

BOARD OF MAYOR AND ALDERMEN

March 18, 1997

7:30 PM

Mayor Wieczorek called the meeting to order.

The Clerk called the roll. There were twelve Aldermen present.

Present: Aldermen Wihby, Elise, Reiniger, Sysyn, Clancy, Soucy, Shea,
Domaingue, Pariseau, Cashin, Robert and Hirschmann

Mayor Wieczorek stated fourth grade students from Smyth Road School who participated in a program entitled “Manchester Is A Great Place To Live” are going to present proposals developed by these classes to the Board of Mayor and Aldermen and asked who are the spokesmen here.

Brent Doyle and Andrew Ludis as spokesmen for the group stated we’re from Smyth Road School and our teacher is Mrs. Griffin. Manchester is a great place to live. We like that Manchester has a rich history with its mills, the Merrimack River, and neighborhoods. Schools are important to us, especially Smyth Road. We’ve learned about our City’s past. The Merrimack River and mill buildings mean a lot to us. Their history made our City important and we’d like to experience more about them. We propose to the Board of Mayor and Aldermen that the mill river area be developed and brought back to life. Use of cobblestone sidewalks, old lighting, and interesting shops would attract people. We’d like to share these pictures also. The mills and tours being given, old lighting on Elm Street, other old lighting and shops. Thank you.

Alderman Elise stated the Downtown Manager is here to respond to their proposal.

Mr. Davis asked who did the pictures for Downtown, let’s see some hands here. Well, thank you very much, I see that some of the same pictures are some of the ideas that some of your parents and grownups and people who are involved in the For Manchester Group are also developing. We’re going to look at your ideas, we’re going to take them very seriously. How many of you came to the ice rink Downtown this winter, can I see some hands. Fantastic! You know, that was an idea that just a few years ago somebody had a great idea that there should be an ice rink and they drew a picture and we thought it was a good idea and it got built. So, we thank you very much for your ideas. Sometimes, these things do happen and we appreciate your involvement and all of the good work that you’ve done to bring the ideas down this evening, thank you very much.

Ryan Leach introduced himself stating that Manchester is a great place to live. We like our City because we have beautiful parks, fresh air and we can feel safe in our neighborhoods.

Matthew Cooper stated he was from Mrs. Lane's fourth grade class at Smyth Road School . He stated that the Manchester Historical Society on Amherst Street means a lot to our City because it holds our past. When we visit this great building we can relive the early years in Manchester.

Mr. Leach stated we propose to the Board of Mayor and Aldermen a day in which all students come together, work as a team to clean and beautify the City of Manchester.

Mr. Cooper stated we would like to present these pictures. This is the mills and the Manchester Historical Society. Thank you.

Alderman Elise stated there is somebody here this evening to address their proposal about working together to clean and beautify the City.

Mr. Groleau stated like Mr. Davis, I would like to thank you guys for taking the time to look over Manchester and see some things that need to be corrected by not only the adults, but by you guys as well. So, I'd like to invite you and Smyth Road School to be involved in a project that's taking place on National Youth Volunteer Day in which we are trying to get all of the elementary schools and junior high schools in Manchester to clean up and adopt their school yards. So, if there's anything I can do to help you become involved with that, I'll call your Principal sometime later on this week and ask if you could clean up your school yard. You'll be joining the 15 other schools in Manchester and I look forward to working with you. If you accept that challenge, I'll donate some of our Adopt-A-Block T-Shirts and we have about a hundred or so buttons that we'd like to donate to your school, as well. So, I'll see you on the 15th.

Alderman Elise stated, your Honor, this is a project to educate students on City government and to give them a real positive experience, participating in the process and tomorrow because these kids participated in the process they'll be treated to an ice cream party sponsored by Academy Fruit and Hershey Ice Cream.

Mayor Wieczorek stated I want to express my thanks on behalf of the City to all of the young people that put some time and effort. It's very thoughtful the things that you did and to have you thinking about your City is really a wonderful thing and while you're thinking about it, other people are doing the same thing and what we see is the City changing and hopefully will become a better place. But, with young people like you who are thinking about the City wanting to be a better place, there's no question but that it will be a better place. So, I want to express my thanks on behalf of the entire Board for the work and effort that you have put in.

Alderman Shea stated as a former Principal, I want to congratulate the teachers too that motivated the children to go about this task and guided them. Of course, the parents...we want parents to be supportive of schools and I'm sure that these children's parents who are in the

audience are very pleased and proud of their work and most especially Alderman Elise for her fine work in gathering this project together. I really think that it unites the community and gives a positive impact to the schools, Smyth Road School, but other schools in general as well.

Mayor Wieczorek stated I think it's very nice to get your insights into this having been a former school Principal, you worked with it all the time, and it's a wonderful thing.

Alderman Shea stated I don't want to forget, Mr. Ganem, my good and dear friend.

Mayor Wieczorek asked Rick Groleau, do you want to say anything else about the Adopt-A-Block project.

Mr. Groleau stated I don't want to steal these guys show because you guys have done a great job, but I sent you a letter this week, Mayor. I'm asking for some help with providing some funding for the project. I'm asking the City, if you can help me get it going. It's not just me, it's about two thousand other volunteers that will take part in the project either on the 15th with you guys or on the 19th with the high school kids and the adults that do the other project. Fleet Bank has given us \$2,500 as a grant and I'm asking if perhaps the City could also match that grant. So, that is what I'd like to have happen. I have some information that I gave to Mr. Reiniger to pass along later on, but all I have are our flyers because you've seen it all before. But, I'm also asking you to be as involved as you can be in the project. It encompasses almost seven of the twelve wards both on the east side and the west side, so please if you can be as active and involved as you can be, I'd appreciate that as well.

Mayor Wieczorek stated I know your group did an outstanding job last year with the amount of trash that they picked up all over the City.

Mr. Groleau stated it was 31 tons.

Mayor Wieczorek stated this year your program is even more ambitious, so we wish you the very best and we'll assist you in any way that we possibly can.

Mr. Groleau stated thank you very much.

CONSENT ITEMS

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

Minutes Accepted

- A. Minutes of meetings held May 21, 1996; June 4, 1996 (two meetings); June 11, 1996, June 18, 1996; June 20, 1996 Continuance of June 18, 1996; June 26, 1996; and July 2, 1996 (two meetings).

Informational to be Received and Filed

- B. Copy of a communication from Alderman Elise submitting her comments to the Parks, Recreation & Cemetery Department relative to the Master Plan for McIntyre Ski Area.
- D. Communication from the Manchester Transit Authority submitting minutes of their January 28, 1997 meeting along with the Finance and Ridership Reports for the month of January 1997.

REFERRALS TO COMMITTEES

**COMMITTEE ON ACCOUNTS,
ENROLLMENT & REVENUE ADMINISTRATION**

- E. Communication from Mayor Wieczorek requesting the Committee develop recommendations on how to replace the auto registration surcharge revenues in FY98.

COMMITTEE ON COMMUNITY IMPROVEMENT PROGRAM

- F. Communication from the Assistant Airport Director seeking the Board's approval of a ground lease for an expanded air cargo ramp developed by Cargex Manchester Limited Partnership for a term of 27 years with an option to extend for two successive additional terms of five years each.
- G. Copy of a communication from Kevin Flynn, News Director, WZID/WFEA, advising of their need to test access to the recording system to be used at the temporary location of Board meetings during the restoration/renovation project of City Hall.
- H. Communication from Nury Marquez, Executive Director of ALPHA requesting an increase over the Mayor's proposed funding for FY98.
- I. Communication from Marlene Piaseczny Hawley and Mark Piaseczny expressing their concerns regarding the proposed renovations linking City Hall to City Hall Annex and the effect it will have on vehicular traffic on Hampshire Lane.

