do it according to

the Legislature and if you look at what it says and your Honor I talked to the Secretary of State on this when this came up a long time ago and I said to him how do you read that and he said I could read that either way. Carol was there. We had a conversation on the phone and she talked to him. When this came up we talked to the Secretary of State and he said his reading of it was it could go either way. When talking to Tom Clark he said I am going to rule it is going to be a general election and that is it. I don't blame him. He is our City Solicitor but the Secretary of State said it could go to a primary election but again there is no authority that the Aldermen are losing and Alderman Guinta is right. The authority is the Legislature's. They decided when it was going to be done and now we have a chance for more local control and to say it is not more local control by doing this bill is a falsehood.

On motion of Alderman O'Neil, duly seconded by Alderman Smith, it was voted to move the question.

Mayor Baines called for a vote on expressing opposition to SB 77, which shifts the authority for setting an election from the Board of Mayor and Aldermen to the Charter Commission. The motion carried with Aldermen Wihby, Guinta, and Garrity duly recorded in opposition and Alderman Gatsas abstaining.

Bond Resolution:

“Authorizing The Issuance of Bonds and Notes for Demolishing the existing Derryfield Golf Course Club House and Constructing, Originally Equipping and Furnishing a New Derryfield Golf Course Club House (\$2,300,000), Authorizing the Execution of a Management Agreement between the City and BLL Restaurant, Inc. for the Operation of the new Derryfield Golf Course Club House and Authorizing the Mayor and Any other Designee Thereof to take any and all Other Actions to Accomplish the Purposes of this Resolution.”

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

Alderman Osborne moved that the Bond Resolution pass and be Enrolled. Alderman O'Neil duly seconded the motion.

Alderman O'Neil asked can we...Ron and I have had this discussion and I am not clear on it so could we have the site selection of the maintenance building once it is formalized be referred to a Committee, Lands and Buildings, for review. I had concerns that it was going on the 18th hole near where the sledding is done. I have heard other rumors that it is going somewhere else. I am not holding up this thing I am just asking that that part of it be reviewed by Lands and Buildings or CIP, whichever is appropriate.

Mayor Baines called for a vote on the motion that the Bond Resolution pass and be Enrolled. The motion carried with Alderman DeVries being duly recorded in opposition.

Alderman O'Neil moved to refer the site selection of the maintenance building to the Committee on Lands and Buildings for review. Alderman Pinard duly seconded the motion.

Alderman DeVries asked is the bonding for that building included with the \$2,300,000.

Alderman O'Neil replied it is my understanding that it is.

Alderman DeVries stated I just didn't see that broken out in the lease agreement. Can I get confirmation from Ron? You are saying no so we will be getting an additional dollar amount in front of us for the maintenance facility, correct? That was my understanding. It is not part of the original bonding. It is an additional cost.

Alderman Lopez stated it is not part of the bonding.

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

Resolutions:

“Authorizing the Finance Officer to effect a transfer of Fifty One Thousand Dollars (\$51,000) from Contingency to the Special Projects Line Item in the Fiscal Year 2003 Building Maintenance Division Operating Budget.”

“Authorizing the Expenditure of Excess Unexpended Series 1998 General Airport Revenue Bond Proceeds for Additional Capital Improvements in furtherance of the Manchester Airport Capital Improvements Program.”

On motion of Alderman Sysyn, duly seconded by Alderman Osborne, it was voted to read the Resolutions by title only and it was so done.

Alderman Smith moved that the Resolutions pass and be Enrolled. Alderman Forest duly seconded the motion.

Alderman DeVries stated I just want to request one last time...I realize that you would think the bonding needs to be expedited for the Brown Avenue improvements. I think Kevin Dillon did indicate when he and the discussion with us earlier that there was some flexibility. What Alderman Garrity and Alderman Lopez and I would ask is that we convene a special meeting of the Airport Committee so we might have some further discussion there where it belongs. This would be an opportunity to table this tonight and direct this to Committee.

Alderman Pinard stated I would be very happy to call a special meeting. Mr. Dillon and I will get together tomorrow and we will set one up as soon as possible.

Mayor Baines asked this is the same issue we discussed before, right.

Alderman DeVries replied same issue.

Alderman O'Neil stated I think that is an appropriate thing to do but as Mr. Dillon said earlier it is not going to change the opinion of the Airport. That doesn't mean that the issues of Alderman Garrity, Alderman DeVries, Alderman Shea and Alderman Lopez cannot be addressed and a game plan is developed to address those concerns. In my opinion they are two different issues. The Airport Director has said it is not going to change the opinion of the Airport.

