SPECIAL COMMITTEE ON RIVERFRONT/BASEBALL DEVELOPMENT

October 14, 2003 **5:30 PM**

Chairman Wihby called the meeting to order.

The Clerk called the roll.

Present: Aldermen Wihby, Guinta, Sysyn, Garrity and Smith

Chairman Wihby addressed Item 3 of the agenda:

Discussion regarding Gill Stadium:
a) Scope of Services (communication attached)
b) Project status report (communication attached)

Economic Development Director Bill Jabjiniak stated Aldermen we have a variety of gentlemen present. We have Lou Ferullo representing Manchester Downtown Visions, LLC, Mike Westerheid with HNTB, and Carl DuBois with Harvey Construction. They are specifically going to review the Exhibit B that's attached, go through some differences that are there, be able to answer any questions and then Mr. Sherman will address an elevator, and we'll move through the agenda from there.

Chairman Wihby stated before we go any further, just to explain, we had an Exhibit B that we drafted the documents that everybody saw and we were in agreement to Exhibit B. Is that here?

Mr. Jabjiniak answered the original Exhibit B is not present. What you have is the proposed Exhibit B; you do not have the original.

Chairman Wihby asked so can I have a copy? So everything in Exhibit B plus this? Or is there stuff taken out of B?

Lou Ferullo of Manchester Downtown Visions, LLC stated for Exhibit B there's only three changes that I was going to explain. We have three changes proposed to this exhibit.

Chairman Wihby asked proposed for what exhibit?

Mr. Ferullo answered to the Exhibit B.

Chairman Wihby asked in addition to what we're looking at? I want to know what Exhibit B looks like. The one that we all okayed when we signed off on everything. Is that what this is?

Mr. Ferullo answered no sir.

Chairman Wihby stated I specifically asked before we called this meeting that we were going to have Rule 58 improvements. Is that in front of us today? The list of Rule 58 improvements.

Mr. Ferullo answered no sir.

Chairman Wihby asked and the Exhibit B is not in front of us?

Mr. Ferullo stated you have the Exhibit B. This is the Exhibit B. It says a draft only because nobody has accepted it yet.

Chairman Wihby stated it says proposed. Where is the Exhibit B that we started with when this whole thing came about?

Mr. Ferullo answered I don't have it sir.

Chairman Wihby asked well how are we supposed to know if we like the Proposed Exhibit B and what we're losing from what Exhibit B was? If we don't have Exhibit B in front of us?

Mr. Ferullo answered this is Exhibit B that is in front of you. There's three changes. Everything is here except for the three changes.

Chairman Wihby asked on Exhibit B that we had when we signed the contract, that is all here, and there's three changes to this Proposed Exhibit B?

Mr. Ferullo answered correct.

Chairman Wihby asked so there's nothing in Exhibit B, the old Exhibit B, that's not on here?

Mr. Ferullo answered correct.

Chairman Wihby asked and what are you changing on the Proposed Exhibit B that we would have had on the original Exhibit B?

Mr. Ferullo answered the three changes, the outbuildings that were not on the first Exhibit B. The new locker room, showers, restroom, new coaches locker rooms on Page 4 of 7. The new home and visiting team locker rooms. All of this was supposed to go underneath and not have two outbuildings. It was not going to work without the outbuildings. It wasn't big enough and we could not put what had to go in there. So it was proposed to do two outbuildings with all of what you see here on Page 4 of 7.

Chairman Wihby asked which is A through G under new home and visiting team locker rooms?

Mr. Ferullo answered yes, new locker rooms, showers, and restroom areas, new coaches locker room. If you turn to Page 5 of 7, new treatment training area, new public restrooms, laundry room.

Chairman Wihby asked so there's six additions? These were not in the old Exhibit B; these are all in the new Exhibit B. What was in the old Exhibit B that pertained to these? Just that it was going to be underneath?

Mr. Ferullo answered yes. I can let Mr. Mike Westerheid from HNTB explain that.

Mike Westerheid, HNTB stated the requirements in the original Exhibit B are now provided in the same basic format and quality in the outbuildings that are underneath stands.

Chairman Wihby stated for instance on the restrooms. I know we envision new restrooms down there. What you're changing it to? Are we still going to get new restrooms?

Mr. Westerheid answered yes. We actually have the new restrooms that are in the outbuildings and then we're renovating the existing restrooms.

Chairman Wihby asked how about the concession stand? We're expecting heat back there. Is that all still the same?

Mr. Westerheid answered what we're providing in the concession stand are listed on the top of Page 4.

Chairman Wihby asked that's not being changed then? That's the same thing that we envisioned we were getting the very first time with the old Exhibit B?

Mr. Ferullo answered you're getting everything that was proposed and you are getting the heat and you will have the power that you're going to need for that also. Any electrical needs.

Chairman Wihby asked on the old Exhibit B, did you have items like this listed? Did you have A through such and such listed?

Mr. Ferullo answered I don't believe it was listed that way. I believe it was listed as a package and then we broke it out and tried to show you what we had, but to be honest I do not remember.

Chairman Wihby asked and the outhouses, what are they going to look like? Do we have a picture or something? The new additions that you're putting on? How is that going to look?

Mr. Westerheid answered we have the construction documents and brick will be the construction. We did our best to match the existing colors and materials.

Alderman Gatsas stated the home and visiting locker rooms. It says 74; so there's going to be 74 lockers in each one of those locker rooms?

Mr. Westerheid answered that's total.

Alderman Gatsas asked so there's 37 in each locker room.

Mr. Westerheid answered I believe that's correct. Between the team locker rooms and the coach's locker rooms.

Alderman Gatsas asked so the Central locker room that is currently now under the decking, we'll call it, we are doing nothing with their bathrooms and nothing with their shower rooms? That was never my understanding. Those were going to be renovated so that human beings could take showers and go to the bathroom without one toilet for 80 people and three showers.

Mr. Ferullo answered no sir. The Central locker rooms were just renovated and the comments and what we had received was, you are not to touch the Central locker rooms at all. They were just renovated and all new lockers were just put in there. We put a door in for them so that they could get to the showers, which they didn't have. We've talked with Mr. Shubert, everything that he wanted, but we were not to touch the Central locker room.

Alderman Gatsas stated clarification. You've seen the showers and the bathrooms?

Mr. Ferullo answered yes I have sir.

Alderman Gatsas asked how many bathrooms are there in there?

Mr. Ferullo answered there are approximately I believe four urinals and three toilets.

Alderman Gatsas asked when were those changed?

Mr. Ferullo answered sir I couldn't tell you.

Alderman Gatsas stated I can tell you they're the same as they were in 1967 because that's where I showered and I used the urinals and there were shower heads in there for 80 athletes.

Mr. Ferullo stated I understand all of that, but we were told not to touch the Central locker room.

Alderman Gatsas stated that is not part of the Central locker room. That is the locker room that is adjacent to the Central locker room, because I think everybody on this board is very understanding of what those new lockers were because I believe we were all part of the vote of that $130,000 to get those lockers done. However, the adjacent locker room that has, and I believe it's only one toilet, I don't know if there are four urinals in there because they must have added them. So none of that's going to be touched? So where do you expect these 80 athletes to shower?

Mr. Ferullo answered the reason that we put the outbuildings in was because we could not do everything underneath the bowl there to make it convenient for everybody. So they went with the outbuildings. That's what the change is.

Alderman Gatsas asked so you're suggesting that if the athletes want to shower, they can take their clothes off, walk to the outbuilding and shower?

Mr. Ferullo answered no sir. What I'm basically stating is I believe in my heart, and I'm speaking for myself only, that once this is built, I believe the Central team would move to one of these beautiful facilities that are being built out there. One of the locker rooms.

Alderman Gatsas stated I certainly appreciate that. That's why I asked you if it was 74 per locker room, because they have 80 student athletes that play football. So how do you get 80 into 37 lockers?

Mr. Ferullo answered I don't have that answer for you.

Alderman Gatsas stated it can't be done; I guess you answer should be.

Mr. Ferullo stated I don't have that answer.

Alderman Gatsas stated I know that this board member was under the understanding that showers were going to be fixed for the Central High football team. The locker rooms are one issue; the bathrooms and the showers are another issue. Now I don't think anybody on this board every contemplated that those student athletes, and I know we have pretty pictures of the renovations at Gill Stadium, but I could go get pictures of that locker room that are God-awful. They're the same showers and urinals that we used in 1967. No changes. If my math serves me correct, that's some 36 years and I don't think any board member at the full board understood that that wasn't going to happen.

Mr. Ferullo stated at the time that was all in the plans but they went to the outbuildings…

Alderman Gatsas asked who approved the outbuildings?

Mr. Ferullo answered it's a proposed…

Alderman Gatsas asked who approved it? You said you have a site. Who approved it?

Chairman Wihby stated that's what we're doing here today

Alderman Gatsas asked approving the outbuildings?

Chairman Wihby answered approving the plan.

Alderman Smith stated I'm looking over Exhibit B and proposed Exhibit B draft that we got that is dated 10/9/2003, I notice some of the changes. Originally it was an eight-foot fence, now you're going a 12-foot fence, on Page 1 of 7?

Mr. Ferullo answered yes sir.

Alderman Smith asked another change is that originally it was supposed be wood/polymer deck, now you are proposing aluminum?

Mr. Ferullo answered yes sir.

Alderman Smith asked the seating was originally 3,276, you're going to 3,751?

Mr. Ferullo answered yes sir.

Alderman Smith stated and I'm just following along. All of your baseball fixed seats are, I notice instead of going 19 inches wide, you're going 20 [inches], and the wheelchair positions you're going from 27 [inches] to 29 [inches]. That's a change there and the holders for the seats are out. Am I correct?

Mr. Ferullo answered yes sir.

Alderman Wihby asked and the temporary aluminum bleacher seats originally were 720, now its 1,600?

Mr. Ferullo answered correct.

Alderman Smith stated and I only want to go down to the concession that was mentioned. You won't be doing any cooking, there won't be any range hood or ventilation or nothing. How are you going to heat your food or so forth?

Mr. Ferullo answered I believe it's set up for hot dog makers and a lot of the food will be cooked outside the concession stands. There will be electrical areas put around the ballpark. They've been approved to cook outside the concession stands.

Chairman Wihby stated this is why I was looking for Exhibit B. Twelve foot fence, eight foot fence; what I asked you when we initially started was is what has changed. You said three items have changed and right away Alderman Smith must have named about 20 items that have changed from Exhibit B. You went to a 12-foot fence instead of an eight, but you also went from batters isle located in center field should have a 60-foot by 20-foot, you went to 40-foot by 16-foot. So it sounds like there's a lot more changes than three on the proposed compared to what B was. Frank is that true?

Public Works Director Frank Thomas answered individual changes, there's more than three, but I think you've got to keep in the mind that the intent of this Exhibit B compared to the old is close. You're getting pretty much everything that was spelled out in your original Exhibit B in some different fashion. Outbuildings

instead of construction underneath the bowl, aluminum decking instead of wood decking on the facilities, and it's all spelled out.

Chairman Wihby stated on Page 1 a 40-foot by 16-foot chain link fence, compared to a 60-foot by 20-foot. Obviously they went smaller. Is that something that we should be concerned with? Is 40 by 16 all right or should we be telling them we want at 60 by 20?

Mr. Thomas answered well I think that's the purpose of this Exhibit B. This revised Exhibit B has been circulated through the agendas. I would assume that everybody that has an interest in the stadium project has taken a look at it. Now, if you're asking me should it be 16 or 12-foot, I don't now whether it's needed to meet the baseball requirements. However, again, there is going to be a fence, whether it needs to be that high or not, that's not really up to me.

Chairman Wihby stated okay. So basically that might be a 58 issue that they're putting that up, basically because Rule 58 doesn't need 60 anymore, it only needs 40?

Mr. Westerheid answered that's correct. Minimum width is 40 feet.

