

**SPECIAL COMMITTEE ON BASEBALL/RIVERFRONT
DEVELOPMENT**

December 16, 2003

5:30 PM

Chairman O'Neil called the meeting to order.

The Clerk called the roll.

Present: Aldermen O'Neil, Guinta, Sysyn, Garrity, Smith

Messrs.: F. Thomas, T. Arnold, R. Robidas, K. Clougherty, W. Jabjiniak

Chairman O'Neil addressed Item 3 of the agenda:

Update on Gill Stadium.

Mr. Frank Thomas stated as far as the status of Gill Stadium, approximately a week ago I did send out to the Board of Mayor and Aldermen both a status report on payments made to date and also a status report on Gill Stadium with pictures and write-ups so I am not going to go into that unless you have some questions. I do want to say that Harvey Construction still feels confident that the stadium will be available for play come spring time. That is cushioned, of course, with the fact that some of the work underneath the bowl to the existing facility probably will get carried over into the actual playing period but it should not have any impact on the use of the stadium for minor league play. On that note, unless there are some questions I would like to get to the handout that hopefully you have in front of you. I was hoping to get this information out to the Committee and the Board yesterday, however, to be quite frank with you the final estimate on the proposed modifications or renovations or whatever you want to call them to the Central High locker rooms quite frankly didn't get finished until about 6 PM last night so I wasn't able to get them out in advance. What I would like to do is go through this handout that is entitled Summary of Additional Renovations to the Gill Stadium Project. On the sheet we talked about it before. It is the cost to construct an elevator, a stair tower, a catwalk from that elevator to the press box areas and to support the existing roof structure to handle the additional load of the catwalk, etc. Now this is a complete price that includes general conditions and everything that is added on to that. That cost as you can see is \$495,000. Item B, Central Heating System Replacement. This is a...and I would like to also add that these are all budgeting numbers. Once we get a commitment hopefully from the Board of Mayor and Aldermen for funding some of these improvements we will sit down and work with Harvey to fine tune them a little bit more but they have been

furnished by Harvey Construction. Item B is Central Heating System Replacement. That was never part of any of the original proposals. When Harvey got in there and quite frankly the Central High team started playing this fall it became apparent that the heating system is quite old and on its last leg. The Parks Department has been doing a fantastic job keeping it maintained but making the investments that we are making to Gill Stadium it only makes sense to address this heating system. This price includes the heating system, duct work, etc. for \$30,000. The attachments to the summary sheet detail these prices so I won't go into any detail other than to summarize them for you. Item C Gas Line Painting Under Bowl, this is an issue that was raised by the Building Department. I guess it is a type of code requirement where if it is an exposed gas line in a public area like this as a minimum it has got to be painted so this price includes cleaning, priming and painting the gas line and I am not sure if it is blue, red or whatnot but it would be painting it to meet code. Item D General Security for Stadium Complex, that is \$10,000. Again that is a budgeting number that was identified by Red Robidas, our Security Officer and that is to provide security for the building structures themselves. Item E Paving Under Bowl Area in Front of Concessions – everything is going to be paved or done over from the face of the structure out to the street. If you are familiar, if you have been there recently if you go in under the bowl to where the concession stand is there is existing pavement there. It is uneven and cracked and whatnot. Again, we feel that if we are going to be doing now a first class renovation project that that area should be addressed too. That cost is \$29,199. That gives us a subtotal, which I didn't put in. Now we get into the two options for the existing locker room facilities. Option 1 is the original proposal that was put together by Harvey in a walk through and it was more or less a cosmetic addressing of the two locker rooms. It was to replace the existing showerheads, to replace tiles, do painting, etc. Again, as previously discussed that was \$109,000. Now if you take Option 1 and all of the identified projects between A-E you are talking about an additional cost of \$680,000. Now as requested we met again with Coach Schubert regarding the Central Locker Room area and what we came up with for a proposal to expand those facilities would be to take the existing Central shower area, which was both shower and toilet, and the room next door, which is know as the freshman changing area and we combined that into one large shower/toilet facility. We don't have a lot of plans but hopefully one can make it down to Alderman Gatsas if possible. What we are proposing here is to maximize that space and make that space with shower room areas and toilet areas. In addition, it will be made handicapped accessible so you will have a handicapped shower there and a handicapped restroom facility. As part of those improvements, Coach Schubert wanted to improve a secondary access into that area and if you look on the plan depending on how you hold it, it is this other yellow area here. That area if you are outside coming in to the stadium it is an arch area. That area was previously used evidently to store loam for the field. That loam has been cleared out and Coach Schubert wanted that area to have a concrete pad put in and a set of stairs into the door that is shown on that plan. The

reason being is that Coach Schubert plans on utilizing the new out building on the Beech Street side for his Varsity players but yet there is still going to be a need to be together so this access or new access point is more of a direct connection out to the new out building. Those improvements would have to be added on to the cosmetic improvements for another \$172,400 for a total cost to do everything that is on this sheet in front of you of \$850,000. I, quite frankly, recommend that this work gets done because the City is making a major investment in this facility. I know the original focus was on bringing it up to snuff to play minor league. I think that is important but I think we want to look at what is best for the City in the long-term. This facility is a jewel. We should return it to that same level. The improvements now that we are making for Central we feel have been looked at now and we feel are realistic and will take us quite a ways down the road. The visitor's locker rooms won't be expanded to this extent. The reason being that they don't have as much of an area over there as a result of some of the modifications that were made a couple of years ago to the Central High area and we felt that if we expanded those shower room areas on the visitor's side we would be taking away from changing areas and again that was the consensus of everybody that has looked at this on a couple of different occasions now. However, that existing visitor's side will have those cosmetic improvements made, will have new showerheads put in and it will be brought up to a much improved level.

Chairman O'Neil asked just for clarification you are saying that Option 1 includes home and visitor improvements.

Mr. Thomas answered yes. Option 2 that gets added on is the Central and the entrance area. I will be glad to try to answer any questions.

Alderman Smith stated Frank we will assume that Memorial doesn't have their complex fixed or the private schools that use Gill Stadium like Trinity or the Bears and Cobras...are they going to have because they are required to have two locker rooms, one on the home side and one on the visitor's side...have you made any provisions for that?

Mr. Thomas responded if there is not a lot of activity and it is just a game there would be no reason why a visiting team couldn't utilize the locker rooms in the new out buildings on the Maple Street side. As far as the existing, if they wish to use the existing locker rooms as I mentioned they would be cosmetically improved and again I am not an expert on football but from what I have been told typically visiting teams come pretty much all suited up already except for maybe their padding and in a lot of cases there are not a lot of extensive showers that take place as they leave. However, we still have those new out buildings on the Maple Street side.

Alderman Smith asked what about on the West Side where Central now is utilizing the existing team shower and the new locker room. I am not talking really so much about the new locker room. I am talking about the locker room where we are going to be fixing the plumbing fixtures and so forth because I will tell you most of the teams do not come dressed. They dress there at the park – visitors or home team.