Mayor Baines called for a vote on the motion that the Resolutions pass and be Enrolled. The motion carried with Aldermen Lopez, Shea, DeVries and Garrity being duly recorded in opposition.

NEW BUSINESS

Deputy Clerk Johnson stated we have one item of new business.

Communication from Mr. Jabjiniak requesting that the Board accept a deed and authorize the City Solicitor to record the document in the Hillsborough County Registry of Deeds.

Mr. Jabjiniak stated this is simply a housekeeping item. Two small parcels were identified down along the riverfront that were not previously deeded. This was part of a redevelopment project. It was caught during the survey and title work. This is simply housekeeping for us to accept the deed from the Housing Authority. They just approved it this past week.

Alderman O'Neil moved to approve the request to accept a deed and authorize the City Solicitor to record the document in the Hillsborough County Registry of Deeds. Alderman Shea duly seconded the motion.

Alderman Gatsas asked what are these parcels.

Mr. Jabjiniak answered they are a 27,000 square foot parcel and a 4,747 square foot parcel. I have a map if you would like to see it

Alderman Shea asked will this land revert back to the City, which in turn would revert back to whomever whether it be Manchester Housing or...so it is a land swap.

Mr. Jabjiniak answered yes.

Alderman DeVries asked is that part of the Rubenstein lot.

Mr. Jabjiniak answered yes. It is part of the redevelopment project.

Alderman Gatsas asked if that is part of the Rubenstein lot why wouldn't we have picked that up on the title search the first time we did it when we paid somebody for a parcel of land.

Mr. Jabjiniak replied I don't have an answer.

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

Alderman DeVries asked the recording fee, if that was a mistake on the part of the title company might they not pick up the recording fees for us.

Mr. Jabjiniak responded the record showed that it was still in the Housing Authority's hands. I am not aware of any title insurance or title company back at that point. This whole piece...we have leased it previously before this time so it was previously leased to the...well I will take that back because Rubenstein lot is not part of the original transfer but tax records on one piece actually show we own it. The title work that was done now shows that it doesn't so to make it formal that is why we are going through the process.

Alderman DeVries stated and I am sure it would cost more on your time then we would save in the stamps for recording that.

Mr. Jabjiniak replied I am not sure we get charged stamps. Mr. Arnold?

Deputy Solicitor Arnold stated no there would not be a transfer tax on this particular parcel. I think the only fee would be \$17.37 for the recording.

Alderman Wihby asked is this the parking lot that was over there.

Mr. Jabjiniak answered it is the Rubenstein parking lot.

Alderman Wihby asked is this where Singer Park was charging...is this the area where the City was collecting revenue at one time and we passed Singer Park and not realizing we were giving them the parking along with that and we lost the revenue and that revenue went to them and nobody on this Board at the time knew that we had done that. Is this the same area?

Mr. Jabjiniak answered I am not sure. The parking lot that Singer Park used is different from the Rubenstein lot.

Alderman Wihby asked did the City have some contracts on this from people who were using it and paying revenue in this parking lot.

Mayor Baines stated only during the concert season I believe.

Mr. Jabjiniak stated yes that would be the only thing I could think of that they would have charged for parking for.

Alderman Wihby stated I can remember when Singer Park first came in there was a problem because no one realized we were giving them the parking area that we were collecting revenue on to Singer Park and all of the sudden the revenue was going to them and the City wasn't getting the revenue anymore. So at the time everybody questioned well we didn't even know we did that and we were told yes it was part of that parcel and it was done. I don't know if this is the same part.

Mr. Jabjiniak replied I think it is a different one. I think it is the one adjacent to it.

Mayor Baines called for a vote on the motion to approve the request to accept a deed and authorize the City Solicitor to record the document in the Hillsborough County Registry of Deeds. There being none opposed, the motion carried.

Communication from Bruce Thomas informing the Board that the Notre Dame Bridge rehabilitation will resume on April 7, 2003 and should be substantially completed by June 9 with final completion on June 24. The eastbound right lane will be closed in the same fashion as it was last fall during the time of the work.

Deputy Clerk Johnson stated this is an informational item.

Alderman Smith asked what is the status of the litigation with the Notre Dame Bridge and Verizon.

Deputy Solicitor Arnold stated that matter is still in negotiation. We have not actually filed any litigation at this point.

Alderman Smith stated this occurred, I believe, last spring and we haven't proceeded whatsoever in any aspect to recover some of our costs.

Mayor Baines replied oh yes. There have been a series of negotiations, which are still continuing. I think both sides are trying to...we are trying to avoid litigation if possible. I guess that is the best way to put it.