Chairman Wihby stated Frank you've seen both of these. Are there any concerns with Exhibit B draft compared to Exhibit B, concerns that you have?

Mr. Thomas answered no I feel comfortable that this revised Exhibit B does meet the intent of the original Exhibit B. There's a couple of little questions that I still have regarding heat per say, but those things…

Chairman Wihby asked what question is that?

Mr. Thomas asked I had raised to Mr. Ferullo that it's noted in here that it would be using electric heat in the outbuildings. I think we had a discussion and gas was going to be utilized, however, this Exhibit of course that was being rushed to be completed last Friday to get on the agenda so that got missed. But pretty much that's my only major concern with the Exhibit B.

Chairman Wihby asked where are you talking on that?

Mr. Thomas answered it's under summary, on Page 5 of 7, summary of building services. Under A and B it talks about use of electric heat and it's my understanding that we're going with gas.

Mr. Ferullo replied yes sir.

Chairman Wihby asked there's no problem with that? A and B?

Mr. Ferullo answered no sir.

Chairman Wihby asked did you have any other concerns Frank when you saw B compared to the Exhibit?

Mr. Thomas replied no. I wasn't privileged to the earlier discussions that Alderman Gatsas is talking about regarding the existing Central High locker room. From day number one I've always been advised that Central locker room, including the shower areas, were kind of hands off. But again, I wasn't privileged to these earlier discussions.

Chairman Wihby asked the old Exhibit B? There's no date on this. Do we know when it was?

Mr. Thomas answered this old Exhibit B that you have was attached to the lease agreement and I can…

Chairman Wihby stated even in the old Exhibit B it says existing high school football locker room will not change. It is not included in this work. That's in the old B.

Mr. Thomas stated and that's what was attached to the lease agreement and I can verify that this is a copy of what was attached to the lease agreement.

Chairman Wihby asked so that was way back?

Mr. Thomas answered I can get you the date of when it was signed.

Alderman Gatsas stated what they're talking about, when they're talking about the Central football locker room, I believe there's 75 lockers, or 80 lockers, that the City spent $135,000 to put in. Never did we renovate. What has to happen is the student athletes have to walk out of that locker room, walk down a hallway to use the bathrooms and showers. Now, it's easy to say that the locker room means the locker room, bathrooms and showers inclusive, but this committee should go walk and take a look at what they were forcing student athletes to use. I don't think that the renovations of $4 million at Gill Stadium said leave the showers and bathrooms from 1967 that you wouldn't even dare walk on those floors with, and leave those in place. Now the new locker rooms that were renovated a year and a half ago, I agree. Those shouldn't be touched. But the bathroom space and shower space should be renovated. Obviously the visiting shower space and locker rooms underneath Gill Stadium, nothing's going to be done with. So what

you're proposing is that a visiting team that comes in with 80 student athletes, playing football, go use a locker room that has 37 lockers in it? That's, I guess, your suggestion. I guess the problem is Mr. Chairman is Gill Stadium is going to be in Manchester for a long time after the baseball team moves to the riverfront stadium. And I think that needs to be done so that the student athletes that are going to participate there have the right facilities.

Chairman Wihby asked yes, but how would you correct that?

Alderman O'Neil stated there was specific discussion regarding do not touch Central High locker room. Now we can split hairs on whether or not that included renovating the shower and bathroom area. If it is the intent of the committee, then you should direct staff working with the design consultants and Harvey Construction, to address to see if that can be considered in the budget. Don't sit here and beat the heck out of this thing tonight over whether or not. If it's the intent of the committee, ask them to see if it can be done within the budget. Plain and simple. If it's something the Board of Mayor and Aldermen would like to see.

Chairman Wihby asked how can you remedy the situation? Is it doable?

Mr. Ferullo answered well they do not have to walk down the hallway anymore. We cut a door in and they are able now to go through the door and they don't have walk down the hallway. I do apologize, but I believe there's a lot more than a few showers and urinals. I believe it's been upgraded since back a ways. I've been in there quite a few times, so they have been using it every day. They're in there and they're using it and it didn't seem to be a problem. But as we had said before, we were under the assumption, and it had been said to us do not touch the locker rooms and showers and I thought to look through the old Exhibit B to see and hear where it says that, and I apologize but I just don't see it and if I'm missing it, please help me. But there's nothing in there stating that we were to do those showers and it was stated to us to please leave it alone. We can check into it for you, but I guess I can let Harvey [Construction] and Mr. Westerheid talk about it, but right now I can be pretty clear, I don't know if its in the budget to do any of that work.

Mr. Westerheid stated we could certainly put together and plan and work with Harvey [Construction] and price it up and present it and say this is what we can do to make it better. We'd probably want to talk a little bit about the scope, about how much better it needs to be, whether its basically replacing fixtures and floors and finishes, and if it's not replacing a bunch of walls, we can come up with a plan and price it out.

Alderman Garrity stated I'd like to talk about the stadium seating briefly here. Fixed seats; 2,552 is in the first Exhibit B and then were up to 2,093 baseball fixed seats. What's different about the proposed seats than what was in the original document? Besides the cup holder? Do we have a picture of one or did you bring anything that we can kind of take a look at?

Mr. Ferullo stated they are 20-inch seats now instead of 18-inch seats and they have the arms and the backs. The only thing is that they are fixed, they do not go up and down and that was also a maintenance issue with them breaking and taking care of them. It's a fixed stadium chair. Along with the cup holders and everything else, there was a maintenance issue, the cost and time wise on putting them in. It was quicker to put in the other seats. We found out that seating would work with the aluminum bowl. Total seats in the bowl would be 2,093; decreased the seating by 241 seats, plus or minus, don't hold me to that number. For a cost issue, for a long-term maintenance issue, and from a time of getting the job done that was one of the big reasons for doing this.

Alderman Garrity asked how come there's almost a 500-seat reduction in the fixed seats? It's $2,093 and in the first Exhibit B it's $2,552. Why the reduction in the number of fixed seats.

Mr. Westerheid answered part of that reason is, when you used fixed seats that don't have self-rising seats, we're limited in the number of seats we can have between isles by code, so when we work all of those issues out, seat placement, and the arrangements of the seats, and we go to a 20-inch chair, the seat count by the number of isles and the space we have, now it might be plus or minus a few, but to be honest it is what it is. We have a limited space and we put as many seats in as we can.

Alderman Garrity asked why the increase in the bleacher seats? And are the bleacher seats going in the same place as was proposed in the first Exhibit B?

Carl DuBois, Harvey Construction answered there's approximately 800 seats on each side lining third base and first base. I guess the intent from understanding of the program is that they will be on the third and first base side during baseball and subsequently can be relocated so they are parallel with the football field for visitors during the football season.

Alderman Smith asked on the bleachers. They are portable, so we will be able to move them? They are fixed so many feet and you bolt them together? Or how do they work?

Mr. DuBois answered that is correct.

Alderman Smith asked so in other words, is you have 1,600 seats we'd be able to utilize them for football without any problem at all, without damaging the field or anything?

Mr. DuBois answered that is correct.

Alderman Guinta asked who created the first Exhibit B?

Mr. Ferullo answered we believe it was a wish list. Mr. Westerheid can answer that.

Mr. Westerheid answered HNTB created a…what we typically do with a project like this is we create a conceptual program early on to put together as Louie [Ferullo] said it's kind of a list of issues that should be addressed one way or the other. When that conceptual program was provided, there was no budget associated with it, it was what we, as we like to think baseball experts wanted to put in front of everyone to have an NEBPL compliant facility, these are things you consider. It has requirements, it has guidelines, so not everything is etched in stone, not everything is absolutely required, however, as a conceptual program it's typically our intent as design professionals to work with everyone involved, the total project team, to develop that document throughout entire process. As budgets get established things may drop off because we can't afford them, other things may come in because as the program changes, as needs arise, we like to refer to it as a living document throughout the process. We recreated that initially for that purpose.

Alderman Guinta asked when was it created.

Mr. Westerheid answered at least a year ago. I'm thinking a year ago.

Alderman Guinta asked did you have an internal price tag of Exhibit B when you created it?

Mr. Westerheid answered absolutely not. Again, it was…

Alderman Guinta interjected this is what you do for a living, you know what the specs should be, you know what the basic requirements are, you put a wish list together, but you don't know how much it would cost? That just strikes me as odd.

Mr. Westerheid answered not specifically. Not at that point in time. We're not cost estimators, we have worked with Harvey [Construction] throughout the process to put price tags on certain items.

Alderman Guinta asked you build it, Harvey [Construction] says how much it's going to cost?

Mr. Westerheid answered right. Again, as the program is developed, typically in our processes, as the program is developed, you needs may change so something comes into the program that we have to address as a cost issue, some things may drop out as we find out what we can afford. Being honest with you, I wasn't involved directly with providing the original program. We didn't know it was going to turn into an attachment to a lease or any other legal document, however…

Alderman Guinta stated that wouldn't matter for the purposes of creating the document.

Mr. Westerheid stated it shouldn't matter. The only thing that we wanted the City of Manchester to see is this some things that we recommend you address as part of the process of developing what Gill is going to be become.

Alderman Guinta asked so your expectation in going through this process is that there would be changes?

Mr. Westerheid answered absolutely. What we're doing now is not unusual for us to develop a program that fits within the City's needs, the ball team's needs, and the budget that's been established.

Alderman Guinta stated let's talk about two issues. The stadium seating and then the locker rooms because those seem to be the two issues of concern. Overall we have more seats.

Mr. Westerheid stated I believe that's correct.

Alderman Guinta asked is it going to be cheaper or more expensive than the initial proposed plan? Or the same?

Mr. DuBois answered in an effort to maintain the budget, as you can see, there was self-rising arm chairs seats at one point in time. In an effort to maintain the budget that's been prescribed, that was set forth, and to try to live up to the exhibit, there's been some give and take. And as you can see rather than having 2,552 self-rising at 19-inches, economically you can buy strangely enough a 20-inch fixed chair for slightly less dollars. The trade off is there's 241 less of them because they're an inch bigger all the way around so you lose that seat. So it's been a constant massage of the numbers along with the program to try to maintain the budget, maintain the intent of this Exhibit B.

Alderman Guinta asked how do they compare price wise? The two proposals?

Mr. DuBois answered on average you're 19 self-rising chair was budgeted slightly over $90 a chair and these 20-inch fixed seats, don't hold me exactly to this, but it's in the $65 range.

Alderman Guinta asked so we're going to be spending a little bit less. We'll have less fixed seats, but we'll have more seats overall.

Mr. DuBois answered with the bleacher seats combined, you do the math, the total is there. Like I said, again…

Alderman Gatsas stated that is $68 for installation.

Alderman Guinta stated so the $90 per chair initially was including install?

Mr. DuBois answered $90 or $95 was installed.

Alderman Guinta asked is there a way to utilize the upgrades to the Central High locker room…can we reconfigure the Central High locker room, but still utilize the materials in the upgrade that happened a couple of years ago? It seems like here's the issue. It's a geographic issue. Can we change the confines of that geographic area but also adhering to some of Mr. Shubert's concerns? Because I suspect if you put something in front of him, he would probably move on the statement of don't touch the locker rooms.

Mr. DuBois stated obviously there's a fixed value or a fixed budget for this particular project. If it's extremely important Alderman that the bathrooms be renovated for Central and upgraded, we'd have to look in terms of where we would find money elsewhere within the budget. I do have some ideas that I think we could horse trade, trade some things off. Horse trade's probably not the right word but change some things out that I don't really think need to be accomplished in order to meet the objectives of this board.

Alderman Guinta asked and that's the idea you're going to put a proposal forward that we can review? How quickly can you do that and is it going to stall construction?

Mr. DuBois stated I would think we could probably put something together in a week, week and a half, two weeks tops.

Alderman Guinta asked so your idea would be to make some proposals that are going to stay within the budget, you're also going to include in that proposal what we would have to leave out of the initial or the new Exhibit B?