Mr. Thomas responded well on the Central side, the Central side locker room was expanded and there are new lockers as of two years ago. So, the existing Central High changing area has pretty much been done completely floor to ceiling a couple of years ago. That area will all be cleaned up and there will be some cosmetics done to it but as far as the need to put in new lockers or whatnot, no, that is definitely not required and again this is something that we spent some time on talking to Coach Schubert.

Alderman Gatsas stated Frank I think where Alderman Smith was going is that the visiting side, which is the Maple Street side, that if...let's assume the Memorial complex isn't completed and they are playing Winnacunnet. One team is going to be in one locker room and where is the other team going to be?

Mr. Thomas responded I don't know how it is done right now quite frankly. How is it done right now?

Chairman O'Neil stated I would guess that one team would use the existing visitor locker room and the other team would use the new building on the Maple Street side.

Mr. Thomas responded it would be available.

Chairman O'Neil asked there are going to be four locker rooms total correct.

Mr. Thomas answered correct.

Chairman O'Neil stated and for the football season Central is asking for two am I correct.

Mr. Thomas responded yes they are looking for two.

Chairman O'Neil asked the Beech Street new locker room could be available for springtime sports.

Mr. Thomas answered that is correct.

Chairman O'Neil asked so there will be four locker rooms.

Alderman Gatsas stated right but one locker room, Mr. Chairman, holds 37 people and the other locker room, which we know is the visitor locker room that is under Gill Stadium that is on Maple Street certainly would accommodate one of the teams. My concern is where do you put another team that comes in with...and I guess your question Frank is where do they go now and where they go now is in the locker room that you know as the freshman locker room, that stuff comes out of their on game night, goes into the main locker room and the two teams use the freshman side and the Maple Street side. That is the way the project works now. That is the way it has worked for I don't know the last 40 years because that was no different when we were there. I guess my question is how do we accommodate two teams that are Memorial and somebody else?

Chairman O'Neil responded I think we are putting the Public Works Director in a tough spot. He is not the City Athletic Director. We are providing four locker rooms at the facility and there are only three now. So we are going to have four locker rooms. I don't think it is Frank's responsibility to figure out the logistics of this. I certainly don't believe we need to build a fifth locker room to accommodate all of this. There needs to be some level of cooperation amongst all of the schools here to make this work but I am not sure that is our discussion. That might be more for the athletic directors, Mr. Raycraft and Mr. Smith.

Mr. Thomas stated I can only fall back on the fact that Coach Schubert was our guide on the scope of this work. In order to expand the existing visitor's side, you would be actually building on over there and you would be looking at as a minimum \$172,000 plus the additional cost of building walls and moving more into that center area if that was at all possible. We do have...there will be two areas that won't be utilized. Now if this becomes a problem maybe there is going to have to be a need of somehow sharing the new out building with Central High and visitors similar to the way they are doing it now with the freshman changing area.

Chairman O'Neil stated I would like to suggest that we let the School District work that issue out. I am not sure that is our issue.

Alderman Smith stated just to follow-up if that is the case then you are going to have two teams, whoever the home team is whether it is Memorial, Trinity or a Pop Warner team, you are going to have the two teams on the Maple Street side I would assume. One holds about 37...the new locker room is that correct?

Mr. Thomas responded correct.

Alderman Smith stated and the other one is relatively small. I just wanted to point that out because this could be a problem. I have a feeling that the Memorial High field will not be ready next year.

Mr. Thomas responded even if Memorial...again we are talking about a short-term problem here. There is a commitment of \$5.5 million for Memorial and that project is moving forward. Gilbane is the contractor who is going to be doing that Memorial project and I guarantee that all of the out buildings are going to be completed and the field is going to be done. We have been getting assurances from Gilbane that they feel they can have that field available for play next year. If it is not done on Day 1, it is going to be done shortly afterwards so hopefully sometime during the playing season next year Memorial will have a facility. So what you are talking about is potentially a short-term issue or one that is not going to happen at all.

Chairman O'Neil stated I would like to suggest that the logistics of who is using what needs to be referred to the School District and to Trinity High School to work out. I just find it hard to believe that we are going to have four locker rooms and we can't make it work.

Mr. Thomas responded again all I can do is point back to what is there now. Somehow they have been able to make things work and that JV and I am sure Alderman Gatsas is correct, that JV changing area I don't know how it fits a football team. It is pretty tight quarters.

Alderman Gatsas asked, Frank, why is it that the elevator is...maybe it is not your assumption but why would you believe that the elevator is a City expense or who believes that that is a City expense.

Mr. Thomas answered first of all, I believe it is a City expense and I look at it this way. The City is putting \$3.15 million forgetting about these other improvements into renovating Gill Stadium. Expending that kind of money on that facility would trigger, from what I understand, the requirement to put in an elevator. Now who do you try to pass off that cost on? Is that something that is a make or break for the baseball project when you are talking that it is a one-year commitment to that stadium and in addition they are putting \$1 million into that stadium to begin with so I look at it as if the City was going to rehab Gill Stadium and quite frankly Gill Stadium needed to be rehabbed because it was about to collapse, then we are investing \$3.1 million. That is a major renovation and as such it triggers the need to make that press box area handicapped accessible.

Alderman Gatsas responded so what you are saying is that you don't believe that that press box with \$3.1 million we could have done at the City level those

renovations and included an elevator and renovations for the locker rooms. You don't think that could have been done for \$3.1 million?

Mr. Thomas replied no because again if you have taken a look at the two out buildings, they are approximately \$1.1 million. Out of that \$1.1 million I am not sure what the split is, I think 60/40 for new public toilet facilities and the other was for the locker rooms for the baseball team. Would the City have wanted to have artificial turf there? I would assume they did. A lot of these other improvements would have been desirable.

Alderman Gatsas stated but there would have been no reason to expand dugouts, which was a \$200,000 expense.

Mr. Thomas responded I don't have the budget but it is in that range.

Alderman Gatsas asked so if those were some of the expenses that if we were going to renovate Gill Stadium at \$3.1 million I certainly believe that in that renovation because I believe Alderman Guinta has some minutes of the meeting that we were under the understanding or we were told that the elevator would go from the ground level to the press box and that was part of the renovation of Gill Stadium. That was never an afterthought.

Mr. Thomas responded I can't comment on that. That must have been some earlier discussion.

Alderman Gatsas stated that was June 3.

Mr. Thomas responded I wasn't part of those discussions. What I have understood from Day 1 and looking at the development agreement it is clear that the development agreement or the lease agreement for Gill Stadium that has the same as Exhibit B attached to it does not have an elevator mentioned. Exhibit B, the purpose of Exhibit B from what I could gather was to define the major improvements that were going to be made to Gill Stadium. An elevator for \$500,000 was not mentioned in Exhibit B. So it is possible that it was talked about and it was possible that they said it would be part of it but again once I was assigned this project of oversight I have to go by the agreements. I have to go by the written word and Exhibit B does not mention an elevator. If it doesn't mention an elevator then I have to go back and ask who is going to be putting the most money into the renovations for Gill Stadium and that investment does kick over the need for the elevator.