Deputy Solicitor Arnold stated I think as I originally advised that is probably the best course. We have pursued collecting these funds. All I am saying is that we haven't actually filed a court suit at this point. Not to rule that possibility out in the future but we have attempted to reach a negotiated settlement with Verizon.

Alderman Smith asked have you talked with these individuals...with Mr. Hickey, and have you come to some type of agreement. I know that there is a degree of liability and I know that they said that because we had our conduit in their system there was some degree of liability with us but I would think that they would have to come across with some type of agreement with us because I think we took \$1 million out of the senior center fund if I am correct and transferred it over for rehabilitation of the bridge.

Mayor Baines replied the answer to your question is yes there have been conversations. I have been involved personally in those conversations. We have staked out our positions that we feel there is liability on that issue. It is their position that they don't have liability on that issue. That is basically where that discussion is at this time and perhaps we could get a more complete update to the Board at the next meeting.

Alderman Lopez stated I have a couple of items. One is a presentation by the Assessor's Office to the Board of Mayor and Aldermen on the tax base. They have been very generous in calling a couple of us Aldermen down in reference to my letter to them but I think the whole Board...and that should be scheduled at some convenience as we go into the budget process. Speaking of the budget process, I don't know if the Chairman or anybody...if we should have some guidelines as to dates on the budget process. One of the items we had last year was if one Alderman requested something where do we go and every Alderman gets the same information.

Mayor Baines stated Alderman O'Neil and I will be meeting this week to schedule the rest of the meetings. We will have the bigger departments first and develop guidelines as well.

Alderman Wihby asked on the school proposal the other day and I don't have my packet yet so I don't know if it is in there but one of the different approaches that we heard about is to not have the Bedford tuition students and to take all of the tuition students from Memorial and Central and move them to Bedford. I would like to see some sort of scenario...

Mayor Baines interjected move them to Bedford.

Alderman Wihby stated no I mean move them to West. If we moved all of the tuition students to West after we don't have Bedford students in there I want to know if we could have some sort of scenario on what that means – savings or what the classroom sizes would be. I have a list of stuff that I will leave with you.

Mayor Baines replied just to answer part of that question, Alderman, is that as part of the negotiated agreements with the other sending towns just like our students have an affinity and affection for the same geographical area, they did negotiate for so many spaces at

Memorial. At Central, for example, they negotiated that there would be X number of seats for Hooksett.

Alderman Wihby asked so that can't happen. Those are some of the things that I am hearing that the Aldermen are saying. Let's do that and save some money and not have to put on the additions. Now you are saying that is not even a...

Mayor Baines interjected I am just telling you what was negotiated.

Alderman Guinta stated I didn't plan on talking about this either tonight but as we move forward with this plan, assuming Bedford is no longer with us for the future do our City lines have to be redrawn as far as which kids go to which schools.

Mayor Baines responded that did come up the other night in discussions. Anybody who has lived in this City and has been here as long as I and some other Aldermen have, there is nothing that brings out the passion of people more than redistricting or new boundaries. I don't want to rule anything out but that is an issue that the Board indicated the other night that they would try to avoid, especially as you talk about the boundaries by the river.

Alderman Gatsas stated I am not looking to micromanage facilities but I guess my assumption is that it is either this deal or no deal. Is that correct?

Mayor Baines replied I think at this point in time what became clear at the meeting...you know the staff and all of the design people that have been participating in this have spent as you know a considerable amount of time putting together a proposal that they feel is the best proposal. We react generally to what the School District has requested in terms of what they feel because they have been elected by the people to outline what they feel is in the best interested of the School District. They have done so. I think at this point in time, this proposal as comprehensive as the requests that went out for proposals to the two different companies...well actually there were four or five and I believe at this point the School District's position is that this is the proposal they would like to see.

Alderman Gatsas stated I think I made my point last night, your Honor. I would have thought that going forward with any proposal that the biggest complaint that I hear from people are the portables.

Mayor Baines responded that is correct.

Alderman Gatsas stated I would think that the \$275,000 that I heard three times last night talked about...I would have thought that maybe somebody could have made a proposal that said \$275,000 a year talks about this kind of a debt structure and those portables will be gone. I would think that when you are looking at this proposal and it is either yes or no, I

think it is unfair that we are going to sit here and those portables are going to continue to be here, probably. I hope if they are going to disappear, your Honor...you are shaking your head.

