

## COMMITTEE ON COMMUNITY IMPROVEMENT

**March 18, 2002**

**6:00 PM**

Chairman O'Neil called the meeting to order.

The Clerk called the roll.

Present: Aldermen O'Neil, Wihby, Shea, Smith, Lopez

Messrs: R. Comstock, K. Clougherty, R. MacKenzie, Mr. Beaudry, S. Joyce,  
S. Maltese, E. Skidmore, Alderman DeVries, S. Maranto, K. Dillon,  
K. Sheppard, J. Taylor, J. Hill, Chief Kane

Chairman O'Neil stated I would like to take up Item 14 first. Kevin Clougherty has a family commitment that he has to get to tonight and asked to appear before the Committee on that item.

Communication from Aldermen Gatsas and Sysyn requesting that \$150,000 be transferred from the proceeds of land sales in the Manchester AirPark to Derryfield Park.

Mr. Clougherty stated just to inform the Committee, we don't take a position in Finance one way or the other on the subject matter but we want to bring to your attention...the AirPark was purchased with bonds from the City. We sold the bonds in the mid-90's and it was based on a Resolution that was passed in the early 80's and involves the Housing Authority. The proceeds from the sale can be used for economic development purposes and can be used for projects of like age. For example, when we issued the bonds they were 20 year bonds so you can't take the money or the proceeds now from the sale and use it for a five year project or a project that is going to have a life expectancy of three years. You have to match it up. What we are asking is for the Bond Council to go back and pull out all of those documents so we can go through and read them and give you good direction in terms of what you can and cannot do with those proceeds. At the end of the day it may be that you can't use the \$150,000 and the proceeds from the sale of the AirPark to do Derryfield, but you may be able to do something else and be able to move some dollars around. We are not trying to be obstructionists here. We are not taking a position one way or the other. We just want to make sure that when you move forward we do everything according to the requirements of the bond issue. I have talked to Bond Council and they said we would have the information by next week so hopefully we will have all of this information compiled and be able to give you something at your next meeting because I know you would like to move on this.

Alderman Lopez asked if we took \$150,000 out of Hackett Hill and gave it to the AirPark...

Mr. Clougherty interjected vice versa.

Alderman Lopez stated right and then we took \$150,000 out of the AirPark and put it back in Hackett Hill is that authorized.

Mr. Clougherty replied yes you authorized that and it was okay because in both of those cases you are looking at a 20-year life expectancy on the land at Hackett Hill as opposed to something else.

Alderman Lopez stated so the final analysis would be that you can't do it but you can do it the other way, by third party.

Mr. Clougherty replied maybe. In both of those cases, Bond Council passed on those uses and those timetables. We just want to make sure that we do it right and that we don't run afoul of the tax law.

On motion of Alderman Shea, duly seconded by Alderman Lopez it was voted to table this item pending information from Finance.

Chairman O'Neil addressed Item 3 of the agenda:

Communication from Robin Comstock, Chamber of Commerce, requesting \$35,000 in CIP funds to convert the Manchester Transit Authority Bus Depot into a Downtown Visitor and Welcome Center.

Ms. Comstock stated I think most of you have read the letter that I have sent and really I think in a larger way I am here to answer any questions about this concept but giving you the thumbnail version, I think the letter was quite extensive and it explained the visions that the Chamber of Commerce has around this concept. The thumbnail version is that we would like to convert the Manchester Transit Authority Bus Depot located on the corners of Merrimack and Elm at the edge of Veteran's Park, into a Visitor's Center. Let me say it better by saying add to the services of the bus depot functions a Visitor and Welcome Center service as well. In order to do that, that particular building does need some refurbishments – new flooring, painting, racking and shelving. We need to install a new front door. There is a little bit of brick and mortar work that needs to be done on the outside and we have to, of course, make sure that the corner is well lit. We are currently looking at probably a seven-day a week operation exploring the hours and looking at perhaps 11 AM to 8 PM so that the facility can support the needs of the customers of the Verizon Wireless Arena. With that I think I really would open it up to you. I have just

one document that I would like to share with you and a quick quote. The quote I thought of as I was walking over here today was the old saying "It takes 30 seconds to set an impression and a lifetime to undo it" and what we are proposing is that it is time for Manchester to set an impression of a hospitable community providing a service and a function and that that existing facility complemented by the function of a visitor and welcome center would serve the Manchester community well. This week...I have to share this with you because I thought you would get a kick out of it. I don't know if anyone here can tell me what year this is produced. There is no date on it. I just ripped it apart looking for it but this is a Greater Manchester Chamber of Commerce brochure of its first Visitor Center, which I guess was located at 57 Market Street or the offices were and it is a fine example typical of that era where the Chamber of Commerce was promoting "this area as being Northern New England's center of commerce, industry and recreation" and marketing and promoting Manchester as the "Queen City of New Hampshire." The person who handed this to me said this idea is not far-fetched, the Chamber has done this in the past. I don't know what the relationship with the City was at that time but I think it is time for us to develop this kind of function and this kind of marketing effort in the year 2002 and beyond. Really, Mr. Chairman, I am here for any questions that any of you may have.

Alderman Lopez stated just to let the Committee know I have been working with the Chamber of Commerce and Georgie Reagan who was a spearhead for this visitor center for the last six months. The only question I have was to make sure that Mr. MacKenzie in conversation...I believe this is going to come out of the Central Business fund is that correct?

Mr. MacKenzie replied yes. We have been discussing that. It is certainly a downtown item. I think the only question that we would want to check is that in essence it would be a Manchester Visitors Bureau so it covers more than the downtown of Manchester and I think we would like to go back to when that fund was created to see if we would have to change the Resolution that the Board adopted to include this. Again, if it was only focused on the downtown I would say yes it would qualify but this does, I believe, would include if people go there and want to know how to get to South Willow Street they could get that information as well. We just want to make sure that we can clearly fit it under the Resolution for that fund.

Alderman Shea asked is this what you need or will you be coming back to the Board of Mayor and Aldermen for additional funding. Will this take care of your needs and all of the revenues that you will need from the City?

Ms. Comstock replied I do believe it will. I have had a couple of architects look at the site, the facility, for me and give me an assessment. I would share with you that I have pulled from this, which is something the City may want to consider for the future, I have pulled one Amoskeag light, which costs the City approximately \$5,000 to \$7,000 from

this particular plan and focused our interest for refurbishments specifically on the building. Again, at some point in time you may want to look at carrying that lighting that you have in the park all the way up to that building. That would be at your discretion. It is not something I would ask for but I think it would be an enhancement. I think...my understanding of this \$35,000 is that it will allow us to do the beautification, the refurbishment necessary to have a functioning facility and in turn we will be staffing that building and providing the internal operation support that will be necessary to run it as a hospitality or welcome center.

Alderman Shea asked and different other needs such as janitorial services and things...I asked Alderman O'Neil and he said that is already being provided.

Ms. Comstock answered yes. It is my understanding that the City currently assumes liability for that building. The City, without question as I have been in it several times since last August, is providing air conditioning and heating currently. There is also a maintenance staff there that oversees the restroom area and the facility itself. We would ask that you continue to provide those services as they are obviously essential to keeping staff and visitors inside the building, including the maintenance that you are currently doing of the grounds around the building. I think in addition to that, just so you are very clear, I am also asking for four parking spaces. I need two all day parking spaces and two short-term 15 minutes spaces. I will need to be able to park two employees and then hopefully to allow any visitor to just pop into a quick parking spaces and pop out.