COMMITTEE ON FINANCE

- J. Communication from the Deputy Finance Officer suggesting the Board continue participation through the appeal process relating to the New Hampshire PUC Final Plan for restructuring New Hampshire's electric utility industry and submitting a resolution to include \$40,000 in expenses incurred through February 28, 1997 and \$5,000 for funding toward the appeal cost.

Resolution:

“Authorizing the Finance Officer to effect a transfer of Forty Five Thousand Dollars (\$45,000.00) from Contingency to Finance Incidentals.”

K. Resolutions:

“Increasing Income Limits for Exemptions From Real Estate Taxes For The Elderly.”

“Amending the 1996 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of \$35,489 for the 1996 CIP 8.20401 Archival Retrieval Project.”

COMMITTEE ON PERSONNEL/INSURANCE

- L.** Communication from the Elderly Services Director requesting a temporary, part-time position be approved to cover the hours of operation at the Toni Roux-McNally West Side Senior Center during the future absence of the full-time Recreation Supervisor II.
- M.** Communication from the Public Works Director proposing a minor reorganization of the Street Operations Division of the Department of Highways.

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- N.** Copy of a communication from Rene St. Pierre relative to a recent traffic citation he received in the vicinity of Westwood and Donahue Drives.

REPORTS OF COMMITTEES

**COMMITTEE ON ACCOUNTS,
ENROLLMENT & REVENUE ADMINISTRATION**

- O.** Recommending that there be no increase in Building Impact Fees for FY98. The Committee notes that the subject of Building Impact Fees should be reviewed next year at this time to determine if there is cause to increase such fees in FY99.

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

- P.** Recommending that a request from the Bektash Shrine Temple Circus for a license to conduct a circus at the JFK Coliseum from April 10-13, 1997 be granted and approved; subject to meeting licensing requirements of the City Clerk's Office.

COMMITTEE ON COMMUNITY IMPROVEMENT PROGRAM

- Q.** Recommending that a request to increase the 1996 CIP 8.20401 Archival Record Retrieval Project - \$35,489 Federal - increasing the budget to \$72,974 (\$5,000 cash, \$32,485 other and \$35,489 Federal) be granted and approved; and for such purpose an amending resolution and budget authorization has been submitted.
- R.** Recommending that a request for approval of an existing lease and proposed amendment between the City of Manchester and Cameron Real Estate for office space at 889 Elm Street for MEDO be granted; and further that the Mayor be authorized to execute same subject to the review and approval of the City Solicitor.
- T.** Recommending that a request from the Public Works Director seeking approval to charge overtime costs to the existing CIP landfill account for the operators of specialized leased equipment for the rough grading of the sanitary landfill to accommodate the Phase I, Contract Closure work, be granted and approved.

- V. Recommending that a communication from Robert McLaughlin extinguishing the City's interest in a passageway in the vicinity of 149 Huntress Street and the Parker Varney School, be granted and approved; subject to the review and approval of documents to be presented to the City Solicitor to extinguish the easement; and further recommending that the Mayor be authorized to execute same subject to the approval of the City Solicitor.
- W. Recommending that a request for a sewer abatement for property located at 468 Union Street be approved in the amount of \$854.05. The Committee notes that such amount was recommended by the Environmental Protection Division.
- X. Advising that it has endorsed the enclosed Sidewalk Construction Program Policy as guidelines for the City's Sidewalk Program. The Committee notes that it has forwarded the prioritized listing to the Highway Department for implementation in the upcoming construction season in the order listed as funds allow.

HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN WIIHBY, DULY SECONDED BY ALDERMAN PARISEAU, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.

- C. Communication from the Chairman of the Manchester Regional Industrial Foundation submitting a copy of the Foundation's FY1996 Annual Report.

Alderman Domaingue stated Item C is the report of the Manchester Regional Industrial Foundation, noted she had several questions, and moved to refer this item to the Committee on Community Improvement Program for further discussion. Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

Report of Committee on Community Improvement Program

- S. Recommending that a request that the Manchester Economic Development Office be authorized to enter into a subrecipient agreement with the Manchester Development Corporation for the disbursement and collections of loans on behalf of the City using CDBG monies presently allocated for the Business Revolving Loan Program as well as any loan repayments to be received, be granted and approved; subject to the review and approval of the City Solicitor. The Committee notes that the Planning Director has recommended approval of such agreement.

Mayor Wieczorek recessed the meeting to allow individuals to clear the Chambers.

Mayor Wieczorek called the meeting back to order.

Alderman Shea stated I just want Bob to clarify a point if he may. In this particular petition or item what I was asking him was what would be an example, Bob, of certain types of loans that the City might be unable to fund. I know that that's listed here..."limit the ability of the City to fund certain types of loans"...and I wondered.

Mr. MacKenzie stated Jay Taylor who is going to be running the program, but I could give you a short answer and Jay could provide you more. Right now, the money that is being used is HUD CDBG monies. There are a lot of strings attached to those including environmental reviews, reporting reviews, and also that all of the money...you have to document how many low and moderate-income jobs that you would create. So, there are only a certain number of businesses that would qualify for those monies initially. If they go back and this is a revolving loan fund, so it's hoped that the money that is paid back from the businesses go back into the fund so it can help other businesses. This request is simply that the money go back into the fund of the MDC and then it would be open to any businesses that the Economic Development Office would consider loaning the money to. There would be no strings or restrictions, at least by the federal government. The only restrictions would be those that you, as the Board, would place on that fund.

Alderman Shea moved to accept the report of the Committee on CIP. Alderman Wihby duly seconded the motion. The motion carried with Alderman Domaingue duly recorded in opposition.

Report of Committee on Community Improvement Program

- U. Recommending that the Riverfront Stadium project proceed as proposed by The Park Foundation. The Committee notes that the Planning Director has advised that acceptance of such recommendation will require that the FY98 CIP Resolution be amended to include the \$800,000 in bonding for the project.

Alderman Reiniger stated the Clerk had a correction.

Clerk Johnson stated that it has been brought to our attention that the report reflects fiscal year 1998 and my understanding is in conversations with the Planning Director and the Finance Director, it should read FY 1997.

Alderman Reiniger moved to amend the report to reflect FY97 and to accept the report as amended. Alderman Soucy duly seconded the motion.

Alderman Wihby asked why, if the budget's going to end how can we amend it and where is it coming from.

Mr. Clougherty replied if you amend the '98 CIP then you won't be able to spend any dollars until July 1st because that is when the appropriation starts because if you want to do some planning or expenditure before that then you have to amend the current year and issue bond resolutions pursuant to that.

Alderman Wihby asked does that affect the tax rate anyway because we're adding bonding to what we didn't figure on before.

Mr. Clougherty replied it won't affect the tax rate if the revenues that are projected come in because all of the debt service would be retired by the revenues that are offered under the program. In the event that the revenues that are projected do not come in, then the difference would have to be made up annually out of the General Fund and that would have a tax rate impact. The annual debt service, I think, for the 20 years is about forty to fifty thousand a year.

