

**SPECIAL COMMITTEE ON RIVERFRONT ACTIVITIES
AND BASEBALL**

May 2, 2005

5:15 PM

Chairman Lopez called the meeting to order.

The Clerk called the roll.

Present: Aldermen Lopez, Guinta, DeVries, Smith

Absent: Alderman Gatsas

Messrs.: F. Thomas, M. Castagna, R. Ludwig, S. Smith, W. Jabjiniak,
D. Albin, R. MacKenzie, S. Tellier, K. Clougherty

Chairman Lopez addressed Item 3 of the agenda:

Stadium project status reports:

- a) stadium budget project, dated March 14, 2005;
- b) stadium expense by vendors and by task are actual as of April 25, 2005;
- c) Manchester Fisher Cats Stadium – Change Order No. 3 application for payment, dated March 23, 2005 and general contractor's release of lien notes the total cost as \$1,205,055;
- d) copy of Harvey Construction Corp. assuming the Gill Stadium Turf Warranty;
- e) general project status report by Castagna Consulting; and
- f) first responder emergency access plan and financial responsibility;

Frank Thomas, Public Works Director, stated in the package of information that was included with the agenda was the stadium budget projection dated March 14. What we are trying to show there is that the budget projection that we put together back at that time period still looks good. Now that is the overall budget for the entire stadium project. We are continuing to closely monitor the expenses where we are drawing fairly close to the end of the project but as you can see on this expense report we have a positive balance of about \$6,000. That is on a \$29.9 million total project. Also included in your agenda package were the large expense reports by vendor and by task. Again, as you can see as of April 25 we

have spent \$28,384,536. The second page in at the top of the page defines the overall budget of \$29,938,771. On the last page it might be of some interest to you, it is noted under the new stadium that as of April 25 we paid out \$17,669,960 in new stadium construction costs. If you subtract out Gill costs from the \$28 million that has been spent to date approximately \$22,653,000 has been spent on the new stadium. That would be land acquisition, legal bonding costs and engineering. Also in your packet was correspondence from Parsons-Brinckerhoff to the Fisher Cats. It is a copy of what is noted as Change Order #3. Change Order #3 was for another \$407,606. This now brings the total change order that Mr. Weber is paying directly to \$1,205,055. We are continuing to follow the procedure that was recommended to this Committee by Tom Clark of the Solicitor's Office. Included in that package is a lien waiver or a general contractor's release of lien, which basically notes that Payton Construction has received payment and that is to ensure that the bills in relation to those services have been taken care of. Also included in the packet as requested at the last meeting was a copy of Harvey Construction assuming the turf warranty for Gill Stadium. You can see that I signed on behalf of the City and John Zahr as President of Harvey Construction is assuming the warranty and there is a copy of the warranty that is attached to that document. Also in your package was a memo status report from Castagna Consulting Group. Mike Castagna basically put together a brief memo that outlines various punchlist items that are being addressed on the new stadium. If you have any questions on any of those punchlist items, I will either try to answer them or we can call up Mike Castagna or Jim Anderson from Parsons-Brinckerhoff. The last thing that I wanted to note for the record and for your information is that Payton Construction has submitted a schedule of some of the remaining work. A major concern of ours is to ensure that the final pavement gets placed on the new roadways that are around the stadium – Line Drive and also the roadway that runs up along the East by the railroad tracks. Payton has identified that final paving work will be done in the May 16, 17 and 18 timeframe. That would be on the new roadways, the parking area behind the stadium, sidewalk areas, etc., which will hopefully finish up the obligations on the public roadway. That is the information that I have submitted. If you have any questions, I will be glad to try to answer them.

Alderman DeVries asked on Change Order #3 were any of those issues subject to the latecomer's agreement where a reimbursement to Drew Weber is due from other entities. It looks like it involved some of the work on that wall.

Mr. Thomas answered some of the roadway work they could be seeking reimbursement for.

Alderman DeVries asked so you would not at all be involved in the processing of anything applicable through the latecomer's agreement.

