

BOARD OF MAYOR AND ALDERMEN

November 20, 2007

7:30 PM
Aldermanic Chambers
City Hall (3rd Floor)

Mayor Guinta called the meeting to order.

The Clerk called the roll. Thirteen Aldermen were present.

Present: Aldermen Roy, Gatsas, Long, Duval, Osborne, Pinard, O'Neil, Lopez, Shea, DeVries, Garrity, Smith and Forest

Absent: Alderman Thibault

3. Update presented by representatives of the NH Department of Transportation regarding Manchester/Bedford area projects.

Mayor Guinta welcomed Executive Counselor Ray Wieczorek and members from the Public Works Committee.

Mr. Michael Fudala, NH Department of Transportation, Bureau of Highway design, stated thank you very much for having us in on such short notice. With me is Ronald Grandmaison and Kirk Mudgett who designed the project and is preparing the project for advertising for bidding. We are here to present some information on some resurfacing work that we're planning on doing next summer

on I-93 in Manchester from the southern juncture of I-293 heading north about two miles to Exit 7 at NH Route 101. Also, I-293 in Bedford from the F.E. Everett Turnpike heading east about eight-tenths of a mile to the Merrimack River Bridge, and then NH Route 101 from Kilton Road west about seven-tenths of a mile to NH Route 114. I'll begin by giving you a brief presentation of the project, a brief overview, after which Kirk will present the project in more detail and we can open it up to questions. This work on I-93 and I-293 is part of the Interstate Pavement Preservation Program and the work on NH 101 is part of the Federal Resurfacing Program, both scheduled for 2008. It's a maintenance type of activity intended to preserve the road and restore the riding surface. In addition to the roadway work, we're also planning to rehabilitate some bridges along I-93 in Manchester, one at the I-93 southbound bridge over I-293 and Route 101 and also the I-93 northbound and southbound bridges over Candia Road and Hanover Street. All of the work will be contained within the existing right-of-way. There is no environmental permitting and so forth involved. There are no utility impacts involved either. The intent is to begin construction as soon as the weather allows next spring, the phase bridge construction that is. We expect that the bridge work will take about twelve weeks to complete, finishing it up by early July, followed by the roadway paving work, which is going to be largely a nighttime operation, and that will be scheduled to be finished by the middle of July. After this the contract will move over to I-293 in Bedford followed by the Route 101 work in Bedford, completing all of the work by the end of August. At this point the I-293 and Route 93 construction work is estimated at \$4.5 million, funded 90% by the federal government and ten percent by the State, and the Route 101 work in Bedford is 80% federally funded and 20% by the State, and that estimated cost is

about \$265,000 for a total contract value of about \$4.8 million. So at this point, Kirk, could you explain the details mainly of the traffic control for the I-93 work?

Mr. Kirk Mudgett stated the pavement treatment on Route 101 and I-293 in Bedford will be a one and a half inch inlay of the existing pavement graduated travelway. I-93 in Manchester will be a two-inch inlay graduated travelway, with an overlay of one and a half inches total width. The traffic control for the bridge work in Manchester will be in three phases and this phasing will be daytime and nighttime setups of concrete barrier and the concrete barrier will be lit on each end by temporary lighting. Phase One will be, as you can see up here, the yellow is where we are traveling; the gray is where we're not traveling during the phases. Phase one we will have I-93 northbound reduced from its typical three lanes down to two lanes as it enters with Route 101 and then that four lane section will continue northbound until we lose that fourth lane down at the Candia Road exit. Then from there we have three lanes continuing and then it splits for middle work area on the bridges and that split will involve I-93 traffic in the far left two lanes and Route 101 traffic in the right lanes will be dedicated at that point across the bridges and continue on to their natural routes. That moves that original split southward by several hundred feet. And southbound it will be the same split work zone, and that split work zone will keep the Route 101 and I-93 traffic separate over the bridges over Candia Road and Hanover Street and join up again just after the bridges and prior to the Candia Road onramp. Then that's the natural layout up until we come to the I-293 bridge and then we're reduced to two lanes on I-93 and shift that traffic to the west to work on the east side of the bridge there. Moving on to Phase Two, we have a similar setup where we're keeping the two lanes on I-93 for the join of Route 101, still shutting down that far right lane,

keeping four lanes till we lose that right lane into Candia Road offramp again. Then we continue three lanes over the bridges and then going back into the natural split of Route 101 and I-93. Then in the southbound we are joining the Route 101 and I-93 traffic by reducing the I-93 from three lanes down to two lanes over the Hanover Street and Candia Road bridges, carrying three lanes also, and then bringing it back to the natural four lanes and then five lanes of traffic until we get to the I-293 bridge again, where we have two lanes to work on the west side of the bridge. Then in Phase Three we have the same setup in northbound again, where we have two lanes of I-93 coming in, that we join with the two lanes of Route 101. We carry the four lanes and again, we drop that fourth lane on the right as it exits to Candia Road, and we continue with three lanes again, this time to work on the other side of the bridges over Hanover Street and Candia Road, then split for Route 101 again. Then on the southbound we have the two lanes of I-93 coming in, reduced from the three again, joining with the one lane of Route 101 to form the three lanes over Hanover Street and Candia Road, and then shortly after the bridges we come back into the natural layout of roadway and we have completed the I-293 and the previous two phases of I-293 bridge work. So that is the phasing of traffic for the bridge and traffic control. At this point, I'd like to turn it over to Mike for any questions.

Mr. Fudala stated one last thing that I'd like to add is that all of the roadway pavement is scheduled to be done at night, generally during off-peak traffic hours, beginning some time after seven or eight. We have a traffic control plan that the contractor is required to perform the work by, and there are a host of different time frames depending on what day of the week it is, that he is allowed to work, with

lane closures allowable during certain time frames and a certain number of lanes also that needs to be maintained.

Alderman Pinard stated my question is does this add into the Cohas Bridge, seeing it's in a straight line and you just answered the key question is traffic control and safety, and that's when I'm more concerned because that is part of my Ward. Does this tie in with the Cohas or is that separate?

Mr. Fudala responded this is all a separate work activity from that. In addition to regular uniformed officers and traffic control devices that we'll have in place, we'll also be using a smart work zone which involves setting up cameras and pavement sensors to detect traffic backups tied to our traffic management center in Concord. It will also illustrate changeable messages to be displayed on changeable message signs located at certain critical decision points for motorists so that if during the course of a particular time during the day there seems to be traffic slowing down a little bit, certain messages will be displayed for them to be able to take alternative routes around the City. We're hoping to display that, along with information on the website that's hopefully going to be same website that we used for the work for the south on I-93 in Salem at Exit 1.

Alderman Pinard asked so the on ramp and off ramp, there will be some control officers there won't there?

Mr. Fudala responded yes there will be officers located throughout the project to make sure that the traffic is handled safely.

Alderman O'Neil stated gentlemen, if you mentioned the start date I didn't hear it. I saw in your handout an intermediate completion date and then a final completion date. What is the targeted start date?