Alderman Guinta stated according to the minutes on June 3, we had a communication from Bill Jabjiniak submitting a bond resolution so this Board voted that evening based on a presentation that was presented to the Board. I have

got the minutes here. The bond resolution starts out by saying “authorizing the issuance of \$27.5 million in bonds” etc. and you go to page 2 or 3 and the issue is addressed. Bill Jabjiniak in speaking to the full Board prior to our vote “I mentioned ADA compliance. They are going to be spending \$1.2 million on ADA compliance. That includes the new elevator, ramps out here (referencing a drawing). The elevator will actually stop at the ground floor seating level and press box area so the press box is also being renovated and that will include some new technology so that we can run some computer generated software.” It goes on to continue with a description of what is included in the \$27.5 million so I would argue that based on a vote that this Board took on June 3, payment of the elevator and other ADA compliant issues were included in the \$27.5 million. Maybe it is not a question for you. Maybe it is a question for the City Solicitor to determine how strong a ground we are on in terms of having this paid by someone other than the City of Manchester. It is clear at least at that point based on the presentation to this Board that it was an ADA issue, it required an elevator and that it was included in the \$27.5 million, which is what this Board and at least I voted on and I believe that is what the School Board voted on. I don’t know if the clarification needs to come from you, Frank, or from the Solicitor but I do think we need clarification because it is the largest ticket cost item in the additional request.

Mr. Thomas responded without a doubt and again I really can’t comment on the minutes that you have there, however, I think there could have been some generalities. The issue of the elevator I don’t think had a final determination until about that time period. I may be wrong on that. I think finally there was some discussion with the Building Department and correspondence written by the Building Department and I believe it might have been in that time period. It might have been just a general statement saying okay we are going to be able to do all of this stuff for \$27.5 million.

Alderman Guinta stated I am not trying to put you on the spot here but the issue for me is that the presentation made that evening encompassed or included payment for an elevator and this Board subsequently voted on that Bond Resolution and that sounds like it is more a legal distinction that needs to be addressed by the Solicitor’s Office but maybe during the break tonight or sometime this week we can get some sort of clarification because it appeared clear that there was a recognition by City staff and by the developers that this would be included and it was made, at least in my opinion, clear to the Aldermen that that would be included in the \$27.5 million. There are some other things here that need to be addressed. It looks like City funds will have to address some of those issues but I think we stand on pretty firm ground when it comes to the City not having to or let me rephrase that I think we are on pretty strong ground that the \$27.5 million bond includes the elevator.

Alderman Smith stated in Exhibit B Frank is actually right. When it came out the Gill Stadium Lease said will provide a new exterior metal stair and support up to the press box. There was no mention of an elevator or ADA issues. To follow-up, on July 23 the Building Department sent a letter to HNTB in Kansas City discussing recent code inquiries and then there is a letter dated July 16 that says “we have contacted New England ADA Technical Assistance Center in Boston for a clarification.” They made the following points: “since this is a renovation to an existing facility it would be acceptable to provide accessible route with a wheelchair or elevator lift.” This was done on July 23.

Mr. Thomas responded I think that is the point I was trying to make. I recollected some of that correspondence. The final determination on whether there was a need for an elevator was made in the time period that Alderman Smith just mentioned.

Alderman Guinta stated what Alderman Smith was referring to is...am I right, am I reading it correctly that it suggests or alludes to the fact that there will be a need for a wheelchair lift or an elevator.

Alderman Smith responded yes.

Alderman Guinta stated so this was six weeks after the vote and there was still an expectation of the elevator being included.

Chairman O’Neil stated I am just going to go back on my memory. It was my understanding all along that the elevator was not part of the original bond, there were still interpretations locally and whatever resources the Building Regulations Director needed to reach out to get that information so I believe it is our responsibility. I believe the facility is in violation of the ADA today. It would cost us more than \$495,000 if somebody decided to push the issue and I think it is time that we and forgive the pun, step up to the plate and own up to our responsibilities. The project is on a tight budget as it is and to try to squeeze \$500,000 out of it to put this elevator in means something else is not going to happen there. I believe the elevator is our responsibility.

Alderman Guinta responded I would agree with you, Mr. Chairman, that the elevator according to ADA rules is a requirement. Where I think we have a difference in opinion is your statement about who is going to pay for it and what would not be included if the developers were to pay for this. I mean we had...it seems clear in at least two different documents that there was an understanding that the elevator would be included in the \$27.5 million. I don’t think we need to look at this right now as what is going to be taken out if we put the elevator in. They agreed to put the elevator in. That was a recognition at least on two separate occasions when we were taking bonding votes. I think we ought to hold to that

expectation. We clearly need the elevator but I don't know of any other document that says the elevator will not be included. Maybe we need to see...is there documentation that exists that says the elevator will not be included?

Chairman O'Neil asked, Frank, is it included in Exhibit B.

Mr. Thomas answered not that I am aware of.

Alderman Guinta asked what is the difference between a June 3 vote...I guess this is where we need a legal opinion. On June 3 there was a presentation and the presentation includes a list and on that list includes an elevator and this Board voted on it. At what point does it no longer become part of the list? How do you make a presentation on a certain set of expectations and then change those expectations down the road? How does that happen?

Deputy Solicitor Arnold replied I would have to go back and look at the detail on this one to give you a firm answer but generally speaking when you vote on a bond resolution there is certain detail that is up to the staff and the Mayor to implement.

Alderman Guinta responded it is a \$500,000 detail.

Deputy Solicitor Arnold stated it may be. As I said we have to go back and look at the documentation. I don't believe I was at that meeting and I would have to look at those records.

Alderman Gatsas stated I think I have the detail right here because during one of my excavation projects under my desk looking for things I had the City Clerk's Office run me off the bond resolution that we voted on. This is a document that was attached to the bond resolution and it says preliminary project schedule. That is from Harvey Construction. It just so happens that in here it talks about a timeframe of putting in a masonry elevator shaft, excavation for foundations – elevator/stairs. So I think it is pretty clear that the bond...this is part of the bond resolution that we voted on June 3 and that is part of this package. I would think that going back to what Alderman Guinta was quoting that we voted and believed and so did Harvey Construction that that was part of the original project. I can tell you that I am now having some questions about the out buildings because what this says when you read this document, it talks about excavation for out foundations. It doesn't say locker rooms. It says out foundations and those were strictly supposed to be just bathrooms from my recollection. So I guess we are back to everybody that voted on this project understanding that within Exhibit C Preliminary Project Schedule it was pretty clear that Harvey had it on a timeframe. Maybe that will help you Mr. Arnold.

Chairman O'Neil asked what are the wishes of the Committee.