Mr. Thomas responded no not at all. Basically our interest is to ensure that the \$19 million GMP and what we were supposed to receive with that we do receive and that the engineering costs are paid properly. As far as these change orders, where the change orders are being paid directly by Mr. Weber, quite frankly I don't care if he gets reimbursed for these items. My interest is in making sure that Payton gets paid for these change orders and that we get lien waivers.

Alderman DeVries stated I am now working off of the memo from Castagna Consulting and the last item on the first side of that addressing the three temporary power poles that are going to be left in place for a period of time, I am just wondering if that affects any...if that is in the portion that is a public right-of-way before it becomes a private right-of-way.

Mr. Thomas replied yes. That will be in the area of Line Drive and the area that goes down to the ballpark and as such that power is needed for the retail site.

Alderman DeVries asked in the necessity of contacting the hotel to coordinate the final installation has that already taken place or is that still forthcoming.

Mr. Thomas answered the utility work coming off of the hotel site across Line Drive to the retail site started over the weekend and the contractor was working on it today. However, that won't be final power to the retail site right now. We are just trying to get those across Line Drive and the sidewalk.

Alderman DeVries asked so the final solution to the inability to put a permanent light pole within the confines or the right-of-way of Line Drive is something that is coming off of the hotel. Is that what I am hearing from you?

Mr. Thomas answered let me call Mike Castagna up with your permission who can give you more detail.

Mike Castagna, Castagna Consulting, stated the issue with those three poles...at the corner of Line Drive and South Commercial Street there is one pole that feeds temporary power into what is now the park and fed the temporary power to the park and will feed temporary power to the retail pad site. With that pole being there it is impossible to put one permanent light pole on that corner so until that pole and the need for temporary power is gone, that light pole can't be put in until afterwards. The contractors for the ballpark, etc. will be gone by the time that need is completed. Parsons-Brinckerhoff actually has been talking or will talk to the hotel people to coordinate that installation because again it is part of the road and it is a shared cost but it can't be completed now.

Alderman DeVries stated I have a follow-up and I am not sure who would want to address it but if we are going to be finalizing the construction work at some future date after we have released the contractor for the baseball stadium is this going to become a cost item that the City is responsible for or is this part of that latecomer's agreement tied to the other pad.

Mr. Castagna responded it is inclusive of the cost for the roadway. This light pole is behind the curb and doesn't affect the ability to finish the roadway, finish the curbing, put final pavement down, etc. It is simply something that can be done afterwards. It is in a grassy area.

Alderman Smith asked on the punchlist it says the sprinklers don't cover the entire field so I would imagine that the architect or contractor is responsible for this. I can't believe that happened.

Mr. Castagna answered that is an issue for Payton as the controlling contractor. It is an issue that is on the punchlist for the field. It is being addressed whether it is a faulty head or a sprinkler head that needs to be replaced. Apparently what I understand is that the heads are supposed to go 180 degrees and they are not quite getting there. We don't know if it is a material issue or what it is but it is being addressed and rectified.

Alderman Smith stated while I have you here, Mike, as you well know it was in the paper about a week or two ago about the metal spikes at Gill Stadium. I do have a copy of the bid, which definitely says no metal spikes and I know that most youngsters where the older cleats anyway but I also did get a couple of pieces of correspondence from Parks & Recreation. They wrote to Danbury, CT, which does not allow metal cleats and they have a letter from the company that said with the situation being what it is they wouldn't advise using metal cleats. I don't think there is any problem with it because I talked to a couple of athletic directors and I am involved with American Legion and only one or two wear metal spikes but I was wondering because I did go up to Parks & Recreation and I talked with Frank Thomas and I guess the manual that has everything in it is with Harvey Construction because they took over for SRI. I have this bid and the bid says definitely no metal cleats and then if you follow it up with what Frank gave us it says anything recommended and it recommends no metal cleats on there. I guess that is because there are pieces of the field sewn together and there is no pad underneath what we put in at Gill Stadium. Is that correct?

Mr. Thomas responded that is correct.

Alderman Smith stated it would be nice if we could get a manual for Parks & Recreation. Another thing I would like to bring up is is there any way we could

have Harvey Construction come on a yearly basis just to look at the field because I know in my dealings in the past when you say there is something wrong they will say well there is nothing wrong with the installation or so forth but it would be nice if they could check it every year just to see if there is anything wrong. I know that Parks & Recreation does the best possible job they can do and we are only in our second year of the guarantee. I would appreciate anything you can do.