Mayor Baines responded I am going to give you an answer. The answer is under this proposal that the School District has crafted the portables at the middle schools and high schools will disappear. The elementary is another very complex issue because enrollment trends at the elementary level are moving in the opposite direction. The School District at this time does not feel that it is in the best interest, long-term, of committing additions to the elementary schools and Bob MacKenzie can talk about enrollment trends if you want but that is what they analyzed and we also built within, as Randy and others explained, the capacity will still be there to address, for example, the concerns that might arise in one of the schools if the capacity issues continue to be a problem and look like they are going to be for a period of time because the last thing you want to do, I believe, is put these additions...let's say you put an addition on school X and in three or four years the enrollments have moved down to a level where you don't need those additions, that has been the basis for that decision. I don't know if Bob wants to comment on it. Did I say it okay? That is what we have been talking about.

Alderman Gatsas stated the enrollment trends that we are hearing at the State when we start talking about adequacy of education, says that those adequacy numbers are growing by 1% to 2% a year. Maybe Manchester is different, but I would hate to think that because we are anticipating enrollment trends to go down that we sit here or whoever sits in these seats 10 years from now and the portables are still here and the enrollment trends are up. I would think that somebody would say \$275,000 in leases can build how many of those classrooms, even if they are additions and even if they only occupy for a short time the students that are there and if enrollment trends are down then I guess we shut off the lights and leave them vacant.

Mayor Baines responded again that is why we have a School Board and School Administration to guide us through that process.

Alderman O'Neil stated I share the same concern that Alderman Gatsas does. I think I have asked this question of either the Highway people, specifically Tim Clougherty, or the School Administration at least a half a dozen times and they have indicated that they believe in a short period of time...never said two years, five years or seven years, that there will not be a need...that the portables will no longer be needed in this City. That is what I have been told on a number of occasions. Now if this Board wishes to put additions on, I have heard complaining about \$110 million but it is going to be much higher than that if that is where this Board wants to go and I just want to caution my colleagues. I am not saying that I wouldn't support that but don't beat up the program now at \$110 million.

Mayor Baines stated there is one other point and then we can come back to it and I hope we are not going to beat this to death tonight but the issue is that we do have the ability, as was explained by Gilbane the other night who you selected, to manage with them over the next three or four years to add projects such as additions to the elementary schools. So we will have the ability during this process on a yearly basis to refine some numbers, to see if in fact the trends are changing according to present projections and to build additions if we need to build the additions because we will have the bonding capacity available to do so.

Deputy Finance Officer Sherman stated you are right, your Honor. All along we have set in place the ability to, while they are here under this two and a half-year building project, to add additional projects or additional requests that may come along down the line.

Alderman Gatsas asked, Randy, \$275,000 according to the debt structure that you provided to us on one of these lists, would accommodate how much in gross debt.

Deputy Finance Officer Sherman answered approximately \$3.2 million if we took it over 20 years.

Mayor Baines stated and half of that is going away because the portables at the high schools will be gone.

Alderman Gatsas asked so it would be 1/6.

Mayor Baines answered yes.

Alderman Gatsas stated I think that what I have seen in here on the construction cost is less than \$133,000 per room. If that is what that works out to, \$1.6 million divided by the 12 classrooms that are remaining is \$133,000.

Mayor Baines responded again we could go back to the Board and discuss this issue because Alderman O'Neil was absolutely correct because he has been involved in a lot of these meetings. We have really pushed that issue on the elementary schools. He has and I have.

Alderman Gatsas stated I think, your Honor, you remember that when...I believe Parkside was the first school with one and that was some 25 years ago for the portables.

Mayor Baines replied I think they had one in their parking lot for storage.

Alderman Gatsas stated well I think they had the first one and that was going to be for a short time.

Mayor Baines responded for historical purposes only I am the only person in this room who has actually taught in a portable classroom.

Alderman Gatsas stated and I don't think you would advise any child...

Mayor Baines interjected it was kind of an interesting experience.

Alderman Gatsas asked would you like to go back to that.

Mayor Baines answered sometimes yes.