Alderman Shea stated Bob Stephens came before us with someone who did a survey or a feasibility study as they are very common in this City as it were, and he indicated to us that he would need a substantial amount of money to open up a visitor's center. Does this in any way supplement for that? Does it complement it? Could you explain that?

Ms. Comstock replied sure. I think complement would be the best way of thinking about it and referring to it and it is very confusing so don't feel alone in your questions around it. There are two programs, two initiatives being explored by the City of Manchester. One, the Bobby Stephen's project, Manchester Development Corporation and the City of Manchester are looking at establishing a Convention and Visitor's Bureau. A Convention and Visitor's Bureau's task is to market and promote the community outside of the community and the state to get people to come to the community. The Visitor Center that I am exploring and presenting to you tonight is a function and facility that greets them once they are here. They are very different projects, but they are mutually supportive and together create a holistic and thorough visitor and guest plan but they are very different initiatives.

On motion of Alderman Lopez, duly seconded by Alderman Smith, it was voted to approve the \$35,000 subject to CIP staff confirming the funding source.

Chairman O'Neil stated the item with regard to parking will need to be referred to the Traffic Committee.

Chairman O'Neil stated I would like to take up at this time Item 17, which is another presentation to the Committee.

Communication from Mark MacKenzie, New Hampshire AFL-CIO, submitting a proposed ordinance regulating bidding on public construction projects.

Mr. Beaudry stated I am here representing the Manchester Central Labor Council. We represent approximately 6,000 working families in the City of Manchester. We are here today to present a responsible contractor ordinance change to you. To my immediate right is Steven Joyce and next to Steve is Susan Maltese from Manchester. To my left is Elizabeth Skidmore. To start off, what we would like to see is all contractors coming into the City having a bonafide, accredited apprentice program. Why we would like to see that is it is actually a cost savings to the City. When you look at the civic center, they spent \$150,000 to get some of the laborers educated in haz-mat over there where if they had a bonafide, accredited apprentice program their employees would have been trained by the contractor and they would have saved \$150,000 in the training of those employees. As you know, with some of the construction that has gone on in the City in the past decade we have had numerous problems with buildings in the City. Engine 6's fire station, the roof leaked basically from Day 1. We had raw sewage that was backing up into the sleeping quarters. We had problems with rain water coming in through the windows and my understanding is that most of the sub-contractors that worked on that site went Chapter 11 and basically put the burden back on the City to go back and repair the problems that the original contractors had done. MST, the roof has leaked basically from Day 1. It is my understanding that we are finally going to put a brand new roof on that. I don't know if it will be this year but it is going to be coming up fairly soon. Northwest Elementary, if you remember last year or the year before last we actually had a ceiling collapse. It was lucky that there were no children in the school or somebody probably would have gotten killed. That was a major problem over there. McLaughlin School, my understanding is that the roof was leaking at McLaughlin, which was a brand new building. I think they found the problem. It was actually some of the vents that were on the side of the roof where the rainwater was coming in but it ruined some of the walls and ceiling tiles in the school. My understanding is that one of the ceiling tiles actually fell on a teacher at one point and injured a teacher. With responsible contractor language it would stop the bid chopping that goes on to a certain extent where a general contractor will come in and they know what the prevailing wage is and they are going to bid a job using the prevailing wage and then they are going to go out to sub-contractors and say an electrical job was bid at \$1 million, they will accept that bid for \$1 million and get sub-contractors to come in and they will say can you do the job for \$800,000 and if they contractor says they can well that \$200,000 doesn't go back to the City it goes into the general contractor's pocket. We are looking at certifying and making sure that all of

the sub-contractors have worker's compensation benefits, healthcare benefits, employee retirement plans, etc. As you know, if people have now healthcare or worker's compensation it is actually a cost to the community for uninsured employees going to use our hospitals. That raises the premiums for those people who do have insurance. We would like to have local control where the contractors would have to get approval for the sub-contractors that they are going to hire. They would have to come back to the agency that is overseeing the project to get approval for the sub-contractors. The last point I have is that the people who live in the City would get precedence in working in the City. We would like to see people who live and reside and pay taxes in the City get the first opportunity to work in the City. With that said, I would like to pass this over to Steve now and he is going to go through the presentation that was just handed out to you.

Mr. Steven Joyce stated I am a representative from the New England Carpenter's Labor Management Program. We represent 400 residents. We represent also 1,500 contractors who would very much like to be bidding in this arena. Thank you for allowing us the time to present the ordinance and the reasoning to you. This ordinance sets standards for public construction programs procured by the City of Manchester. When the City, often after years of planning, is investing in buildings, bridges and highways, we shouldn't just be buying a piece of real estate or updating a piece of real estate. There should be an investment in the future of the City and you need to maximize the expenditure and the benefits from that expenditure. The goal in creating this ordinance was to codify community standards that level the playing field to allow all responsible contractors the opportunity to compete when bidding on projects for the City. To create and maintain local control. As Arthur was saying, you want to make sure that you know who the contractors are that are on the job and that you are able to keep control over that. To balance the short-term goals of keeping your project costs low with the long-term goals of creating jobs that are healthy for the community. The goals are possible while keeping this ordinance fairly simple and having little or no associated costs. The Manchester standards would include all contractors on public works projects will provide health benefits equal to or greater than those provided to full-time City employees, that they will participate in apprenticeship and training, that they will cover all of their workers with worker's compensation insurance, that they will properly classify all of their workers as employees and not as independent contractors who would be ineligible for benefits, and that they will require with any residency requirement whether it is adopted as a plan, a policy that is negotiated on a project by project basis and that they will certify on a regular basis that they are in compliance with the coordinates. One of the most important parts as Arthur said is that contractors would be required to seek City approval before subcontracting any work to other contractors. In talking with folks around the City and with contractors throughout New England, one of the big problems is when an owner is contracting work and they start sub-contracting and they start sub-contracting you don't know who is actually performing the work on your own project. The ordinance would require that City approval be given before sub-contracts are let. Why require the health insurance? Responsible employers provide health insurance and are disadvantaged when

bidding City projects because they provide insurance for their workers. Contractors who don't provide insurance for their workers are also likely to strain local resources. The hospitals, for instance. In 1999 alone Manchester hospitals provided approximately \$19.5 million in uncompensated care. That is people who went to the hospital, got treated and didn't pay. Some of these costs are expected and there are charities set up to deal with some of that but most of it is absorbed one way or another by the hospital. The hospitals in this area are operating on a very close margin. CMC, I believe, the numbers for 1999, which were the latest figures that we had available showed that they are operating from a 0 to 0- margin. That means that their operating expenditures are greater than their operating income. Well it doesn't take much to figure out that if that continues they are either going to have to cut services to people who live in the community or they are going to have to raise the prices to everybody who is paying for insurance and that is not fair unless everybody is paying their fair share. The uncompensated care that came from CMC was \$8.7 million and Elliot was \$10.7 for 1999. Now legislatures across the country have been trying to deal with Medicaid and Medicare issues of late and they are cutting payments to hospitals. I know that the NH Legislature is wrestling with that currently and the local hospitals that are already operating on that tight margin, if they lose these Medicare and Medicaid payments if there are cuts, again, you are going to see loss of services and increased prices. In 1999, Medicaid and Medicare combined made up about 44% of the payments to the New Hampshire hospitals. So you can see that although just adopting this in Manchester isn't going to solve all the woes of the insurance problem. What you are doing is saying that if you get public funds that you are going to do the right thing by the City of Manchester. Why require training? Arthur touched on it very briefly about having people who know the business, who are trained in haz mat if you run into that, that are trained to work properly on the job, that are trained to work safely. Manchester has certainly made education its top public priority. Just as Manchester is now building schools or classrooms or remodeling and rehabbing the schools and classrooms to invest in the future of the youth of the City requiring City funded projects to be part...or folks who work on City funded projects to be part of a State or Federally approved apprenticeship program extends that. In 1999, only 25% of the individuals in the country that were over the age of 25 graduated from four years of college. More current statistics indicate that in New Hampshire 30% of all kids who graduate from high school will not go into any college. That doesn't mean they are not going to graduate, they are not going into college at all. There have to be good paying jobs available to these folks that offer benefits. Properly trained workers work safer, they are more productive and they turn out a better product. Why require the industrial accident insurance? Worker's compensation insurance is important for all of the same reasons as regular health insurance but even moreso. The construction industry is a dangerous industry and if people aren't properly insured they, whether they live in Manchester or not, are going to use local resources. If there is not worker's compensation insurance for them then they are going to be part of that unfunded care pool. Somebody is going to pay for it. The community is going to pay for it. Worker's compensation is already required by State law under RSA 281. However, by