Alderman Wihby stated I guess this is a good time to discuss it because we're talking about amending something. In the Committee, your Honor, there was a few questions and I know I've asked some of the department heads to be here. There were a couple of concerns that I had and maybe we could have the department heads address it. First of all, we're eliminating a site for the CenterPlex and I understand that that is probably not the site that it's going to go at, but it could be and Jay Taylor is here who could talk about that as he did in the meeting. My bigger concern, your Honor, is the CSO problem we have over there in having to rip up that field in four years to the tune of an extra \$150,000, I think was quoted at the meeting; that money is not currently in the \$800,000 figure and so, therefore, it's going to have to come from somewhere, it's not in the plan as it is now along with the two years that it is going to take to fix that problem. You can't use that field for two years and I don't think that was anticipated. So, the two years of carrying that is not anywhere in those numbers. Also, I've asked Frank to come and show us exactly how big that problem is going to be because my understanding is that we have to put in two tanks, but that's probably the only site it's going to be...two tanks the size of football fields are going to go there which I asked him if he could show us on a map how much property we're going to have to rip back up again in order to plan this, so he's here prepared to do that. My other concern is the football receipts and the money that we were counting on right now is about \$50,000, John Palmer tells me that we count on in the General Fund and if we're going to make them use this facility and they're going to have to pay for this and not get that money, then it's coming out of taxpayer's money because we're not going to get that in the General Fund. Also, there's Booster Clubs, the West Booster's Club and the Friends of Manchester Athletics put on functions throughout the year that that money goes to them. My understanding is that if we use this facility it's not going to go to them. So, we're going to tell them that we want them to use this facility, I think you're going to see a big difference in loss of revenues in the other places of our budget. If we tell them they don't have to use the facility, that's fine except I think there's some numbers from those revenues that are included in the proposal that funds the \$800,000. So, your Honor, I don't think there's any Alderman here who's against this, I think it's a great plan, they've done a good job. My concern would be, your Honor, or I would like to see this pass because of my concerns and I would like to have some of them answered, but if we could conceptually approve this today, we still have a couple of meetings that we have to come in with bondings, have them work with John Palmer at the School Department, have them work with Finance, have them work with the City Solicitor in drawing up a contract which we haven't seen yet and also Parks & Recreation has a problem with it because they're telling me that the events that are scheduled to be in this facility is impossible to have and if that's the case then you're going to have to resod the field at a tune of \$10,000, the Committee said we'd do it three times a year. If they do it three times a year that's

\$30,000 and that's not included in these revenues. So, your Honor, it's a good plan, but I think there's still some timing that has to be done with Finance, Parks, and John Palmer to work things out along with a contract written up so that we'd know what we're voting on and if we pass it conceptually we're moving it forward, so nothing's getting hurt and they would have to show us in the next month that those revenues are, in fact, true; that they've conceded where the schools are going to be or not be, whether the revenue is going to count or not count, they can work with the Highway Department on planning some sort of area where the CSO could less impact that property and if we do that over the next month, we're not delaying the project but we still have some controls that if the numbers aren't there and the finances aren't there, we can go ahead and pull this back and I don't know if anybody wants to listen to Frank, but I think it's a problem with the CSO's that's going to cost some money to fix.

Alderman Soucy stated, I guess I'm confused and I have a question for Alderman Wihby then. You started out by saying that this was a potential location for CenterPlex, but then you said that the field might be a problem because of the CSO problem. Wouldn't it be an even bigger problem if it were a potential site for CenterPlex, removing an \$800,000 facility as compared to moving a \$45 million facility, am I missing something.

Alderman Wihby stated my understanding is that the CSO would be developed before we actually started the plan for CenterPlex and so they could actually see what they were going to do with that property for the CSO, see if CenterPlex could be on top of it or not and if not, they would reject CenterPlex. I think the CSO has to be there.

Alderman Soucy stated my understanding is that the CSO project is six to eight years out into the future, so why are we even talking about CenterPlex now if it's not for another six or eight years.

Alderman Wihby stated my understanding is that it is four years away, but that doesn't mean that the planning can't start now for what's got to happen. Just as the planning should start now for this field if this field is going to be there.

Alderman Soucy stated and one other question for you then while I have the floor. You said that the revenue, the \$50,000 in revenue would be lost to the School Department. Now, my understanding is that those gate receipts are going into General Fund and perhaps Kevin can clarify this. I remember at one time and I thought it was a good idea the Board attempted to create a designated fund for the gate receipts to try and encourage attendance. But, my understanding is that we've eliminated that and it's just going into the General Fund anyway.

Alderman Wihby stated two years ago we eliminated that, but that money is still coming to the General Fund. So, we are not going to get that money in the General Fund; that's a \$50,000 loss to the City.

Alderman Soucy asked could Kevin address that, please.

Mr. Clougherty stated my understanding of the way it would work is that the \$50,000 that's currently being collected for football and soccer at Gill is General Fund. Now, the proposal from The Foundation is that that money would be collected by them, but then they would be covering the debt service. So, rather than that showing up as a revenue in the School Department which may affect some of the ratios there for tax rate setting, but it's still a General Fund or reimbursement to the General Fund that would be coming in for a set against debt service rather than School Department. So, as long as the same level of activity or the same charges are there the funding would be coming back for a different purpose.

Alderman Soucy stated it would be roughly the same amount of money coming back, it would just be coming back for a different purpose.

Mr. Clougherty replied my understanding is that the money would be coming back through The Foundation to cover their costs and to cover the costs of the debt service and the debt service costs each year is about \$40,000 to \$50,000 if you do it over 20 years and it's more than that if you do it for ten or five. But, they are required to come forward and cover those dollars. The plan that they've put in place collects all of those revenues and whether you take the gate receipts revenues or the fund raising whatever that all has to be dedicated to the operation of the facility and the return for the debt service requirement and that's my understanding of how it would work.

Alderman Domaingue stated I guess I have a question for Alderman Wihby. This proposal has been before us since January, the CSO project, the Combined Sewer Overflow Project that you refer to has been before us since before January. The question of whether or not we, as a Board, want to actively involve this community in getting the people back Downtown to the City of Manchester, the center-city has been a project on-going we claimed for years and yet on the eve of our ability to be able to push this kind of a project forward suddenly and you were sitting in CIP, I thought you were there to raise these questions if you had them. Suddenly, on the very evening that we're expected to take a vote on this, I've got all kinds of skeletons coming out of the closet and, you, as Chairman of the Board should have raised them certainly since January and, if not, most especially at the last CIP Committee meeting and I'm a little surprise that suddenly there seems to be roadblocks and once again the City of Manchester is showing the public how easy it is to get your project tabled. Is this what we want to continue to do.

Alderman Wihby asked, your Honor, can I address that.

Mayor Wieczorek replied yes.