Alderman DeVries stated I certainly agree with Alderman Gatsas and I also was alarmed when I reviewed I believe last February or March the Parsons-Brinckerhoff study and saw that there was no capacity issues at the elementary level addressed within that study. I looked at the portables already in place at Highland Goffe's Falls and Green Acres. I looked at the housing developments that I was aware of forthcoming through the Planning Board and from talking with developers – buildings that have not even hit the Planning Board yet and knew that I was very conservatively looking at least 200 new homes and I would say today that is probably more in the range of 325. Some of those have not even hit the cycle with the Planning Board. Without a doubt, Green Acres is going to be severely compromised in the future. Those discussions have been carried forth by School Board members and by other Aldermen. The School Board heard it. They have now discussed the potential. This is huge progress. They have discussed the potential for elementary capacities. In fact, Beech Street, is the most rapidly rising or growing student population at the elementary school level. That is not a student population that is within our control because it is not related to new permits for new buildings. Highland Goffe's Falls, I think, is the second school for immediate crowding if I recall Bob MacKenzie's addresses but it has been heard by the School Board and they are today looking at the methodology for predicting future student populations. They are questioning past methodology, which was tied to the census and they are working, administration is working, with our Assessors Office and with our Planning Department, I believe and others to determine if there is another predictor for our student population. They need to be allowed to go through that exercise and let us hope it does not take an excessive amount of time and that is where we should be prompting so that they can come back with an informed decision that fits into this design-build phase. We can take advantage of the architects that we have in the City to quickly design and possibly bond, if necessary, and take care of an elementary issue if it is design or defined by the School Board. What I did not want to see is us bonded to capacity three years later saying oops we need more portables at our elementary schools and that is what I saw. I am very glad that others have listened and we are headed in the right direction.

Mayor Baines stated the other thing is I will ask Chris Herbert the next time he has a Building & Sites Committee meeting to invite the individual Alderman that are expressing concerns to come to that Committee meeting and have a thorough discussion of these issues.

Alderman DeVries responded I invite their support.

Mayor Baines stated they really have discussed this thoroughly and we will have the ability to address those issues going forward.

Alderman Shea stated it is written that he who wants to present a correction must know thoroughly what the existing weakness is. That is a very important statement, your Honor, because when we examine the design-build, the concentration is similar to the Charter Commission. You either accept the total package or you don't. I think that is the inherent weakness in the design-build. The problems that we have with outlying districts are the fact that we do not have at this present time a signed agreement. I don't care what anybody says. The three sending communities agreed on an agreement predicated upon four sending schools districts. We have to, as a community, through the negotiator go back to these communities and renegotiate the terms. We are in a powerful position to say to them, look, as I have said and as Alderman Wihby has said and as John Gatsas previously has said we have room in our high schools for all of the tuition students if we use a little bit of creativity. We can address that issue by explaining to Hooksett, Candia and Auburn that once the people from Bedford decide to build their own schools or once we decide that they are no longer welcome in our school community and we can make that decision we can then say, in essence, that we have a high school in decent shape...perhaps not according to what your standards might be but in decent shape by making core improvements to that school and we can house these people. We can lower the amount of students that are at Central High School while at the same time making improvements to the core facilities there. We can add additions on to Memorial where the growth is necessitating additions. We can concentrate, your Honor, on the students that are in our middle schools and in our elementary schools by putting additions on to the schools and I agree with anyone, particularly Alderman Gatsas who raises this issue concerning portables, that we should house our students. There are students...we talk about giving students the best possible resource. Let's start where it belongs at the bottom. That is how you build the base of a home. That is how you build a ball club. That is how you do anything. You start at the bottom and go to the top. We are starting at the top to handle problems where over 1,700 students are not even in our community. That is the logic of it. Like I explained last night, we have to break this down into the component parts that we believe can be acceptable to the Board because if it is and either or positions, your Honor...

Mayor Baines interjected those would be the votes that people have to make and they will be accountable for their votes. I don't have any problem with that. The other issue is we have 14 members of a School Board that were elected to guide and direct school projects. That is

their job and they are doing it. Again, that is all I am saying to you. There is a School Board over there elected by the same people who elected you and that was their responsibility.

Alderman Shea stated after the discussion last night we had a debate and I explained to each of the School Board members that if I were a School Board member I would have that thought in mind. I would advocate for the schools. That is what I am elected to do but we are elected, your Honor, to look into different matters. In other words a School Board member is elected for the sake of looking into the student's best interest. We are elected, your Honor, to look into the best interest of the community at large. That is our job.

Mayor Baines responded I understand that. I have been in both areas and all I am saying is the School Board has thoroughly debated and examined and they have come forward with their recommendation and since I have been around the City that is what has driven projects...

Alderman Shea interjected but I don't want people to think that because people on this Board oppose the design-build that we are not interested in the education of our students.

Mayor Baines replied well people will have to vote and there will be accountability one way or the other on how people vote. The bottom line is they put forward a project that is doable and affordable and addresses the needs of the School District that have been defined by the School District and we will see where it goes.

Alderman Garrity stated Alderman Shea covered most of it but last night two members of the School Board stated that they were still negotiating with Auburn, Candia and Hooksett. I would just hope that that is part of the discussions regarding transferring students out of Central and Memorial over to West.