Mr. DuBois answered sure, we could do that. I think it would be important to go through this and understand what maybe some items that appear to be left out or some items that may be important to the board. Let us take those back, let us look at it, and let's see what we can do. Obviously 74 lockers I agree with 80 students is not going to make it. Seventy-four lockers, correct me if I'm wrong gentlemen, that was a baseball requirement, not so much football requirement. So we'd have to look and then see how we could…

Alderman Guinta asked when you were told not to…the phrase has been thrown around…don't touch Central High locker room, was there any discussion about the number of players versus space and how much…? Nobody brought that up?

Mr. Westerheid answered our direction was to stay away from that area.

Mr. Ferullo stated we built those outbuildings for baseball and there's enough baseball that's played there also with legion and high school and all of that, so it was built with the assumption that baseball only was going in there because Central's locker rooms were staying the way they were and they were going to stay there. Now when I had made that comment earlier that I believe they'll wind up moving over there, in my head was not about the lockers and I apologize. You're right there's not enough lockers, but we were told do not touch Central locker rooms. Stay out of the facility please and we did. We've talked to Mr. Shubert many times about moving a door for him, what we could do to accommodate him, and to try to help him. He's gotten back in touch with us, we've worked very closely with him, and he's been very happy with what we've done for him. But again, do not touch Central.

Alderman Guinta asked has he addressed the shower facilities?

Mr. Ferullo answered he has not. It's never been a concern. Nothings ever come back to us about a shower facility.

Mr. Westerheid stated the only concern that was ever raised was providing access so that they would not have to walk out side the locker room area, and that has been addressed.

Alderman Lopez stated the only question I was going to ask was just a clarification about the bathroom and all of that and Kevin's here, he knows that information. The basic question is, in lieu of baseball outlets that you're putting on both sides? Can hold 80 lockers?

Mr. Westerheid answered no I don't think so. If I could make a suggestion relative to the toilet rooms and Central High locker, if we could get a memo from the committee just outlining what you want, what you think is important to happen there. We could take that back, develop some plans, within a week or so and get that priced so that we all are on the same page of what you're trying to shoot for. We can have a clear cost for that and make a decision on how it's incorporated into the project.

Alderman Gatsas stated just for clarification so either Tim Clougherty or Ron Ludwig, if either one of you can give me an answer to this question. Maybe Tim, because I note you were involved in the renovations of Central's locker room. Was there any work done…or I don't know if you spent as much time in there, but I spent four years in those locker rooms so I can tell you almost every square inch, they haven't changed. Can you tell me how many showers and how many urinals and toilet facilities in the current Central locker room for 80 student athletes?

Deputy Public Works Director Tim Clougherty answered I believe that there are two fixtures. There may three, I'm not sure, but they're in pretty rough shape as you've described. The showers are gang shower units. I'm not sure how many people they'd accommodate but it's probably about 14 feet wide, probably about five feet in depth.

Alderman Gatsas asked in your expert wisdom, would you have every told anybody to not touch the Central locker room and that being part of that comment?

Mr. Clougherty replied whether I would make that determination or not is difficult because we were not involved in the initial planning or scoping of the project. So, it's hard for me to answer that question. Are they old? Are they dilapidated? Yes, there's no question there. Were decisions made to put monies elsewhere as far as the outbuildings go, again, we weren't involved in those decisions.

Alderman Gatsas stated Mr. Ludwig maybe you can help me. Has there been anything done to those shower or toilet facilities since probably the early 60's?

Parks & Recreation Director Ron Ludwig answered the urinals in the Central High locker room and the visiting locker rooms and the commodes were changed in 1985.

Alderman Gatsas asked and that's all that was done? Just new urinals and a new commode was put in in 1985? I guess my concern is not only the Central locker room, but if you are a visiting football team that comes in with 70 players, where are you going to go?

Mr. Ferullo stated sir, I agree with you 100 percent. I am not stating you are wrong, I am not stating that, what I'm stating is only what we were told to do and we followed the direction. We will go back and we will look and try to take money from somewhere else or whatever we can do to accommodate you on that. But I do not disagree with you, I just basically wished we could have accommodated earlier.

Alderman Gatsas asked do we have a list of Rule 58 and because it's a temporary site the maybes?

Mr. Ferullo answered I believe we've met all of the requirements for Rule 58.

Alderman Gatsas asked when you say you've met them, are those in this proposed draft agreement? Those are the musts or the maybes because you're in a temporary location?

Mr. Westerheid answered that's correct.

Alderman Gatsas asked which is correct?

Mr. Westerheid answered the current design and what's stated in this proposed Exhibit B draft would meet all of the needs of NEPBL.

Alderman Gatsas stated when you first came in, the original proposal, we were led to believe that the cost was somewhere around $4.1 million that we don't have a construction budget as of this time, so we don't know what we're changing. This is kind of like a hit or miss thing. Do we have a total construction budget?

Mr. DuBois answered yes we do.

Alderman Gatsas asked has that been presented to anybody?

Mr. DuBois answered it's been presented to my client and I believe to Frank Thomas. I don't know if you shared that with them at all?

Alderman Gatsas asked when was that presented to you Frank?

Mr. Thomas answered we've been working on the construction budget trying to refine it over the last maybe three or four weeks. Approximately two weeks ago if I'm correct, Harvey [Construction] got their final bids in on a lot of the items, so it's been a working document. Yes we do have some information on budget.

Chairman Wihby asked Frank, do you know what the total of [Rule] 58 is?

Mr. Thomas answered no. I think right now the way the lease agreement is written that the developer is responsible for the cost of the improvements in Exhibit B up to that $41.5 [million] number and over.

Chairman Wihby asked yes, but shouldn't we know what [Rule] 58 costs?

Mr. Thomas answered in the budget estimate that we have, there is a section that's called League Costs and those have been identified in the range of about I think $36,000.

Chairman Wihby asked $36,000?

Mr. Thomas replied that is correct.

Chairman Wihby stated I thought they were putting in a million or something.

Mr. Thomas stated the developer is contributing $1 million towards the project.

Chairman Wihby asked and only $36,000 of it is going to Rule 58?

Mr. Thomas answered I don't know, it's just noted as league improvements.

Mr. DuBois stated that is not correct. What I've identified in the breakdown for Eastern League requests, were the requests made by the President when he toured the facility. That was above and beyond some of the things we had talked about, so I just wanted to highlight what the value of that was worth. Can we go back and substantiate the costs for those items? Yes we can.

Chairman Wihby asked what was the total of the improvements because of [Rule] 58?

Mr. DuBois answered I would have to go back and summarize that for you. I can do that. I didn't realize that was a requirement for this?

Chairman Wihby asked didn't I ask for that for this meeting? Bill, did you get my message on that? Randy you have the answer?

Deputy Finance Officer Randy Sherman responded let me address that issue. The way that the lease is written…what Rule 58 does, it gives you the minimum standards that you have to meet for a stadium, and we knew that we were going to get certain exempts at Gill for only playing there one year. The way that we structured the agreement was, they contributed $1 million, which we have that $1 million at this point, towards the capital cost. If the requirements of Rule 58 were more than $1 million, they are responsible for kicking in those additional dollars. We have copies of Rule 58. We don't what Rule 58 is. We have met with the League president, maybe it was three weeks ago or so at that point, and we asked him if he could go through Rule 58 and identify everything in there that was being required at Gill Stadium. He has not provided that yet and I talked to him as recently again as Thursday. His season ended, he had playoffs and the whole multitude of reasons why he didn't get it to us yet. What we do have also in the lease agreement is a reconciliation process at the end. Once we can go through…even if we went with the budget and we said okay we add up all of these items and they're Rule 58, until we get all of the actual numbers, we still don't know what the cost of Rule 58 is. But we do have a provision in there that at the end of the day there be a balancing of what all of those costs are. Yes we do all know what Rule 58 is, we know what all of those conditions are, but we're still waiting for the League to sign off. And when we met with him, example was the batters eye, we came in he said okay how big is it, he goes fine, that's okay. And the fence and the batters tunnel and all of those other issues that he required, he went through those item by item with both Harvey [Construction] representatives and HNTB and now what he needs to do is go back and provide us that list of items.

Chairman Wihby asked will Rule 58 be over $1 million?

Mr. Sherman replied I don't anticipate that its going to be over $1 million because again, it's not…the intent of the agreement was not to say Rule 58 says you have to have a suitable playing surface and then there's a dip out in left field we have to go fill in and well that's a Rule 58 issue. That wasn't the intent of the agreement. The intent of the agreement was for example, they're requiring bullpens that we're placing out in the outfield. We don't have bullpens out in the outfield; we have to put that in, that's a cost. We have to go back and identify each one of those items. What Gill Stadium previous contained, or consisted or, and then what the League is actually asking for over and above that.

Alderman Gatsas stated the two new locker rooms. Can you give me a ballpark cost for those?

Mr. DuBois answered the locker rooms and restrooms that are attached to them; the two outbuildings are $1,114,819.

Alderman Gatsas asked how are those not part of Rule 58, Randy?

Mr. Sherman answered when we started looking at Gill Stadium, one of the conditions that staff talked about at that time is that we wanted four operational locker rooms. So you could run tournaments at the facility. I think we'd all agree that you didn't have four locker rooms there. The initial intent…so that was really a request that the City made. Now, are there parts of those locker rooms that are over and above what the City would necessarily look for? Absolutely. Separate showers for the manager, laundry facilities; those items are Rule 58 items that we have to go back and cost out. It was the City that actually asked for four locker rooms. Initially we thought we could get all four locker rooms under the bowl. We can't get all four locker rooms under the bowl, so that's why they've moved to the outbuildings. But also as far as moving those to the outbuildings, we also had the code issues of adding more restrooms. Gill Stadium didn't meet code as far as the toilet facilities, so we've added those. So part of that $1 million or $1.1 million, is the restrooms that really aren't Rule 58 issues. They are City code issues. So we've got to go back and break those costs out.

Alderman Gatsas stated we don't have four locker rooms now.

Mr. Sherman replied exactly, that's why we asked for four locker rooms.

Alderman Gatsas stated and we're not going to have four locker rooms when we're completed.

Mr. Sherman replied yes, you'll have the two outbuildings and then you'll have what's known as the Central locker room and then you'll have the one off on the east side.

Alderman Gatsas asked and they're not doing any work on the one on the east side?

Mr. Sherman stated that issues still needs to be addressed. My understanding was is that they were going to go in and I won't say…they're certainly replacing the roof and I thought they were going in and replacing the bathroom fixtures that needed to be replaced. The shower heads and anything else that needed to be replace, and also going in and epoxying the floors and painting the floors and taking care of that issue.

Alderman Gatsas stated when you say staff, who was the staff?

Mr. Sherman answered it was mainly Bill [Jabjiniak] and I.

Alderman Gatsas asked that was looking for four locker rooms?

Mr. Sherman answered that was looking for four locker rooms.

Alderman Gatsas asked so you never talked to Parks, who manages Gill Stadium? You never talked to Highway Department, who renovated the locker rooms at Central? So it was you and Mr. Jabjiniak that made the concerted effort that we need four locker rooms, which is looking like it's going to cost the City $1 million to do it? That was your decision and Mr. Jabjiniak's?

Mr. Sherman answered it was a discussion that we had. I'll admit that I don't believe we ever talked to the Highway Department about the facility itself and then we did bring them in on other issues, mainly on the riverfront.

Alderman Gatsas asked did you ever talk to Parks?

Mr. Sherman answered Parks did come in several times, but I can't say that we talked about the four locker rooms, no.

Alderman Gatsas asked Mr. Ludwig did you ever recommend to them four locker rooms? They never asked you?

Mr. Ludwig replied I don't ever remember being asked.

Mr. Sherman stated I don't remember asking either.

Alderman Gatsas stated well somebody needs to address that question. It's a $1.2 million expense that nobody in this room knows other than two people that probably have never seen the inside of a locker room to make that decision.