Alderman Wihby stated we were told at the CIP Committee meeting that Finance had reviewed these numbers and were in agreement with these numbers. So, that is why...I'm not going to

argue with the person who said that and that was the person who's putting on this function. I said from the start that the CSO was a problem and the Committee didn't want to listen to me, so Alderman Domaingue knows I brought this up at the Committee level and the financing was told to us that they're in agreement with it. Finance is not in agreement with it. Finance said to me we told them...with the numbers that they gave us, we told them that it worked, but we don't know if those numbers work and so upon looking at those numbers, I said to him if Frank's telling me that it's going to cost \$150,000 or actually the person involved in the soccer field threw out a number of \$150,000 to redo the fields for the CSO's. If that number's true, is that number in that \$800,000 figure, no. When I talked to Parks and said is it true that they can have that many events there, tell me, do these numbers work or don't work. He says they can't have that number of events there unless they resod the field and that's \$10,000 a whack, three whacks...\$30,000 a year...that number is not in there. All these numbers came out after the meeting when I called them to see if, in fact, they were telling us the truth that those numbers were actually true. Those numbers aren't true and what I'm saying is that they probably still could work, but we should conceptually approve this, so that...all I hear, your Honor, on CenterPlex...I'm not going to spend one dime of taxpayer money. Well, on this project why don't we just go ahead and give the \$800,000 to Parks and tell them to build something over there, that's what we should do instead of having everybody else involved with this and then say that we're going to put it in the tax rate and we're going to move forward. If we're going to do a proposal like and say it's not going to be put on taxpayer's backs then we have to make sure that those numbers are correct and at this point there's no information that this Board has or that the Committee had that said those numbers work, there's not even a contract to look at to see who's going to be in charge of what to be done and approval today, your Honor, without any conceptual approval, I think is premature.

Alderman Domaingue stated what I know, your Honor, with all due respect to Alderman Wihby is that the questions that you are raising this evening are legitimate questions if, in fact, you needed answers you had from the middle of January of 1997 to get those answers. They weren't forthcoming and we've had an explanation from the Finance Department tonight, we're talking about the difference between an \$800,000 investment which this is and you cannot begin to compare it with the \$45 million investment that a CenterPlex is, so please let us not mix apples and oranges here. This is a good investment, the numbers that were presented to this Board were conservative numbers because they didn't want to over extend this project and why we continue as a City to say no to investing in ourselves when we have an opportunity is beyond me, but I support this project.

Alderman Wihby stated if you're going to let us go back-and-forth, your Honor, I'm going to say something again. If you're going to let us talk to each other, your Honor.

Mayor Wieczorek stated we're going to stop this very soon.

Alderman Wihby stated the fact of the matter is, your Honor, we do not know if these numbers really work. I'm not trying to stop the project. All I'm saying is let them get together with Finance and Parks and Schools, determine if that amount of money is right and that that amount of money is going to fund the bond and if it's not then we can pull it back in a month. But, they said to us they had names of people who didn't want to go forward unless they had approval. Well, I'm saying let's give them approval and let's tell them that we want them to work with our department heads to move forward, I'm not trying to kill the project, your Honor, and I think when you start adding all these other numbers in there as far as fixing the fields, as far as two years of not being able to be used, if that's true because of the CSO project being there then I think you're going to see that the numbers aren't actual and even if they were conservative or not that they're not going to make much sense and then the Board is going to have to make a decision and maybe they'll still decide to do it and that some taxpayer money will have to be necessary. I'm not saying that is even going to kill the project, but right now to be told that there is not going to be a taxpayer dollar spent on this project, nobody on this Board, your Honor, can say that that's true.

Mayor Wieczorek called upon Alderman Reiniger and stated we're going to cut this off because we're going to have a whole group here.

Alderman Reiniger stated the CIP Committee did discuss all of these issues in great depth. The finances have been studied exhaustively by the Finance Department, endless discussions. Parks has looked at it, department heads have looked at it. Livingston Park wasn't studied this closely and when Livingston Park was advocated by Alderman Wihby we were told that the track people would come up with \$100,000, they never went through this type of scrutiny and I think there is an inconsistency...I understand Alderman Wihby's interest in CenterPlex, that is what's at the bottom here.

Alderman Wihby interjected, no it's not, your Honor.

Mayor Wieczorek stated let's not mix the issues, please.

Alderman Reiniger stated he mentioned his number reason...\$125,000 has already been spent on feasibility studies in this City in 1988 and 1994 ruling out the Hobo Jungle. Alderman Wihby still wants to look at Hobo Jungle and spend another \$80,000 of taxpayer money to look at this. I just don't agree with that, it's a mistake. One last point, your Honor, the finances...there's an advisory board of over 50 names including the Singer Family, Bobby Stephen, Dr. Jim Vailas, Ron Pappas, Dave Nixon, Dan O'Neil, Tim Brady, Brooks McQuade, Jim Schubert and it goes on and on. This is a group that knows these soccer people, has full confidence in them. None of these people would sign onto this if it were some type of a shaky deal for the City. This is as risk-free an adventure as we're ever going to see and it's an area of the City that hasn't been developed. In 1980, the Board of Mayor and Aldermen set a policy designated this as a recreational use park. Alderman Cashin, I think chaired that Committee at the time. It's been

17 years we've been waiting and we've spent a majority of those years debating about the CSO which has come back again tonight suddenly and in regard to the CSO, I've spoken to Mr. Seigle who is handling this issue and this field does not interfere with the CSO in any way, that's the important question, so I think we should go ahead.

Mayor Wieczorek stated the amendment that we have on the floor is to change the CIP to fiscal year 1997. Bob, do you know how much money is going to be required and if you have any.

Mr. MacKenzie replied it would be up to the Board at this point to determine whether they want to amend the existing FY97 project. We had discussed that as an option, they could go both ways. The Board would basically be determining unless it was an Enterprise Fund, you would have to assume that it may or may not fund itself. So, we don't know the risk at this point. I think Kevin might have some additional information.

Mayor Wieczorek stated frankly, my feeling is we could have a lot of discussion here because everybody has something they would like to say probably on this project, but my feeling is that we ought to let this project move along, this is my recommendation to the Board. Let it move along and let us explore. Mr. Ramsey has called me and wanted to get together with me. I've not been able to get together with him because I just ran out of time, but I do want to get together with him and there are some other people that we want to get together with. We want to talk about this and find out in, in fact, we can make these numbers solid and also to take care of all of the other problems that we think are with CSO, but let it move along. We can always look at it at Stage II and III.

Mr. Clougherty stated just to follow-up about what Bob had said about process. If the Board were to take an action tonight favorably towards the amendment to the current year CIP then what has to happen is that at the next meeting of the Board, we will come back and have a bond resolution for the Board along with a resolution with the proper wording to amend this year's CIP to include this program. The bond resolution will layover and you will vote on it at the following meeting which I believe will be the third Tuesday in April, so you would have those other opportunities to discuss the project, where you would have formal resolutions connected to this and in front of you. If the Board goes ahead and approves this or gives authorization to proceed tonight then what happens is that the staff would work with The Foundation and start to pull together contracts and the necessary documents you would need, so that when the bonds are finally authorized on that third Tuesday in April, you would have a document in front of you in terms of what the contract is because we're not going to allow for the authorization to spend money until the bond issue is approved and until you have the contract. So, I think that's the process that the Board should be looking at moving forward in terms of logical steps that would have to happen in order to move this project forward.

Alderman Wihby stated Alderman Reiniger made a comment about Seigle saying it doesn't affect the Committee, can Frank address that, is that true, did they change their mind since I talked to the Highway Department last.

Mayor Wieczorek stated on CSO, no it is a real problem, there isn't any question about it. I was in Washington last week.

Alderman Wihby stated Alderman Reiniger stated this site is not going to affect the CSO, can I ask Frank is that true. Frank, did something change since the last time we talked.

Mr. Thomas replied no, the CSO project has always been anticipated to be able to co-exist with a sports facility. Will there be impacts? Obviously, you raised some of those issues. The site of the CSO facility is going to be in approximately the same location as the sports facility. However, the CSO facility is going to be basically underground except for one structure that will be aboveground for access. The timing has been kicked around. The best that we have right now is somewhere between five and six years. In talking to the engineers just this week, our consultant engineers, it's not longer two large tanks. Now, it's going to be one area that's about the size of one of the tanks and instead of just storage tanks they'll be swirl concentrators. Basically, a treatment facility.