Alderman Smith stated at the last meeting we had in this Committee what did we discuss. Didn't you come to us and ask Frank for an appropriation of money?

Mr. Thomas responded at the last meeting I did present to you a guaranteed maximum price for \$4.150 million, which was prepared by Harvey to address Exhibit B. Below the line, below the guaranteed maximum price there are other add ons that were being called out. One was the elevator. One was the cosmetic improvements to Central. I think there was some netting that was being identified and whatnot. At that time I recommended that the elevator similar to tonight should be considered as a City cost and funded. I don't think there was any action taken that night to fund it.

Alderman Lopez stated the summary of additional renovations, I am for doing those and I hope the Committee moves forward with that in order to do Gill Stadium. However, as we do that and maybe the City Solicitor can look at the contract and if we can recoup the \$495,000 for the elevator somehow if that is a legal issue then I think we should get that money back but to hold up putting the elevator in and doing what we have to at Gill Stadium I think we ought to move forward with.

Mr. Thomas stated I think Alderman Lopez made a very good suggestion. I think there may have been a lot of misunderstandings early on about out buildings and what improvements should be made to the existing locker rooms, etc. However, we have an active project going on and the elevator has to be built. I think Alderman Lopez is correct. We should move forward with that and allow the Solicitor to examine the agreements and the minutes to see if there is a way of shifting those costs over. I think the renovations that are being proposed here...again we are looking at a reasonable first-class renovation to Gill Stadium and I think ultimately even though it may not be the ideal lay out for everybody it is going to give the City something that it can be proud of. I know I can't support it, but I support Alderman Lopez's recommendation.

Chairman O'Neil asked Kevin has the Finance Department been able to identify a source of funding to do any of the improvements recommended here.

Mr. Clougherty answered it would be our recommendation, Alderman, as we always say to look at bond balances first to make sure those are being spent so we don't have arbitrage issues. To the extent that there are no bond balances, you have your one time revenue fund that has about \$4.1 million in it. I think there are sources of funds to pay for this if it is the Board's desire that they want to use it.

Alderman Sysyn moved to approve the \$850,000.

Alderman Smith stated there are certain items I would like to delete. I would like to talk about security.

Chairman O'Neil asked Alderman Sysyn would you withdraw your motion just for now to allow some further discussion.

Alderman Sysyn withdrew her motion.

Alderman Smith stated I know there is supposed to be a presentation made but I noticed the last time I went by Gill Stadium there is about a 12' fence around the stadium. I can't understand why we would need security and fences and a cost to absorb for security reasons when somebody has to make a great effort to go into Gill Stadium as it stands right now.

Mr. Thomas responded the \$850,000 does not include the security fencing. The \$10,000 under D was just for alarm type systems in the structure. What I was hoping was to get the concurrence to move forward with the \$850,000 and then I was going to suggest to the Committee that Red Robidas have an opportunity to come up and speak on the security fencing issues that I think you are alluding to.

Chairman O'Neil asked Alderman Smith are you okay with the general security.

Alderman Smith answered yes.

Alderman Gatsas stated there is no question that I am sure we can find money to do Gill Stadium but I think when you go through this punchlist that for somebody to say that we are renovating and spending \$1.3 million at Gill Stadium...Frank I agree with you. We should have a first-class facility but wouldn't you agree with me that a first-class facility would include a concession stand where you can cook a hamburger and fry a french fry? Wouldn't that include a first-class facility? If we are going to talk about first-class facilities then at \$3.1 million I think our cost at West Memorial was \$850,000 and that was to do pretty much close to what we are doing and we are talking somewhere in the vicinity of \$2.3 million to renovate the bowl. I would say that when you are talking about a heating system that shouldn't be part of the \$3.1 million and that some sort of cosmetic locker room upgrades shouldn't be part of the \$3.1 I think that is wrong. I think we could say that we are going to spend \$8 million if we want to spend taxpayer's money in there and we could have a lavish enclosed facility if that is what we wanted to do but I think to sit there and say that the Central heating system shouldn't be part of the \$3.1 million and the underbowl area in front of the concession stand for \$29,000 shouldn't be part of that \$3.1 million and the cosmetics to the locker rooms and Central's lockers shouldn't be part of that \$3.1 million, I don't know

why we would have undertaken that project without those guidelines being in there.

Mr. Thomas responded unfortunately there may have been a lack of adequate discussion before this project moved forward. The decisions were made somehow somewhere along the line that the existing facilities underneath the stadium would not have any but minimal work done to them. That is why the out buildings were laid out. The project moved ahead on that premise. It was turned over to the Highway Department to make sure that it gets constructed and that is what we are following. As far as the concession area, the concession area has been upgraded from the original proposal or the original Exhibit B. Granted not to a full blown cooking facility, however, everybody that has had some input into it has suggested that that is adequate for the proposed uses there and that there is a means of cooking outside and the minor league will be doing a lot of cooking outside at little carts. However, the concessions can still be utilized to cook the popcorn and it will be utilized to microwave things, etc. Unfortunately we are at a point right now where construction is going on and we are trying to meet a commitment and we are trying to take something that may not be a desirable proposal in every respect and we are trying to bring it up another notch.

Alderman Gatsas stated I certainly respect, Frank, because obviously reading the article in the paper yesterday or today maybe in regards to some of the things that you have been scrutinizing through the budget that when you start looking at Harvey Construction and the size of the company that they are and that they are buying equipment from Home Depot that is not even reasonable and when you hear that and I am not saying that you are not scrutinizing it because I am sure you are going through it with a fine tooth comb but I am saying that maybe the decisions that should have been made at the Board level or at this Committee level that were made by outside people other than yourself before the Highway Department got involved was wrong. I am saying that when I start seeing those things that people are taking trips and they are eating burgers and we are looking for taxpayers to pick up expenses, that is wrong.

Mr. Thomas responded first of all the expense issues, I think, have been resolved. I think they are under control. There was a slight error in the article but that is not a big issue. We are scrutinizing the expenses. We are scrutinizing the costs to date. We have been holding back payments. We have been deleting payments. I feel comfortable that what the City has paid to date are justifiable costs and again I think we are all ultimately looking for a good finished product. Could we have done things over differently from the beginning? I think everyone in this room would say yes. However, we do have a stadium that we need to rehab. We have a stadium that we want to be playing minor league baseball in come springtime. We have existing facilities that we want to upgrade. We can talk all night on what we could have done six months ago. Unfortunately in my estimation we have to keep

this project moving. That is why I think Alderman Lopez made a good suggestion. Let's keep moving on the project. Let's address some of the legal issues and if they are legally in favor of the City I am sure that the City has recourse.

Alderman Guinta stated you said the expense issues were resolved. Some of the expenses that were listed in the paper are we being reimbursed for those?