Mr. Fudala responded somewhere around April 1st depending on what the weather is like. It may be possible for the contractor to start as soon as late March, but the bridge work, the phase bridge work is the first thing to begin on I-93 in Manchester. Once all the bridge work is nearly finished, only then will the roadway paving work be started at night. The roadway paving is going to be going fast. It's just a matter of grinding out some pavement along the travelway, inlaying that, and then overlaying the rest of the full width. That should go along pretty quickly.

Alderman O'Neil stated just one other question then. I don't see it as part of your project, nor was it part of Candia Road, the local municipal project that has gone on for a few years. Do you happen to know, was there any discussion as part of the bridge project, looking at the signals on the connector roads at all? I think they're replacing them on the east side as part of that Candia Road municipal project but it's the western portion of the connector road at Candia Road...it's not part of your project at all?

Mr. Fudala responded no it's not. I can't tell you the timing of that. The other project that's within the area is the sound wall and the bridge work at Island Pond Road and I think that's scheduled to advertise September of 2009, with construction starting in 2010.

Alderman Osborne stated I'm a little unclear here on the northbound on I-93 and 93 where they connect. Whereabouts is that in here? Heading north, as 93 comes into I-93 going to 101 like...

Mr. Fudala stated this is I-93 northbound and I-93 and I-293 and Route 101 eastbound merge right at this point.

Alderman Osborne stated okay you notice that when you getting to that fork it's very hard for people coming or heading on I-93 getting over into the other lane to get off, I think it's the Candia...Exit 6 is it? Candia Road exit... It's very dangerous there. I find it very dangerous. There's about six lanes and you've got to cross over to get to that next exit in a hurry or else it's...Whereabouts is that on here? I'm just curious. Is anything going to be done there or is it going to stay just the way it is now?

Mr. Fudala responded the lane usage and pavement markings will stay exactly as it is today. We're going to be duplicating everything that's out there. All we're doing is just a paving project.

Alderman Osborne stated that is a very dangerous situation there.

Mr. Fudala stated the traffic volumes play a major role in that, along with the speed. During construction hopefully traffic will be traveling slower with uniformed officers out there, and the other traffic control devices in place. We had a question about who the contractor is. We don't know at this point. We're going to be advertising it for bids next month.

Alderman DeVries stated the area that is between I-93 and the Merrimack River crossing into Bedford, will there be some additional overlay in the new area there?

Mr. Fudala responded yes, there's an eight-tenths of a mile section from I-293, which is in that section from roughly the F.E. Everett Turnpike bridge to the Merrimack River. It's about eight-tenths of a mile.

Alderman DeVries stated that would be beyond the area of construction from the last widening project. That fills in the one gap that was left there, which answers my question which is there will be no grade change to the existing pave.

Mr. Fudala stated no, again, that's just an inch and a half inlay of the travelway.

CONSENT AGENDA

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

Informational – to be Received and Filed

B. Minutes of the MTA Commission meeting held on September 25, 2007 and the Financial and Ridership Reports for the month of September 2007.

REPORTS OF COMMITTEES

COMMITTEE ON LANDS AND BUILDINGS

C. Recommending that the Board approve an easement between the City of Manchester and David B. Campbell and Sean Gildea thereby granting use of a 2,923 sq. ft. parcel of land located on the easterly side of Londonderry Turnpike, north of Route 101 off-ramp, for storm water treatment.

The Committee further recommends that the Mayor be authorized to execute documents as contained herein subject to the review and approval of the City Solicitor.

(Unanimous vote.)

H. Advising that it has denied a request by Howard McCarthy for the City of Manchester to provide an electrical supply at Stanton Plaza to power his ice cream cart.

The Committee requests that the City Clerk work with the City Solicitor and the Risk Manager to identify alternative options for Mr. McCarthy if possible.

(Unanimous vote.)

I. Advising that it has authorized the Economic Development Director to prepare and issue a Request for Proposals for the sale and redevelopment of parcels known as the Seal Tanning Lot and the Granite Street Lot and report back to the Committee within sixty (60) days.

(Unanimous vote.)

**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.**

A. Manchester Economic Development Office Quarterly Report for period ending September 30, 2007.

Alderman Lopez stated Jay, you don't have to come up, but just a comment in reference to Jac Pac and Hackett Hill. If we can get some timeframes like I mentioned before, to keep us informed of the timeframes that we're looking at. Even though we have agreements sometimes we miss some of the timeframes. So if you can put that in your report, we'd appreciate it.

Alderman Roy stated before it's moved, and it may come up later in our agenda, but the memo from Jay that we received this evening regarding changes to the purchase and sale agreement, do those need to be acted on or is this the appropriate time?

Mayor Guinta responded that would be under New Business.

On motion of Alderman Lopez, duly seconded by Alderman Roy, it was voted to request that Jay Minkarah keep the Board informed about timeframes relative to Jac Pac and Hackett Hill.

Reports of Committee on Lands and Buildings

D. Recommending that the Board approve an easement between the City of Manchester and PSNH for property located in the vicinity of Groveland Avenue within property known as Tax Map 492, Lot 12 at a width of 20 feet and granting the ability for guying/anchoring facilities outside the 20 foot strip to accommodate relocation of a line.

To accommodate approval of such recommendation, an ordinance is submitted for referral to the Committee on Bills on Second Reading.

The Committee further recommends that the Mayor be authorized to execute documents as contained herein subject to the review and approval of the City Solicitor, following adoption of the above-referenced ordinance.

(Unanimous vote.)

G. Advising that it has granted a request by the Greater Manchester Family YMCA, located at 30 Mechanic Street, to utilize a portion of the right-of-way adjacent to their building for the purpose of constructing an extension to the existing landing and stairs at the main entrance.

The Committee further recommends that the use of the right-of-way be subject to the review of the Highway Department.

(Unanimous vote.)

Ms. Carol Johnson, Deputy City Clerk stated Your Honor, items D and G are both replacement reports which were distributed to the Board by way of memo on November 19th. It really was just an attachment of an ordinance that was switched over from one report to the other, and we're looking for both reports to be accepted.

On motion of Alderman Roy, duly seconded by Alderman Garrity, it was voted to accept, receive and adopt both reports as substituted.

Report of Committee on Lands and Buildings

E. Advising that it has requested the Planning Director to continue to negotiate with the owner of 115 West Street, property adjacent to the William B. Cashin Senior Center, for possible acquisition.

(Unanimous vote.)

Alderman Shea stated with this request it's to negotiate with the owner of 115 West Street for property adjacent to the William B. Cashin Senior Center for possible acquisition. Is this for additional parking and who will use that parking? I know that there was a letter that was sent, I believe by the lady that's in charge of the library. Would the Senior Center residents use this if it were acquired? Would the library people use it or would it be for other uses that I don't know of?

Mayor Guinta responded I think it would be both. Is that correct, Mr. MacKenzie?

Mr. Bob MacKenzie, Planning Director, responded yes. I have discussed that a little bit with both the Senior Center and the Library Director. It is a little further from the building, this particular site. They haven't pinned down how they would manage it, but it would probably be somewhat more for employees so that the spaces closer in could be used by customers.