Alderman Wihby stated so they won't have to rip it up anymore.

Mr. Thomas replied, obviously, the sports facility will have to be ripped up during construction. If the sports facility is there and you have to build this CSO facility underground, it's going to disturb that area. I think what Mr. Seigle was trying to say to the Aldermen was that the two facilities can co-exist once they're both there.

Alderman Wihby stated nobody's arguing that though. How long will they not be able to use the field.

Mr. Thomas replied the best guess, Alderman, right now is 18 months to two years under construction. The CSO facility is expected to cost in that location around \$15 million, so it is a sizable construction undertaking.

Alderman Robert stated I just wanted to touch basis with Frank, I guess he answered half of my question. If I were to move forward with this, I would like to have some sort of assurances that this project can co-exist with the CSO. I know the CSO problem is still in a conceptual stage. Also, CenterPlex is in a conceptual stage. Can they all co-exist, that's my whole problem, that's my concern and I'd like to have those answered as the process moves along definitively.

Mayor Wieczorek stated we know that the CenterPlex part will be answered when we get the Phase I report because that will determine what the site is and how much private money it costs out there; that is really the purpose of Phase I.

Alderman Robert asked when will we have that report, your Honor.

Mayor Wieczorek replied, by June.

Alderman Robert asked we couldn't have a preliminary report, it would be nice to have a surveyor's report to know what we're dealing with.

Mayor Wieczorek stated we have to wait until they really act on it, they have a number of sites they are going to be looking at. This will be one of them and I heard a lot of things about it probably won't be the site, you can't actually rule it out; that's what the architect is going to be doing.

Alderman Pariseau stated, your Honor, while you're pursuing the matter, I'd feel more comfortable with this project if we were to get input from the School Department and also the Director of Parks & Recreation. The School Department in the sense that in reading this material that they dropped off, it like almost mandates that the public schools in the City of Manchester are going to be playing their soccer games and football games over at this facility and this is included as income. I just want to make sure that we're not mandating the School Department to do it because they'll come back and say with their athletic budget that we ain't got no more money because you sent us over to Hobo Jungle to play there.

Mayor Wieczorek stated there are a number of questions that have to be answered and that's one of the questions that has to be answered.

Alderman Pariseau stated the other question that comes up is, I believe, unless I misread it that they are looking at the revenue from Riverfest as part of this project, to support this project and I don't know how Riverfest...

Alderman Shea stated I'd like Frank Thomas to come back if he would please for a minute. Frank, in discussing about the overflow problem and the fact that the tanks may have to be installed there are other considerations, aren't there, besides that. In other words, that isn't the only site that you're considering is it.

Mr. Thomas replied the entire CSO program that's being envisioned right now and it's still in the negotiating process is estimated to cost \$75 million and includes work throughout the City with a sizable amount of stormwater separation in Ward 10.

Alderman Shea stated you haven't just selected this site down by where the proposed field is going as the site for the tanks because there are other thoughts that are in mind, other technology.

Mr. Thomas stated the reason why this location is a critical location for the CSO program is right through that site just south of the existing paved parking area there is a nine foot diameter brook enclosure which is called Cemetery Brook; that drainage system is the largest drainage system in the entire City and encompasses about two-thirds of the east side, so in our discussions with the EPA, it's quite clear that something has to be done at that outfall, it's the biggest outfall in the City and that's why we know that there is going to be some kind of CSO facility in that area.

Alderman Shea stated my second response is that being involved in sports myself, I realize that the School Department has depended upon Gill Stadium, however, it's over used and abused and a lot of injuries are occurring because it's used first for baseball which is primarily it's supposed to be used for and new lights have been installed there to bring into the City the Babe Ruth All-Star Playoff games and the Legions Playoff games. It's primarily a baseball field, it's not a football field. The viewing is terrible. You sit in the stands, you're removed from the action and the point of the matter is that the City will save both money by not having to upkeep it after football, soccer, and all the other activities that are there, it's simply over used and abused and we need another area and I'm one hundred percent for this area that they are talking about down by Hobo Jungle.

Alderman Reiniger stated one quick point, your Honor. I understand that the owner of the professional soccer team, the New Hampshire Phantoms is here with a number of players and I understand they are prepared to commit to playing at the stadium.

Mayor Wieczorek stated I think we're getting way ahead of ourselves here. As I said my recommendation is that we let this move along conceptually and let them do the work that has to be done. There are questions that have to be answered and we're going to have two more opportunities to really take a look at this to find out.

Alderman Cashin stated Alderman Reiniger is correct, your Honor. Seventeen years ago, I was fortunate enough to be on the Committee that put this land aside just for recreation. Ten years ago, I heard the same arguments I'm hearing here tonight. We've got to save it, we can't do this because this is going to happen, and that's going to happen and we're hearing it again this evening and I'm not criticizing anyone for bringing anything to this Board, every Alderman has a right to do it. In fact, they have an obligation to do it and I respect them for it. But, this is why we're not getting anything done. Now, we can pass this thing here this evening, it's going to have to be approved by the City Solicitor's Office, he's not going to approve it unless Highway's in agreement, Parks & Recreation's in agreement, funding is accurate, and everything else. It doesn't have to be passed conceptually, it can be passed subject to the approval of the City Solicitor. It's plain and simple. Your Honor, let's get it done, it's time. Gill Stadium can be used for other things, maybe a minor league could generate more funds, I don't know. But, let's try to be a little creative, it can work if we want to get together on this and we ought to do it tonight and put it to bed.

Alderman Wihby stated if this is approved tonight, all we're doing is coming up with some sort of a contract, having Finance do it the right way, but nobody is going to be checking to see if it's going to be able to fund itself or is that going to happen, that's my question. I think if we move this tonight, it's going to happen no matter if it affects the taxpayer's or not, it's going to happen and that's why conceptually, at least, we're going to find out before I vote last if it's going to cost the taxpayer's money or not. I guess that's where I'm coming from.

Mayor Wieczorek stated I think there are two opportunities along the way if the program moves along if in fact the numbers don't work or if other questions with the CSO or other questions arise that people aren't satisfied with.

Alderman Wihby stated before we vote, are we going to know before the end of this...if we approve this, fine. All I want to have...a decision at the end for people to know that it is going to cost the taxpayer's money or it isn't, is that going to come out of what we are doing today or is Finance just going to go ahead...I'll like to have Kevin answer that...or is Finance with the approval today just going to go ahead and do it and not worry about it, if the bonds are paid or not.

Mayor Wieczorek replied, no, he's going to worry about it.

Mr. Clougherty replied, I will worry about it. If the Board authorizes the issuance of the bonds then the City is standing behind those bonds, they're General Obligations Bonds and in the event that the revenue is not sufficient to cover the debt service then tax dollars will be used. You have a difference of opinion here. You have the people that are proposing the stadium who feel that they have a realistic and prudent program to come up with revenues to cover the debt service and provide the reserves necessary and you have some disagreements between the Parks & Recreation Department who have some issues there. If you want us, as part of your motion,

to try and reconcile some of those differences, we'll be happy to do that. I think pulling together the contract language is going to go a long way to solidifying that through the Solicitor's Office. But, certainly if you approve this authorization and then you approve the bonds, I think everybody on the Board knows that you're standing behind the debt service proposal. It's just a question of how much risk is there that the revenues won't come forward.