misclassifying workers or not providing workers with that insurance, contractors are able to reduce their payroll costs by 20% just on worker's compensation premiums alone and sometimes greater than that. If it is already covered by State law why do you want to codify it here? What happens is unfortunately the resources that the State or Federal prosecutorial agencies have are very limited so by the time your project gets investigated, gets prosecuted, the job is long gone and you are living with the problems. This ordinance gives you local control by making this all part of your contract where you can take immediate action and you can have some cease and desist work until they get coverage. You can have them replaced if that is necessary. You can have liquidated damages up to 5% is what is in the code. So you can take immediate action to make sure that the City isn't on the hook for somebody getting injured on your project. Why insist that contractor's properly classify their employees as such and not as independent contractors? Well, worker's compensation is one big answer but probably the single biggest abuse in today's construction industry is this misclassification of workers. You come to work for me and I tell you yes you can work for me but as a condition of employment you are going to be an independent contractor. That means I don't supply any benefits to you, I don't supply any of your worker's compensation insurance. You are on your own if you get injured. All of the benefits that normally go along with being an employee are lost. By engaging in this practice, irresponsible contractors realize a huge savings. A 1992 study done by the University of Connecticut, they studied what the losses were to Connecticut in that year. They found estimated losses of \$57 million in worker's compensation premiums, \$17 million in unemployment insurance taxes, \$95 million in Social Security tax, \$267 million in Federal income tax payments. The total losses in these four categories were \$436 million. They also have a State income tax in Connecticut and they lost \$58 million there. Again it doesn't take much imagination to figure out who ends up paying for that. All of the people who play by the rules end up paying the cost of all of that. When you get and you are looking for financing for the schools and you go to the Federal government looking for that financing, \$267 million in 1992, what does that mean today? What we need to do is stop these practices and that is what we are asking for here, to have all of the people play by the same rules. With that, I will turn it over to Sue.

Ms. Susan Maltese stated I am a native and resident of Manchester. I live on Amherst Street. I am a taxpayer and I work as a laborer and a landscaper. This ordinance is necessary today for several reasons. Many responsible contractors who deliver quality projects do not bid in areas where they cannot compete against irresponsible contractors. We need to be able to compete. This would insure that Manchester is not one of the places for them to avoid. Many unscrupulous contractors skirt many of the laws and fail to provide their employees with their rights under those laws. Many State and Federal agencies that are charged with enforcing the laws lack the proper resources to do so effectively. Contractors who fail to meet their obligations to their employees are also likely not to live up to their obligations to their clients. Just think about that. The result is often shoddy workmanship. This ordinance gives the City of Manchester local control.

By making the language of this document part of the contract, the City can take immediate action when it becomes aware of violations. The City will not be forced to wait for the State or Federal government to come to the rescue, which often happens long after the project is complete and the City is forced to live with the consequences. Thank you.

Mr. Beaudry stated at this time I have six speakers who are going to be very brief. I just want them to come up and say a few words. They are all Manchester residents who will give you some insight on their work and how they feel about responsible contractor ordinances.

Mr. Dennis Gionette, 15 Riverbank Road, Manchester stated:

As a taxpayer of Manchester I am here to express my concerns about construction work that has been done in our City. A couple come to mind. Northwest Elementary and McLaughlin School. This type of work could have been very devastating to our City. Our kids could have been injured and this would have been a great cost to the City and the taxpayer. That is why we need responsible contractors. This type of work wouldn't have happened. In the near future we will be spending millions of dollars in renovating our schools. It doesn't make any fiscal sense to invest this much money and not have proper maintenance and clean schools. Again, responsible contractors and make sure the job is done properly. With responsible contractors not only will you save money for the taxpayers of this City but it will also take some of the burden and pressure off this Board knowing that your money is spent well and that you are getting the job done correctly. Thank you very much.

Mr. Hector Martinez, 591 Amherst Street, Manchester stated:

I am an electrician. When I first moved here seven years ago, I worked for a contractor that couldn't afford health insurance and I had to pay 100% of the cost. I want to work for a contractor who pays a decent wage and provides health insurance. A job with decent wages and benefits are all outside the City. I want to be able to work in the City of Manchester where I live. Thank you.

Ron St. Cere, 202 Gold Street, Manchester stated:

I have been a resident in Manchester for 59 years. I am very concerned with the City. I was a special police officer for 25 years for the City and I care about it. I have been in construction for about 30-35 years and in those 35 years I have worked a total of about six projects in the City of Manchester, large projects, and I also remember many times I read in the paper how the City got screwed. A contract would come in in one instance, it was the West Side Arena, a contractor came in and did the job and the floors cracked and the roof leaked and they had to reshore some of the walls and the contractor closed his doors, changed his name, reversed the name and bid another City job and got that one. The same occurrence happened. Another project that happened not too far from my

house because I live on Gold Street down on South Beech, the City awarded a contract to a contractor to install some storm drains on South Beech Street near the railroad tracks by St. Augustine's Cemetery down there and the contractor was about three to four months behind. When they asked the reason, the reason was that the contractor had one backhoe and one truck and the truck broke down. He had three employees and the truck was being fixed. The City ended up having to hire another contractor, threw him out and hired another contractor to come in and finish the job. Now this was taxpayer's money that already paid this first man and now taxpayer's money had to pay for the second man and the same thing happened at the West Side Arena and at another project. The City ended up footing the bill. Now as a taxpayer, I have been living in this City like I said before for 59 years. I have six children and if I worked for other contractors I wouldn't have been able to afford the quality of education I have given my children. Also, the insurance. If I hadn't worked for a good contractor, reliable contractor, I would not have been able to afford insurance and then they would have had to have been a burden onto the City, these hospitals. Thank you very much.

Eric Pelchat, Manchester stated:

I have lived in Manchester for 26 years. I have been an electrician apprentice for the last four years. In those four years I have only worked in my hometown on one occasion, at the civic center. It would be nice to know that if this does pass I might have the opportunity to work on more projects in my hometown, in the City, and that would be nice. Thank you.