Alderman Shea asked how many spaces are we talking about?

Mr. MacKenzie responded I think I estimated twenty parking spaces could be put into this area.

Alderman Shea asked and has the source of finding money for this been located or is this something that is just going out for speculation? Is there any cost that you can give us as far as how much we're going to be spending on this?

Mr. MacKenzie responded I can't give you the cost because we're still negotiating a price. We have estimated that the cost of demolishing the buildings and putting in the parking is about \$130,000. The asking price was \$210,000, but we're negotiating for hopefully something quite a bit less than that.

Alderman Shea asked so how much would there be if we put in say, twenty parking spaces with the amount of money? What would the cost per parking space be?

Alderman Gatsas responded \$17,000.

Alderman Shea stated Mr. Gatsas has replied to my answer I guess. But \$17,000...is that approximately what...

Mr. MacKenzie stated yes, there would be somewhere...again, depending on the sale price, \$15,000 to \$18,000 per space.

Alderman Shea stated well basically that's quite a bit of money to be spending on a parking space but...

Alderman Lopez stated the only comment I could make is that Lands and Buildings has voted to let Mr. MacKenzie proceed and see what he can come up with, and then come back so that we can make a true decision.

Mayor Guinta stated that would be accurate. Motion to accept?

Alderman Shea stated I'm not in favor of this.

Mayor Guinta stated well it's just a communication. What would you like to do?

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

Report of Committee on Lands and Buildings

F. Advising that it has approved a request by Hands Across the Merrimack, Inc. to raise additional monies for naming rights of the property, however, they must return to the Committee for approval prior to entering into any agreement. *(Unanimous vote.)*

Alderman Shea stated this is the infamous Hands Across the Merrimack, and of course right now it has cost the taxpayers \$1,250,000 of taxpayers' money. And I realize that the naming rights for this property would be done by the committee that has been formed for this and I applaud them. However, during the course of the next few years, it is my understanding that these people or somebody is going to have to come back, if they don't raise half a million dollars to paint the bridge. And my point is that this is a lot of the taxpayers' money for a project that is a 'want' in my judgement and not a 'need.' And I think that we can't do anything about the \$1.25 million of course, and we certainly applaud whatever money has been raised by this group, but I think that the Board of Mayor and Aldermen should look very carefully at the amount of money that is needed in the future for the painting of this bridge. And that's my particular commentary on this.

Alderman Forest stated just to comment on that a little bit. I believe this group has been working very hard, at least in the tenure that I've been here, raising money for this bridge, and they did make a promise at the beginning of the campaign that it wouldn't cost the taxpayers any money. If we all thought like Alderman Shea, our needs and wants would never be fulfilled in this City.

Alderman Shea stated as I mentioned before, I applaud their effort, but as far as I'm concerned this was not brought up ten years ago. This was brought up about four years ago, probably not before that time. And I applaud their effort, but I do think that there are certain projects in the City that are constituent needs and because of people's priorities in terms of what they can bring forth before this Board and the vote of the Board, I think that they do get their particular wishes and their wants fulfilled at the expense of other things.

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

5. Nominations to be presented by Mayor Guinta, if available.

Mayor Guinta stated pursuant to Section 3.14(b) of the City Charter, please find below the following nominations:

Conservation Commission

Jane Beaulieu to succeed Gerard L. Thibodeau (resignation) term to expire August 1, 2009;

Arts Commission

Crystal Nadeau to succeed Peter Ramsey (term limit), term to expire December 1, 2010;

Celia Phillips to succeed herself, term to expire December 1st, 2010; and

Elizabeth Cash Hitchcock to succeed herself, term to expire December 1, 2010.

Trustees of Trust Funds

Sy Dahar to succeed himself, term to expire January, 2011; and

James Dunphy to succeed himself (due to the passing of Phillip M. Stone), term to expire January 2011.

Planning Board (Alternate)

A. Joseph Dion to succeed Harold Sullivan (resignation) as an alternate member, term to expire May 1, 2008; and

Safety Review Board

Michael Skelton to succeed Craig Smith (resignation), term to expire March 15, 2009.

Mayor Guinta stated that these nominations will layover to the next meeting of the Board pursuant to Rule 20 of the Board of Mayor and Aldermen.

Mayor's designee to Retirement Board

Mayor Guinta stated that he was also reappointing Charles Hungler to serve as the Mayor's designee to the Retirement Board, a direct appointment, term to expire January 1, 2011.

On motion of Alderman Forest, duly seconded by Alderman Roy, it was unanimously voted to suspend the rules and confirm the nominations of Jane Beaulieu to the Conservation Commission; Celia Phillips and Elizabeth Cash Hitchcock to the Arts Commission; and Sy Dahar and James Dunphy to the Board

of Trustees of Trust Funds, all of whom were succeeding themselves on said Boards.

Alderman DeVries stated Your Honor, just a suggestion. I see we have, of the three individuals left, we have one resume tonight, and I'm just hoping to remind people that it really is helpful to us to have a resume so we can envision how these individuals would fit into the particular posts that they're chosen for.

Mayor Guinta stated they'll be included in the next one.

6. Confirmation of the nomination of Mark P. Brewer as Airport Director.

On motion of Alderman Pinard, duly seconded by Alderman O'Neil, it was voted to confirm the nomination of Mark P. Brewer as Airport Director.

Mr. Mark Brewer, Airport Director, stated what a welcome. Thank you so much. Mr. Mayor, thank you for the nomination, and I truly appreciate the support of all of the Board of Mayor and Aldermen in confirming my nomination. I also have a couple of other thank you's to say, especially for the nominating committee. People have put in a lot of hours, a lot of reading of resumes, a lot of research, to come up with a candidate to fill the shoes of Kevin Dillon, and I realize that those are very big shoes to fill. I want to thank the members of the Airport Authority and again, the Selection Committee who participated in this process. Most of all I want to thank somebody who's not even here tonight and that's my wife. For 32 years my airport career has taken me up and down the east coast and she's been patient and went with me every step of the way. I know she's

home and she's very anxious to hear how the vote went, and I know she'll be very proud when she hears the results. I do have one quick story if you'll bear with me. I know Mr. Mayor you have a very long agenda and I'll be very quick. But you all remember the show, *Kids Say the Darndest Things*. I say this to make a point. On one of the shows, Bill Cosby was interviewing a young man, and he asked the young man what he wanted to do for a career. And he said, I'm not sure. He said, Well, would you like to be a pilot? And without hesitation the young man said, No way. I don't want to be a pilot. Airplanes make too much noise. And Bill Cosby, the way he can be so quick, he comes right back and says, Well son, when I'm in the back of the airplane I'm rooting for the noise. And I say that not to be funny; I say that to make a point. With my 32 years of experience in airport management I want everybody that's here tonight on the Board and those watching at home and those behind me to recognize that I realize there's two sides to the coin. An airport, especially medium hub-sized airports, are huge economic engines. They really do make a difference to the community and to the region. But I also recognize the other side of the coin, as they do make noise. Airports do make noise; airplanes make noise and they cause traffic congestion. So I just want everybody to know that, while there've been some very nice and favorable newspaper articles talking about how Brewer is going to get us non-stop service to the west coast and he's going to grow the airport and so on. I do hope to do all that. But I also want to do it in a measured and responsible way, working closely with the neighbors, realizing that there are some noise issues around here, and I just promise and pledge to work with everyone as we go forward. So again, thank you all for your support. I appreciate it and I look forward to the opportunity.