Chairman Lopez stated let me just follow-up on that. There have been some comments in the paper in reference to teams coming in there with cleats. The athletic director said what are they going to do. If the policy is no cleats who enforces that particular issue if a team shows up with cleats? The comment was made so I just want to go on record here as to who is going to enforce it. They said the umpires don't enforce it.

Ron Ludwig, Parks & Recreation Director, stated I am not prepared to answer that. This decision came forward from the Athletic Director for the City of Manchester. We have looked through the volumes of information that we have relative to the use of metal cleats. Initially we really couldn't find anything that said that. We made calls to the FieldTurf, which installed Memorial field. Our contacts, both Joe Raycraft and Roger VanMason spoke with John Hewitt, Jr. who said it would probably void any warrant if it was their field. The *Union Leader* contacted...it has been my understanding at least John Hewitt, Sr. who had a completely different opinion than John Hewitt, Jr. in terms of the cleat usage and the issues there. Now they seem to be on the same page and FieldTurf is saying if it is our field we would probably allow anything to be used, which is a sand and rubber mix similar to what we have at the Memorial football field. So we are in a bit of a quandary in terms of what we should be using at Gill Stadium. Our warranty that we have with Harvey or whoever seems to imply that we would be better off using a molded rubber cleat and that is why the Athletic Director decided to go with that. In terms of answering the question about who is going to enforce it, as my comment said in the paper we probably wouldn't send a kid home from Keene who showed up with a metal cleat. I don't think that would be fair. I think this is a trial year for us but certainly next year we would like to...this is a trial year for us but we would like everyone to know that we would like to use a rubber molded cleat. There is no advantage to using a metal cleat at Gill Stadium. We will work through it this year with Legion, Babe Ruth and High School and next year we would like to see everybody turn over. Are we going to have police out there? I don't think so but hopefully everybody will get the word and comply just like when we ask them not to chew gum on the field.

Chairman Lopez stated just to follow-up whatever timeframe we are talking about to ensure that we have it in writing to the responsible people who put the kids on the field that the policy is going to be no cleats. Let's put it in writing because I

don't want to send mixed signals. As Alderman Smith stated it says in the contract no cleats and the guarantee is not going to be upheld if they damage the field. If there is any chance that they are going to damage the field and we put a lot of money in over there...I think you get where I am going. It has to be a clear-cut policy on Gill Stadium one way or the other.

Alderman Smith stated I think there is a clear-cut policy. In fact another letter I have is from Sherry, who was the architect on this and he says that he would not advise use of metal cleats. It is well documented and I would say that what we can do is that the Athletic Director of the City and Parks & Recreation make it very clear to everybody in the community that metal cleats will not be allowed here. I know that I am involved with Legion ball and they don't have a problem with it. It might hurt one or two people but in this day and age very few people wear metal cleats. The Central High football team all have molded cleats.

Alderman Guinta asked would it be appropriate that the home teams that use the field send some sort of correspondence to the visiting teams that no metal cleats are allowed and that should probably take care of it.

Mr. Ludwig responded to answer your question we have kind of moved into it slowly. Joe Raycraft is the one who initiated this for high school. He did send a memo to all of the teams that play at Gill Stadium that play West, Central, Memorial or Trinity that they will not be allowed and his response has been we will not be able to come and some have actually said we would very much like to play at the ballpark and we will comply with no problem even if it means we have to go buy a pair of shoes. So he has the word out. It is on us at the Parks Department now to set the policy for the rest of the summer with Babe Ruth, Legion and whoever will be coming there and we will do that.

Alderman Guinta asked so some teams have actually said that they won't play at Gill.

Mr. Ludwig answered yes.

Alderman Guinta asked is it a short list of teams.

Mr. Ludwig answered yes so far. Actually they said they couldn't because a number of their kids have a metal cleat and they just don't want to go out and buy a rubber molded cleat. After some of the articles in the paper I asked Joe Raycraft if he would like to loosen it up a little bit and he said, and I agree with him after reading more of the things that we got from Danbury and other places that this is really the way to go and we shouldn't back off just because of the *Union Leader* article. I really believe that.