John Trisciani, 320 Laydon Street, Manchester stated:

I have been a taxpayer and homeowner for over 40 years. I have worked in the construction trade for over 40 years and fortunately have been able to afford to retire. It bugs me that we have the best facilities in the City for training our people and to give you a perfect example I have two children who are working in the trade, one is a certified nuclear welder and the other one is...my daughter is a plumber. She started as a helper for a year, went through the apprenticeship program and went to school and took journeyman's classes to become a Federally certified air condition/refrigeration technician to do what? Travel out of town to go to work. It just doesn't make any sense when these people have to go out. As far as these contracts, this has to be the best thing that has come around. I can give you many examples working in the trades in the City. I am a licensed Master Plumber and I have been for 40 years. It is just unbelievable the tax money that we completely throw away day in and day out. I can tell you many, but the one that got me the most was on Laydon Street they put in culverts. The contractor laid the asphalt curb three times and it still hasn't worked and still isn't right. He couldn't finish the job so the Highway Department had to come up and do it. Four days later, the Water Works was up there on Cushing Avenue to put in an 8" water main and who shows up to do the job but the same contractor. Again, he did shabby work and then he didn't finish the job and Water Works had to bring somebody else in to do it and since they

have done it they have had three major breaks. I think we ought to, as taxpayers, we should definitely take a good look at this.

Mr. Beaudry stated that is all for the speakers. I would like to close by saying thank you very much for listening to all of us and at this point I would open it up to questions before I do make my closing remarks.

Alderman Lopez asked how would you answer the question and philosophy saying that if it costs the contractor more money than before that they won't bid on the job if you follow my train of thought. How would you answer that question by the contractor providing the health insurance and all that stuff?

Mr. Joyce answered if they were already a responsible contractor, it wouldn't cost them anything because they are already providing the benefit but one of the things is that if you look at competition and competition is what keeps prices low, right now you have a lot of contractors that won't compete in this arena and they don't compete because they do provide health insurance, they don't misclassify their workers and, therefore, they are not able to compete with those savings that you don't even see. The health insurance piece, if they are providing it then I don't see how it is going to cost them more than their peers. If they are paying now a number that is close to what the market is demanding then that should be a portion of that cost. I don't think that it is going to raise costs significantly but it is going to bring more competition to the table is what I believe.

Alderman Lopez stated and providing the employee health insurance, that is worked out between the contractor and the employee as to what percentage that employee will pay for this...you are not stipulating any percentage.

Mr. Joyce replied all we are asking is that it is comparable benefits to what City employees get and basically that is to have some kind of a reference because if you just leave it wide open to making available healthcare or something like that then what you will see is what the gentleman said earlier where he is left paying 100%. So, there has to be some measurable way of saying that they are going to have meaningful healthcare and we think we have done that with the ordinance.

Alderman Lopez stated my last question is if this ordinance were to pass there are Federal regulations for the Airport but do you know of any exceptions along that line. Are you speaking just about contracts within the City minus the Airport because they are an Enterprise system?

Mr. Joyce replied my reading of the FAA regulations is that they do have certain criteria but it says that local authorities can adopt more stringent rules and regulations and quite frankly when we are talking about airports and airport security there is no better place these days to make sure that you have responsible contractors and that you know at every

tier who is on that job and that you know that they are not fly by night independent contractors. You want responsible contractors who can identify their workforce and be responsible all the way down the line. I think that just strengthens the argument for a responsible employer.

Alderman Lopez asked what other states or cities have this ordinance.

Mr. Joyce answered the ones that I know of and there are probably more around the country than I know, but I know in Massachusetts there is Boston, Cambridge, Worcester, Springfield, Fall River, New Bedford, Amherst, Weymouth, and Methuen. There are a lot more than that but those are the ones that come to the top of my head. There is also in Connecticut, Stamford, Hartford, New London and there are a couple of others.

Chairman O'Neil asked could you provide a list to the Board.

Mr. Joyce answered yes we could do that.

Alderman Shea stated it is my understanding that this is a worker's protection. It is not necessarily a union-induced protection, it is a worker protection. I mean we should get that straight because we want to protect workers. We are not simply a union-orientated situation although there are in the crowd union people and I grant them that that is a good place to be but what I am saying is that it is a worker's type of protection. We want to protect workers. Is that my understanding? Is that correct?

Mr. Joyce replied one of the things that I can tell you is that the union contractors are providing far more benefits than this. If this was a union protection, we would be looking for a lot more than what is here. This comes from talking with workers throughout the area and saying what is short here, what are you missing. This doesn't address retirement, which most union contracts address. It doesn't address a lot of other issues that the unions have and a lot of other benefits. This is just a minimum standard that I think will also open up more competition.

Mr. Beaudry stated I would have to say that basically this would even the playing field and help the City out. I think you would have more contractors bid jobs if the playing field was evened out and you are correct. If you have an accredited apprentice program, you are going to be actually helping kids in this City get employment but they are going to be getting careers. There are a lot of the people in this room right now that are willing to even work with the City and MST in setting-up criteria for the kids that are getting out of school that may not be going to college and want to look at a career and be an electrician or plumber or carpenter or laborer or whatever. That way there, our children are going to be able to work and live in the City and become citizens that will be paying taxes in the City instead of getting in trouble or hanging out and doing things they

shouldn't be doing. That is just extra on what could happen. As far as getting an apprentice program started, I can't speak highly enough about the apprentice program. My son is in one right now. He is an apprentice sprinkler fitter and he was working for other companies where he used to work by himself. He didn't have a journeyman working with him. They put him on the job site and told him to start hanging pipe where now he has to work with a certified journeyman. They don't work alone. They always work together. Your worker's compensation rates, I would assume, would benefit by this because you are going to have people working on the site that are educated now and they have people telling them what to do instead of having young kids running around really not knowing what they are doing. That is when they end up getting injured and who ends up paying for that but all of the citizens with the worker's compensation rates that are floated in the state. That was a long answer to your question, but it is a worker's protection but it also protects the City and it is going to, I think, provide better quality workmanship in the long run for the City.

Alderman Shea stated the other question I have is during the recent building of the Verizon Wireless Arena, were any red flags waved in terms of situations there that may have implications in the future for the taxpayers of Manchester.

Mr. Beaudry replied I don't know if we want to get into that tonight, but at another time and another place...

Alderman Shea interjected I am interested personally after all I am a taxpayer and I want to know if we are going to use more Rooms & Meals money in the future because that is what we are using now. I think you raised that issue at a local School Board meeting if I might say.

Mr. Beaudry replied I wouldn't be the person to speak on that but I can tell you that it cost \$150,000 to educate the people over there just to move the landfill because there was hazardous material over there. That charge would not have been charged back to the City if they had responsible contractors who had people already certified in hazardous materials. That was \$150,000 that would have been saved.

Alderman Shea asked wasn't there a leak at one time that I read about in the paper that had to be fixed.

Mr. Beaudry answered I believe the roof was leaking. There are people in the background here that worked on that site that probably know more about that building than I would ever think of knowing and I don't know if this would be the time or the place to bring it up, but we would be willing to meet with you at another time and speak about that.

Alderman Shea stated we are going to have to put money aside for capital improvements and so forth and I think that is a responsibility that would fit into workmanship and craftsmanship but we will save that for another day. Thank you.

Chairman O'Neil stated, Alderman Shea, if you come up with some items that you would like to bring back to the Special Civic Center Committee, I am sure they would appreciate that.

Alderman Smith stated I can understand where you are coming from because I have worked with many contractors through my 38 years and I think that you are here for a level playing field. You want the same responsibilities and you want... I know health is very important and some of these contractors are two or three person contractors, fly-by-night contractors and I think this is beneficial to both the taxpayers and to us by starting with a level playing field. I know that in the Verizon Wireless Arena some changes were made. Asbestos was one I believe, but with the hazardous ground material they had to bring a contractor in to remove it but I certainly concur with your presentation here tonight.