Alderman Lopez stated in reference to confirmation, we had a technical that we didn't do last Board meeting. At this time I'd like to confirm Carol Johnson as being the City Clerk.

On motion of Alderman Lopez, duly seconded by Alderman Smith, it was voted to confirm Carol Johnson as the City Clerk of Manchester effective December 31, 2007.

Mayor Guinta stated I know everyone has a copy, but I'd like to read it into the record, and if Chief Kane could please come forward. I receive a letter dated November 9, 2007, from the Chief. And just for the record, I'd like to read it. It says:

Dear Mayor Guinta,

I'd like to take this opportunity to inform you that I'm retiring from my position as Fire Chief of the Manchester Fire Department, effective November 30, 2007. I wish to convey a sincere thank you to the residents of the City of Manchester for the opportunities for professional and personal development that have been extended to me over the years. I draw deep satisfaction in the knowledge that the men and women of the Manchester Fire Department provide a service to the community that is second to none. I have enjoyed working for the Fire Department for the past 36 years and appreciate the confidence afforded to me by the Board of Mayor and Aldermen by allowing me to lead the past 13 years. I will recount my time in the organization as some of the most rewarding experiences of my life. While I look forward to enjoying my retirement, I will miss working for the Fire Department and if I can be of any assistance during the transition, please let me know.

Sincerely,
Joe Kane
Chief of the Department

On motion of Alderman DeVries, duly seconded by Alderman Forest, it was voted to accept with regret the retirement of Fire Chief Joe Kane.

Mr. Joe Kane, Fire Chief, stated thank you Mayor for just giving me minute or two opportunity to first thank you and thank the Board members for all their support over the years. As I recognize the elected officials in the City it's always difficult for someone to put their name forward and to go through an election process, and I appreciate the work that you have done and the support that you have given me over the years, not only this Board but prior Boards and mayors. It has been an honor to work with you; it has been an honor to work with the mayors of the City and it's something I will always remember and I was very grateful for. The other thing I wanted to mention is that the members of the Manchester Fire Department are the greatest group of people I could ever imagine. Those people are very dedicated in regards to their work; they perform their work well. I leave there knowing full well that those individuals, the ones that work on the trucks, the ones that work in the office, are a great group of individuals that can certainly do their job and do their job well. They're the greatest people that I know. It's going to be sad to leave them, but I do know that I leave them in good shape. I would also really like to thank the citizens of the City. They are the reason why I was here. The job is about working to help people in critical times. That was the best thing I could do in my career was to help other people. Certainly I tried to put my best foot forward in helping those people but in doing that I want to thank them because they reached back and gave me so much more than I ever gave them. The thank you's, the cards, just being welcomed on the street, it's been a pleasure to work for the City of Manchester. It's been a pleasure to work for the citizens. It's been a great pleasure to watch the City grow and change over the years and it has

certainly been an honor. I've had great support from my family, which is my inspiration – my children, my wife, my mother. As you know, we have a long history with the City. My grandfather worked for the City, my father worked for the City, my mother worked for the City, so we have a long history here. We as a family certainly appreciate the City and the City government and we appreciate you.

Mayor Guinta stated I do have a final correspondence related to the position of Fire Chief and I'd like to read it to the Board.

Since the announcement of the retirement of Fire Chief Joseph Kane, I have been weighing very carefully how to proceed with choosing the very best candidate to succeed him. At this time, I am still formulating a formal process for nominating a new Fire Chief and will submit both guidelines and a timeline to the Board of Aldermen and the general public within the coming few weeks.

Due to strong interest in ensuring that a suitable candidate be found, and in consideration that there exist very strong candidates within the department, I have decided to appoint Deputy Chief Nicholas Campasano as Acting Fire Chief, effective upon the retirement of Chief Kane. Deputy Chief Nicholas Campasano is a well-qualified individual who has indicated to me that he is not interested in submitting an application for the Fire Chief's position. I believe that appointing him to this position will ensure an easy transition and will greatly reduce concerns of favoritism in the selection process of the next Chief.

Deputy Chief Campasano has my fullest support and I look forward to working with him in the coming weeks. I am certain that the Board of Aldermen will find him a more than capable caretaker for such an important public safety job. So, thank you very much for serving during this time.

7. Report presented by Mayor Guinta regarding funding or other actions required for Planning Board activities and in particular singular Planning Board meetings for the proposed Jac Pac project, if available.

Mayor Guinta stated there is a request from the Board, I believe to me, regarding funding positions on the Planning Board for informational purposes. I submitted an email for approval to Mr. MacKenzie the week before last so I suspect that would address the issue, so if we could just take a motion to receive and file.

Alderman Gatsas stated I think the question was that, based on the Jac Pac proposal that we were looking for \$20,000 because the Planning Board was running out of funding. Wasn't that my understanding of what this whole project was about?

Mayor Guinta responded well I'm filling the position that they're stating they need.

Alderman Gatsas asked so the funding is there to follow it? I mean, I guess that's my question.

Mayor Guinta stated I've authorized the position and I've instructed Bob to fill the position.

Alderman Gatsas asked so have you talked to the chairman of the Planning Board? Are they going to have proposed meetings for the Jac Pac project only?

Mayor Guinta responded I have not spoken to that chairman. I'm not sure if Mr. MacKenzie has.

Mr. MacKenzie stated I know the chairman of the Planning Board is aware of the interest in expediting the Jac Pac process. I'm also aware that he understands that we'll have a part-time position to take care of all the minutes. And that was his primary concern that they might have to slow down meetings because we were having trouble getting the minutes done for the Planning Board.

Alderman Gatsas asked can we have somebody report back, Your Honor, that they will have individual meetings for the Jac Pac project to move it forward?

Mayor Guinta responded sure, I think that was a request of this Board but we can get something in writing that they would agree to that, but I see no problem with that.

Alderman Lopez asked did we ever send a communication to the Planning Board and Zoning Board that we want this done, or requesting to have this done?

Mayor Guinta responded I don't know if it was written or oral communication but I believe the communication has been made.

Alderman Lopez stated I think maybe we should send a formal communication that a project like this, we're asking them to have a joint meeting at a convenient time of the Planning Department and...

Mayor Guinta asked would you take care of that, Mr. MacKenzie, on behalf of the Board?

Mr. MacKenzie responded yes I will.

Alderman Gatsas asked Your Honor, can we get a written response back please?

Mayor Guinta responded absolutely.