Alderman Wihby stated if in fact, I vote for this today, then that is saying that I don't care if it costs taxpayer's money or not, is that what I'm hearing. Will I know before the final vote if the bonds are going to be covered or not.

Mayor Wieczorek stated Kevin just stated that part of the motion is that they really examine this closely and the City Solicitor examines the portions of it that are going to be part of the contract to make sure and that's what they'll do.

Alderman Wihby asked can we have that as part of the motion.

Mr. Clougherty stated the Board understands that the Finance Department cannot come back to you at this meeting or any other meeting and give you one hundred percent certainty that over the next 20 years, all of the revenues are going to be there.

Alderman Cashin interjected, you couldn't give us that on CenterPlex either, could you.

Mr. Clougherty replied that is why we have some people coming in to look at it, Alderman.

Mayor Wieczorek stated let's not have a free-for-all here, unsolicited opinion.

Mr. Clougherty stated what we can tell you is what the likelihood of the debt service payment will be and what the magnitude of your outstanding risk would be and you have to make a prudent judgment as to whether you think the plan that is being presented, in all likelihood cover most of those revenues, and if you want us to go forward and do some work and discussions with The Foundation, we would be happy to do that and try to reconcile some of the differences between them and Parks & Recreation, if you want us to do that, we'll do that. Otherwise, I think the Board understands what the proposal is, it understands what the financial impact is, we've given you that, we've been pretty clear in stating it in writing to you, and you make a decision.

Alderman Wihby asked is that part of the motion, what's the motion.

Mayor Wieczorek replied all we have now is an amendment to change the fiscal year to 1997, that all it is. You can make whatever you want beyond the amendment.

Alderman Wihby asked can we make it subject to our getting back some numbers from Finance.

Alderman Soucy interjected, it's part of the contract.

Alderman Wihby stated it's not part of the contract, the contract is going to say who uses what, what has to be done and that's it and it doesn't even talk about money in the contract. I want to know who's paying the bond money. Is it going to be taxpayer's or is it going to be this organization. If it's going to be the taxpayer's, I'd just as soon have Parks & Recreation have it.

Mayor Wieczorek stated wait a minute. Everybody's just jumping in whenever they feel like it, we're not going to have that. This has to go to CIP, so they're going to be taking a look at this. It's going to have to go back, isn't it.

Clerk Johnson stated, your Honor, the normal process for a CIP project such as this is that the bond authorization will come back to the Board along with an amending resolution for your CIP. In addition to that before the funds can be spent an authorization to expend the funds has to be approved by the CIP Committee and the Committee on Finance of the Board, that is typically when that authorization goes forward and when the contracts normally are done between the CIP Department, that's the normal process that projects take. So, yes, it will have to be reviewed by CIP.

Alderman Wihby stated, I still have gotten my question answered, your Honor. Am I going to know from Finance whether or not the numbers work, are they going to sit down with Parks and School and find out if we're going to make schools use that facility or that Parks, are we going to know those numbers.

Mr. Clougherty replied, I will sit down with Parks & Recreation and with The Foundation to reconcile those differences and School and I will do that in the next three weeks.

Mayor Wieczorek stated I think what Alderman Wihby is looking for is to have Kevin talk to Parks & Recreation and get that squared away.

Alderman Wihby stated I'm just looking at how to vote, your Honor. I'm not going to have some concerns...if we're going to go ahead and do this project and say that it's all bonding, I want to make sure that that is true. If we're going to go ahead and say we don't care, we can vote on this and don't put this part in it. But, I want to know if it's all bonding or not and if this is going to be self-sustaining like the Enterprise Fund in Parks. So, I need that answered before I'm going to vote finally. I'll go along with the vote today if I'm going to get that answer, but if I'm not going to get the answer then I'm not going to go with the vote.

Alderman Pariseau stated, your Honor, I just want to make reference to their proposal that they anticipate...on page 5...nearly a hundred thousand paying customers who visit Riverfest Park

bringing in \$350,000 in gross gate receipts and then under their section Supporting Documents, they show that they anticipate 75,000 people Riverfest attended.

Alderman Elise interjected the Chairman of Riverfest is in favor.

Mayor Wieczorek stated, Alderman, I did not recognize you. Don't be jumping in.

Alderman Pariseau stated I just want you to check that out when you're doing your homework; that 75,000 attendance is part of Riverfest and that \$350,000.

Alderman Soucy stated, Alderman Pariseau, I have also seen the report. The reason that the Riverfest attendance is anticipated because it's held in the same location. The probability that someone is going to move ten feet to the side and purchase something from the concession or attend an event going on that evening, is pretty likely and that's why it's figured into additional revenues because you're already drawing people into that area for Riverfest. They're not getting a cut on Riverfest.

Alderman Wihby stated that is what's wrong with these numbers.

Alderman Pariseau stated they anticipate gross \$350,000 gate receipts.

Alderman Soucy stated on their own activities throughout the year, they anticipate to receive additional revenues because Riverfest is held in the same location.

Alderman Pariseau stated they have Riverfest tied into the \$350,000.

Alderman Soucy replied, right, they're right next door to each other. They're here and Riverfest is usually held there. So, naturally they are going to see a benefit as a result of that activity going on next to their facility.

Alderman Cashin stated may I move to the question, I don't think all of these questions are going to be answered.

Mayor Wieczorek stated now let's get the motion set because all I have right now is the amendment for the motion, so now let's here what the motion is going to be with the amendment.

Alderman Reiniger moved to amend the report of the Committee to read FY97 and to accept the report as amended.

Mayor Wieczorek stated without any of the caveats that Alderman Wihby wants to put in.

Mr. Clougherty stated it is my understanding that the Board wants me to do that. I will meet with Parks and I will meet with The Foundation.

Alderman Soucy duly seconded the motion. There being none opposed, the motion carried.

- E.** Communication from Mayor Wieczorek requesting the Committee develop recommendations on how to replace the auto registration surcharge revenues in FY98.

Alderman Cashin stated I can't recommend where you'll find the money, but in order to make it fair and I'm probably going to get killed for this, it really ought to go to a full calendar year because if it don't there are going to be some people that as I believe you had quoted in the paper "hit the lottery". You and I don't agree very often, but in this case, I do agree with you. To make it fair, we should go until what the date was, I believe it was in October. So, if we were to collect the fees until October 1st, it would be one full calendar year and everybody would be hit at least once.

Alderman Cashin moved that the auto registration surcharge be extended to complete one full calendar year until October. Alderman Sysyn duly seconded the motion. There being none opposed, the motion carried.

Confirmation of nominations to the Board of Registrars as follows:

Rita Pepino to succeed herself, term to expire May 1, 1998.
Richard Fradette to succeed himself, term to expire May 1, 1999.

Alderman Sysyn moved to confirm the nominations to the Board of Registrars as presented. Alderman Pariseau duly seconded the motion. There being none opposed, the motion carried.

Confirmation of the nomination of William J. Desrosiers to succeed himself as a member of the Manchester Transit Authority, term to expire May, 2002.

Alderman Pariseau moved to confirm the nomination of William J. Desrosiers to succeed himself as a member of the Manchester Transit Authority, term to expire May, 2002. Alderman Clancy duly seconded the motion. There being none opposed, the motion carried.

On motion of Alderman Reiniger, duly seconded by Alderman Shea, it was voted to recess the regular meeting to allow the Committee on Finance to meet.

Mayor Wieczorek called the meeting back to order.