Alderman DeVries stated I compliment you for taking a look at the health insurance. Without a doubt as we struggle as a City to find the funding to maintain health insurance, doing anything that we can to help keep the costs, the escalating costs of health insurance is without a doubt something we should be looking at. I do wish to ask you within the language, Item F is talking about the City maintaining an approval of sub-contractors at the local level and I am just wondering if that is something that could be addressed also with a penalty clause written in with the contractor so that it wouldn't have to be actually overseen by the City? Language that if they did not maintain adequate coverage that the contractor would be penalized?

Mr. Joyce asked are you referring to Item F.

Alderman DeVries replied yes. I am just wondering if we are creating any jobs.

Mr. Joyce stated there should be a penalty attached to that. It wouldn't take much other than adding in behind Item C "all contractors governed by this ordinance who are awarded or who otherwise obtain contracts on public projects shall comply with each of the obligations numbered 1 through 7 as set forth in Paragraph A and Paragraph F."

Alderman DeVries asked so if the responsibility is shifted to the actual contractor, does it work in your estimation.

Mr. Joyce replied does it work that they would be responsible for their own sub-contracting, absolutely.

Mr. Beaudry stated one thing that was brought up to me, Alderman, was that if this language is in already, contractors are going to look at that and realize that they are going to have to comply with it. By this wording, it will probably stop them from trying to pull anything because they are going to know that if they get caught the job could be shut down.

Alderman DeVries asked I just wasn't sure if we were also creating any additional labor-intensive jobs on the City side – somebody that would have to review all of the independent sub-contractors.

Mr. Joyce answered no.

Chairman O'Neil stated I am on Page 2 of your handout and it has seven bullet points. I am just concerned about this record keeping system that is not a burden to the City and contractors cannot sub-contract without approval. Our people, especially people involved with the capital projects, are stretched out as it is now. I hope something if this passes could be developed that does not create an extra burden on them.

Mr. Joyce replied essentially, Mr. Chairman, what it would be is a form could be made that says "I intend to sub-contract work to so and so" and they would have to send it up to whoever the awarding authority is.

Chairman O'Neil asked is it possible to get some examples of what other cities may be using for that...I am guessing there must be a form similar to that in one of these other communities you mentioned.

Mr. Joyce answered the American Association of Architects actually has language like this...

Chairman O'Neil interjected and that is used in those cities you mentioned.

Mr. Joyce replied that is a standard contract entry. Here we are saying mostly because it was brought up by folks around the City that they don't know who the contractors are and we were just reaffirming that in this ordinance.

Mr. Beaudry stated Liz could probably answer that question a little bit better.

Ms. Skidmore stated just to add something a contractor has a general contractor and a series of sub-contractors. Those are all considered reviewed by the awarding authority before awarding so that review process is already happening. Then a contract is entered into. All this does is says once that contract is entered into they can't change the players without written permission from the City and this document will be, if it passes as is, goes into the bidding documents with an invitation to bid so if I am a contractor I see up

front I can't sub-contract without permission so the actual review process is something that is already happening. That just means that they can't bait and switch along the way.

Chairman O'Neil stated I will wrap up with a few comments on my end. We consistently are out looking for employers who pay good wages and good benefits to come to the City of Manchester to either start a business here or relocate a business. With regard to our City employees, our contracts are up on June 30 of this year and the very first item that all City employees, affiliated and non-affiliated, are concerned about are their health benefits. It is almost like we treat construction workers as second class citizens. It is as important to construction workers as it is to City employees and to bankers or computer people, whatever. Just on worker's compensation, having been involved in an accident where my employer had worker's compensation and I was properly classified, it is still a pain in the butt to be honest with you so I hate to see what it is when there isn't worker's compensation insurance. I am very interested in this residency. We pushed for it as best we could on the civic center. It would be nice if we are spending millions of dollars to put some Manchester people to work. If this Committee so chooses we could refer it to the full Board tomorrow night. I know you folks asked, although we are trying not to make it look like we are rushing this, but there is a process of once the full Board accepts it all they are going to do is forward it to the Bills on Second Reading Committee, which is the Committee that will handle the ordinance itself but I know you folks asked while it is kind of fresh in your mind about the presentation that you make a streamlined presentation to the full Board tomorrow night if it passed the Committee tonight. Is that still your wish?

Mr. Beaudry replied yes it is.

On motion of Alderman Smith, duly seconded by Alderman Shea, it was voted to refer this to the full Board tomorrow night for a presentation and to recommend that the ordinance change be referred to the City Solicitor for technical preparation and to the Committee on Bills on Second Reading for technical review.

Chairman O'Neil addressed Item 4 of the agenda:

Communication from Ronald Ludwig, Director of Parks & Recreation, regarding the bird problem at Gill Stadium and requesting funding in the amount of \$65,000 in the FY03 expedited CIP budget process for improvements.

Alderman Smith moved to approve the request. Alderman Lopez duly seconded the motion.

Alderman Shea asked is this a necessity.

Alderman Smith stated there is a sanitation problem. This facility is used for our high school graduation and for football and everything. It is an unsightly sight. The Parks & Recreation Department went to the State of New Hampshire to ask them if they could use a chemical and they say no they couldn't. The only proper way of addressing this would be netting and you have to sandblast some of the gutters and so forth and that is why they are asking for \$65,000.

Alderman Shea asked, Ron, is that a necessity. In other words, you are requesting this and it would be done say in April or May is that what you are asking, to expedite this?

Mr. Ludwig answered yes. We would attempt to bid this out and we haven't done that. These prices here have been reflected in four or five different quotes. We would have to bid the project out, develop the specifications, etc.

Alderman Shea asked so it would be taken out of the FY03 CIP budget but it would be expedited so that it would be able to be done in time for graduations.

Mr. Ludwig answered that is my understanding.

Chairman O'Neil asked is there an ideal time to do this, actually physically do the work.

Mr. Ludwig answered no I don't think so. Obviously better weather is a little bit...obviously if we are going to paint then it is weather dependent but to actually get the netting up and the cable system that will support that netting is not really weather dependent.

Chairman O'Neil asked and you are going to have to work around schedules.

Mr. Ludwig answered yes.

Alderman Lopez stated I just want to make sure of one thing and Mr. MacKenzie you can help me with this. I know on other projects that we have had in the past we have expedited them but then you didn't get the final approval on money and you had to wait...is it something, when we expedite this project and go through the process and we finalize the budget in June...I mean you waited for other projects I know last year until late because it wasn't finalized. My question, I guess, Mr. MacKenzie is do you have \$65,000 hanging around for him to work on that?

Mr. MacKenzie replied at this point expedited projects imply bond money and I am not sure at this point whether this project can be bonded or not. If it was cash, which it would probably likely have to be, cash is not available until July 1.

Alderman Lopez responded so knowing that the Committee is for this particular project is it possible to make some switches here so that this project can get done if it is approved by the full Board.

Mr. MacKenzie replied I am not aware of \$65,000 in cash being available at the present time.

Alderman Smith stated I don't know if you saw the letter from Tim Soucy of the Health Department but this is a critical thing that we get this corrected immediately. It is dangerous sanitary conditions that he detailed in the letter. They are certainly concurring with everything that needs to be done as soon as possible.