Alderman DeVries stated the greater question being is there anything that we need to do as a Board to assure that that possible slowdown doesn't occur? If it is moving funds from Contingency for them to outsource the position so that...The Jac Pac is important and essential to us but there are many other projects that could be impacted, and economic development of the City could thus be impacted as well, so my intent is that if we need to do something as a Board, and if Mr. MacKenzie could chime in for me, if there's any action that we need to take to facilitate that slowdown not occurring, please would you tell us that now.

Mayor Guinta stated I think authorizing the position does it.

Mr. MacKenzie stated we hope to get the position, again it's a half-time position that would take care of all the minutes and administration for the Planning Board. We hope to do that as quickly as possible because we are tight on funds. We have been outsourcing the minutes, but that has been getting rather expensive, so we hope to get someone on board fairly quickly because the Planning Board normally meets twice a month and we don't want to slow up that process. As to the

funding, I'm not sure. I was not here when the Board acted as to whether they did act to take it out of Contingency or whether that would come out of Salary Adjustment. The Mayor has authorized the position. We have been working with Human Resources to try and fill it.

Alderman DeVries stated and I guess I'd go off my recollection. I thought that was coming from Contingency to accommodate the position.

Mayor Guinta stated it doesn't require that action. It just simply requires my authorization to fill it. If there is a financial concern down the road, we can adjust accordingly.

Alderman DeVries stated I thought there was a specific motion that was made by Alderman Gatsas at that time, with a dollar amount. Do you think we could ask maybe the Clerk's office?

Mayor Guinta responded all I can tell you is what I...

Alderman DeVries asked do you think we could ask the Clerk's office either to research it now or later for us?

Mayor Guinta responded I've authorized filling the position, which is what they want. I'm not sure what else needs to be done.

Alderman DeVries stated this was at the last meeting, Your Honor, I'm just wondering historically: What was that motion?

Deputy City Clerk Johnson stated my recollection is that, and I have not researched the minutes, but my recollection is the action of the Board was to refer it to the Mayor and allow him to review the funding and what was needed, and to come back to the Board with a report, and I think that's what he has done at this point, in stating he believes this action was required to fill the position.

Alderman DeVries stated thank you. It's perfect then.

Alderman Shea stated I don't want to prolong this discussion too long, but I happen to have been at the last Planning Board meeting, and there was a secretary there that obviously was recording some of the minutes because I had mentioned that at the last Board meeting, and I believe there is another meeting December 13th. I remember that fondly; it's my wife's birthday, of course; but my constituent who is involved in a particular process has been receiving information from the Planning Board and from the commissioners, so obviously the process is slow but it's not not functioning, as it were.

On motion of Alderman Shea, duly seconded by Alderman DeVries, it was voted to receive and file this item.

8. Report of the Committee on Human Resources/Insurance relative to updated class specifications for the Public Works Director and the Deputy Public Works Director, if available.

A report of the Committee was presented recommending changes in class specifications for the Public Works Director and Deputy Public Works Director.

Alderman O'Neil stated at the last Human Resources meeting there was some concern from the Public Works Director. Do we happen to know if Mr. Thomas is...

Alderman Duval responded that was discussed during committee and completed. We ran it by Mr. Thomas.

Alderman O'Neil stated it was? Kevin, you're shaking your head yes. This is all set? The department's all set? Thank you.

*On motion of **Alderman Duval**, duly seconded by **Alderman Pinard**, it was voted to accept, receive and adopt this report.*

9. Communication from Attorney Margaret-Ann Moran requesting authorization of payment from the John M. Sullivan Trust/Francis "Pat" Lally Little League Playing Field and Southwest Little League directly to the appropriate officer of the West Side Little League.

***Alderman Smith** moved to authorize this payment. The motion was duly seconded by **Alderman Forest**. There being none opposed the motion carried.*

Alderman Forest stated just an explanation: There's just both leagues...I'm on the board of directors, what is now called West Side Little League. Both leagues merged this past year, and because of language in the trust fund, there's money for Lally and Sullivan fields but the attorney can't cut a check because she's not authorized to give a check to West Side Little League, so it's only a paperwork type of thing.

TABLED ITEMS

10. Report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include property currently zoned IND (Industrial) located on the south side of Gold Street east of the former Lawrence Branch of the B&M Railroad and including the following three lots Tax Map 875-14, 875-15, 875-16.”

ought to pass.

*(Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)
(Tabled 09/05/2006)*

This item remained on the table.

11. Report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the R-3 (Urban Multi-family) zoning district to include property currently zoned R-1B (Single-family) located on a portion of Tax Map 691 Lot 143-1 that will be on the north side of a proposed Gold Street Bypass and adjacent to Bradley Street and the New St. Augustin’s Cemetery.”

ought to pass.

*(Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)
(Tabled 09/05/2006)*

This item remained on the table.

12. Report of the Committee on Community Improvement advising that it has requested staff to prepare documents to provide that the City agree to extend the term on the 2nd mortgage relating to Lowell Terrace Associates property located at the northwest corner of Lowell and Chestnut Streets to coincide with the expiration of the existing first mortgage in 2013.

(Unanimous vote)

(Tabled 05/15/2007. Additional materials provided by Finance enclosed.)

This item remained on the table.

13. Majority report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Residential One Family District (R-1B), being a portion of Tax Map 381, Lot 47 with an address of 466 South Willow Street and abutting South Lincoln, South Willow and Parkview Streets. A majority of the property is currently zoned B-2 and the petition would extend the B-2 to include the entire lot.”

be denied at this time.

The Committee notes that the business owner should work with the neighborhood and may return with a petition after addressing issue as noted in a communication from Alderman Garrity enclosed herein.

*(Aldermen Garrity, Pinard and Duval in favor. Aldermen Lopez and Gatsas opposed.)
(Tabled 06/05/2007)*

A Minority report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Residential One Family District (R-1B), being a portion of Tax Map 381, Lot 47 with an address of 466 South Willow Street and abutting South Lincoln, South Willow and Parkview Streets. A majority of the property is currently zoned B-2 and the petition would extend the B-2 to include the entire lot.”

ought to pass.

The minority advises that the proposed zoning, in its opinion, is consistent with the highest and best use of the property and that neighborhood concerns can be best addressed through the development process at the Planning Board level, therefore, that such rezoning should be considered subject to the Planning Board approving any plans for development of the property.

S/Alderman Lopez

(Tabled 06/05/2007)

(Note: additional communications from Alderman Garrity and petitions enclosed.)

This item remained on the table.

14. Report of the Committee on Human Resources/Insurance recommending that the City of Manchester self-insure the dental insurance program for employees effective January 1, 2008.

*(Unanimous vote)
(Tabled 11/07/2007)*

Alderman O'Neil stated I got the correspondence over the weekend and haven't...I mean, I can sit here tonight and ask all kinds of questions but I haven't had a chance to ask Ms. Lamberton. We only got...to the best of my knowledge it came Friday, so...it's up to the wishes of the Board. I'll sit here tonight and ask questions or if we can just...I guarantee that I will get my issues ironed out in the next two weeks and we can take it on the 4th or 3rd, whatever that Tuesday is.