Mayor Baines responded that is up to the School District.

Alderman Garrity replied I certainly understand that.

Alderman Wihby stated I asked a number of times as did some other Aldermen to come forward with a couple of different proposals and now, your Honor, you sit there and you are making it sound like you are Aldermen and you are going to have a gun to your head and it is either you are for education or not yet we asked for a couple of different proposals. We asked for the proposal as far as Bedford not being there and the other towns going to West. We asked for that. We were told that we were going to get all of those scenarios but I guess where my mind is, your Honor, and you said the School Board made up their mind well they made up their mind and gave us this proposal and it hasn't changed but yet and I don't know how many Bedford students are there?

Mayor Baines replied about 800.

Alderman Wihby stated so there are 800 less students in the proposal yet the proposal didn't change. There has to be some savings there. It is the same proposal whether or not Bedford comes.

Mayor Baines replied it went up \$11 million.

Alderman Wihby stated well it went up \$11 million and whether Bedford is in or not it is the same proposal that we are getting to vote on. It just doesn't make a lot of sense. There should have been some savings there and we asked right along from Day 1 and said we weren't going to vote unless we had different scenarios because we wanted to decide ourselves what was best. We don't have another side of the story.

Alderman O'Neil stated I asked, as a matter of fact I spent about an hour this morning with Frank Thomas and Tim Clougherty talking about different scenarios. We can't automatically say...for instance last night I think it was presented that if we did renovations to the elementary schools, renovations and additions to the middle schools and did not do any high school additions at all, that number was \$66 million as presented last night. Those items totaled \$66 million and then there was whatever the high school number was above it. Just to say because we don't do the high schools that that remains \$66 million...it doesn't. There are efficiencies in doing the additions at the same time as the renovations and I believe it is a considerable amount of money and I have asked and I believe some other Aldermen have asked Highway to work on those numbers and they are doing that. If we don't put the addition on West High School, this project is not going to change all that much.

Mayor Baines stated to answer your question, Alderman Wihby, they are doing what you have asked based upon the meetings the other night.

Alderman Wihby asked so where are we with that then.

Mayor Baines answered what they are doing is looking at...

Alderman Wihby interjected they are going to come back in a couple of weeks and ask us to vote.

Mayor Baines stated we are waiting for them to look at some of the things that Alderman O'Neil was talking about. For example, Alderman Shea was talking about if we just did the infrastructure...let's say if we expanded the gym and the cafeteria and didn't add the classrooms how would that scenario work out. What we were told initially that was said last night and I think Alderman O'Neil said that was the feedback he was getting today was that you don't end up saving. Your total cost for the project could, as an irony, remain the same

because there are economies of scale. For example, if they had 450 people working on the project they could do other things while you have your 450 people working and you could get all of the work done. Again, I am not in construction management but all of the people associated with the project, including our own staff, said exactly the same thing. So like Alderman O'Neil said, let's say over at West we said we are not going to do the additions but we are going to do all of the renovations. Guess what? Because you have reduced the scope of the project with personnel and all of the other things in place, it might cost you about the same amount of money and that is what they are going to go through and analyze and come back to the Board with.

Deputy Finance Officer Sherman stated the only thing I would add to that is if you eliminate the additions, the only people that you are saving money are the sending towns. They are paying for all of the additions. You end up with the crowded schools that you currently have and you save Hooksett, Auburn, Candia and Bedford dollars by not doing those additions. You are still just going to pay for 25% of the renovations. They are paying for the entire amount of the additions. Now I know we still have the issue if they leave that for 10 years but that aside the contract says that they will pay for those additions. By not doing them...I don't understand what benefit we think we are gaining. It is saving them money; it is not saving us money.

Mayor Baines responded that is correct. We don't have one cent for the Manchester taxpayers by not doing the additions.

Alderman Lopez stated I think it is very important because I know that I have had some conversations even since last night...you have to make sure that somewhere along the line if a question is asked that it gets answered. With the \$275,000 in portables over there...what is the theory and what is the mechanism and why didn't they consider this or did they consider it? I think somebody has to answer those type of questions. I would hate to see at the time that we decide to vote, that an Alderman stands up and says I didn't get an answer to my question so I am not going to vote. Regardless of the feelings on either side, I think it is only right that a question is asked because we don't know the answer and that is important. I wish you would relay that to the School Board.

Mayor Baines responded we will and just to get back to the elementary issue, as Dave Scannell will tell you the first conversation I had with the Superintendent this morning was about this elementary school issue because I feel exactly the same way. I want to make sure that they have gone through and done the numbers so we have accurate projections as to what is happening over the next four to five years at least as we look at building construction needs. I couldn't agree with you more.