Chairman O'Neil asked, Bob, can we work on that and see if there is some way to get creative with the intent. I guess there are at least five Aldermen sitting here tonight that would support this and if there was a way to get creative with it so that Parks could go out and get the contractors ready...you should be getting your documents and all of that ready to bid it or however it is going to be awarded.

Mr. MacKenzie replied again while I will say that we will definitely work on it, I do not want to give you any false sense that it will actually be done quickly because again \$65,000 is a lot of money with cash. I am not aware of any balances that even approach that. It would have to be cash at the present time until we can determine...normally any project under \$150,000 is not eligible as a bond project so whereas we would certainly look, I do not want you to go away thinking that we will find that money and make it happen.

Alderman Smith asked in other words you are telling me that there probably won't be anything available until July.

Mr. MacKenzie answered I would say that in my own opinion and again we have not studied this particular request so we would like a little bit more time but the likelihood is that the money would not be available until July 1. Also, I would have to say that there is some question as to whether it could fit into the CIP cash for next year's program as well. We have been assisting the Mayor on the CIP budget and \$65,000 is a large amount of CIP cash. Again, I understand the importance of the project but it is a very tight CIP year and we do not have any quick solutions for you.

Alderman Smith asked in other words you are telling me that cash is more important than the health and welfare of all of the youngsters and people who attend this stadium.

Mr. MacKenzie answered I am telling you that we have not looked at this. I am telling you the realistic situation of what the City's financial situation is. Again, we have not seen this. I have not talked to Ron Ludwig about the project. I am totally unfamiliar with

it. It sounds like the Board wants to do something about it. When you see the Mayor's proposed CIP program you will have a chance to revise it and make it happen.

Chairman O'Neil stated, Bob, somebody had to see this letter and I guess it wasn't copied to your department to the best of my knowledge but somebody had to see this letter Friday. Nobody has reviewed this since Friday?

Mr. MacKenzie replied the first time it came to my attention was when you mentioned it to me yesterday and since yesterday I have been in meetings so I haven't had a chance to look at it.

Chairman O'Neil asked none of the staff saw this.

Mr. MacKenzie answered no. We have not seen it and we are not aware of this issue. If it came to us we would have started working on it but we have not seen it.

Alderman Shea stated I think that is why I brought it up before because obviously we vote on things and the assumption as you walk out the door and down the stairs and out the front door that we have enough money to get rid of the pigeons and the other problems connected with it but my question is, Chairman O'Neil talked about creative funding and so forth. Is it possible that there is some sort of resource that you have, Ron, in your budget to take care of the problem and then somehow include the expense in the next year's budget? I am just saying if this is a definite problem and what is the sense of cleaning the place in July if the graduations or other activities are going to be in May and June and he is saying on my left that it is improbable that we are going to get the \$65,000...is there anyway? What I am asking is are you planning on turning back any money to the Mayor this year because he is always trying to get money back? If you are, use that money and ask if you could spend that money to take care of this problem or go into the Health Department and ask them if they would help you out in this regard since it is a health issue.

Mr. Ludwig stated obviously we are concerned with the problem at Gill as everybody is. The problem went away for about 13 years, from 1985 until the netting deteriorated. We have been working very diligently to try to determine less expensive ways to do this. That is the bottom line and I think that Alderman Smith has indicated that as I have in my letter. What can we do, Alderman? We can clean. That is what we continue to do. We clean and clean and clean and the problem doesn't go away. We could make the place safe. I don't think that Gill would be shut down. We wouldn't let that happen certainly, however, as it relates to this particular project and the dollars here to fund it are not available. We have all lost a little bit in our budgets recently to the Welfare Department. Those were salary dollars that I lost but the long and the short of it is that \$65,000 in our budget, which is small, is a lot of money.

Alderman Lopez asked, Ron, is there anyway you can take \$65,000 out of the Enterprise fund. We have been very generous with Parks in the past and I am sure this year we are going to be very generous again.

Mr. Ludwig answered if we struck gold in the snow tubing park this year I might be able to answer this differently but the answer right now...

Alderman Lopez interjected you are not at a max though.

Mr. Ludwig stated well we are using money out of retained earnings so we are not in good shape.

Alderman Lopez asked what kind of fund balance do you keep on the Enterprise fund.

Mr. Ludwig answered right now based on the lack of sale of a few bonds, which didn't happen, we are now drawing down on retained earnings. Once those bonds are sold we will look at a little better but as a result of our picture right now based on our ski season and our recent investment at McIntyre, we are not real healthy.

Alderman Lopez asked are you carrying more than \$200,000 in reserve in the Enterprise fund.

Mr. Ludwig answered we might have more than that but not much.

Alderman Lopez stated there is a possibility that there might be \$65,000 in reserves that you could use.

Mr. Ludwig replied there are some retained earnings there and again I am not going to speak to that balance at this point.

Alderman Lopez asked would it be possible to let you and Mr. MacKenzie and everybody try to find the money. You know what the wishes of the Committee are as Alderman O'Neil said but if there is any way that the Enterprise fund could pick up that \$65,000 I think it is very important that it get done.

Chairman O'Neil stated I will accept a motion to have CIP, Parks & Recreation and Finance get together and report back to this Committee as soon as possible on how to come up with this. It is obvious that it is a high priority of the Committee and it needs to be taken care of. We have a letter now on record by our Chief of Environmental Health that there is a problem there and we need to fix it. Maybe it is an insurance thing. I really don't know. Let's get Harry involved if we have to. There is a health condition there that needs to be taken care of. It might be part of our general liability or something.

Mr. Ludwig replied from our end we could start working on any kind of documents that we would need to go forward with.

Chairman O'Neil asked could the departments get together and report back to this Committee as soon as possible, not waiting for the next Committee meeting. Whenever you have a recommendation, get it to the Committee and we will do a phone poll to get it to the Board as quickly as we can. You might want to include Risk in that because maybe there are some opportunities under our insurance program.

On motion of Alderman Shea, duly seconded by Alderman Smith, it was voted to have CIP, Parks & Recreation, Finance and Risk get together and come up with a plan for finding the \$65,000 for improvements at Gill Stadium.

Chairman O'Neil addressed Item 5 of the agenda:

Resolution and budget authorization authorizing acceptance and expenditure of funds in the amount of \$10,000 for FY2002 CIP 711302 – LED Replacement Program.

On motion of Alderman Smith, duly seconded by Alderman Shea, it was voted to approve the resolution and budget authorization.

Chairman O'Neil addressed Item 6 of the agenda:

Resolution and budget authorizations transferring \$27,487 (Cash) from FY1998 CIP 710229 – Cilley/Taylor signalization to FY2002 714102- Main Street/Conant Street Traffic Improvement Project.

On motion of Alderman Shea, duly seconded by Alderman Lopez, it was voted to approve the resolution and budget authorizations.

Mr. MacKenzie stated I would just like to note for the Committee's information because you asked us to work on that, this is actually a way to replenish one of the funds that was cut as part of the Welfare crisis. This does help bring back one of the programs that was cut out of the FY02 budget.

Chairman O'Neil addressed Item 8 of the agenda:

Resolution and budget authorizations transferring \$30,000 from FY2002 CIP 710602 – Elmwood Gardens Streets, Sidewalks Reconstruction Project to FY2002 CIP 215902 – MHRA/O'Neil Center Repairs.

Alderman Smith moved to approve the resolution and budget authorizations. Alderman Shea duly seconded the motion.