Mayor Guinta stated I have no objection to that.

On motion of Alderman Garrity, duly seconded by Alderman DeVries, it was voted to leave this item on the table.

On motion of Alderman Gatsas, duly seconded by Alderman Forest, it was voted to remove item 15 from the table:

15. Report of the Committee on Human Resources/Insurance advising that it has approved the reclassification of the Legislative Assistant (Grade 16) position in the Highway Department to Purchasing Assistant (Grade 12) and for such purpose recommends that the related ordinance be referred to the Committee on Bills on Second Reading for technical review.

*(Unanimous vote with the exception of Alderman Garrity who was absent.)
(Tabled 11/07/2007)*

Alderman Gatsas moved to accept the recommendation of the Committee on Human Resources/Insurance. The motion was duly seconded by Alderman Duval.

Alderman O'Neil asked wasn't there some discussion at the last meeting that your office was going to work to try to identify possibly an appropriate spot for this employee? Again, we spend a lot of time talking about how this is not due to her own fault. She was moved around to three or four different departments at one point. I thought that's what we...And as I said at the last meeting, I'm not disagreeing with Alderman Gatsas that once that's done, if we can find an appropriate spot in City government, that the position be downgraded to a Grade 12. Isn't that what we agreed to do at the last meeting?

Mayor Guinta responded it has been a very short time between meetings so I haven't had quite a bit of time to look into that. The intention is to try to do the right thing for an individual here, so I'll certainly...if the Board wants me to try to work with her to identify an appropriate position...

Alderman O'Neil stated if there might be another appropriate position...

Alderman Gatsas stated I guess I have a couple of questions, Your Honor. Now if we are freezing this position as the committee recommended, I think there is an increase or is it frozen?

Ms. Virginia Lamberton, Human Resources Director, stated based on my recommendation that we freeze her pay...

Alderman Gatsas stated I understand what your recommendation is. What is the idea of the Board? Do they believe it should be frozen or do they believe it should participate in the raises? Because if that's the case then I'm going to have Mr. Sheppard come up here and I'm going to ask him an awful lot of questions about what this person does.

Mayor Guinta stated I think the general rule of the Board is to try to relocate the individual rather than freeze the pay, because the original intent of the move was different than what the outcome has produced.

Alderman Gatsas stated well I guess my question goes back, Ginny. Your assumption is the pay is frozen. Is that what the Board believes? Or is she going to be in for an increase as all other City employees?

Ms. Lamberton responded well by doing that you're compounding the problem and you're making it more difficult to place her in an alternative position because of her credentials. And I would advise the Board to approve this item, and then the individual can work with our office to seek alternative employment, she can respond to job postings, just as any other employee might do that's not satisfied with what their circumstances are.

Alderman O'Neil stated I'll go down this road now that we are, but in the meantime everybody else that's involved in this decision is going to get...We were being asked early this evening if we'd be moving on to non-affiliated employees. They'd get all their pay raises. Let's be fair here in this situation. She didn't ask for this. She got moved around by reasons not her own. Let's be fair to

this employee and see... You're right, Your Honor, it's been a quick two weeks...to see if there might be a spot in City government first. She's an asset and there should be a spot for her someplace. This is not the right fit, but the world is not going to end if we don't act on this tonight.

Alderman Gatsas stated I'd like to know what this employee does.

Mayor Guinta asked wasn't this reviewed in committee?

Alderman Gatsas responded it was, and the recommendation is here, and obviously we're not going with the committee recommendation. Let's just vote it up or down.

Mayor Guinta stated there's a motion on the floor. I was about to actually ask for a vote.

Alderman O'Neil asked for a roll call vote.

Alderman Lopez stated I'm trying to remember, and somebody correct me, but I thought that we tabled this in order to give you an opportunity to work out some details, and apparently you didn't have enough time, as to whether or not you could accomplish this in a two-week period. Is that the intention? Why it was tabled in the first place?

Alderman O'Neil stated that's what I heard two weeks ago.

Alderman Lopez stated so why don't we, as a compromise give the Mayor an opportunity by the next meeting to make a decision and work with...

Mayor Guinta stated it has only been a little over a week since we had our last meeting.

Alderman Lopez stated if it's okay with the Board I'd ask to give the Mayor a couple more weeks to really try to work out some things on this.

On motion of Alderman Garrity, duly seconded by Alderman DeVries, it was voted to table this item.

Alderman Gatsas asked does that mean, Your Honor, if you don't find a position for this person that this Board is going to go along with the committee recommendation?

Mayor Guinta responded I don't know.

Alderman Roy stated though it doesn't affect my package because it's on the computer, a lot of the tabled items come with a lot of back-up that we've gotten printed for the better part of a year on some of the tabled items. I would just ask if it's the will of this Board that any tabled items that we no longer receive the back-up. There's thirty and forty pages of Gold Street and South Willow Street, and I just see that it's a lot of waste. It's just a suggestion. If people would keep one copy of one agenda from the past year, they'd have all of that.

Mayor Guinta stated I will work that out with the Clerk's office.

Alderman DeVries stated I was just going to make a suggestion. If we're trying to maybe save some time in copying each time, as long as the Clerk is prepared to give us back-up at the time, if it is taken off the agenda and discussed, then it would be appropriate that it doesn't get sent out to us in the package. So as long as we have all materials available to us and ready to be distributed, we could accommodate that.

Alderman Gatsas asked doesn't everything on the table die at the next meeting?

Mayor Guinta responded yes it does. So this would be for next year.

Alderman Roy stated let's get it done.

NEW BUSINESS

Deputy City Clerk Johnson advised that based on the acceptance of the Report of the Committee on Human Resources an Ordinance relating to the classifications of Highway positions should be addressed; that since there was no change in salary the ordinance could be considered to be ordained.

“Amending Section 33.026 (Public Works Director, Deputy Public Works Director) of the Code of Ordinances of the City of Manchester.”

*This Ordinance having had the approval of the Committee on Human Resources, with subsequent report accepted by the Board, **Alderman Garrity** moved on passing same to be Ordained. **Alderman Shea** duly seconded the motion. There being none opposed, the motion carried.*

Deputy City Clerk Johnson continued the second item the Clerk would have, Your Honor, is there was an ordinance relating to the YMCA encroachment.

Ordinance:

“Amending Section 97.35 Erection of Obstructions Prohibited Exception of the Code of Ordinances of the City of Manchester.”

***Alderman Roy** moved that the ordinance be referred to the Committee on Bills on Second Reading. The motion was duly seconded by **Alderman Long**.*

Alderman Roy stated because this is a minor change for the YMCA, I would ask that we suspend the rules. It’s the easement regarding the stairway for access.