Chairman Lopez stated as long as we are on top of it. I know the bottom line and the buck is going to stop with you, Ron, in the end. It is not going to be the Athletic Director.

Mr. Ludwig responded I agree and there isn't anybody here that is trying to inconvenience a team or the kids that are using it. I am certainly not but I think the City is going to look to this field as being a nice field for us beyond the eight-year warranty period that we have. We are going to try to make it last that long. I think it is just prudent for us to do that.

Alderman Guinta asked how does one prove that metal cleats are the reason for some sort of damage that would be covered under the warranty.

Mr. Ludwig answered that is a good question and I don't think anyone really has that proof at this point. I think because your fields are of different consistencies, sand/rubber mix for instance at Memorial or a straight rubber mix like at Gill or a rubber mix with a 10 millimeter rubber pad at West Memorial Field you have all different scenarios out there and you have all of these individuals who don't really want to come out and say that their product can't be used with rubber cleats. That would definitely damage their ability to sell their product. I think in the long run you have some fields that are the sand/rubber mix that are better for professional use and the all rubber would be better for recreational or high school use and I think that is the way these fields have been sold over time. To answer your question, I don't think anyone has a good answer for that.

Alderman Smith stated Scott Sherry, from HNTB, was very concerned about the nylon fiber. He says "astroplay, which wears more than the other two projects has pea fibers and I would not recommend field cleats on this last project." In regards to everything that has gone on I would really like to add a little bit to it because as you well know I am an advocate of Gill getting out of the enterprise but it also says no golf club use and I did see somebody playing golf at West Memorial on Sunday. When I got down there he was gone but no golf, no fireworks, no concerts or any other improper use. So if you are thinking of having a concert at Gill Stadium you are out of luck. I would just like to say that last year it was leased and this year we own it and we better do the best we can for seven or eight years because it will be another million to redo the whole thing. I think what happens is if you saw on some of the fields like in Tampa Bay and everything that the fibers separate and you have to put down a whole thing like a mat. That is what happens. The fibers are the most important thing.

Alderman DeVries stated I want to follow-up on Mike's memo. On the second page it is talking about security issues that will become even more blatant in two

weeks when our current security detail is pulled off site. There is a note here saying that security is becoming a problem and it is going to be exacerbated two weeks from now when their security detail is pulled off site. I just wanted to know how that is being addressed. Is it contained just to the ballpark or are we looking at security issues on other parts of that site?

Sean Smith, Fisher Cats General Manager, stated we have hired a private security company until Payton Construction has the ballpark completed and secured. People can still crawl underneath the fence or squeeze in between areas where the fence is not completely adjacent to the stadium. During this time the security crew has informed us that between the hours of 1 and 1:30 AM we get an element down there that is less than advantageous to have in or around the ballpark. I am not exactly certain and maybe Mike can shed some light on this what is going to be done with the fencing along the railroad tracks that separates the ballpark access road, if you will, from the rail yard. I have seen even during the day a lot of the kids ride their bikes or motorcycles or what have you down the rail yard. They will just come right over that fence or walk right through some of the holes in the fence and make their way to the ballpark. Our security company has confirmed that they see the same thing. We do have a lot of young men who have been asked to leave. There have been some activities going on down there that are less than desirable that our security guys are on top of but it is certainly something that we are concerned about. Not only has the City put forth a lot of time, effort and resource into this facility but certainly so has our organization. We are just concerned about...just as you guys are concerned about keeping Gill in good shape we are concerned about keeping this in good shape. We have been tagged a couple of times with some spraypainting in some certain areas. It has not happened in months though. It happened early on in the project. Early on meaning back in the early winter. We are a little worried but we were worried at Gill Stadium too. We had a lot of break-ins at Gill. They seemed to have twice a week and it turned into an issue that was covered fairly well. There is only so much you can do. Fences are built to keep the honest people out.

Chairman Lopez stated regarding the security though, just so that everybody understands that is the responsibility of the Fisher Cats. Do you believe that?