Alderman Lopez stated I called Mr. MacKenzie today and he was going to get an answer for me in reference to this that the sidewalks in the City are...we probably could use \$30,000 all over the City but fixing the gymnasium for \$30,000...money that we allocated last year for sidewalks and now they want to fix the gym so I was wondering if Mr. MacKenzie would like to comment on that. I know he was going to check it out for me.

Mr. MacKenzie replied I would just comment that one of your questions was were they trying to transfer funds that was, therefore, not going to complete some sidewalks. In this case these are funds that were left over. This was an excess. They did complete the sidewalk and the reconstruction project so they would not be deferring any sidewalk construction. This was a balance of funds that were left after that project was done.

Alderman Lopez asked do you feel that this was a good use of the money or should we transfer it to other sidewalks.

Mr. MacKenzie answered I am going to defer that one to Sam to talk a little bit more about that. This is CDBG money so it has to be used in certain areas.

Mr. Maranto stated those funds being requested to be used in the O'Neil Center, formally known as the Blessed Sacrament Center, that center has been the home of the Manchester Youth Recreation Program and now Girls, Inc. have two programs there which the City has been supporting for many years. What has happened as I understand it is the floor has deteriorated and they can't use it. It is a CDBG eligible expense

Alderman Lopez asked is this your recommendation.

Mr. Maranto answered yes.

Chairman O'Neil called for a vote on the motion. There being none opposed, the motion carried.

Chairman O'Neil addressed Item 9 of the agenda:

Resolution and budget authorizations authorizing acceptance and expenditure of funds in the amount of \$3,305 (State) for FY2002 CIP 210302 HIV Prevention; \$5,000 (State) for FY2002 CIP 210502 Immunization; \$710 (State) for FY2002 CIP 210802 STD Clinic; and \$3,682 (State) for FY2002 CIP 211102 Tuberculosis Control.

On motion of Alderman Lopez, duly seconded by Alderman Shea, it was voted to approve the resolution and budget authorizations.

Chairman O'Neil addressed Item 10 of the agenda:

Resolution and budget authorization authorizing acceptance and expenditure of funds in the amount of \$48,321 for FY2002 714002 – Urban Ponds Restoration Grant.

On motion of Alderman Lopez, duly seconded by Alderman Smith, it was voted to approve the resolution and budget authorization.

Chairman O'Neil addressed Item 11 of the agenda:

Resolution and budget authorization authorizing acceptance and expenditure of funds in the amount of \$27,500 (Other) for FY2002 CIP 710002 – Residential 50/50 Sidewalk/Curb Program.

On motion of Alderman Smith, duly seconded by Alderman Shea, it was voted to approve the resolution and budget authorization.

Chairman O'Neil addressed Item 12 of the agenda:

Budget Authorizations:

FY98 201209 Court Directed Alcohol Education

FY98 740204 Tougas Avenue Sewer Extension

FY00 211000 Cultural Diversity Task Force

FY00 251100 Voluntary Action Center

FY02 210202 HIV Counseling & Testing

FY02 210602 Lead Poisoning Prevention

On motion of Alderman Lopez, duly seconded by Alderman Shea, it was to approve the budget authorizations.

Chairman O'Neil addressed Item 13 of the agenda:

Communication from Robert MacKenzie, Planning Director, regarding a request from Chief Kane for additional funding for the Hazardous Materials Disposal Project in the amount of \$15,000.

Alderman Shea moved to approve the request. Alderman Lopez duly seconded the motion.

Chairman O'Neil asked Chief Kane to come forward.

Alderman Shea asked where is this money going to come from. Is it out of your budget or out of cash or what? We are running into a problem with cash here tonight.

Chief Kane stated basically the request was if there is some money available now but if not then we can certainly wait until the next fiscal year's CIP. I think the letters and my letter are probably a little bit early. What I would like to see is...there is already an established fund in the next budget process.

Alderman Shea asked so you don't mind us approving it but moving it to the next budget.

Chief Kane answered I think I would recommend forwarding it to the Mayor for his CIP budget.

Mr. MacKenzie replied yes. The Mayor will be finalizing his CIP budget in the next week and if the Committee wishes to make a recommendation to the Mayor to try and include it, they can do that.

On motion of Alderman Shea, duly seconded by Alderman Lopez, it was voted to refer this item to the Mayor's CIP budget.

Alderman Shea stated according to information that I read, we are supposed to get a couple of million from the State for different types of terrorist protection and so forth. Are you familiar with that?

Chief Kane replied I read a lot too. There are a couple of grants out there. Currently there is one for \$380 million that is called the Fire Act and that is basically for fire stuff in general. There is another one for \$38 billion, which is coming up and they haven't really defined what all of that is going to be or how that is going to look. 25% of that \$38 billion is going to go to the states and 75% of that is going to go to local communities. I think that we will be looking at that when it comes down very hard.

Alderman Shea asked so basically when it does come down and you look at it very closely, some of the materials that obviously would serve to protect the community, as well as complement the type of training and so forth...is that what it is.

Chief Kane answered we kind of look at that like what are some of the things that we can do in the community or in a general basis for overall protection. A lot of that we would work with the Health Department, Fred Rusczyk, on because a lot of that stuff comes under his department along with Chief Driscoll so there would be a coordinated effort there. Also, in giving out that money one of the key factors is the mutual aid in which we

have a very strong mutual aid here so we have a lot of things in place but we really...they in Washington are still trying to figure out how they are going to present this.

Chairman O'Neil asked with all of this potential money that is out there, do you have any thoughts at all about possibly having a full-time grant writer like the Police Department and I am told that he probably pays for himself five or ten times.

Chief Kane answered we certainly would like to have as many people on Board as we possibly can. We have some people on staff that do that now. There is really not a lot of money available to the Fire Department. Last year was the first year that we had any money. There was \$100 million for the entire nation. We submitted two grants for that money.

Chief Kane answered there were four grants given in the State of New Hampshire. There was \$3 billion worth of requests for \$100 million. It is like winning the lottery.

Chairman O'Neil stated I would appreciate it if you would have a discussion with the Mayor about that because we are being told by the Feds that there is money out there and we are not applying for it. It could be that we need to have some grant writers in some various departments to go out...I mean you have to go and get the money, it is not handed to you. I know the Mayor mentioned it to me recently about grant writers in general and I would appreciate it if you would have a conversation with him about it.

Chief Kane replied absolutely. Grant writers are very talented people and there are not a lot of them around. We certainly could use all of the help we could get.

Chairman O'Neil addressed Item 15 of the agenda:

Communication from Ron Johnson, Deputy Director of Parks & Recreation, notifying the Committee that the Daughters of the American Revolution have made a donation in the amount of \$10,000 to the Valley Cemetery and requesting acceptance of these funds and an amendment to the Valley Cemetery Master Plan, CIP 810002 to reflect said donation.

On motion of Alderman Lopez, duly seconded by Alderman Shea, it was voted to approve the request for acceptance of funds.

Chairman O'Neil addressed Item 16 of the agenda:

Communication from Bruce Thomas, Highway Department, regarding a request for a sewer extension on Brennan Street from Laydon Street to approximately 225 feet northerly.

On motion of Alderman Shea, duly seconded by Alderman Smith, it was voted to approve this request.

Chairman O'Neil addressed Item 18 of the agenda:

Sewer abatement request of Spike Plentzas (41 Goodwin Street).

On motion of Alderman Shea, duly seconded by Alderman Lopez, it was voted to approve the sewer abatement in the amount of 282.10.

Alderman Shea asked if this does pass tomorrow night, who does a person call. Do they call the City Clerk's Office?