Mr. Thomas responded typically on expenses we ask for back up. If there is a wrong posting on something it gets brought to the party's attention and it gets adjusted under the next billing. Yes, there was a posting for a trip to Billings or whatever as part of HNTB's work effort that got charged to us. They have been made aware of it. That is getting rectified and that will be coming off their bill as of next month.

Alderman Guinta asked is there anything else that you feel on that list should be further scrutinized. I will give you a hint. I think I do.

Mr. Thomas answered why don't you raise it and I will try to answer it. There was one note in the paper that was in error.

Alderman Guinta stated why don't we talk about that later and then maybe we can bring it to the full Board.

Chairman O'Neil asked is there a motion.

Alderman Sysyn moved to approve the additional \$850,000 as proposed by the Highway Department. Alderman Smith duly seconded the motion.

Chairman O'Neil called for a vote. The motion carried with Alderman Guinta being duly recorded in opposition.

Alderman Gatsas asked does this come back to the full Board.

Chairman O'Neil replied I was just asking the Clerk that because we had passed some rules for this Committee. Maybe the Clerk needs to talk to the Solicitor about that. Tom, do you have an opinion now?

Mr. Thomas stated I would ask that you allow Red Robidas to say a few words on this fencing issue where it is on that sheet.

Chairman O'Neil asked is it a pretty quick presentation.

Mr. Red Robidas answered yes. What I will do is just restrict the remarks to what we are talking about – the fencing issue and how we got to the fencing issue point. In speaking with Mr. Jabjiniak and the previous developer we had talked about security previously at Gill Stadium. That is included in the general conditions. After the project got underway there was some extensive vandalism that took place at Gill Stadium. Mr. Jabjiniak and the developer asked me to revisit the issue. Particularly they were concerned about the field because we spent over \$1 million on the turf that is there and people are accessing Gill Stadium quite frequently and pretty much at random. My understanding from speaking with Harvey and some of their people is if the field were damaged there are sections that could be replaced but much like running carpeting it is a dye run. So if we start patching the field it is going to show as a patched field and everything won't be matching, including the seams within that particular area. The concern was so great during the development stage that the developer and Harvey had to resort to hiring security officers on weekends to stay in the facility. They were that concerned about the field being damaged. They asked me to assess the field conditions and how we could secure that. I looked at several things that we could do to do that but quite honestly electronically I didn't feel comfortable with the expenditure that it would cost to do that and/or the reliability because of the atmosphere there. What I did put together were some photographs of Gill Stadium to show the existing condition. In speaking with Mr. Ludwig and some of the other people who are familiar with Gill Stadium our best estimate is that the fencing that is currently at Gill Stadium is over 30 years old because it was back there when the Manchester Yankees came into town. This is some of the vandalism that has taken place since the facility has been under construction. Somebody has been accessing the facility. There was extensive damage done to the press box, which was really not a big issue because it had nothing renovated to this point but if it had been renovated there was extensive damage that was done to the press box itself in addition to the extensive period of time that people had to stand there. What we are looking at is the fence line if you were standing on the Valley Street side. My understanding is that in addition to protection for pedestrians this was put up years ago for the foul balls. So someone spent a considerable amount of time actually cutting into the fence and if you look at it that is still existing. People actually cut into the fence and cut into the letters. At one point they even left a folding chair up on the roof top for the amount of time that they had spent up there. To give you an idea of some of the existing conditions of Gill Stadium this is the fencing around the perimeter. Now we walked around the perimeter to see that there are points of entry. Quite honestly and Mr. Ludwig and I spent some time as well as some other individuals going through the area and it is pretty much enter at random. Some of the existing fence line. This is located on the Beech Street side. In the current development plan as well the fencing is not called to wrap around the out building that is located on the West portion. That is an area of concern because the ornamental fencing, which is called for in the current plans for development abuts that building and then this

fencing continues on on the other side. What that means is the out building, the West portion of the out building becomes the perimeter fencing and barrier. It would be very susceptible to graffiti because it is covered by pine trees in that area and it would also be very susceptible as a point of entry. So when we looked at replacing the fencing the pricing sheet that was handed out to you this evening would include wrapping in that building, which is on the out building on the West side, again to preserve it as a point of entry in addition to preventing graffiti on the building. This is located near the JFK Coliseum. You can see some of the wear and tear that has been patched up over a period of time. Again, these are existing photographs, which were taken last month. It is really in disarray and it is not uncommon to find areas of Gill Stadium where you can access it just by simply crawling underneath the fence or at different portions you can just pull on the fence. You don't even have to climb it; you can actually go underneath the fence to gain access. As I mentioned, some of the things we looked at were how we could keep people out based on my conversation with Mr. Jabjiniak and the developers. What we are proposing is a high security type of fencing. This high security type of fencing has been used in many environments including prisons and recreation yards. It is designed so that people cannot climb the fencing material. If you so care to, Mr. Chairman, I have some samples here of the product if you would like to look at it. Again, we are concerned about the aesthetics of the facility so we wanted to make sure...that particular product that we are looking at we would order it with the coating that you see on there so it has a PVC coating that would protect it against the environment. The manufacturer of that particular high security fencing is Riverdale and they are out of Massachusetts. They have some people who have done work for them on a regular basis. It is the product that has been specified by several organizations, including the prison systems in Pennsylvania, etc. They even utilize it at the NH State Prison as far as the recreation facility. Again, that is designed so that people cannot climb and get over the top of the fence. In speaking with Mr. Ludwig about the stadium and the appropriate height for that, that wall that is there now is about a two foot wall so if we added the 10' fencing on top of it, in reality that would give us about a 12' fencing around the stadium and again that would be aesthetically pleasing. We priced it two different ways. On the sheet that I submitted this evening, you see it without the ornamental fencing in the column to the right. What we are talking about there is currently the drawings call for about 640' of ornamental fencing on the Valley Street side, which kind of wraps around a little bit to the clubhouse, the new clubhouse areas. If we were to remove that ornamental fencing and enclose the stadium with this type of fencing, which would include the gates that are currently in the drawings, etc., there is currently approximately \$36,000 as a line item in the current budget. So applying that \$36,000 gives us about a \$73,000 price and that is the lowest price we have. With the ornamental fencing, which would call for leaving the 8' ornamental fencing that is currently in place as part of the design aspect to encompass the other $\frac{3}{4}$ of the stadium the lowest price we had was \$62,000. If you so desire, Mr. Chairman,

I do have a couple of slides of what the material does look like if you would like to see those. These are some of the sites that the manufacturer provided for us. There are different styles of fencing utilizing this product at different locations throughout the country. Again, it is very aesthetically pleasing. It is very good for security. Part of the reason or I should say part of the difficulties we have at Gill Stadium are even though it is located in a populous area once you are over the fence no one can really tell if you are inside the facility. That is part of the electronic and the general security aspect we will be dealing with. Again, these are different variations that have been utilized at different locations throughout the country. In the State of Pennsylvania it has been specified for all of their facilities to keep people in or keep people out. This would probably be the closest resemblance of something we would have here. Again, we looked at the black vinyl coating. We can have it in silver as you see here. We looked at it, again, for aesthetic purposes and again for the capability that people actually wouldn't be able to climb over the top. We would not be including the barbed wire that you see at the top because we have some concerns about some liability issues with injuries associated with the barbed wire. We felt that this would add and replace the barbed wire area. Again, this would be similar to what we would be using except ours would be in black vinyl that comes in various colors. Again, black vinyl is what we thought would be aesthetically pleasing for that particular type of facility. In addition, at the bottom of the sheet from Harvey Construction the additional poured footing for \$4,000 would encompass the 2' footing that would wrap around the out building on the West Side so we would encompass everything within the fenced area. Are there any questions?