Mr. Smith responded I also believe that since this is the City's park and we are a tenant we are all in this thing together. I think it would be irresponsible for either the ball club or the City to turn a blind eye to protecting their facility and in this public/private partnership I think assessing responsibility in one direction or another is not fair to our organization, the City or the citizens of this community that will use this place and visit this place. I think this is something that we need to sit down and talk about how we are going to best take care of this City facility.

Chairman Lopez replied I am willing to sit down and everybody is willing to sit down but I just want to make sure that we are...I am sure that our local police respond down there and whatever has to be done is done but I just want to make sure that the cost factor of security down there does belong to the Fisher Cats.

Mr. Smith responded to say the cost fact I don't think there is anything that designates a cost factor. I spent some time with Red Robidas and I don't meant to speak out of school because since Red is not here he doesn't know I am bringing his name up but Red and I went through an extensive explanation of what the City does to take care of different City facilities, not only schools but some other public buildings that are all monitored on a computer system and controlled through a keyboard and a joystick to control cameras so that if certain things happen police are notified. I forget the actual technical terms of what the system does but it is quite amazing. I think it is great that the City takes responsibility over those facilities and I realize that those things are very expensive to do. There are two ways to do it. You can put up fake cameras as was suggested to me last year by a member of City Hall to try to mask an issue or actually to try to address the issue and in doing so at Gill last year we worked along with Red Robidas and the Police Department to get us through a very trying summer with some of what we experienced. We would like to have that same approach this coming year and for years to come.

Chairman Lopez stated I want you to go away after this meeting comfortable that if you have an issue on the security we will make our staff available to make sure that we are treating you fair and square. I just want to make that offer to you. I agree that we are all in this together to make it a success but the fine lines are up to the Finance Department.

Mr. Thomas stated I agree with Sean. I think that everybody ahs an interest in this facility, however, I think that before we promise to step up to the plate to do something I think we have to go back and revisit the Master Lease agreement and the Development agreement. I know that I took a quick look at the Master Lease agreement today and on Page 20, Section 6.2 it basically says that the team or the party that is leasing the facility keep the premise and the improvements in a secure and safe condition and in compliance with applicable laws. That is just one section of many. Again, I go along with what Sean says. I think we have to talk to our Police Department and use all of our resources but again I think we have to fall back on the agreements that have been entered into because there was a lot of time and effort put into those agreements.

Mr. Smith responded if I may interject some of those terms are certainly open to interpretation. Whether something is safe and whether something is secure...keeping the park clean and safe is something that is very easy for us to do

as part of our regular daily maintenance and keeping it secure as well but as I mentioned previously fences are built to keep the honest people out and short of putting a 40 foot high fence around the facility there is that element that is going to do what they can to get in there. It is a matter of finding that nice melange of cooperation to be able to make this work for all of us.

Chairman Lopez replied I think we will have that cooperation and like I said whatever issues the Fisher Cats have we will sit down with staff and they will advise us and your staff will advise us and we will cross that bridge when we come to it.

Mr. Smith responded I have had extensive conversations with our owner, Mr. Weber, and I know that those are conversations I would like him to be involved in as well just because I think it is important that he understands how we are all going to work together to take care of our investment.

Chairman Lopez stated any time you want to sit down, just let us know.

Alderman Guinta asked what is the timeframe for us to have something like this on our desk.

Mr. Smith asked relative to security or to closing up the ballpark.

Alderman Guinta answered security.

Mr. Smith stated well first of all Payton Construction needs to get this facility closed us, which should take place in the next two weeks as we identified previously in the meeting. Bill Jabjiniak and I have had some conversation on this issue and it is nice to hear what our next course of action will be, which is to sit down with the City. We will get that going immediately.

Alderman Guinta asked are you talking about...is the ownness on the Fisher Cats or is the ownness on the City to set-up a date by which we can at least have some brainstorming sessions about what the appropriate course of action is.

Mr. Smith answered I would like to take the ownness upon me to reach out to the City to get together with the Chairman and other staff.

Alderman Guinta asked are you talking in the next 30 days or the next six months.

Mr. Smith answered I will give him a call tomorrow and try to plan for it immediately.