Mr. Sherman stated I guess I disagree with that Alderman, because when you saw the initial drawings that were presented back, they had four locker rooms and it was talked about at that time.

Alderman Gatsas stated and it was underneath the bowl.

Mr. Sherman replied yes they were underneath the bowl.

Alderman Gatsas stated it was under the bowl, not outbuildings, so who approved the two…when they said that there was approval of two outbuildings, who made that approval? You and Mr. Jabjiniak?

Mr. Sherman answered no, that's why we're here tonight Alderman. We've asked for the four locker rooms, we can't accommodate…

Alderman Gatsas interjected what we should have in front of us is the cost of doing four locker rooms under the bowls, which we don't have.

Mr. Sherman replied because under the bowl won't accommodate four locker rooms.

Alderman Gatsas stated that's what we were shown in the beginning.

Mr. Sherman stated absolutely, and it that was all…if you go back it was all-conceptual at that point. I think that's what Mike just told you. That's the process. They go through, they looked at it, it doesn't work, it works, it's a moving document and this is the time, it's time to solidify it and stop it from moving.

Alderman Gatsas stated when somebody tells me that a project is $4.1 million and here's the conceptuals that we're going to do, I would assume that somebody put pen and paper or construction project number to make that understanding to see if those could fit.

Mr. Sherman stated at that point Alderman I thought it worked too. If I had a conceptual drawing and I was in your shoes, and I thought it would have fit.

Alderman Gatsas asked so if this committee decides that they only need two locker rooms, then they could put those under the bowl?

Mr. Sherman answered as long as you allow them to renovate Central [locker room].

Alderman Gatsas stated that's not your decision. The decision that I just said is up to this board. If they only recommend two locker rooms, that would be their decision.

Mr. Sherman stated if they wanted to change Exhibit B and put in two locker rooms, I suppose you could change Exhibit B and two locker rooms, however, that doesn't change the budget that you have.

Alderman Gatsas stated it would probably reduce the cost.

Mr. Sherman replied not necessarily. They may use those dollars some where else.

Alderman Smith stated I firmly believe it's not the fault of the developers here. We gave them a couple of presentations, they came in two and three times, inadvertently we forgot about…it's a baseball stadium. They address it baseball and I would assume they would. Alderman Gatsas brings up a good point, no question about it. They are going to come back; they are going to give us figures. I think it's time Mr. Chairman that we move on and move on to this proposed Exhibit B and they can come back to us in the next meeting with their figures for the proposed renovations of the locker rooms.

Alderman Gatsas asked is the cement already poured for the two outbuildings? From what I've seen?

Mr. DuBois answered some of the formwork is going in.

Alderman Gatsas asked the formwork is going in currently? I guess we're doing things without even having to worry about this committee.

Mr. Thomas stated this is just a follow up of the discussion that's taken place. The development agreement that was signed does have a preliminary budget for Gill Stadium in it. Now I'm not sure exactly what went into the budget, but under the third item down it calls for outbuilding locker rooms $1,055,000. So at least at the time of the signing of this lease agreement there was some kind of outbuildings being considered.

Alderman Gatsas asked that was part of the Exhibit? I don't think that was distributed to the board.

Mr. Thomas no, this is the main development agreement for the entire stadium project. I assumed that you people have a copy somewhere around.

Alderman Guinta stated I want to get back to the [Rule] 58 issue for a moment. Who requires the number of locker rooms this stadium must have? Is there a Rule 58 item about locker rooms?

Mr. Westerheid answered there are requirements in Rule 58 for locker rooms, yes. A home and a visitor locker room.

Alderman Guinta stated I want to make sure I understood what Randy Sherman said. Because the City decided that we wanted four, that supercedes the requirement, thereby placing or shifting the cost to us? To the City? Or am I not understanding that correctly?

Mr. Westerheid stated I'll take a stab at that. I think part of the issue is that the NEPBL has numbers of locker rooms, basic size, other requirements that are needed within the two locker rooms to function as home and visitor. So yes, we would have had to provide two locker rooms for home and visitor, whether they were new, underneath the bowl, renovated or something that met NEPBL requirements.

Alderman Guinta asked why is that cost falling to the City as opposed to the League if it's a Rule 58 requirement?

Mr. Westerheid answered the $1.1 [million] covers the entire construction of both outbuildings. Both outbuildings include men's and women's toilet rooms and other facilities that are not specifically NEPBL within those envelopes.

Alderman Guinta asked they say you have to have a locker room, but they don't say you have to have showers and toilets?

Mr. Westerheid replied no I'm talking about public toilet rooms.

Alderman Guinta asked how much of the $1.1 [million]…am I understanding this correctly Randy? I think this was the issue that Alderman Gatsas or one of them that he raised and I don't know that it's been answered or it hasn't been answered to my satisfaction. What I'm trying to determine is how much of that $1.1 [million] is required by the League and are they going to be paying for it or did we somehow decide that the City was going to do it?

Mr. Sherman replied I guess that's what I'm trying to say at this time Alderman is we're not sure how much that is. Until we get those final costs in and we can get the letter from the League and actually identify exactly what is over and above and maybe what the cost would have been if we had put the renovations underneath the bowl and gone in and tried… Because clearly the team could have come in and probably gotten a waiver as far as the manager's office and all of that, and taken over both sides underneath the bowl, the locker room facilities that are there, and maybe made do with that. But at the end of the day you would have had two locker rooms and there would have been a certain cost to meet those conditions. You still wouldn't have met the public restroom counts that you needed and that still would have had to have been addressed.

Alderman Guinta asked but is that a code issue or is that a League issue?

Mr. Sherman answered no, that's a code issue. It's not a League issue and if you go back to the conceptual drawings you had earlier, they were adding two additional restrooms I believe at the end of the ramps. They were trying to figure

out where they could put those and then I think there was one drawing where they were going to try to put them under behind the concession stands, and try to move all of those items around. We don't have those costs and that's why until you get the final dollars coming out of this thing and the requirements from the League, we'll have to go back at the end of the day and reconcile them.

Alderman Guinta stated here's the concern. Didn't the League require a completion date for Gill? And it's the League that's holding up the list, correct?

Mr. Sherman replied it's the League that's holding up the list, right. But again its…

Alderman Guinta stated so theoretically this completion date should be moved.

Mr. Sherman stated but it's not holding up the construction, it's holding up which side of the ledger the costs fall on.

Alderman Guinta stated it is because we have to make decisions predicated upon the Rule 58 list, the costs, how much money…say that does exceed $1 million. That could solve the issue of renovating the Central High School locker room, but we need to make decision soon rather than later and if we wait for the list, we find out that it is exceeding $1 million, but we don't find out until December or January, theoretically we would make the date set by the League for completion and then what happens there? A lot of this does rest on the League getting us information and we should have…I understand that people take vacations and they've got other things to do, but if the League imposes the requirement on the City, it only make sense that it's fair for them to provide us the documentation so we can make informed and timely decisions.

Mr. Sherman stated I don't disagree. That's a good point because it may free up dollars, but I guess the other issue I would bring up is the renovations to Central's locker room don't necessarily have to be done by April 15th or opening day. Those renovations, if dollars are freed up, could actually be done over the summer.

Alderman Guinta stated but there's an added cost if this is all not done at once. If we linger in the construction, there's an added cost.

Mr. Sherman stated yes there is a benefit to doing it while you're there, but keep in mind this is the same group that's also doing the new stadium.

Alderman Guinta stated I know. But that's the argument that's been made to the full board on every proposal that's been put in front of us not just baseball, other projects that we have voted on, it's always been vital that we do X, Y, Z while

everyone is there, because board members have made the argument that that's when it's the least expensive. I think what we need here is a tighter schedule, and we need the League to adhere to its fundamental agreements to get us timely information.

Mr. Sherman stated and the best I can offer you tonight Alderman is I can call Mr. McEathern in the morning again and emphasis the importance of getting that list so that the City can move.

Chairman Wihby asked Randy did you get the message that I wasn't even going to call this meeting until we had that list?

Mr. Sherman answered yes I had heard that.

Chairman Wihby asked but no one tells us that we don't have the list so the meeting goes forward?

Mr. Sherman answered I don't know what to tell you Alderman.

Alderman Garrity stated Frank I guess I'll start with you. Proposed Exhibit B under stadium seating, when it's talking about the roof under the bowl area. It says patch and replace where necessary. Are they talking about the same paragraph on Page 2 of the original one? Because it doesn't say patch there.

Mr. Thomas replied that's an error. I've already discussed this with Lou [Ferullo]. If you go down a little bit further on that Page 2 of 7 of the proposed Exhibit B, there's a title there "existing roofing – re-roof under the bowl". That's the correct wording. What was up top is old wording and we've already discussed it and that will get changed.

Chairman Wihby asked Frank is there somebody other than you working for us that goes through these items to see if it works? Or is it just you? Besides Highway? In the civic center we had Peter Levy.

Mr. Thomas answered we went through a procurement process and we've engaged the services of Parsons-Brinckerhoff to represent us.

Chairman Wihby asked are they looking at what Exhibit B was compared to existing Exhibit B and telling us what should be changed and what shouldn't be changed.

Mr. Thomas answered not to a very detailed level right now. We've been in quite frankly a state of flux with this project today and we're hoping to try to get this back on track with this meeting tonight and maybe a subsequent meeting, so that we have a clear understanding what's being built. Tim and I can look at both exhibits and we can see what the differences are. I quite frankly don't know what to assign for tasks to Parsons-Brinckerhoff. In addition, I think that…the civic center project and this project are different. The roles that Highway is playing, Highway and Parsons-Brinckerhoff is playing on the stadium project is very different to the role that I guess Peter Levy or his firm played under the civic center project.

Chairman Wihby asked so would you be a Peter Levy then, the Highway Department? With this project, you're the Peter Levy?

Mr. Thomas answered no. We have Mr. Bob Brooks from Parsons-Brinckerhoff that will be the Peter Levy, but he won't be getting involved to the detail that Peter Levy was involved with.

Chairman Wihby stated I guess where I'm coming from Frank is, you know we all sign off, we take a vote, we liked Exhibit B at the time because of what we're giving you. Then all of a sudden we get a new proposal B, and I don't know about looking at it either if it's a 60 foot fence or 40-foot fence does or its just because of Rule 58 or not, but someone's go to sit here and tell us that doesn't matter for you because for baseball that's going to be played over there, it doesn't matter if it's 40 feet. That's fine or jump up and say no we really do want 50 feet. But somebody's got to do that otherwise we're going to sit here all day, we're going to come to the end and we're all going to feel there's something in here that we don't like and we're not going approve this and we would have talked for four hours and not get anything accomplished.

Mr. Thomas stated the role has been defined for the Highway Department as one of a very broad review and inspection role.

Chairman Wihby stated I think it should be defined better, where actually the Highway Department is in charge of this project, overseeing what goes on from everybody else, because it seems to me that you have the more sense if you're looking at this to tell us if there's something wrong with a roof or not a roof or the seating or whatever. I think you guys should play the biggest role in all of this.

Mr. Thomas stated again, we'll be glad to play whatever roll you'd like us to play. There was a letter of clarification on rolls that was written by Walter McCabe for the Finance Department and the purpose of that letter was to try to clarify what our role should be and what the roles of some of the other departments should be in

the City. And, again, the way I've interpreted our role is on a very general basis both to review the plans from a general point of view to review construction from a general point of view, and to basically confirm a certain amount of work we think is done compared to whatever the request for payments are.

Chairman Wihby stated if we can't count on you to answer our questions and you're only going to talk in general terms, who are we going to look for to answer our questions when we want to know should it be re-roofed. Why should be want to talk to them, they are the other side.

Mr. Thomas replied I think we could respond whether an issue should be re-roofed. As far as the details the re-roofing we may not be able to answer a lot of those specifics.