Chairman O'Neil stated Red I guess my concern is we put this same turf down at West Memorial. We didn't do anything security wise there. We are putting the same turf down at Memorial High School and there has been absolutely no discussion about anything. Why Gill Stadium?

Mr. Robidas responded at West Memorial and Memorial we do have security but it is confined to the physical structures. At Gill Stadium we are adding physical security as of your action this evening. In discussion with Mr. Ludwig we can't really come up with any conclusion why, quite honestly, other than West Memorial is much more accessible so there are more people who utilize it and more people can see it. You have a lot of traffic that goes by there. Quite honestly Gill Stadium again has been a problem for vandalism over a period of time sporadically and obviously with the upgrade I think it is going to become more of a target because it is going to be one of the prime locations of the City and once you are inside there are just so many places you can go that people can't see you.

Chairman O'Neil stated the architects have done facilities all over the country and they haven't raised this issue once. Any idea? Are other cities...I think they have

done facilities in Dayton, Toledo and other cities similar to Manchester any idea why that wasn't an issue at those places?

Mr. Robidas responded I have no idea why it is not an issue but again it was so much of an issue to Harvey and the developer that they went out and hired their own security officers to protect that particular area because of the extent of vandalism that they have seen already even under the construction phase. So with the cost of the field they are concerned, obviously, because they are still responsible for it at this point in time. They wanted to protect their interest but obviously once they leave it still may be an issue for us to deal with. That is why we were looking at this particular area.

Chairman O'Neil stated I have to be honest. I am not in favor of this. I think we are going overboard on security.

Mr. Robidas responded again it came from the extensive vandalism that was there and I was asked to look at that.

Chairman O'Neil replied that was one situation and hopefully the Police arrested the kids. We could end up doing this all over the City around every building we have. As you are well aware we have been having an ongoing discussion about graffiti and the issues that it is creating. I personally don't see Gill Stadium as any different than any other City building. Does anybody care to make a motion on this?

Alderman Smith moved to receive and file. Alderman Sysyn duly seconded the motion. Chairman O'Neil called for a vote on the motion. There being none opposed, the motion carried.

Alderman Gatsas asked did I hear Carol correctly that a 25% change in the project cost doesn't have to come back to the full Board.

Deputy Solicitor Arnold stated given the motion that was passed by the full Board on September 2 I don't think it has to go back to the full Board.

Chairman O'Neil addressed Item 4 of the agenda:

Communication from Kevin Clougherty, Finance Officer, regarding the allowance of a land acquisition reimbursement relating to the Riverfront Development Project.

Mr. Clougherty stated as you know the Mayor had asked me to send a letter out to the Board clarifying the payment for the Riverfront Development land acquisition piece. I provided that letter to the full Board. I had some feedback from a number

of the Aldermen that they found it was helpful. I would be happy to answer any questions.

Alderman Guinta stated Kevin essentially your letter is stating that the \$1.1 million was in the agreement.

Mr. Clougherty responded right.

Alderman Guinta asked can you show me where in the agreement.

Mr. Clougherty answered I believe it is in the development document.

Alderman Guinta asked it is a line item.

Mr. Clougherty answered yes.

Alderman Guinta asked other than that where is it.

Mr. Clougherty responded my understanding is that it is not expressly anywhere in the agreement. They talk about construction costs and generally my understanding is that it is included as a construction cost.

Alderman Guinta asked do you have a recollection of talking to any of the Board members or the Mayor about this \$1.1 million.

Mr. Clougherty responded I think there were discussions regarding the capturing of the funds. First our main concern was during the period before the approval we didn't think it was appropriate for the City to have to advance the funds to reup the land at Singer Park. If that was going to happen we felt that could be funded by the developer and he stepped up to the plate and he did that.

Alderman Guinta stated let me rephrase the question. Did you ever tell the Mayor?

Mr. Clougherty replied I think the Mayor understood that it was a construction cost but I will let him answer that. I am not going to speak for him.

Alderman Guinta responded I am not asking you to speak for him. I am asking you if you ever told him that the \$1.1 million was included.

Mr. Clougherty replied I believe we probably talked about it but I can't tell you specifically when. I will go back and see if I have some notes from a meeting or something.

Alderman Guinta stated if you did tell him, I would like to know exactly when.

Mr. Clougherty responded okay.

Alderman Smith stated Kevin I was awful surprised myself, of course I didn't read everything because it was 60 pages but it was just one item that stood out there and it was in there, there is no question about it. It says land acquisition. I would just say that in the future when it comes to these contracts if you can really spell out the money issues and the legal issues so we can understand it. Like I said, I will take responsibility but it was like reading an insurance contract. I read through it and it said \$110,000 for land acquisition and I was assuming that was the land they were going to buy.

Mr. Clougherty responded to be honest with you about this what has been proposed to the Board...there is a lot of talk about details. To be honest this project when it came forward and has come forward just by its nature doesn't have firm drawings, doesn't have firm proposals, didn't have a firm budget when the bonds were adopted. That is not unusual for those types of projects. You make your best estimate in terms of what the actual cost will be based on some historic information from other projects. We did the same thing with the civic center. You didn't have final plans and final details. You have a range that you feel is affordable within your bond capacity. You look at whether your partners are going to be able to provide the wherewithal to do the project and you go forward on that approval. If the Board wanted to have specific details on a project then what should have happened is you should have approved a small amount for an architect to come back with a very specific budget and very specific timetable and very specific proposal. As you know, with this particular project because of the way that the team had been acquired and the timetable you were looking at a much different time table for that. So when information is presented it is the best information that is presented at the time and I think people make every effort to try and explain it well but you have to understand that this project is just like any of the other major projects that we have done, whether that is the civic center or the Airport for example. There are changes and they are changes that happen and you have to expect that that is going to happen. What you are trying to do is make sure that they are changes for the better.

Alderman Guinta asked are you saying that this \$1.1 million was a change.