Alderman DeVries stated I was curious and maybe Bill Jabjiniak will have the answer but we have two additional construction sites. One is obviously the hotel that has more and more materials that are arriving that potentially are an issue for security concerns. We will also have the condominium under construction shortly. Do we know if there are additional security details that might be likely hired by those entities that will become a peripheral set of eyes for us as we go through this summer giving us some additional time to maybe come up with the long term solutions that I am hearing suggested, which might be better cameras or motion sensor type devices?

Bill Jabjiniak, Destination Manchester Coordinator, responded at this point that is up to each of the developers. I am not aware of any set security measures by those two individuals. I know that Roedel has obviously fenced off his site and taken some precautions but I am not aware of any extra details that they have looked for.

Chairman Lopez stated Mr. Smith I know that you have another appointment to go to so if you want to finish up anything on the stadium or tickets or anything go right ahead.

Mr. Smith stated as was previously stated there is still some work that needs to be performed. Operationally we have made many adjustments instantaneously after our wonderful opening experience. We did receive our certificate of occupancy that morning that we opened. We did receive our Health Department licenses the day before so no training or cooking or anything was allowed to happen until we opened those gates and fired up those grills for the first time. We are very appreciative that everyone was very patient and understanding and that everything went as smoothly as it could have. Since then we have made a lot of adjustments. I am very proud of our staff in taking great care of our fans and of our food operation. Right now we are averaging about 3,275 fans a game. The cold weather certainly hurts and will continue to hurt. That is why we focus on our summer games and our weekends in April and May. We will have played more than half of our home schedule by the time the children are out of school. That is a fact of the matter so attendance will always be somewhat low in April and May. Year to date we have sold well over 175,000 tickets. Last year we sold 218,000 so we are certainly on pace to surpass that. We are very pleased with where we are with ticket sales. Our nightly suite rentals have picked up. Year-to-date we have about 40 nightly suite rentals with a number of different packages that we offer there. Those continue to come in daily it seems. We are just encouraging people. We have a big billboard that we put on Route 3 South just before Merrimack trying to advertise our product and also bring people to the new ballpark and you will see that more and more in our new advertising. Our kids area is set to open hopefully this Friday if some of the incomplete work is completed by Thursday. Hopefully it will be open for the three-day weekend. That is going to be a 19,000

square foot playground for children. There will be a giant inflatable slide, a big inflatable bounce house, a big inflatable obstacle course and as the summer approaches we will have basketball hoops and guaranteed win game areas. Like if you go to a carnival you can win or lose. Here you will win. It will just be different prizes that you can win. That is going to be a big facet for us. One challenge we have found operationally is the amount of wind that goes through this ballpark. There is a lot of signage that our operation put up in the stadium the first couple of days to direct you to the VIP areas and to direct you to our website and we were planing on putting up signs that were already fabricated to direct you to our kids area. The windload is so strong that we have had to go into fabrication to design some new brackets. That is separate from the construction project that our operation is doing. The windload is very, very challenging so hopefully we will have some of those areas addressed by the time the kids area opens but it does look doubtful. Otherwise, our ball club is playing .500 ball just like we did last year and we all know how that turned out so we have a long, long way to go this year.

Alderman Guinta stated I have a final comment. Sean is probably a little too humble to bring it up but at the last moment he was kind enough to host the Latvian delegation that was here and I appreciate your hosting the members that came here. They very much appreciated it and that was a nice though.

Mr. Smith responded thank you. It was a lot of fun. It was their first baseball game.

Chairman Lopez stated we will now talk about the hotel, condominiums and retail space. Mr. MacKenzie, you probably know what is going on down there.

Mr. Jabjiniak asked can I also touch on Item 3f. The first responder emergency access plan was handed out tonight. Deputy Chief Albin is here.