OTHER BUSINESS

A report of the Committee on Finance was presented recommending that Resolutions:

“Authorizing the Finance Officer to effect a transfer of Forty Five Thousand Dollars (\$45,000.00) from Contingency to Finance Incidentals.”

“Amending the 1996 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of \$35,489 for the 1996 CIP 8.20401 Archival Retrieval Project.”

“Increasing Income Limits for Exemptions From Real Estate Taxes For The Elderly.”

ought to pass.

Alderman Soucy moved to accept the report of the Committee on Finance. Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

Communication from Alderman Wihby submitting a tentative FY98 Departmental Budget Schedule.

Alderman Wihby stated what we did was go back to last year’s and put them together and put the meetings on Monday.

Alderman Shea moved to accept the schedule as presented. Alderman Sysyn duly seconded the motion. There being none opposed, the motion carried.

Memorandum of Understanding between the City of Manchester, NH and US FIRST for property located at 200 Bedford Street.

Mayor Wieczorek stated this is where we will be storing items after the move for the 14 or 18 months while gone.

Alderman Wihby stated this is where they came in last time and wanted us to spend \$15,000 or something and we had asked Dick Houle to go back and speak to FIRST and they would be giving it to us for \$1.00 instead of the \$15,000.

Alderman Wihby moved to approve the Memorandum of Understanding. Alderman Robert duly seconded the motion. There being none opposed, the motion carried.

Communication from the Public Works Director requesting the Board authorize acceptance of State hazardous waste clean up funds and to enter into a contract with the NH Department of Environmental Services, Waste Management Division for the Spring 1997 Household Hazardous Waste Collection project, and further requesting authorization for the Public Works Director to execute such documents as may be required.

Alderman Pariseau moved to authorize acceptance of State funds and to enter into a contract with the NH Department of Environmental Services; and further authorized the Public Works Director to execute such documents as may be required. Alderman Soucy duly seconded the motion. There being none opposed, the motion carried.

Communication from the Public Works Director submitting the retirement application of Mr. Edward J. Gosselin.

Alderman Soucy moved to approve the retirement application of Edward J. Gosselin as submitted with regrets. Alderman Cashin duly seconded the motion. There being none opposed, the motion carried.

Resolution:

“Authorizing the Finance Officer to effect a transfer of Forty Five Thousand Dollars (\$45,000.00) from Contingency to Finance Incidentals.”

On motion of Alderman Soucy, duly seconded by Alderman Pariseau, it was voted that the Resolution be read by title only, and it was so done.

Alderman Sysyn moved that the Resolution pass and be Enrolled. Alderman Pariseau duly seconded the motion. There being none opposed, the motion carried.

Alderman Domaingue asked where does that leave our balance in Contingency.

Mr. Clougherty replied it would be about \$125,000, there was \$170,000 when we started today.

Resolutions:

“Increasing Income Limits for Exemptions From Real Estate Taxes For The Elderly.”

“Amending the 1996 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of \$35,489 for the 1996 CIP 8.20401 Archival Retrieval Project.”

On motion of Alderman Pariseau, duly seconded by Alderman Reiniger, it was voted that the Resolutions be read by titles only, and it was so done.

Alderman Soucy moved that the Resolutions pass and be Enrolled. Alderman Robert duly seconded the motion. There being none opposed, the motion carried.

Mayor Wiczorek presented the following nominations:

Fire Commission

Paul Bolieau to succeed himself, term to expire May 1, 2000.

Planning Board:

A. Joseph Dion to succeed himself, term to expire May 1, 2000.

William Craig to serve as an Alternate, term to expire May 1, 1999.

Heritage Commission:

Gregory Goucher to serve as an Alternate, term to expire January 1, 1998.

David Boutin to serve as an Alternate, term to expire January 1, 1999.

As per the rules of the Board, these nominations were to lay over until the next meeting of the Board.

Alderman Elise stated at our last meeting, eleven of the Aldermen had signed a petition to ask you to seriously consider placing Bernie Cowette on the Heritage Commission and I did notice that he is not one of your nominations.

Mayor Wieczorek replied, I am giving it serious consideration.

Alderman Elise stated I do not know Gregory Goucher and I do know David Boutin, but at this particular time, I would like to express my consideration that you do so at the next meeting, appoint Bernie Cowette to the Heritage Commission. I do not want this situation to develop into an embarrassing situation for anyone. The full Board has expressed a desire to place Bernie on the Heritage Commission and it's going to be very, very difficult for me to vote for these candidates to the Heritage Commission if Bernie's name is not brought forward and I would also encourage my fellow Aldermen to really look at this situation also. Not in the context that you brought these nominations forward are not good nominees, but to be very sensitive to the fact that we have brought forward a name that we would like you to seriously consider.

Mayor Wieczorek again stated he would seriously consider it.

Ratification of agreement with the Water Works and United Steelworkers in accordance with the memorandum of agreement and cost calculations presented on March 4, 1997.

Alderman Soucy moved to ratify agreement with the Water Works and United Steelworkers in accordance with the memorandum of agreement and cost calculations presented on March 4, 1997. Alderman Pariseau duly seconded the motion. The motion carried with Alderman Robert duly recorded in opposition.

Ratification of agreement with the Firefighter's Association in accordance with the memorandum of agreement and cost calculations presented on March 4, 1997.

Mayor Wieczorek asked what do we know about item 18.

Mr. Hodgen stated we know that the firefighter's have been voting all day today, but do not know what the outcome is and I would recommend that the Board vote to ratify and, of course, if the firefighter's do not, then of course we won't have an agreement.

Alderman Hirschmann moved to ratify agreement with the Firefighter's Association in accordance with the memorandum of agreement and cost calculations presented on March 4, 1997. Alderman Cashin duly seconded the motion. The motion carried with Alderman Robert duly recorded in opposition.

NEW BUSINESS

Mayor Wieczorek stated I did receive a call tonight from Representative Vaillancourt and he informed me that the Department of Transportation hearing that would be held normally the early part of April regarding the Access Road to the Airport is going to be delayed until the latter part of April. So, apparently the Department of Transportation is not ready yet, so it will be the latter part of April and I'm just bringing that forward to you as an informational item.

Alderman Pariseau stated I would like to bring in the Committee on Administration/Information Systems report.

Mayor Wieczorek stated before we do that, we need unanimous consent from this Board to bring in these two new items of business, do we have unanimous consent.

Alderman Wihby asked why do we need unanimous consent, that's for a special meeting.

Alderman Pariseau stated it doesn't need unanimous consent, your Honor. Since when have we ever done that.

Mayor Wieczorek asked, Tom, does it.

Assistant Solicitor Arnold replied unanimous consent referred to special meetings of the Board.

A report of the Committee on Administration/Information Systems was presented recommending, thatso-called “slot machines referenced in Section 111.45(C)(1) of the Code of Ordinances be restricted to establishments holding a liquor license; and that a moratorium be placed on such machines so as not to allow any additional machines to be licensed in the City.

The Committee further recommended that the ordinance be amended if required to reflect the authority of the Police Department to destroy the so-called “slot” machines if they are found to be used for gambling.

Alderman Pariseau moved to accept the report of the Committee and refer it to the Committee on Bills on Second Reading for ordinance preparation. Alderman Sysyn duly seconded the motion.