Mr. Clougherty answered no. What I am saying is that when you are looking at the estimates in terms of costs and their budgets when they are proposing that they are looking at...they haven't done final drawings. You haven't approved the money for them to do the architectural work. So to the extent that they want to do some out of pocket estimates that is what you have available and that is okay. That is the way that a lot of major development projects occur. That is not

unreasonable but when we are looking at those general categories of expenses we understand because of our financial event that certain things are included in the terminology. That may not be what you Board members understand. That is why we try to make the developers and others available to the Committees and in small groups so you can take advantage of those meetings to explore those items. It helps us understand what is important to the Board too. Alderman Smith's comments are well taken and we will try to do a better job.

Alderman Guinta stated I guess I will add that the only place that it existed was on one line item of a proposed budget. That budget consisted of six line items and it was not included in the original Exhibit B as far as I understand when we voted on the project. So I think there is a big discrepancy about the \$1.1 million and a big miscommunication. Well, it is not even a miscommunication. There was not a communication. When we took the vote that was not included in the...I received the six page...I asked you for it and you gave it to me and it says proposed on the top. I mean as far as I...you could make the argument that that was money set aside for acquisition for rail land, which would make sense and your line in the second paragraph of your letter says "if the developer chooses to be reimbursed out of bond proceeds for acquisition costs related to Singer Park that is allowable and remember" and this is what I am going to refer you to "and remember the developer is also covering the cost of associated debt service." Well, that is not entirely accurate. He is not responsible for 100% of the debt service is he?

Mr. Clougherty responded as part of the agreement, as you know there is a portion that is covered by him and a portion covered by the ancillary development. He would argue that that is in his.

Alderman Guinta stated let's talk about that ancillary development as you call it. If we don't meet the \$40 million threshold, what do we do? As I see it and you and I have talked about this, technically we could have bonded \$1.1 million less than the \$27.5 million. I don't know if that would have changed the payment amount but it would have been a reduction in the overall bond account and if there is a requirement to go to an LLC and secondly if the City has to be responsible for an additional payment, then there is a financial implication to the City.

Mr. Clougherty replied again Alderman I think you have to wait until the project proceeds and is concluded. For example, if it is the decision of the developer and the Board has made an active decision here that you wanted to enter into because of time constraint and because of the dealings with this particular project that you wanted to pursue a financing arrangement rather than a more traditional approach. The estimate for the total project is what it is. If he makes business decisions...for example he may say I want to take \$1 million out of here because I can take the \$1 million and invest it in something better than what the Finance's trustee can invest those dollars in so that again at the end of the day if he has to put in more money

he has made a decision to try to generate as much as he can on a certain dollar amount to help him with that. You have to wait until the project proceeds to a certain critical mass before you make assumptions that you could have bonded less.

Alderman Guinta responded well I have two questions then. Number one, why didn't the Finance Department ever talk about that during the process here and number two that line item was dated after the bond vote?

Mr. Clougherty replied first of all, Alderman...

Alderman Guinta interjected if it is so important to talk about it today why was it not so important to talk about it when we took the bond vote.

Mr. Clougherty stated it is important because you are raising the issue, not because Finance doesn't feel that...

Alderman Guinta interjected I would argue that Finance...we are talking about \$1.1 million. I would argue that Finance should think that that is important and I hope Finance does think it is important.

Mr. Clougherty stated we do, Alderman, but what we are saying is out of the total project you have entered into an arrangement with a partner to build a stadium for you. How he does that, he has some flexibility. If he chooses that he wants to be reimbursed for certain items so that he can perhaps invest that difference, those are his decisions. It does not relinquish him of his responsibility to provide a certain quality of product at the end of the day. I think as you have seen today we have controls in place to make sure that that happens. If you are looking back to the start of the project, that was his best estimate based on his engineering and architectural advice at the time. Again, he did not have a full, complete architectural study of the project. Why would he do that when he didn't have approval for the bonds? He had already set out \$1 million to try and free up the land. You have to understand that the baseball developer has bought a team for millions and millions of dollars. He has made a commitment to operate that team for millions and millions of dollars. He came in and put at risk an amount of money to free up Singer Park. He agreed to put \$1 million into Gill Stadium. He has given us letters of credit and a personal guarantee. He has a lot of exposure on this project plus the baseball league has some interest in this as well. They are looking at his arrangements to make sure that it is on time. To ask him at the outset when he has already gone out and everybody encouraged him to get the team to say you are going to have to spend some more of your money to do a full architectural rendering of this that you might not get reimbursed for, I don't think there is anybody that is going to do that. So as these projects go along you try to set an amount of money that is going to cover the cost of the project and I believe

that at the end of the day it will be within the budget that has been allocated. How he chooses to do that you have to allow him some business decisions.

Alderman Guinta stated I hope it does come within the \$27.5 million. I would also hope and expect that in the future \$1.1 million of a project no matter what it is would be thoroughly and explicitly discussed and it is clear here that it wasn't. You have already said tonight that it was never explicitly discussed or it was never explicitly identified to the Board. I would like to make that clear because this is a very important point because I do read these documents. I have read these documents several times and I never found the \$1.1 million until I had to come back a month ago to get that one sheet of paper where it was listed.

Mr. Clougherty responded again Alderman because of the way that this is financed we haven't broken down individual items like that.

Chairman O'Neil stated we are going to allow about five more minutes of discussion on this because we have a 7 PM meeting and we have one other item.

Alderman Gatsas asked, Mr. Clougherty, would you agree that...you said that document was located where. In what agreement?

Mr. Clougherty answered I believe it is in the development agreement.

Alderman Gatsas asked wouldn't you agree that every document that I have here is copies of original sets from the Clerk's Office on bond resolutions that we voted on on June 3. That is why I received these. If you want to question them you can. I think the last thing I was told is that Mr. Sherman distributed that because I asked on August 16 in this room for every document that had been submitted. That was the first time, the very first time that anybody submitted that document that \$1.1 million was a land acquisition. The only time and the first time. I am looking at a letter dated June 2 that says "enclosed please find copies of executive summaries and exhibits to the development agreement and management and operations agreement" that is signed Randy Sherman. If I go back and I look at Exhibit B that you so clearly stated that \$1.1 million was there in the executive summary that I have before me it says "renovations to Gill Stadium, \$4.7 million; construction of new minor league baseball stadium, \$20.3 million; architectural, mechanical, electrical, structural fees \$1.7 million; environmental/civil fees \$800,000 for a total of \$27.5 million. No where in this document that was given to us the night that we voted on this project did it ever show \$1.1 million for acquisition of Singer Park because I asked precisely. Some time in June I asked Mr. Sanborn if he agreed and understood that his \$750,000 repayment of Singer Park was at risk. Now there is no reason why we would be taking a bond issue on a project that we were moving forward, Mr. Sherman. You would never give us advice to take that, get paid by an outside developer, reimburse him and bond that

over 30 years because all it was was a bond issue already that we had disbursed for \$800,000 to Singer Park. Wasn't it?

Mr. Clougherty asked do you want me to answer that.

Alderman Gatsas replied sure. Feel free.