Deputy Fire Chief Albin stated the fire pre-plan for this building is pretty much on-line with everything else we do in the City in regards to automatic alarms, reported fires and things along that line. Everything is pretty much identical to the standard operating procedure that we use for every other fire. Some of the logistical problems on this particular site are the one way and some of the tight quarters down around the administration office because of the little cul-de-sac and things like that that are in there. We have taken the apparatus down there. We have planned and measured. We think we have come up with a pretty decent plan here for handling any type of logistical problem that we might encounter down at the ballpark. I would like to add that we have received an inordinate amount of cooperation from everybody involved – that being the police and park management. The Fisher Cats have been very good and gracious about doing

what they are doing working on a compact site that they share with other construction entities and it has been a pleasure to work with them. In regards to how we do things down there, just to reiterate what I said before we don't foresee any problems down there. We have tried to plan for every contingency. We don't foresee any major problems. It is a very safe building. It has every life safety system that you can build into a new building that is in there and that was all in and operational prior to opening the park. So in so far as public safety is concerned and the way that we are going to operate down there, we don't foresee any problems.

Chairman Lopez asked have you done any mock simulation down there as far as somebody having a heart attack and how we would respond to it getting people to the stands or out of the stands or anything like that.

Deputy Chief Albin answered we haven't actually practiced down there or done any mock simulations. We have reviewed the standard operating procedure with the District Chief Officers who handle the day-to-day operations and with the people who are on the first alarm to go down there. We did at the inaugural game have an EMS response down there and it was handled without incident. All things considered, it went very well. We don't foresee any problem once the parking on Line Drive has been curtailed. We don't see any problems getting people in and out of there.

Chairman Lopez stated Bill why don't you start off with what you know about the hotel and condominiums.

Mr. Jabjiniak stated Mr. Roedel was not able to join us tonight. He did indicate that the piles, footings and foundations are substantially complete. They expect to start installing plank within the next two weeks. The topping off of the building is scheduled for August 15 and that is really defined as a masonry block and rooftop plank so that is what is to be expected. The view from within the stadium will be changing constantly throughout the summer with a completion for January of 2006 if he is on his schedule. Mr. Chinburg also was in touch today. He indicated that building permits are in place. He starts three six-unit foundations next week and I should clarify building permits to foundation permits in reality at this point. He is fully funded. His infrastructure has been underway for some time – gas and water lines extended down towards Jac Pac and his pre-marketing is also underway utilizing the Gold Group originally out of the Portsmouth area, Stratham. I believe they were looking to relocate or put an office here somewhere downtown so they can market from this area.

Chairman Lopez asked what about the retail space.

Mr. Jabjiniak stated I am going to look to Bob MacKenzie to address that. He has been in contact with the developers. Bob and I have been talking. We are waiting on the plan to be submitted, the site plan specific and then the process will go through the Planning Board and hopefully construction will start later in the year.

Robert MacKenzie, Planning Director, stated we do expect a formal application to the Planning Board for the retail site this month. Also, it is not on the riverfront site but the Langer property has had an approved site plan for parking. That did go back to the Planning Board because of a notice glitch on that. As I understand it all of the parties are consistent as to how that should go. There was a concern by an abutter but I believe those have been resolved.

Chairman Lopez asked so all of the permits and all of the planning has been done and they are ready to move forward.

Mr. MacKenzie answered yes for the hotel and the housing project those are a go. We are just waiting for the final piece, which is the smaller one actually of the retail pad.

Chairman Lopez asked the Assessors to come up to talk about taxes. I think we talked about this before but I have asked to you come back because some of the Aldermen and others have been asking and I want to make sure they understand the difference between 2004 and 2005. The 2004 taxes on the land down there has been paid to us?

Steve Tellier, Chairman, Board of Assessors responded that is correct.

Chairman Lopez asked what was the charge for that.

Mr. Tellier answered the principle was in excess of \$44,000 predicated on an assessment of \$1.6 million.

Chairman Lopez asked for 2005 can you tell us what the procedures are going to be.

Mr. Tellier answered we are going to have three separate assessments based on what the City conveyed. That being the small commercial parcel, the residential parcel for Chinburg and the hotel parcel. Those assessments have not been set yet, however, we have indicated to the Finance Officer that they can expect to see assessments in place within the next two weeks. They can estimate based on the budget what an anticipated tax rate would be and figure in on the debt service. Our office will have an assessment in place within the next two weeks.

Chairman Lopez asked will you give us a detailed analysis of that comparison to what was projected.