Alderman Garrity stated I'd like to talk about the outbuildings a little bit. What are they going to look like? You're asking us to approve something tonight and we don't have a clue what the outbuildings are going to look like. Do we have any drawings or anything? It's not going to look the same that it did months ago when we approved the project.

Chairman Wihby stated there are no drawings here.

Mr. Westerheid stated there are construction documents certainly that we could bring forward to the committee so you can actually see what they're going to look like.

Alderman Garrity asked why aren't they here tonight? I mean we're going to talk about the outbuildings tonight. Does anybody have an answer to that?

Chairman Wihby stated the less you see the better you are.

Mr. Westerheid stated we do have a half-size set you can look at that show the buildings.

Chairman Wihby stated we didn't have Exhibit B, we didn't have Rule 58…

Alderman Garrity asked but the documents aren't in the building?

Mr. Westerheid stated we have them here with us. We have a half-size set of the drawings.

Alderman Garrity asked do you have anything else that we're supposed to be looking at that you don't have with you?

Chairman Wihby stated I've got some questions for Randy. Did I read in the newspaper that we gave them some money, that we released some money?

Mr. Sherman answered yes.

Chairman Wihby asked who had the authority to release the money? I thought everything went through this committee?

Mr. Sherman answered no. The authority to release the money is actually set up in the Economic Development office.

Chairman Wihby asked Bill [Jabjiniak] has the right to release money?

Mr. Sherman answered no. Jane [Hills] does. You've authorized the CIP start up forms, which set up the budget, set up the authorization to borrow and it's under the direction of the Economic Development office. So Jane signed off on those.

Chairman Wihby asked so we have a list of what that $700,000 was?

Mr. Sherman answered yes. It pretty much was HNTB, TF Moran, Harvey Construction, and the construction management.

Chairman Wihby asked were architechual and engineering costs part of that?

Mr. Sherman answered yes.

Chairman Wihby asked was there a lot of that?

Mr. Sherman answered probably close to $400,000.

Alderman Gatsas asked Mr. Chairman can he get a list of that so we can see it?

Chairman Wihby asked what about contingency and the City? $200,000.

Mr. Sherman stated the last budget before they got all of the final bids, I think there was a $200,000 contingency they were carrying. Now that they have all the bids in, that contingency has been allocated out to cover certain items. So right now they're, and maybe Carl can correct me if I overstate this, but they're not carrying a contingency balance.

Chairman Wihby asked so there's no contingency balance at all?

Mr. Sherman replied now that everything is all bid out, correct.

Chairman Wihby asked and if there is anything that's going to be not included, is the City responsible for that?

Mr. Sherman answered no. The way the agreement is, if it goes over the $4,150,000, the team is paying for it.

Chairman Wihby asked so we don't have to worry about contingency because if it goes over…?

Mr. Sherman replied right. Now I know there's a document floating around that says the City is responsible, but that's clearly not the case.

Chairman Wihby asked is that your understanding too?

Mr. Ferullo replied I can't answer that sir. But if I may on what Alderman Garrity brought up about the outbuildings being approved tonight. I don't believe the word approved was meant to come forth. The management agreement was signed with those buildings already in there. They were already signed and okayed so it's not that it's being approve, what we were doing was proposing what we were doing to them, explaining to you what was happening on them, going through Rule 58, which we're going to be getting, but it was not, I believe, to be approved.

Alderman Garrity stated Frank I have a question for you. On that document, what's the date on that document, when it was signed?

Mr. Thomas asked which one is this now? The lease agreement or the general development agreement?

Alderman Garrity stated the lease agreement for Gill Stadium.

Mr. Thomas answered February 20, 2003.

Chairman Wihby called for a two-minute recess.

Chairman Wihby called the meeting back to order.

Alderman Gatsas asked Randy, have you distributed a copy of that role letter that I just heard about that Ropes & Gray has prepared to tell us what roles people are supposed to play?

Mr. Sherman answered I haven't but I certainly can.

Alderman Gatsas asked can you distribute that so we all can see what roles people are supposed to play? And I guess my question is why is Ropes & Gray telling us who is supposed to play roles?

Mr. Sherman answered it was more of an interpretation of the legal document and really what the role of the City was.

Alderman Gatsas asked and the million dollars that I know you sent me a copy of the check that was deposited, do we have a copy of the renditions of dispersals and the dates that those renditions were made?

Mr. Sherman asked of what we've reimbursed them?

Alderman Gatsas answered yes.

Mr. Sherman replied yes. I can get you that. I tried getting that during the break and it's in the accounts payable process and I couldn't lay my hands on it, but I can get you that tomorrow and send it out.

Alderman Gatsas asked you don't have a breakdown…Frank, do you have a breakdown of it? Have you seen it?

Mr. Thomas answered I saw the original submission. I haven't seen the final version that's being processed.

Alderman Gatsas asked do you have a copy of the initial…? Because I know your file over there is about 12 inches thick.

Mr. Thomas answered in some reform I have the initial one, yes.

Chairman Wihby asked are you talking about the $700,000+?

Alderman Gatsas answered yes.

Chairman Wihby asked is Jane here?

Mr. Sherman replied no.

Chairman Wihby asked why would Jane be here? It wouldn't have anything to do with her?

Mr. Sherman stated Jane is on vacation.

Chairman Wihby stated there's something wrong with this when we have 35 people in a room and not one person can give an answer or it takes 25 to answer the same question. We have Jane disbursing money; she doesn't even come to the meeting. We have the developer who doesn't show up to answer some of our questions. We have a lot…no, we didn't bother to ask Parks and didn't bother to ask the Highway Department, which is probably our main department to these concerns. I asked not even to have this meeting if we didn't have the [Rule] 58 or Exhibit B. We had to recess to get Exhibit B; we still don't have a [Rule] 58. I would have never called a meeting because we weren't prepared. I can tell you, this is not going in the right direction and I was one that supported this baseball stadium, but unless we get some answers and work to get those answers, there's something wrong that's going on. This project will be dead I'll tell you if you keep on going like this. Knowing what we went through with the civic center, and it went pretty smoothly, it was still hard to get that thing going. And then to get something like this started and start off like this today at the first meeting and not have any answers, you're going to see a problem. This thing will be dead and I'm telling you.

Alderman Gatsas asked Mr. Thomas can you give me what your preliminary rendition of those numbers are?

Mr. Thomas answered certainly.

Alderman Gatsas asked so the summary that was requested was $866,000?

Mr. Thomas answered that is correct; originally requested.

Alderman Gatsas stated $495,000 was for design work. How much is allocated to Gill Stadium of that $495,00 in the construction documents?

Mr. Sherman answered those are all Gill Stadium costs. We have not reimbursed the developer for any riverfront costs at this time.

Alderman Gatsas asked so what you're telling me is that the architectural design for Gill Stadium was in excess of 10 percent?

Mr. Sherman stated I'm not telling you that Alderman, but I believe that's the case. The total bid that they got was roughly seven percent on the entire project.

Alderman Gatsas asked when you say entire project, what's the entire project?

Mr. Sherman answered including both stadiums.

Alderman Gatsas asked well if seven percent is the entire for both stadiums, now is this one in excess of 10 [percent]?

Mr. Sherman answered because one is new and one is a renovation.

Alderman Gatsas asked so all of this money has been allocated to Gill Stadium?

Mr. Sherman replied all of those dollars are Gill Stadium dollars. I will say though, that is not the dollar amount that got reimbursed.

Alderman Gatsas stated about $644,000.

Mr. Sherman stated not actually it was about $712,000 that got reimbursed.

Alderman Gatsas asked so basically the $1 million; all but $200,000 is gone?

Mr. Sherman answered yes. The deal was that they would give us $1 million, we would in essence put it in escrow and those dollars would come into the project and be the first dollars to be disbursed back out of the project.

Alderman Gatsas stated it sounds like you know probably…when were these funds crossed? When was the disbursement by Jane Hills given?

Mr. Sherman answered a couple of weeks.

Alderman Gatsas asked the 27th or the 28th?

Mr. Sherman answered no, actually I'm not sure what the dates are. About a week ago or so.

Alderman Gatsas stated we got the check on the 26th so you probably disbursed this the next day, so it was kind of like a cross of check.

Mr. Sherman answered yes, it was a swap.

Alderman Gatsas stated it was a swap of checks.

Mr. Sherman replied yes.

Alderman Gatsas asked so the money that we assumed that was in that document that we would receive interest on that $1 million that would be credited to the City, because the document says the $1 million interest would be the City's money?

Mr. Sherman answered yes.

Alderman Gatsas continued really never happened because we kind of crossed checks.

Mr. Sherman answered it was a crosscheck, absolutely.

Alderman Gatsas asked and we will get a disbursements of costs on these disbursements?

Mr. Sherman answered yes; I'll give you what was actually disbursed. I can pull that out.

Alderman Gatsas asked so the total is seven percent on somewhere around a $32 million project?

Mr. Sherman replied no, it's a $28 million project. $28.5 million.

Alderman Gatsas asked so we're at seven percent of that?

Mr. Sherman asked for? Are you talking just the architectural?

Alderman Gatsas replied the architecturals.

Mr. Sherman replied I believe it was close to seven percent, give or take. Is that right Frank?

Mr. Thomas answered yes.

Alderman Gatsas asked and all of it Frank is…this $495,000 is all associated with Gill Stadium?

Mr. Thomas answered yes. That's why if you note on that worksheet you see the number reduced, a portion of the original request did include some of the riverfront and that's how it got reduced to a lower amount.

Alderman Gatsas stated I don't know Mr. Chairman, if I was Chairman if you committee I would make sure Frank Thomas is running this because it looks like he's the only one that knows the numbers.

Chairman Wihby stated I don't think we're prepared to vote but, Frank things have started already? I don't think we want to stop things from starting. What would your suggestion be, because I think you're the one here that knows what's going on more than anybody.

Mr. Thomas stated I'd urge the committee to provide a means to let the work continue. As everybody knows we're under a real strict deadline here. Harvey [Construction] right now is working six days a week, ten hours a day I believe in order to meet the schedule to have Gill Stadium in some fashion completed for baseball in the beginning of April. I would suggest that the committee…as I mentioned the overall Exhibit B I feel is fine and it meets the intent of the old Exhibit B. I would suggest this committee maybe vote to concur with my feelings on that realizing that Alderman Gatsas raised a very important issue here tonight that we're going to get some additional information on that can be further addressed at the next meeting. So I think a consensus accepting Exhibit B, which will allow us to continue to move, do construction, realizing that there is an issue that was raised by Alderman Gatsas that needs to be addressed from both the architectural and contractors view so that we can have some numbers so that we can make some decisions on how to proceed in that area.

Chairman Wihby asked does the committee have a problem with that?

Alderman Smith moved that work proceed based on the proposed Exhibit B realizing changes may be made to the locker room/rest room structures and then have that information come back to the committee at their next meeting. Alderman Sysyn duly seconded the motion.

Alderman Garrity stated I don't really have a problem with the Public Works director kind of running the show, but what I have a problem is with disbursements. I believe it's this committee's responsibility when it comes to the money for this project. I'm very uncomfortable that Jane Hills, nothing against Jane, but I don't know why she's doing the disbursements and I would like to have that in the form of a motion that all disbursements have to come through this committee. I'd like that in the form of a motion.

Alderman Garrity moved that all disbursements for this project come through this committee and not the Economic Development office.

Mr. Thomas stated I hate to say it but I'm not sure if that permitted in the lease agreement unless you can conform to the schedule of dates and payment dates, etc. Because there's the normal wording in there that we get the draw downs by the 25th of the month and that they get processed and paid by the 15th. So you would have to conform your schedule to the agreement, I believe.

Chairman Wihby asked can we at least see before it was paid? Have that come to us? I mean, $700,000 of it is given out and we didn't see one thing of it. Are we able to get that before it's paid?

Mr. Thomas replied I assume there could be a system set up where you are copied with the draw down at the same time that it's being processed.