Alderman DeVries stated I just quickly want to add to this discussion. If we make any amendments to this plan we have to go back and we have to negotiate first with the sending

towns that have already agreed and voted that they are joining us based on a conceptual proposal that if kept in tact will not have to go back to their voters and the other group we have to go back and renegotiate with will be Gilbane because they bid, as Alderman O'Neil said, they bid this based on an entire project. If we pare down that project we have to go back to the table with Gilbane. That means we will lose, this year of the construction season. We will not be scheduled to get going this year. There is a lot of design and architectural work in place. They needed to keep a very aggressive construction schedule. This needs to happen now and I know that Memorial High School with 350 students over capacity today needs this to happen as soon as possible. They don't need to wait three years for that addition. Southside Junior High doesn't need to wait. These schools are not affected by the tuition students as Central and West are. I do not want to delay this project and hinder those two schools for another year and a half.

Alderman Osborne stated I just wanted to bring up one thing. I am not a lover of portables either. I have the one at Beech Street and the one at Wilson School and from what I heard last night I have a problem with the parking garage. I think, as they said, it is a luxury and I don't think we need luxuries. I think what we need is to get rid of those portables. Maybe we can use that \$3.1 million to get rid of the portables. That is something to think about also. I know that even West High School has a hard time with parking. Central is not the only high school that has a hard time with parking.

Mayor Baines stated except at West we did add 130 parking spots over there a couple of years ago. We took all of the faculty cars off the streets.

Alderman Osborne stated but you have the senior center going over there shortly too. Anyway, I think it is something to think about. We have different avenues here. I know it is very hard at Central with parking. I am not debating that at all. We have to make priorities and I think that the portables and expansion of these grammar schools are more important than parking or luxuries right now.

Mayor Baines responded but again we don't want to add to schools that don't require additions.

Alderman Osborne stated I think they require it. They are out there in portables and not matter what you do it is going to be another three or four years. I know if you start building you still have to rent or lease the portables in the meantime and all of this but I think that is \$3.1 million that we can think about anyway.

Deputy Finance Officer Sherman stated the cost of the parking garage at Central is included within the additions to the high schools, which is being paid for by the sending towns. Again, if you do away with the parking garage all that does is lower what the sending towns are paying. It doesn't...you know if the City obviously wants to issue debt to do the

elementary schools that is still new debt. You are not taking one \$3 million package that you are able to spend somewhere else because that \$3 million is coming from the sending towns.

Alderman Guinta asked did I understand you correct, Randy, when you said that in the tuition contract agreement there is no flexibility to alter who pays for what whether it is construction or renovation.

Deputy Finance Officer Sherman answered no. The tuition agreement says that the sending towns will pay for all of the additions, which they have thrown a cap in.

Alderman Guinta asked so there is no flexibility to alter that.

Deputy Finance Officer Sherman replied certainly if you want to go over the cap Manchester pays for what goes over the cap.

Alderman Guinta stated I guess my question is why would we create a contract that does not provide Manchester any flexibility whatsoever when it comes to what we are going to pay for. Why wouldn't we say the sending towns, for example, would pay a percentage as opposed to a specific cost? Do you understand my question?

Deputy Finance Officer Sherman responded yes. The way the deal was structured and the City wasn't part of the negotiation but the way the deal was structured was that the sending towns would pay 100% of the additions. Now what they did was based on the numbers that came in on December 6, which was the first round of numbers that came in, the sending towns looked at those numbers and they said okay we are going to use these as our worst case and put a cap on what we are going to pay for. They said they would pay for 100% as long as we stayed within that cap. As far as the renovations go, they said that they would pay for 25% of the renovations but again they looked at the December 6 numbers and came up with what that 25% would be capped at. Both of those numbers are in the agreement.

Alderman Guinta stated it sounds like the argument I am hearing tonight is we can't shift this number.

Mayor Baines replied maybe I am misunderstanding but if you reduce it down what you are really reducing are the additions, which we are not paying for anyway.

Alderman Guinta stated so the argument here is that we have to spend X amount of money, which happens to be the highest number...

Mayor Baines interjected we are not spending the money for the additions.

Alderman Guinta responded I am talking about the project.

Mayor Baines stated if you reduce the scope of the project, yes, the amount of money that is going to be charged to the towns is reduced. What this contract did and if you recall Brad Cook and the School District scheduled again explanations with many Aldermen and School Board members that would come in to explain every aspect of this contract about three or four months ago. This deal made the towns partners for the first time in what we were doing in the City. It was months and months and months of negotiation. This was a long period of time.