Mr. Tellier answered a report will be forthcoming to this Committee.

Alderman Porter asked is Steve Hamilton here or did he leave.

Mr. Tellier answered he had an issue to deal with and couldn't be here.

Alderman Porter stated well I would like to ask Finance what will the payment be on the bond for 2005.

Kevin Clougherty, Finance Officer, answered the debt service is \$979,000.

Alderman Porter asked and how much is the lease from the baseball field.

Mr. Clougherty answered \$750,000 and the tax revenue we need is \$229,000 roughly.

Alderman Porter asked so you need \$229,000 correct.

Mr. Clougherty answered roughly.

Alderman Porter asked if we take \$229,000 and use an anticipated tax rate of \$28.79 or \$28.80 that comes to roughly a requirement of \$8 million of assessed value to generate \$229,000. Now given the fact that the land has been assessed at \$1.6 million and individually with smaller units it may come in a little bit higher than that or it may not but assuming that it is somewhere in that vicinity, let's say \$2 million just for argument's sake, that means we are \$6 million shy of assessed value this year to generate the \$229,000. Where will the money come from? My understanding is that somewhere in the letters of credit either Mr. Catapano, Mr. Chinburg or the Roedel's or is the taxpayer going to make up that difference?

Mr. Clougherty answered there are a couple of pieces to this. As you correctly pointed out when we talked about the valuation originally to offset against this year's debt service it was, I think \$8,524,182 that we had talked about as the number. We all recognize that as the project was moving forward that they would not be in ground in time to get the valuation to meet the debt service requirement so the documents that were approved as part of the closing on these parcels being conveyed to the different parties, there are agreements that they will make whole the City for its debt service in a particular year if, in fact, the valuations are not sufficient to cover the amount due on the debt service. That is divided amongst the different parties. I believe the residential has a 75% responsibility, the retail a

5% and the hotel a 20%. So the process that has worked out is that Steve will go through his valuation and come up with a warrant. We will then present that to the teams. They already have as part of these documents what their share is for each year's debt service so if the amount of valuation that is currently down there is not sufficient to cover what the debt service is they all have a schedule as part of their agreements. The payments will come in as will taxes in two installments. I believe it is a June 1 and December 1 payment to be consistent with the debt service payments on the bond.

Alderman Porter stated just to follow-up I think we would all agree that on April 1 they had barely started the foundation and site preparation for the hotel and Mr. Chinburg hadn't yet gotten into the ground and the retail space, which is rather small, there was nothing done there. We are dealing with a land value and if the land value a year ago was established by the Assessors as \$1.6 million for an assessed value I find it...certainly no one here would bet their house...Steve would you bet that it would come in at \$8 million?

Mr. Tellier replied no.

Alderman Porter stated no it won't come in at \$8 million so I guess my question is...I know that it may be in the contract and I will certainly accept what you are saying but are we going to run into surprises with the Roedels or Mr. Catapano or Mr. Chinburg in saying hey wait a minute I shouldn't be paying this because there is nothing there to assess yet. I guess my concern is not only how much is due but when it is due.

Mr. Clougherty responded what you are talking about, Alderman, is exactly why that provision was put in to these agreements so that they would make those payments. It is also very clear in the language that if they do not make those payments their letters of credit that we have are at risk for that. I don't expect there is going to be an issue. They were very cooperative in proposing this. We have informed them of the schedule and I have not heard anybody balking at this so I expect it will be presented and they will make their payment.

Alderman Porter asked have they been informed that there will be a difference between the assessed value and the amount they owe. I think in all fairness to them...we are coming up...it is May 2 and in about three of four weeks the Assessors will be locking up the computer to go ahead and prepare for the warrant for the July 1 bill.

Mr. Clougherty answered I think particularly this year, Alderman, they really do understand that because of the timing and that is why we gave them the specific breakout of their debt service responsibility and they understand that there is going

to have to be a provision this year. I don't think that it was anybody's expectation that there wouldn't. It is just what is the number and how much is going to be taxes versus make-up.

Chairman Lopez stated there are a number of documents in closing that they provided and I am sure we will get that information.

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

A True Record. Attest.

Clerk of Committee