Mr. Sherman stated I don't see why that couldn't be done. Once we get on a normal cycle. Again, I guess, and I know this is going to probably start a whole other debate, but you have to keep in mind this is one of the issues that we've been dealing internally with the staff. This is why we had Walter [McCabe] write the letter and maybe I should just let you read his letter. We have privatized the renovations and that was what the sticking point was over setting up the escrow agreement. Typically when you have a trust and you have an escrow agreement you submit what you have paid, submit it and you get the money. It's not up for debate, it's not whether you paid too much for insulation or you shouldn't have paid $.36 a mile, should have only paid $.34 a mile. It's a financing document. It's not different than going and getting an equity line on your home and you go and you just draw the money out. That, in essence, is the agreement that we signed. We signed a financing agreement.

Chairman Wihby asked don't I understand that they wanted eight hundred something and someone cut it down to seven hundred something?

Mr. Sherman answered the reason they cut it down, and clarification of what Alderman Gatsas has, is they originally included one invoice that was for the riverfront. They picked it up as a Gill invoice and it shouldn't have been a Gill invoice and that's why it got pulled out. Again, we went through and we said yes we will reimburse Gill, but we are not reimbursing the riverfront at this time.

Chairman Wihby asked and who decided that you or Economic Development?

Mr. Sherman answered no actually Frank went through all of the invoices and as Alderman Gatsas has, Frank made his comments and recommendations, then we got a clarification from Walter [McCabe] on exactly what the City was really allowed to do or not do, we met with Tom Clark, we met with staff, and that's when ultimately all of the numbers got adjusted to the final $712,000, I think it was.

Chairman Wihby asked who paid it? What did Jane have to do with this? She just pays the bill?

Mr. Sherman answered she is signing off…again, she's got the control of the project and the budget and making sure that she's within those numbers.

Chairman Wihby asked so if Jane was here she could answer all of these questions today? She could have answered everything?

Mr. Sherman replied I don't think that she could answer any of the structural issues or the document issues.

Chairman Wihby stated which was most of the questions.

Mr. Sherman replied yes.

Chairman Wihby asked so we have someone in charge to just pay out the money on someone else's behalf that says go ahead and pay this?

Mr. Sherman stated that wasn't a decision that I made.

Alderman Smith stated there's a motion on the floor and it's been seconded.

Alderman Gatsas stated Mr. Sherman I think that if I go through my documentation and the minutes of the meeting, because I asked you the direct question that before any disbursements would happen, would it come before this committee. Your answer was yes. Now I can go through the minute of the meeting and I'll find them because that was a question that I had concern of, of how the money was going to be disbursed and when it was going to be disbursed and that this committee would at least have the oversight of that. Just like it did in the civic center. Everything that came forward…

Mr. Sherman interjected and that's exactly what you have. It's just like you had in the civic center, or the committee that existed, did not have final say over the disbursements.

Alderman Gatsas stated no but they saw them before they happened.

Mr. Sherman stated no they did not. They saw change orders. If there were going to be changes, they got brought to the committee.

Alderman Gatsas asked aren't these changes?

Mr. Sherman answered not the disbursement.

Alderman Gatsas stated Mr. Chairman I guess I have a direct question. Who makes the final decision on whether a change is a Rule 58 change or if it's a City expense? Who makes that final determination? Right now we have in question of $1.2 million. Mr. Sherman and Mr. Jabjiniak decided we needed four locker rooms and not two.

Chairman Wihby stated any changes from Exhibit B would come from this committee.

Alderman Gatsas stated so the footings have been poured and we're going forward with decisions and I guess the question is, whose is it? Who is going to be final say to say this is a Rule 58 request or a City burden, because we're already talking about $1.2 million and we haven't even talked about…we're talking about not having facilities cooking underneath Gill Stadium, that it will be hotdog stands when they used to cook French fries and hamburgers, that's what they've had in the past and the reason why they had to close it is because the roof was leaking above them. So, I understand that maybe the baseball team will bring in their hamburgers for one year, but is the concession Gill Stadium for the rest of our lives here in Manchester look like? A microwave oven and a steam hotdog stand? Is that a Rule 58 or not a Rule 58? Do they have no say in concession? Who makes that final decision?

Chairman Wihby answered I think the amount that their putting into concession would be based on Rule 58. They're only putting in the minimum requirement that Rule 58 asked for, I'm sure. If Rule 58 said you had to have cheeseburgers, they'd have to have that in there. Am I right? This is all that Rule 58 is asking you? That you have to do? Or they don't even talk about the concession stands?

Mr. Westerheid answered to be honest with you I'm not exactly sure what Rule 58 has to say about concessions. I don't think it gets very specific about the concession stands. It may address points of sale ratios to patrons but that's about it.

Alderman Garrity stated Rule 58. When are we going to have a document in front of us telling us what part of the new Exhibit B is Rule 58 and what part is not Rule 58, and the cost?

Mr. Sherman stated as I mentioned earlier I can call Joe McEathern in the morning and emphasis the importance of getting that do us. He knows that the City is looking for it, I know I've asked for it numerous times, and I know Bob from Parsons-Brinckerhoff asked him for it as well. Once we get that, then we can sit down with HNTB and Harvey [Construction] and put a dollar value to that. I can't make a commitment to you Alderman as far as what day that would be available.

Alderman Garrity stated I'm going to pose this motion for that reason. I'm not very comfortable approving something where I don't know what the cost factors are and if it's the City's responsibility or the team's.

Chairman Wihby asked Frank are we actually taking a vote or are we just conceptually saying…are we able to say later or that if we want to change the locker rooms, that we want to…?

Mr. Thomas answered I'm looking for a consensus that basically says that the majority of Exhibit B looks good. That allows our construction to continue, realizing that you people have one sticking point, which is the locker room showers. Now the whole issue of Rule 58 costs compared to City costs, or somebody else's cost, as Randy mentioned, you can catch up with that down the road. That doesn't need to be addressed tonight or tomorrow. I'm looking at keeping the construction moving forward.

Alderman Garrity asked in the new proposed Exhibit B, are there some Rule 58 changes in there? Are there some added things in there or that's put in there because of Rule 58? Anything at all? Has anything changed from the first document of Exhibit B by Rule 58, the League saying no you really have don't have to do that, that's not part of Rule 58. You don't believe so.

Alderman Guinta asked there are several different motions on the table?

Chairman Wihby stated there is just one motion. It was moved by Alderman Smith, seconded by Alderman Sysyn. Frank's [Thomas] motion. We're not discussing Alderman Garrity's yet.

Alderman Guinta asked could someone repeat the motion please?

Deputy City Clerk Johnson stated it is my understanding that you would accepting the proposed Exhibit B, realizing that there are architectural issues with the locker rooms and rest rooms.

Alderman Guinta stated I don't think that's the motion.

Deputy City Clerk Johnson stated that was the original motion that was presented by Mr. Thomas. Based on the recent discussion I could give you another suggestion.

Alderman Guinta asked are you asking us to accept Exhibit B? The distinction here is whether we are accepting Exhibit B or whether we are coming to a…

Mr. Thomas interjected accepting it in a conceptual manner tonight.

Alderman Guinta stated I don't know what that means. I'm sorry, I really don't know what that means.

Deputy City Clerk Johnson asked Mr. Chairman, can I make a suggestion? Perhaps based on the discussion and what I understand Alderman Guinta to ask, I think they just proceed with getting some work going. So, perhaps just to proceed based on the proposed Exhibit B realizing changes may be made to the locker room, rest room structures and then have all of that information come back to the committee at the next meeting that's been requested.

Alderman Guinta asked and we can proceed…?

Deputy City Clerk Johnson stated that way they can proceed with their construction based on the proposed Exhibit B, because I think there may be some differences in that in ordering and those kinds of things that need to go forward, as I'm understanding it.

Alderman Guinta asked what about the concessions? There are concessions in Exhibit B too, and we have issues with concessions. Correct?

Mr. Thomas replied I don't have any problem with the concessions under the revised Exhibit B. From what I've heard from other departments I think everybody's on the same page with that.

Alderman Guinta asked once the team moves from Gill to the riverfront, there will be appropriate concessions stands?

Mr. Thomas answered the concession area you'll still be able to serve hot dogs, pop popcorn, buy a microwave and microwave French fries. You wouldn't be able to cook hamburgers or deep fry French fires. There are little outside carts that I guess you can get to accommodate some of those food products if you wish to sell them.

Mr. Ferullo stated right now at the Lowell Spinner's facility, they don't have any fri-olators. They do the exact thing with the microwaveable fries and the hot dogs. So it's done at other ballparks and what we followed was what the Board of Health told us we could do in there under the code.

Chairman Wihby asked Ron do you see a problem with that?

Mr. Ludwig answered no. Since it's been decided that the concessions would remain under the grandstand, I think it would probably be cost prohibitive to renovate them to the extent where frying and deep-frying and those kinds of activities would take place at this point. So you've pretty much got what you got.

Alderman Gatsas asked on your motion Mr. Chairman, the biggest question I have is we've heard that the footings or the foundations have been poured for the two outbuildings, so Frank are you saying going forward with four locker rooms, or are you saying that if this committee comes back and says put the two locker rooms underneath, Mr. Sherman's idea of four and Mr. Jabjiniak's idea of four doesn't cut it because we don't want to spend the money? If it's a Rule 58 expense, then I don't have a problem with it. But if it's a City expense, I have a problem with it.

Mr. Thomas stated the footings are poured. Maybe HNTB can give you good rational why it doesn't make sense to put all of these locker rooms underneath. I understood that there were potentially some structural problems with Gill Stadium, digging underneath there, putting in new pipes, new drains and whatnot and maybe the fact that it's too tight. But I haven't…

Alderman Gatsas stated I'm saying four locker rooms. I'm talking about just two.

Mr. Thomas stated two large rooms to accommodate all of them.

Chairman Wihby stated the motion would be…we're talking about lockers anyway so, they would go forward with the locker area, and if this committee does not to change it, I would suggest they probably go do other things in the lockers.

Alderman Guinta asked the outbuildings were voted on…they were attached to the mater agreement though? Correct? So we've been agreement on that issue for a couple of months. At least two months now, right?

Mr. Ferullo answered yes sir.

Mr. Sherman stated they were attached to the development agreement, which was adopted in early June.

Alderman Guinta stated so we're not looking to change that issue.

Alderman Gatsas stated follow question from where Alderman Guinta is. When you had some of the Aldermen go to Gill Stadium to conceptually talk about the changes in dugouts, and at that time Alderman Smith was there, we were told that

there would be two locker rooms underneath. That was the change that was probably in June or July. Probably June?

Mr. Ferullo stated and the reason why that could not have been done, HNTB felt we couldn't put them under there without touching the Central locker room. It all goes back to the Central locker room. We could not fit everything in there. If we did not have to do that, then…

Alderman Gatsas interjected, so your answer is that's what we were told in June?

Mr. Ferullo replied I did not tell you that, sir. I don't even think I shook your hand or met you. I saw you there, but I did not tell you that. So I can not answer for anything anybody else said.

Alderman Gatsas stated that's what we were told. That the locker rooms would be going underneath and you're telling me Randy that that document was done sometime in February.

Mr. Sherman stated the Gill Stadium lease was adopted in February. The development agreement was adopted in June, and between February and June they came to the conclusion that they couldn't put four locker rooms under the bowl and that's when they went to the outbuilding concept.

Alderman Guinta asked so the issue we're holding on is not the outbuildings, but what's going to potentially change with respect to Central locker room? Which when I say that I mean the showers.

Mr. Sherman stated I think you have two issues. One, what's going to happen to the two locker rooms that remain under the bowl, as far as the shower facilities and restrooms.

Alderman Guinta stated which is the proposal that…

Mr. Sherman interjected that they're going to go back and take a look at.

Alderman Guinta stated and in the meantime you're going to…

Mr. Sherman interjected and I think the other issue is what part of those outbuildings really is Rule 58 that's being required and we have to go back and get the Rule 58 dollars.