Mr. Clougherty stated first of all, Alderman, as I said at the time that the bonds were authorized the best information that was available from the consultants and from the partners is what it is and it evolved over time. We asked for more detail as detail was being made available to them. That is why you have a very highly summarized item in the action that the Board approved because that is what was available. We are not managing the project. They are making decisions about how they are going to expense those dollars to get you a final product. Those dollars were under our request to them and brought to further detail before the document was signed. I think Mr. Sherman's letter is pretty consistent but I would let him answer that and again if you have a specific question for him you should contact him.

Alderman Gatsas asked so you are saying these documents were never signed. The bond resolution documents were changed after we voted on them?

Mr. Clougherty answered no. The bond resolutions are the bond resolutions but the actual development agreements and leases and things like that that have attachments...those things are as I think the Solicitor ruled, there is some flexibility for those things to be further refined as part of any capital project.

Alderman Gatsas asked are you suggesting that those changes were made before you sold the bonds and Bond Counsel has those copies.

Mr. Clougherty answered yes.

Alderman Gatsas stated so they have different copies than what we voted on and you think that is the way we should...just one quick question...

Mr. Clougherty interjected what you vote on, Alderman...

Alderman Gatsas interjected I voted on this that said that in there was \$4.7 million...

Chairman O'Neil interjected let him answer you.

Mr. Clougherty stated staff puts together on these major development projects the best information it has at the time in terms of what those documents would look

like. It is very clear that when you adopt the concept more detail has to be worked on and it is constantly worked on and there are changes every day with respect to these major projects in terms of partners coming in. Those things have to be resolved. They are not to be unexpected in a big project like this. What is important is that there are significant controls in place to make sure that at the end of the day, regardless of arguing about the \$1 million...at the end of this project we are going to get our money's worth in terms of a good stadium. I think Frank addressed that. I think he does believe as I believe that we have made a lot of improvements as this project has gone along in terms of the controls of the actual construction. I think there is a lot of controls in terms of letters of credit, personal guarantees and other things in terms of the scheduling to make sure that we don't spend all the money. They don't have a blank check. They have to make some decisions. They have to make some forthright decisions on scheduling and come back with projects before money is going to be released. The other thing is as I mentioned the league has a very strong interest in making sure that this project is a good, viable project. The contractor himself has millions of dollars invested in this to make sure that it works. To assume that for some reason because at the time that the bond issue was approved there wasn't every little detail and every significant architectural rendering is not what the Board was presented with. It was a financing plan, not an architectural proposal. You didn't have that detail at that time and that should have been very clear to you, Alderman.

Alderman Gatsas stated Kevin if you can really make me believe that roughly a 5% change in a project shouldn't be a material change that this Board should know about...

Mr. Clougherty interjected I don't think it is a 5% change.

Alderman Gatsas replied that is what it is. It is \$1.1 million is 5%.

Mr. Clougherty responded the size of the project has not changed. The bond issue is...

Chairman O'Neil interjected I am going to ask that this discussion close. We have one other item and five minutes to address it. I would suggest that maybe one of you buy the other lunch or breakfast and you can go over this.

Chairman O'Neil addressed Item 5 of the agenda:

Discussion regarding appraisals.

Mr. William Jabjiniak stated real quickly I just want to provide an update and get some direction from the Committee. As you know the developer has requested to purchase the remaining 16 acres excluding the stadium parcel at the riverfront.

We have gone out and secured a proposal from an appraisal company that specializes in commercial appraisals. He has given us a price. The developer has paid us and we have contracted for that appraisal so that process has started. A couple of meetings back I believe Alderman Wihby asked for a second appraisal. My question to the Committee in looking for direction is do we want to do a second appraisal in addition to the first one and if we do how are we going to pay for it. We are talking about \$7,300 for the second appraisal.

Alderman Guinta asked do you feel that we still need the second appraisal.

Mr. Jabjiniak replied myself I feel that one appraisal is enough.

Chairman O'Neil asked has the firm or gentleman that you have hired or suggested be hired...has the City worked with that firm before.

Mr. Jabjiniak answered we have. It is Joe Fremeau of Fremeau Appraisal.

Chairman O'Neil asked and we have gotten generally very good information from them.

Mr. Jabjiniak answered yes.

Alderman Guinta asked is there a timeline by which we need to make this decision.

Mr. Jabjiniak answered there is. It is 120 days from November 23 or 24.

Alderman Guinta asked so we can wait a little.

Mr. Jabjiniak answered it takes about six to eight weeks to complete the appraisal, however.

Alderman Lopez stated I just want to bring to the attention of the Committee that the appraisal if we only have one can go to arbitration and if we have two whichever is the highest could go to arbitration also but in this case you would only have one and if it is not agreed upon by both parties and it goes to arbitration then you have to accept the arbitration. Would you clarify that?

Mr. Jabjiniak responded I am going to ask Mr. Arnold for some assistance.

Deputy Solicitor Arnold stated basically under the agreement we have 120 days to provide him with a purchase price for the property. If the developer agrees with the purchase we close. If the developer does not agree with the purchase price then yes it goes to arbitration.

Alderman Lopez stated just as a note I think another appraisal would be good because then you are sure you are on safe grounds.

Alderman Guinta moved to approve a second appraisal for the riverfront development parcel.

Chairman O'Neil asked are we going to identify the funds as well. They are paying for the first one?

Mr. Jabjiniak answered they have paid for the first one.

Chairman O'Neil asked through us.

Mr. Jabjiniak answered yes they paid us and we are paying the appraiser.

Chairman O'Neil asked the contract is with the City correct.

Mr. Jabjiniak answered that is correct.

Alderman Guinta asked why do we need to identify the funds.

Chairman O'Neil stated for the second appraisal.

Alderman Guinta asked have they agreed to not go to arbitration.

Mr. Jabjiniak answered no.

Alderman Gatsas asked didn't we just agree to...didn't this Committee just agree to spend \$900,000 in renovations to Gill Stadium and now there is a question of where \$7,300 is going to come from to protect the City's interest.

Alderman Guinta stated I made the motion.

Alderman Sysyn duly seconded the motion.

Alderman Smith stated we are talking about the land down on the riverfront right.

Chairman O'Neil responded correct.

Alderman Smith stated we haven't even situated the access road and we haven't got the Blondin property and we don't even know what is really going on. If somebody can help me I don't even know what we own.

Mr. Jabjiniak responded we still own the original 26 acres. The land has not been subdivided. Basically what we are looking at is everything but the stadium parcel, so the remaining 16 acres is what it boils down to.

Chairman O'Neil asked if the Committee wanted to do a second appraisal at our cost where would those funds come from.

Mr. Clougherty answered you have about \$170,000 in contingency. That would be the most logical and easiest for us to access.

Chairman O'Neil called for a vote on the motion to authorize the Destination Manchester Coordinator to order a second appraisal for the Riverfront Development parcel at a cost not to exceed \$7,300; and that such funds be transferred from contingency. There being none opposed, the motion carried.

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

A True Record. Attest.

Clerk of Committee