Alderman Guinta replied I know it was.

Mayor Baines stated it was structured in a sense that they would pay their fair share.

Alderman Guinta responded but their fair share is now stopping the City of Manchester from altering this total package right now.

Mayor Baines stated no. Let Randy clarify that.

Alderman Guinta stated it sounds like that is what we are saying. I mean Alderman O'Neil and I don't want to put words in your mouth but...

Alderman O'Neil interjected let me use an example. If the elementary additions were \$100 and the middle school was \$50 and the high school was \$50 as a package for \$200, if we eliminated all of the high school work it doesn't mean that the rest of the program is now \$150. It could be \$160 or \$170. That is what I am saying. That is factual. There are efficiencies in them being on site doing additions and renovations together.

Mayor Baines stated what I would like to suggest also is going back to what Alderman Lopez suggested if you have specific questions if you could put them in writing so that we can get all of the questions out there and then we will make sure that every single question is answered in relation to this project beyond what has been said publicly.

Alderman Guinta stated we heard a lot of people tonight come before us during the public session to talk about their support for design-build. I think every Alderman in the room supports fixing the schools. I think probably some of us have a differing opinion as to how to achieve that goal but what I am hearing tonight is should this proposal for argument sake fail it doesn't appear that we have a viable alternative. Number one it hasn't been provided to us and number two what I am hearing is even if we do have one it is going to cost too much money because of the context of the contract that was negotiated on our behalf with the sending towns. To me it sounds like we must put ourselves at a tremendous disadvantage, which I don't think was...I don't think that was expected or intended but that is what happened. Your Honor, several Aldermen for the past several months have

expressed reservations and concerns, not with the idea of fixing our schools but with the package or the funding or the amount. I personally have expressed concerns with a deal that went from \$68 million to \$99 million to \$110 million. Those have been my concerns. At this point if this doesn't pass we don't have an alternative that creates "the efficiencies" that Alderman O'Neil was talking about and I think we did ourselves a great injustice.

Mayor Baines responded I disagree and I will say a couple of things. First of all the initial costs were based on...again a lot of these things were conversations that occurred last night but the conversation about the cost was specifically related to the Parsons-Brinckerhoff study. Secondly, when we were talking about this project initially, we were not talking about the towns paying 100%. We were talking about the same arrangement we had where they really weren't participating in sharing those costs so I agree vehemently that this is a good project. This concept was endorsed by this Board almost unanimously with the one exception and the scope of it and how it would work was thoroughly explained. There are a number of school districts around the country that, again, are using this kind of comprehensive approach. You understand as explained tonight that 17 schools are done in two years. If we were to do this the normal way, you wouldn't be talking about \$110 million. You might be talking about \$310 million by the time we got to do all of the projects we are doing so there is an efficiency in scale in doing it now. The Finance Office, I think, has done an incredible job of saying why do it now because financing is at the lowest rates you will probably ever see and that was said by a number of people tonight but I think if people take the time to come in and talk to the Finance people and participate I think a lot of your concerns will be alleviated.

Alderman O'Neil stated I just want to encourage my colleagues. This could be the most critical vote that this group in its two years serving together probably is going to have and I would just encourage my colleagues as I know Alderman Shea has recently and I don't know if it was yesterday or today but I was over at Highway today trying to get an understanding of the numbers. I have talked on the phone to School District people. I have talked to Randy off to the side on these numbers. Take the time to get the information. It is critical that you try to schedule some time to meet with whether it is the finance department, school district or construction people so that you have all of the answers.

Mayor Baines stated I think based on this tonight and I appreciate all of the concerns, that we may talk and I think we are having a meeting tomorrow with the internal group that has been looking design-build to strategize how to go forward. What we are thinking of doing and what I think would be a good idea is to bring some representatives from Gilbane and people from our own department and the school district to set-up a forum so people can come in and get direct responses from the people managing the project and ask some of the questions that Alderman Wihby has as well. I think we can do this and we can answer these questions to make people more comfortable.

Alderman Smith stated before we close and this is like a double-header. I have been hearing this every single night and the most important thing is think of the participants, the students and so forth. We are going to have to make a decision. We are going to have to step up to the plate and take all of the information we have and make a decision. We are elected so one way or the other we are going to have to make a decision and it is coming slowly and it is going to be fast and I wish that all of my colleagues would be very thoughtful and think about it and think about our youngsters. Our youngsters are our foundation for tomorrow.

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

A True Record. Attest.

City Clerk