Alderman Guinta stated that actually brings up an interesting point. What happens if we have a disagreement with the league on what's Rule 58?

Mr. Sherman stated keep in mind, the League can waive anything.

Alderman Guinta asked what do you mean they can waive anything?

Mr. Sherman answered they can saw okay you don't need bullpens. They could say that's okay, we could waive that for one year. The League is going to go through their rules and they're going to say what is adequate and what is not adequate, what has to be added.

Alderman Guinta asked what happens if we have a disagreement with the League? How do we resolve that disagreement? Because I'll tell you right now, what I'm going to say is if they're requiring two locker rooms, I'm going to say that they're going to have to pay for those outbuildings and I suspect they're going to say no we disagree with you.

Mr. Sherman stated that won't be the League though. That would be the developer you'd have that discussion with.

Alderman Guinta asked but if it's a Rule 58 issue why am I talking to the developer?

Mr. Sherman answered because what you're saying is the locker rooms are Rule 58 and the developer may or may not, but we'll come back and say okay they aren't Rule 58. The debate would be with the developer not with the League. The League's Rule 58 says two locker rooms.

Alderman Guinta asked okay so the League says these are Rule 58 requirements, but if I disagree with something, I've got to talk to the developer? I can't talk to the League?

Mr. Sherman answered I believe what you would be debating is the renovations or enhancements or additions being done under Rule 58 or not Rule 58. You'll have the letter from the League and then the issue is okay now we can go through the entire budget, the entire program, and say okay this is Rule 58, this isn't. At that point the developer is going to come back and say well no you put that under Rule 58, I don't think it should be under Rule 58 and here is why.

Alderman Guinta stated but under this situation…this is potentially a $1 million issue here, so I don't mind spending a little time on it. The League says we need two locker rooms, for whatever engineering reason we couldn't meet that requirement underneath the bowl?

Mr. Sherman replied you couldn't meet the requirement of four locker rooms underneath the bowl. We still will have two locker rooms. The Central locker room in essence is going to turn into…right now it's two locker rooms, but it's really one locker room. Half of it is renovated and half of it they are using for the JV side. And then you'll have another locker room up on the east side. When we went into the negotiations we said get Gill Stadium up to a class A facility, and I'll tell you that any new facility that's being built is going to have four locker rooms. You can't run jamborees; you can't run competition…

Alderman Gatsas asked what's the Rule 58? Is it two locker rooms? You just said…

Mr. Sherman interjected the Rule 58 is two locker rooms. Four is a class A facility. I will take responsibility for negotiating it Alderman, but it is a class A facility to be able to run a jamboree. You go over to JFK, you go over to West, any of those facilities all have four locker rooms. West Memorial is not a citywide multi-use, multi-tenant facility.

Alderman Gatsas asked there are no facilities for locker rooms there, are there?

Mr. Sherman answered no there aren't and if you want my opinion Alderman, that's a mistake. That's an under sight.

Alderman Gatsas stated I agree.

Chairman Wihby asked Ron any comments four [locker rooms] versus two?

Mr. Ludwig answered again I'm not inside Randy's head in terms of what his thoughts and how Gill was going to be used. I was never asked, so at this point if there idea was to use Gill in a far different way from the way we've used it in the past, I would suspect that you would want to have four locker rooms. Toilet facilities; now you can build anything you want if you're going to talk about…I think I heard someone say about West field and the lack of facilities over there. That was all done within the confines of a budget. In terms of toilets and codes and things like that we typically go to the Building Department and ask for relief in certain case where the crowd is going to fluctuate from 100 people on a more regular basis to maybe 2,000 people on a less than regular basis, so we don't try to put in toilets for the day after Thanksgiving of parking, so to speak. Because plumbing is very expensive, but those kinds of things have been made. Would it we a nice luxury to have…what you're going to have down there is five locker rooms by the way, because the Central locker room is a locker room within a locker room. But what's left of the Central locker room when it's not the Central locker room is just a generic, very small area for a team to go in. The way I look

at the whole situation is that what are you going to do with it for soccer and for football and things like that, the locker rooms may come in handy but they're certainly a high ticket item.

Chairman Wihby stated with losing Singer Park there's probably going to be more things done at Gill Stadium. Does it make sense to put the fourth in?

Mr. Ludwig replied again, that really depends upon how the City was going to…what's the intent of the City going forward with Gill Stadium? We're going to be very fortunate to have West field up and running, it may have some deficiencies relative to a team room down on the field. Memorial will have one at a cost; everything comes with a cost. So it may be one notch, I shouldn't say this probably, but above even what West has turned out to be. So you're going to have three or four very nice facilities that you can spread the use out here. To be able to say that the soccer teams, if we're going to have soccer jamborees at Gill on certain occasions, those locker rooms would come in handy. But again, assign a number to what does handy mean. I'm not sure how often you're going to use them because I don't know what the exact venue for Gill is going to be going forward. If it's going to be a field you can use all of the time, so I would think you're going to have more use, definitely. Is that what you wanted to pay for those? I really couldn't that.

Alderman Guinta stated the basic question I have is does the decision to go from two to four locker rooms have a fiscal impact on the City when it comes to Rule 58. That's my question.

Chairman Wihby answered yes.

Mr. Sherman replied not if it doesn't add up over $1 million. You'd have to take all of the Rule 58 improvements and total it and if it's less than $1 million it doesn't have an impact.

Alderman Gatsas stated the other way to answer that is if it exceeds $1 million, it does. This is why I hesitate to vote right now, because if we vote to go forward and then we determine that locker renovations…if this committee determines that Rule 58 requires the outbuilding and the League or developer disagrees, we then have an issue to who is going to pay and someone told me the number is $1 million. I know that it includes other things, but we don't know what the breakdown is right now. That's my concern.

Mr. Sherman stated one thing I would say is if you don't spend the dollars at Gill, and I'm not saying this is the reason why, but if you don't spend those dollars at Gill, those dollars flow to the new stadium. It's not like that $1 million comes

back to the City. Ultimately if they don't spend the whole budget, those dollars come back, but by not spending $500,000 at Gill, that just means that they have $500,000 more to spend at the new stadium. And I just want you to understand that that by not doing doesn't necessarily put $1 million in the City's coffer.

Alderman Guinta stated no, but it might.

Mr. Sherman stated I'd be very surprised if they don't build a stadium more than $25 million.

Alderman Guinta stated I'm not comfortable really moving forward until we have a reasonable answer. I understand that we voted in June on the outbuildings, so from June on we have had the expectation of having those two locker rooms. Rule 58 comes along and says you have to have two locker rooms. Who pays for the locker rooms? I've got to tell you I don't think the developer is going to voluntarily pay for them.

Mr. Sherman stated again Alderman that's like saying Rule 58 says you have to have a pitcher's mound. Who pays for the pitcher's mound? A baseball stadium would have a pitcher's mound. If we had asked for two renovated locker rooms and had given them full access to Gill Stadium, they clearly wouldn't have had to worry about the two outbuildings. They could have gone in and done what they needed to do under the current structure. If they could have gone in and taken over Central, they could have gone in and taken over the ones on the other side, they could have put in two locker rooms. We're looking for a class A facility there that was going to be multi-tenant, multi-use and new facilities all have four locker rooms and that's the way we structured it. They tried to put the four underneath. Now clearly I agree with you, there are some Rule 58 items in the locker room, but do I think that 100 percent of those locker rooms are Rule 58, no I don't. Because again, part of that would have been renovation that would have been associated with the locker rooms underneath had we given them two locker rooms.

Alderman Guinta asked say that last part again.

Mr. Sherman stated if you went back and said okay what would be the cost if we allowed them to just use the two locker rooms and renovate it. I'll throw in a number, $400,000, $300,000 whatever the number is. How do you now say okay we built those other two outbuildings and not subtract that $400,000 number from the fact that well that's not really Rule 58, it's just cost that we've shifted from current locker rooms to the outbuildings.

Chairman Wihby asked so the real costs would still be the $300,000 or $400,000…

Mr. Sherman interjected it would still be the $300,000 or $400,000. But that's what I'm saying. My gut feeling is you're not going to come close to the $1 million. However, until we sit down and go through…I don't know what the extra costs have been to add manager's rooms and manager's showers and all the extra items that they've required, laundry facilities and the like. We have to go through and get those costs broken out. But this budget that we have is relatively new and we still are waiting for the Eastern League to give us their list.

Alderman Guinta stated and there's the original problem that I had an hour ago. How do I conceptually agree if I don't know what costs I'm talking about?

Mr. Sherman stated but you've got to understand there is the true up provision to allow us to do that once we have all of the final costs. Again these are still just budget numbers, while 98 percent of it has been bid out there are still some numbers in there that they're carrying allowances for to come up with it. The issue is and Carol hit on it earlier. They need to order seats, it's 90 days from order to install, the clock is ticking and they just need for move forward on some of those issues.

Alderman Guinta stated you're talking like that's our fault.

Mr. Sherman stated no it isn't. It clearly isn't. The calendar has worked against us.

Alderman Guinta stated the calendar wasn't set by this committee.

Mr. Sherman replied I agree.

Alderman Guinta stated I think I'll reluctantly vote for it with the expectation that we get this material from the Eastern League. I would hope we can have it by this week. If it was promised at least last week, we should certainly have it, and I think you've been asking for more than a week. So I would strongly urge that you do whatever you've got to do to get those documents by the end of this week so we can review them.

Chairman Wihby called for a vote on the motion that work proceed at Gill Stadium based on the proposed Exhibit B, realizing changes may be made to the locker room/rest room structures and then have that information come back to the committee at their next meeting. The motion carried with Alderman Garrity duly recorded in opposition.

Alderman Garrity asked Mr. Chairman, can we further talk about the disbursements.

Chairman Wihby addressed Item 4 of the agenda:

> Communication from Manchester Downtown Visions, LLC requesting to exercise their option to acquire parcels surrounding the proposed stadium site.

Mr. Sherman stated this is really just for information only. The document that we signed that was the master lease and the master development does give them the option of purchasing the land.

Chairman Wihby asked so there's nothing we have to do? It's just a communication.

Mr. Sherman answered no, I believe Bill Jabjiniak has…

On a motion of Alderman Guinta, duly seconded by Alderman Garrity, it was voted to receive and file the communication.

Alderman Garrity asked when it comes to the appraisal, the developer wants to hire his own appraiser and appraise it for a quicker process. I have a problem with that. I believe that it's City land and we should have an appraiser working for us, but I don't think we should pay for it.

Mr. Jabjiniak stated that's exactly the intent. The City is going to go out, get a proposal from an appraiser, once that proposal is review, we're going to ask the developer to pay for it, but all of the information flows through us, it does not flow through the developer.

Chairman Wihby asked who picks the appraiser?

Mr. Jabjiniak answered City staff.

Chairman Wihby asked and how many are you going to have? Just one goes out there and does that?

Mr. Jabjiniak answered I think offering proposals at least one, if not a second one.

Chairman Wihby stated I think you ought to have at least two.

Alderman Garrity asked on the lease? Can you explain the lease to me for a second? It's 20 percent of the development comes to the City? Is that the way it works?

Mr. Jabjiniak stated I'm not sure of your question specifically.

Alderman Garrity stated the lease of the land.

Mr. Sherman stated if I may answer that. The way it was structured is, we have a master lease, and they will then enter into sub-leases. The City receives 20 percent of the net revenues of those sub-leases. So they will collection the revenues or the lease payments and obviously they have expenses of administering those leases, and at the end of the day there's a net number which the City would receive 20 percent of that.

Alderman Garrity asked for how many years?

Mr. Sherman answered that was a 49-year lease.

Alderman Garrity asked so for 49 years we're going to receive 20 percent? If that turns out to be more than selling the land, we're not required to sell the land, are we?