*On motion of **Alderman Roy**, duly seconded by **Alderman Long**, it was voted to suspend the rules and place the Ordinance on its final reading at this time without referral to the Committee on Bills on Second Reading or the Committee on Accounts, Enrollment and Revenue Administration.*

*On motion of **Alderman Roy**, duly seconded by **Alderman Long**, it was voted to waive the reading of the ordinance by title only.*

*This Ordinance having had its final presentation, **Alderman Roy** moved on passing same to be Ordained. **Alderman Long** duly seconded the motion. There being none opposed the motion carried.*

Deputy City Clerk Johnson stated there is an item of New Business related to the Jac Pac which was distributed this evening.

***Alderman Roy** moved to go with the recommendation to accept the amendments to the purchase and sale agreement, and to move it along with adjusted dates. The motion was seconded by **Alderman Duval**.*

Alderman Gatsas asked can somebody explain to me what the Environmental Escrow Agreement is and how much money is in there?

Mr. Thomas Arnold, Deputy City Solicitor, stated I couldn't tell you how much money is in there, Alderman. That was an escrow agreement originally between Jac Pac (before the City purchased the property) and I believe the State Department of Environmental Services. It was intended to, if I remember correctly, ensure funding for monitoring wells that were going on the property and any remedial action that might be required.

Alderman Gatsas retorted well, I'm looking at Item 2.1, and in the middle it says, "...but not limited to any rights and privileges the Seller may have pursuant to an Environmental Escrow Agreement by and between Jac Pac Foods, Ltd. and Manchester Acquisition Corp. dated May 7, 1998." You don't know what that means?

Mr. Arnold responded if there are any rights to be assigned that this purchase and sale agreement doesn't cover, Mr. Minkarah submitted this item, and he may be able to enlighten you further than I, but I note that the language is, any rights that we may have would be assigned, and at this point I'm not sure what rights the City would have under that agreement.

Alderman Gatsas stated when I see escrow I believe there is money involved.

Mayor Guinta asked would you like Mr. Minkarah to...

Alderman Gatsas responded I would like somebody to tell me before...unless somebody on this Board knows and I don't know.

Mr. Jay Minkarah, Economic Development Director, stated I couldn't tell you the exact amount but my understand is, first of all, the section that we're dealing with in the purchase and sale agreement addresses, transfer the property along with all of the rights, easements and anything else that goes along with that. As a part of the purchase of this property, there was an escrow agreement that was put into place between prior purchasers, purchaser and seller, before the MHRA acquired the property on behalf of the City. That included an escrow fund that was primarily to ensure, as I understand it...was to cover the cost primarily of monitoring wells that were on the property. So that money was put into escrow as a part of the sale to make sure that there would be sufficient funding in the future for those environmental monitoring and clean up tasks to take place. During the process of the...We did not include any reference to that agreement in the

purchase and sale agreement. As a part though of the due diligence process, Mr. Anagnost's attorneys discovered that this escrow agreement does exist. I do not know the exact amount. I believe it's around \$130,000/\$150,000 that's remaining, but I'm not sure on that. But they discovered this agreement and basically what this is just saying is that when the time comes for us to transfer the property, they would like to have the benefit of that escrow agreement and any other indemnity agreements that may exist as a part of that.

Alderman Gatsas stated well I certainly appreciate that Mr. Anagnost's attorneys brought it to his attention because I can tell you our attorneys never brought it to our attention. I never knew that there was an Environmental Escrow Agreement in this deal. So I guess I would like to see what else we're transferring in that Environmental Escrow Agreement, not that I have a problem with it, but you're telling me that it's \$100,000...What if it's \$10 million?

Mr. Minkarah stated we can certainly get you that information.

Alderman Lopez stated maybe we need to be brought up to date quite a bit, because I'm interested in the closing date that we get our money. A lot of these dates go back...We do a lot of things here and we don't have exactly the numbers in order to move forward and make a decision. We also as a Board are going to do everything we can to make Jac Pac succeed, with the Planning Board and the Zoning Board and trying to do the closing and get our money by June 30th in the bank. I think those are the top priorities that we need to know. And stuff like this just holds us up because it's a very good question. It was a document that thick. You might have a copy in your hand of Jac Pac. You know, we can't remember

everything. That's why we pay good money for a lot of good people in the City. Those fine details is what really hurts things. But that's why I'm so insistent on: When is somebody going to do? What is the date? What is in escrow? And the closing should be, if we're doing an amendment to the contract...I don't even know what the closing is now on Jac Pac. It should be during this budget season.

Mr. Minkarah stated the proposed amendment before us now would change the due diligence period. It would extend the due diligence period, but it's not the intent to extend the overall agreement. So the end date for this agreement won't change at all as a result of this amendment. What basically will be happening is the due diligence period will be extended but they will still be moving forward to seek their approvals from the Planning Board and from the Zoning Board, so that's still going to happen simultaneously.

Alderman Lopez stated just a follow up. Just give us a sheet of paper with some dates and times that things are going to happen because there's a million things that we have to do and we just need some type of warning that if something's not happening we want to make sure that we're on top of it so come June, well, something fell through the cracks so to speak.

Mr. Minkarah stated I will do that. I'll provide you with the specific dates in the agreement, count and get out. I'll tell you generally now the agreement takes us through the end of May, up until the end of May. Again, I can get you the exact date. However, they do have the option to extend that an additional 90 days, which would take us toward the end of August. But again, I will get you those exact dates.

Alderman Lopez stated thank you, and again, if something is happening, that 90 days might not be an extension. If somebody fell through the cracks, that's why he's going to have the 90 days, if somebody didn't do something. And we want to know that.

Mr. Minkarah stated that's right. The 90 day extension would be in the event that they did not receive their Planning and Zoning approvals within that time period, as well as any State approvals that they would need.

Alderman DeVries stated I just want to make sure I understand. You need for us to take action tonight in order to fit within the due diligence period. And in order for us to do that, we need to pass this amendment to the purchase and sale agreement, part of which is dealing with Item 2.1, the Environmental Escrow Agreement. And that Environmental Escrow Agreement has a balance, and these are funds that were paid by the potential purchaser, the developer, to offset monitoring wells and other phases of the initial environmental site work.

Mr. Minkarah stated not quite. These were funds that were actually put into escrow by a prior owner of the property so that when that property was transferred he was basically assuring the purchaser that funds would exist to pay for the ongoing costs for monitoring wells and other environmental works.

Alderman DeVries stated the one piece that I'm not understanding, and thank you for that clarification, the one piece I'm not understanding is the City assumed the liability for any clean up at the site, and that's why there is a Brownfields

application going forward. Are we transferring that liability now to that new owner and that's why we wish to transfer the remaining funds?

Mr. Minkarah responded it's not so much that we're assuming the liability. There is some liability that a purchaser accepts but I'm not sure that we really accepted liability for the contamination that existed before. What it basically was...I mean to an extent we did...What this does is, that is an interest that goes along with the property. It's similar, say, to the easements and all other rights that go along with the property. All they're asking for is to the extent that there is still money in an escrow account that's intended to cover the cost of environmental clean up, they would like to be the beneficiary of that. So it's not asking for a certain amount of money. It's saying that to the extent that this agreement exists and it's transferable, they would simply like to benefit from that, just as the prior owners of the property have. I think that there were two prior owners before the MHRA took the property that simply, as they purchased the property, that agreement and that escrow went along with the property, and they're simply saying that they'd like to benefit from that also.