Chairman O'Neil stated well Kevin Sheppard is here.

Alderman Shea stated the reason I am asking is the fellow in question here is leaving for Canada in about a week so he wanted to make sure that everything was in order before he left.

Mr. Sheppard replied he should contact the Environmental Protection Division at 624-6595.

Chairman O'Neil addressed Item 19 of the agenda:

Sewer abatement request of Mrs. Charles Demory (304 Webster Street)

On motion of Alderman Smith, duly seconded by Alderman Shea, it was voted to approve the sewer abatement in the amount of \$91.45.

Chairman O'Neil addressed Item 20 of the agenda:

Petition to discontinue a portion of Clough Avenue.

On motion of Alderman Shea, duly seconded by Alderman Smith, it was voted to refer this petition to the next road hearing.

Chairman O'Neil addressed Item 21 of the agenda:

Petition to discontinue Pettingill Road and abandon adjacent road widening easement.

Chairman O'Neil stated I was having a conversation with the Airport Director about a couple of other items and we talked a little bit about this and he put up a yellow flag and

led me to making another phone call, which continued to keep that yellow flag up. I am not sure that this is very appropriate at this time and it could cause some great problems, not only for the Airport and I don't know if the Director wishes to come up but it could also cause problems for some of the people who own property down there.

Mr. Dillon stated this is the only road that provides access to property that the Airport owns off of Pettingill Road on the Londonderry side of Brown Avenue. If this access were discontinued, we would have no way to access that property and there are also a few other property owners in the area that I think would end up in the same situation. While it may be very appropriate to discontinue it in the future, I would ask that this be delayed until the State access road was actually built.

Chairman O'Neil stated I would think that because the Airport access road is...I would say receive and file to be honest with you.

Alderman Shea moved to receive and file the petition for discontinuance. Alderman Smith duly seconded the motion.

Chairman O'Neil called for a vote, there being none opposed, the motion carried.

Chairman O'Neil addressed Item 22 of the agenda:

Petition to discontinue St. Clair Street.

On motion of Alderman Smith, duly seconded by Alderman Lopez it was voted to recommend that the Board of Mayor and Aldermen find that St. Clair Street, having never been opened, built, nor used for public travel has been released from public servitude pursuant to RSA 231:51.

### **TABLED ITEMS**

23. Lowell Terrace Associates request for a mortgage/debt consolidation for property on Lowell and Chestnut Streets.  
(Note: Tabled 2/12/02 pending further review and report from City staff - Solicitor, MEDO, Finance, and Planning.)

This item remained on the table. Chairman O'Neil asked the Clerk's Office to check on the status of this item.

24. Communication from Jay Taylor, Economic Development Director, recommending that CIP staff be authorized to identify and transfer \$50,000 to the Revolving Loan Fund, subject to approval of the Board of Mayor and Aldermen

and contingent on the approval of the proposed loan by the Revolving Loan Fund Review Committee at its February 7, 2002 meeting.

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

Chairman O'Neil asked Jay Taylor and Jane Hills to come forward.

Alderman Lopez stated I have a couple of things. For clarification, in Jay's letter to the Chairman of the Board there was an indication that there was \$570,000 in CDBG money and staff has said on several occasions that there would always be money but for the record to make sure that when the Committee or the Board transfers money from one account to another account there is no agreement that you are going to get that money back.

Mr. Taylor replied no. The CIP money that was put in the revolving loan fund we understood that when the money was taken away it was reprogrammed for other uses because we did not use it for whatever reason. The understanding has been, with CIP staff however all along, that in the event we did exhaust the funds that they would use their best efforts to replace funds when we needed them. Now we have never run out. This is a new occurrence and that is the basis of our request. Because we did run out we asked if we could get another \$50,000 because there is a potential loan out there pending and that was the basis of our request. You are correct, Alderman. We understand that there is no tacit agreement here that when you lose some you are going to automatically get it back. It is simply a matter of trying to work things out.

Alderman Lopez asked now this new company that wants to come in, where are they going to be. Are they downtown? Outside of town? What stage is it in?

Ms. Hills stated they are now located on the West Side and they are going to be moving to Shasta Street on the south end of town. They also have an affiliated company that they are going to be moving up from Massachusetts. It is a financing company that will be in the same building complex.

Alderman Lopez asked on the one that was approved in December, which was BHD Labs, where does that stand today.

Ms. Hills answered we expect to close on that the third or fourth week of April.

Alderman Lopez asked could you tell us a little bit about the process of how this revolving loan fund works.

Ms. Hills stated the loans are reviewed by our Loan Review Committee, which is a group of individuals appointed by the Mayor and approved by the Board of Aldermen. Right now we have six people on the Committee. I can tell you who they are and who they represent. Joseph Fremeau who is an appraiser with Fremeau Appraisal Associates; Robert Greenwood who is a CPA; Peter Madden who is the Assistant Vice President of Citizen's Bank; Ed O'Brien who is the Vice President at the Bank of NH; James Bell who is the CEO of EPE Corporation, which is an electronics manufacturer down in the Millyard; and David Eaton who is one of the partners in Eaton Partners, which is a real estate and development firm. The process is that the companies first talk to me. I have to screen them for whether they meet the requirements that HUD has of job creation or retention. If they meet the basic requirements then they submit a complete application to us and I go through that and write up a summary report so the committee doesn't have to read through the volume of papers that I know you sometimes do. Then we have a committee meeting and a representative of the business comes in and talks to the Loan Review Committee and they get whatever questions answered that they may have and then they make the decision on the loan. We then work with the City Solicitor's Office to do the legal loan documents.

Alderman Shea stated you peaked my interest. Shasta Street is in my ward now. Is that on the corner of Union and Shasta where that company used to be? Do you know?

Ms. Hills replied where Colonial Supply used to be.

On motion of Alderman Lopez, duly seconded by Alderman Shea, it was voted to approve this transfer of funds.

Chairman O'Neil asked can we go back to Item 21, the Pettingill Road issue. We don't have anyone here from the Solicitor's Office for clarification but the Clerk's Office has some concern that we can vote not to do the road hearing. Her recommendation would be that we do the road hearing and then deny it unless we can get clarification from the Solicitor indicating otherwise. The language is a little unclear in the rules about what we can do.

On motion of Alderman Shea, duly seconded by Alderman Smith, it was voted to refer the petition for Pettingill Road to the next road hearing.

Note: After further review following the meeting, it was found that the Committee can deny the request for a road hearing. A poll was taken of the Committee on March 19 and the vote was to deny the petition to discontinue Pettingill Road.

25. Communication from Manchester Emergency Housing, Inc. submitting a 2002 CIP Projects status report requesting that the Cash Project purpose be changed from day care to operational expenses.

(Note: Tabled 12/11/01.)

This item remained on the table. Chairman O'Neil asked the Clerk's Office to check on the status of this item.

26. Proposal for an Eight-Year Capital Improvement Plan submitted by Mayor Baines.  
(Note: Tabled 11/13/01.)

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

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

27. Copy of a communication from the Deputy Finance Officer to Alderman Gatsas relative to funding options for Millyard parking facilities.  
(Note: Tabled 9/4/01.)

This item remained on the table. Chairman O'Neil asked the Clerk's Office to check on the status of this item.

28. Copy of a communication from the Deputy Director of Parks, Recreation & Cemetery to Ms. Georgie Reagan relative to the establishment of a Visitor's Center at Veteran's Park.

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

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

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

A True Record. Attest.

Clerk of Committee