Mr. Sherman answered they have option to buy that land. Keep in mind Alderman that they could actually enter into a sub-lease with the hotel folks for $1.00 a year if they thought that it benefited the rest of their development. They control what those dollar amounts are.

Alderman Gatsas stated I'm certainly not opposed to selling the developer the land. But that's really the City's trump card. If we sell them the land, he subdivides the land and sells it, and no development happens for three years because I think we were already supposed to see plans for a hotel, a shovel in the ground, and all those things. Because when Finance came before us to sell us the finance package, we were basing that on $100 million worth of development. If none of that happens in the next 180 days, I assume the construction is going to start for a baseball stadium and if that doesn't happen and there's no revenue, then who is on the hook for the $1.1 million that was supposed to come from the developer?

Mr. Sherman answered out of property taxes. If you recall Alderman, there was a letter of credit equal to the three years of the property taxes that they're putting up, but maybe a question better for Tom Clark would be if they did proceed with the sale, if somewhere in the purchase and sales you could those conditions on them.

That they use that land within a certain period of time or it reverts back to the City. I'm not sure if something like that could be done, but I certainly don't disagree with you that there needs to be a protection in there.

Alderman Gatsas asked doesn't that letter of credit take care of the baseball?

Mr. Sherman replied there's two letters of credit. One on the property taxes and one on the lease payments.

Alderman Gatsas asked so the lease payment is a letter of credit from whom?

Mr. Sherman answered it would be from the team.

Alderman Gatsas asked so they're on the hook for both letters of credit?

Mr. Sherman answered no. The team would put up a letter of credit equal to three years worth of their payments on the lease and on the development side they put a letter of credit equal to three years of their property taxes.

Alderman Gatsas asked the team would?

Mr. Sherman answered no. The developers would, and then once the property actually exists, that letter of credit would go away.

Alderman Gatsas asked do we have that letter of credit?

Mr. Sherman answered we don't have those letters of credit yet.

Alderman Gatsas asked when do we expect to get them?

Mr. Sherman answered I expect to get them this month, prior to the actual issuance of the bonds. That's one of the conditions we have to have to issue the debt.

Alderman Gatsas asked so why would we go forward with looking to sell until those letters of credit and issuing of the bonds were going forward?

Mr. Sherman answered I think the master lease lays out a process to value the property. We have 120 days, I believe it is, to get them a value, to have it appraised. Now that they've asked for that we just started that process. We have gone through obviously a purchase and sale at this point, we're just in the process of following the agreements to get the appraisals done.

Alderman Gatsas asked is Mr. Clark here?

Chairman Wihby stated Mr. Clark is here but all we're doing is receiving and filing the letter that we're not voting on. This will come up at a different time, so we don't have to take any action.

Alderman Gatsas stated well if somebody is hiring appraisers, then that should be received and filed also? Shouldn't it?

Chairman Wihby answered no, that's what we have to do in order to fill the contract.

City Solicitor Tom Clark stated at this point the master lease gives them the right to request the purchase. We have to give them a price within 120 days. I've been asked by Alderman Guinta to provide a written step-by-step procedure what is called for and what protections we may have. I will get that out to the committee next week and I'll copy all of the other Aldermen also.

Chairman Wihby called for a vote on the motion to receive and file the communication. There being none opposed, the motion carried.

Mr. Thomas stated we talked about the role you want us to play in the stadium project. Could you define that for us? We're basing it on the letter that we received from Walter McCabe.

Chairman Wihby stated I think Walter doesn't know what the City wants. I think we need a Peter Levy and I think it's you. I think you should be the one everything goes through as far as any communications, you know what the numbers are, you know what the appraisals look like, so you can go through those numbers and look at what it costs to excavate and build and everything else. If I had my way and I don't know how the committee feels, but I think you should be the point that everybody goes through you.

Mr. Thomas stated I don't have a problem with that but I'd like to have that verified with Solicitor's office.

Chairman Wihby stated Alderman Sysyn has made a motion and Alderman Smith has seconded it. You would like a clarification from Tom Clark?

Mr. Thomas answered well I can work with Tom at a later date.

Chairman Wihby asked Tom this committee voting right now to Highway in charge of the project? All the communications to the committee will come from him. He will work with everybody and any information that he needs will be filtered through him. Is that a problem with you?

Alderman Garrity stated I would also like to add to that disbursement of funds that we informed of what they are before the amounts are disbursed and things like that.

Chairman Wihby asked just before they are disbursed the committee will know at least what's going to happen down the road? If we have to call a special meeting, then we can call one if we want to discuss something that we don't agree on.

Alderman Garrity moved to amend the motion that the committee be informed of any disbursements of funds for the Gill Stadium project and riverfront project. Alderman Sysyn duly seconded the motion.

Alderman Guinta asked who is overseeing the project now?

Chairman Wihby replied about 16 different people.

Mr. Thomas stated right now on the City's part there are different entities that have different roles to play. As I mentioned before right now the way we've been proceeding is that we have a general review capabilities of plans and we have a general oversight role in inspection, etc. As I mentioned earlier, this a different level of involvement on the City's part then during the civic center project. But again, this is a different type of project. That's why I was asking for clarification from the chairman.

Chairman Wihby stated we just want one person that we can call up and get information and yell at. So we picked you.

Mr. Thomas replied thank you, I appreciate that.

Alderman Guinta asked how does that impact the other…?

Chairman Wihby replied everybody's going to work with him, but Frank will be communicating to us what's going on in working with them.

Mr. Thomas stated again, what I'll be glad to do is draft of kind of a list of duties that you want us to assume, I'll review those with Tom Clark and the other departments and present it to you at the next meeting, but I have an idea what you're looking for right now.

Chairman Wihby stated I think you know, for instance I think we heard today that no one has talked to Parks & Recreation about what's going to be happening there once baseball leaves. They should have some input in that, somebody should be communicating to them what's going on and that hasn't happened. We distributed

money that maybe Finance said it was okay, but some person just decides to send out the money because they don't know what's going on or if it costs anything or not. They're the ones that looked at the stuff and should know what the money should be distributed or not is.

Mr. Thomas stated well you've got to keep in mind that this has been a fairly open process. I haven't been asked every question that I'm sure somebody would have liked to have asked, I'm sure Finance and Parks haven't also. But again, I think there's the opportunities for input along the way.

Mr. Ferullo stated that comment about Parks; we have regular meeting every Wednesday at 1:00 PM. I have told Parks & Recreation that any time I will be there for them, they can email me, to send me the letter, to call me and I would be glad to give them every bit of information. It has been relayed every meeting for the last four weeks and I've never gotten a response on it, so we have tried to help them out and give them all of the information that they needed.

Chairman Wihby asked who is HNTB that's calling a meeting for tomorrow? I don't see Parks' name on here. How come? Bill, why isn't Parks on here if we communicate with Parks all of the time, we're having a meeting tomorrow, we don't want to call them to it? I notice your name not here Bill. And the one who distributes the money's not even on here. Limited amount of people coming?

Mr. Westerheid stated HNTB has asked for a meeting of the stakeholders, the people who have been involved, from the developer to the team, to the chairman of the committee, the chairman of the board, the Mayor to basically go over where we've been, where we're going, obstacles to that, and since they're in town for this meeting they have asked for that stakeholders meeting and that's what we're doing.

Chairman Wihby asked why wouldn't they just have asked for a meeting in front of the committee tonight? Instead of having a private meeting with only Alderman O'Neil and me are invited and Parks isn't invited and I'm just hearing well we talk to Parks all of the time and the one who distributes $800,000 on vacation. Why is that? This is the second meeting like this, I understand. I didn't go to the first one either.

Alderman Guinta stated I think it's the third.

Chairman Wihby and I'm the chairman of the committee. This is the stuff that makes newspaper print that something is going wrong in the City of Manchester with this baseball field. When you start having meetings like this and don't want to incorporate everybody and go hide it and have a meeting somewhere else or

somebody thinks you're doing something wrong. This is what we didn't do with civic center because we knew that people were watching. We made sure everything was held in the chamber and everything was in public. I'm not saying there's anything wrong with this meeting, it should be held somewhere where everybody was invited to go. Every Alderman, not even just the committee. Because they are the ones ultimately that are going to vote on this thing.

Alderman Gatsas asked Mr. Chairman, where is this meeting going to be held?

Chairman Wihby replied Manchester Fire Department.

Chairman Wihby called for a vote on the amendment to the motion. There being none opposed, the amendment to the motion carried.

Deputy City Clerk Johnson asked I just want to clarify by that last motion. If you're expecting Highway to oversee the fund mechanism, I believe there's a budget authorization that will have to be changed by CIP. I guess I'm asking whether or not you want to make that recommendation to the CIP committee based on the motion that just passed.

Chairman Wihby answered yes.

Deputy City Clerk Johnson stated Frank [Thomas] I don't think wants you do that.

Chairman Wihby asked you don't want to do that?

Mr. Thomas answered I don't see a need for doing that. We could sign off and they would just process.

Alderman Garrity asked if I attend this meeting tomorrow. Under Gill Stadium renovations 10:45 AM to ll:45 AM, it says scope and program update on Gill Stadium, Exhibit B and League requirements. I guess if I attend tomorrow I'll find out what's required by the League?

Mr. Westerheid stated actually the intent of that was to recap what happened tonight. That's all, which may take a lot longer than the time allotted. If I could say, I was actually trying to instigate this meeting and it can happen anywhere it is comfortable. We wanted all of the stakeholders to be involved, if that's all of the Alderman, that is great. If it needs to be here, that's great.

Chairman Wihby stated we could have held it today.

Mr. Westerheid stated if we had known that time would have worked we were told that the Mayor was available at 10:30 AM tomorrow initially, so we kind of centered it around that initially, but HNTB's purpose was to get everybody in the room and try to get…

Chairman Wihby stated I don't want my remarks taken out of context, what I'm saying is, is that when you do something like this, to the average person out there, they find out two days later that there was meeting hidden at the Fire Department, it looks like somebody is trying to hide something. That's all I'm getting at. Everything's got to be done out in the open where people can come to the meeting if they want. It doesn't have to be on TV, but at least let somebody know that we're having a meeting, we're going to discuss something, anybody that wants to attend, can attend.

Mr. Westerheid stated we asked for a space that was big enough for everybody and that's where it was suggested we have the meeting. I didn't select it.

Chairman Wihby asked what is wrong with the chambers? The chambers aren't big enough for you?

Mr. Westerheid answered it would be big enough for me.

Chairman Wihby stated obviously somebody made a decision to stick it over in the Fire Department, right?

Mr. Westerheid stated that is beyond my control. I took it as a suggestion.

Chairman Wihby asked are you going to make my topic a little easier Bill? This chamber is not big enough?

Alderman Guinta asked tomorrow's meeting is to recap today?

Mr. Westerheid answered that was one item that was on the agenda and we were hoping that it would be more positive tonight than it has been.

Alderman Guinta asked but it's to recap today, so are you paid for today and then again to recap to all of the stakeholders tomorrow? Are you billing for tonight and for tomorrow and all the stakeholders? Because if that is the case, we really should do it just once. That's pretty expensive to recap for all of these people who could be here now.

Mr. Westerheid stated again, the intent was we were thinking positively that Exhibit B would be addressed in a positive way and we could say tomorrow that Exhibit B is moving forward, all of the parties are in agreement with that, and we're going to move forward with it.

Alderman Guinta stated that doesn't answer my question. The people attending the meeting, is some of their time going to billed for tonight and for tomorrow's meeting?

Mr. Westerheid answered I don't know. I don't know how that works in the City.

Alderman Guinta asked is your firm going to billing for tonight and for tomorrow?

Mr. Westerheid stated the intent was that…

Alderman Guinta interjected I understand the intent? I'd like to know if your firm would bill for this evening's time and for tomorrow's time?

Mr. Westerheid answered our firm bills for time. I'm doing this on my own time. I was off the clock at 5 o'clock this afternoon.

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

A True Record. Attest.

Clerk of Committee