Alderman DeVries stated I don't disagree with that. My only question that hasn't really been answered is with the Brownfields application there might be a need for matching dollars, and I'm just wondering, who is that match coming from: the new purchaser or from the City of Manchester?

Mr. Minkarah responded at this point the purchaser realizes that there are going to be clean up costs and is willing to assume those costs. But, part of the due diligence process...really the critical part of the due diligence process right now is

the environmental investigations that have been ongoing on the property. Before ultimately he closes on the property he would like to make sure he understands what the costs are going to be, and then, yes, would agree to assume them. But certainly there is the assumption that if, as a part of these investigations, he finds that the costs for cleaning up that property are too high then he would have the option to get out of the agreement. That, essentially, is what the due diligence period allows him to do. I don't think that that's anticipated, but the reason...there are two requests here, and we would very much like to see both of these approved simultaneously. The issue that's really timely, time-sensitive, is the request to extend the due diligence period because that extends this Sunday, the 25th. So, that really is where time is of the essence. If it were critical I would say we could pass on the issue of the escrow account at a future date, although again, I'd rather not do that. I wouldn't want one to prevent the other. If I could just explain...

Mayor Guinta stated I'm going to move the question. I think we've hammered it out and you've answered it perfectly. *The motion passed, with Alderman Shea voting in opposition.*

Deputy City Clerk Johnson stated we have an additional piece of new business. It's relating to the Sargent Museum, and that was forwarded to the Board on November 19th. I believe the Solicitor is prepared to address it.

Alderman Long moved to approve the sale of The Sargent Museum at 88 Lowell Street to the New Hampshire Institute of Art. The motion was duly seconded by Alderman Duval. The motion carried. Alderman Gatsas voted in opposition.

Alderman Forest stated I sort of put Jay Minkarah on the spot a couple of weeks ago and I put him on an even bigger spot this morning because I told him to be prepared to answer questions that I had which he didn't have an answer to. Just to take him off the spot, I talked to Bob MacKenzie prior to the meeting. I got pretty much the answers I was looking for with some minor exceptions, and I believe it's time for me to pass it on to Alderman-elect Domaingue so I will not put Jay on the spot tonight.

Mayor Guinta stated so noted.

Alderman Gatsas stated that he would be asking for reconsideration of the motion regarding The Sargent Museum at 88 Lowell Street.

Alderman Pinard stated this is the time of year that, since I'm an Alderman we light the Christmas tree at the Massabesic Lake the day after Thanksgiving, and I'd like to invite all the Aldermen and their families and everybody because we have a surprise for the kids. It's a welcome to the Queen City from the Massabesic with the new Candia Road project, so I hope to see you all there.

Alderman Gatsas stated Your Honor, I have a communication here from the City Solicitor which I'm sure all the Board members have received in regards to the Sargent Museum. I guess I'm a little upset that we give somebody a piece of property for a dollar. Come to find out, it's being sold to the New Hampshire Institute of Art, which I'm not opposed to, but I would think that the amount of money they are receiving is far in excess of the dollar. We're receiving only a portion and I guess I would like to know why a portion of it is going into a bankruptcy, and did somebody from the City follow the bankruptcy procedures?

Mr. Arnold responded there is no bankruptcy proceeding. What happened is the Attorney General, through the Charitable Trust Division, moved to have a receiver appointed for The Sargent Museum, alleging that the board of directors was inactive, and without leadership the probate court appointed a receiver who now stands in the position of The Sargent Museum. So in answer to your question, Alderman, there was no bankruptcy.

Alderman Gatsas asked and what was the purchase price?

Mr. Arnold responded the purchase price, I understand, is \$311,000.

Alderman Gatsas asked and what percentage of that goes to the City?

Mr. Arnold stated under the agreement as I interpret it, the net proceeds, meaning the gross proceeds minus things like brokers fees and closing costs. Of the net proceeds, the City receives the first \$25,000 as repayment for a roof that the City put on the building back before it was transferred. And then we get 50% of the remainder.

Alderman Gatsas asked can you give me some sort of idea of what that 50% is? Because I'm sure that if it has already gone to a receiver, there must be some calculation of the amount of money.

Mr. Arnold stated I presume that there is, Alderman. The reason I can't answer your question is I don't know how much the brokers fees and closing costs are

going to be. But if we presume for a minute that they are nothing, which they are not, the purchase price would be \$311,000...just let me...

Mayor Guinta asked did you say it was \$25,000 for the roof or \$75,000?

Mr. Arnold responded \$25,000 for the...

Alderman Lopez stated \$163,000 we'll end up with.

Alderman Gatsas asked can you tell me that...the last extension was May 22nd. My understanding was, being on the board back then, that there was a reverter clause. What happened to the reverter clause?

Mr. Arnold responded there was never a reverter clause, Alderman. As is common with these types of transactions, we were dealing with a charitable organization that unfortunately hasn't been able to carry out its original mission. But as we've dealt with in a number of other City buildings they never would have been able to if there was a reverter clause because they would never have been able to get any type of financing. And oftentimes it also interferes with fundraising. So there was never a reverter clause. There were instead provisions in the purchase and sale which I believe you're aware of that dealt with the eventuality if the building were sold, and division of proceeds.

Alderman Gatsas asked Your Honor, do we contribute to the...in the cash...Do we give the Institute any money in the budget, do you know?

Mayor Quinta responded I know that they've made CIP requests. I don't know that they've actually received any.

Alderman Garrity stated no, they didn't receive any. They requested some capital campaign but that was not included in CIP.

Alderman Roy stated I would just ask the City Solicitor's office, if The Sargent Museum ended up in receivership and they appointed someone, what's the other 50% going to? If there is no board of directors, why does a defunct organization, who got a building from the City for a dollar, get to keep 50% of the proceeds of a building they've never improved? I'd have a much different attitude if they had improved the building, maintained the building. But the building hasn't changed since...yes, it has gotten worse. It's a blight to the area. So I would ask or even make a motion to this Board that we give the Solicitor's office full authority from this Board to pursue every dime coming to The Sargent Museum, and also follow through with the Institute sale.

Alderman Duval stated Your Honor, if I might, the City Solicitor has researched this over and over again. I have a good handle on what's going on here and we have certain rights and we don't have other rights. I think the Solicitor can answer that right here tonight, Alderman Roy. We've gone over this and over this, you know.

Mr. Arnold stated perhaps to try and answer your original question, Alderman, the proceeds that the Sargent Museum retains will go to trying to fulfill the goals of that organization. I would note that there is also what is known as the cy pres

petition before the probate court where the receiver is seeking permission to dispose of Mr. Sargent's collection in various manners, some of which involve the Historical Association here in town. And I would assume that those funds would go toward trying to fulfill that goal, but they would go to the charitable purposes of the organization.

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

A True Record. Attest.

City Clerk