Alderman Robert stated from a personal representative from a district that has quite a few of these things and whose district is struggling to maintain it’s family atmosphere, trying to keep the neighborhood from degenerating, I don’t think this is going to do it. It may even...because we have casinos in residential areas and this is what this will create, it will...I think it will accelerate the attraction to these institutions which have these things. I believe it would create an even more hostile environment for family living. I think it will chase some of these families out of the neighborhood, I think property values will suffer for it, it will restrict investment in the neighborhood, and these things are just crime generators, your Honor. I want my district to be a good place to raise children. I don’t want it to be a hostile place. Ward 11 is for families, it’s not for criminals, the atmosphere if I have anything to do with it is not going to move this way and we’re not fixing anything by doing this. The machines have got to go. Thank you.

Alderman Shea stated I was on the Committee on Administration/Information Systems and I voted not to support this particular amendment. My idea is that these machines are affecting the quality of life within our community. It’s a difficult situation because basically the Police hands are relatively tied, they can’t go into clubs as the Chief has mentioned. Chief Driscoll presented to us his concerns about the amendment here as recorded. He is opposed to it. They presented to us at length why these are opposed to it. His caution to us following this vote was that we will regret this vote if we vote not to ban these machines. Members of my constituency, for the most part, I received a few calls that were in favor of keeping the machines, but for the most part they are generally opposed to this particular...keeping the machines. I think that we have to take a stand as members of the Board of Mayor and Aldermen and say is this particular type of activity something that we as a community want to continue and I believe that if we say that we do, then we are going to be fostering this type of activity and it’s going to get worse before it gets better.

Alderman Reiniger stated I know the Chief has had the courage to come forward on this issue and I would just like to know his opinions on this version, I’m not on the Committee, so I didn’t hear his opinion.

Chief Driscoll stated I came before you on February 3rd with other members from the Police Department and without rehashing that whole presentation, I would tell you just the area we touched on. We talked about the affects of gambling on your community, the laws and ordinances relative to video poker here in Manchester, the prosecution problems we have, the issues relative to enforcement that are considerable, the money involved, and the legal issues. I have spoken with the Attorney General's Office as recently as yesterday. They have assigned two individuals to look at this issue. I believe that they will get back to us with some information that may tell us that we can in fact, may tell us that we cannot, I don't know. But, I think to go forward at this moment would be a mistake. I certainly respect the opinion of our City Solicitor's Office, however, I believe we will create a problem if we say that areas which have a lawful liquor license can, in fact, have video poker machines. Everyone in this rooms believes that they are gambling instruments, that that is their sole purpose, and to condone that or support that in any way by this Board, I believe is wrong. I think that additionally if, in fact, we adopt the moratorium that's in essence a ban. If we tell the local businessman who owns a local grocery store that he can't have video poker machines in his store, I believe that that's a ban also and we will have the same legal challenges if we do an outright ban, so I don't think the Board is avoiding any legal confrontation. I think that it would be in the best interest of the community if they were, in fact, banned, and it's long been my position, but I think at the very least the Board should wait until we hear from the Attorney General's Office with information that they may provide.

Mayor Wieczorek stated, Chief, I agree with you. As a matter of fact, I spoke to our former Attorney General and after he left I spoke to the Acting Attorney General and he indicated, both of them indicated they would be getting a response to us. I would suggest that we wait until such time as we hear something from the Attorney General and that's my recommendation.

Alderman Cashin asked do we have a time limit on this. I heard some time ago that they were going to respond to us and we haven't heard anything and now you're saying let's wait. How long are we going to wait.

Mayor Wieczorek replied until we get the report, Alderman. I have no way of knowing.

Alderman Cashin stated they could sit on this for a year if they wanted to.

Mayor Wieczorek stated they could, but I think the Chief is calling the Attorney General's Office, I'm calling the Attorney General's Office, they know that we are anxious to get a response.

Alderman Pariseau asked what's wrong with Home Rule.

Mayor Wieczorek replied there is nothing wrong with Home Rule, as a matter of fact, I'm a strong supporter of CACR 10.

Alderman Pariseau stated I have a question, your Honor. It's relative to the issue of banning the machines. We're not here to condone gambling and I think we're losing sight the fact that the action of the Committee or the request of the Committee was to look at either banning the machines or not banning. The Committee chose not to ban the machines. Now, if there's illegal gambling going on, it is up to the Police Department to take care of it, to enforce the ordinance and State laws governing gambling, not this Board of Aldermen.

Mayor Wieczorek asked do you really think that anybody's putting twenty dollar bills in just to watch the wheels go round.

Alderman Pariseau stated I don't know of anybody putting in twenty dollars anywhere.

Mayor Wieczorek stated I understand they take twenty dollars bills and give change, I don't know I haven't seen one, so I don't know.

Alderman Pariseau stated if you know it, your Honor, the Police must know it and they should enforce the laws on the books relative to gambling. We did not look at the issue of gambling. It was to ban or not to ban. And, we as a Board that's all we're asked to do, ban the machines or don't ban the machines.

Mayor Wieczorek stated I've made my position clear. I think we ought to get the report from the Attorney General.

Alderman Pariseau stated people will be coming in to renew licenses for these poker machines by April, so what are we going to tell them. Yes, give us a thousand dollars for your machine and then we'll refund you in June.

Mayor Wieczorek stated I wish we didn't have to take the money.

Alderman Hirschmann stated I was in support of the ban. We did recess in Committee so that the full Board would know that we met with Counsel and Counsel that we pay told us that it would end up in court if we supported a ban. So, the word moratorium got put in there. Nashua has a moratorium on the books. I guess there's 350 licensed machines in Manchester and what a moratorium could do was cap any future machines and at least steer these to where Leo knows they're licensed. It's nothing that I want, but I'm being told directly by our own staff that we're going to end up in court and waste a lot of money.

Mayor Wiecozrek stated we're waiting to get a response from the Attorney General to say that it is or it isn't. I don't know what it is.

Alderman Soucy stated I just have a question about the moratorium. The handout that we had gotten from the Police Department said that we had 464 licensed machines. Is the moratorium on 464, is that our ceiling, or is the ceiling on the existing registered machines that are presently in establishments holding liquor licenses and how many is that.

Clerk Bernier replied approximately 200 machines are in liquor establishments.

Alderman Soucy stated if that's the case then isn't this a step in the right direction toward trying to limit access to these machines.

Mayor Wieczorek stated we are trying to eliminate them period.

Alderman Soucy stated you can't run a mile without taking the steps in between and you can't get from one point to the other and isn't this, at least, a step in the right direction towards trying to eliminate. If that's the intent of some people was to outright ban them which I don't think we have the legal capability to do right now without facing a challenge and perhaps losing, would it be a step in the right direction to at least try to restrict access to them.

Alderman Elise stated, your Honor, in my heart I feel that we should ban these machines. I have been in favor of a ban for three years, but enabling legislation doesn't allow us to ban them. I voted to regulate them because the Police Department told us it was the best thing to do. In each and every case that we have hired another attorney outside the City to validate our opinions, it has fallen through and the taxpayers have had to pay for settlements. In this particular case, if we did go through with a ban there would be an injunction, machines could continue to operate and possibly we wouldn't collect a fee anyway, they would just continue to operate. Although, I reluctantly will do this, very reluctantly, I will go along with this compromise because it does get the number of machines down, it does get them out of the places we don't want them in and under the condition that we will still pursue the possibility of other bans and I would encourage the Police Chief to work with the proper bodies, I would imagine after we get an opinion from the Attorney General on going forward with a ban and in terms of the enforcement issue, I really feel that the Police Department should be enforcing the regulations in place now and there may be reasons why they are not enforcing them that we don't know about or don't publicly know about.

Alderman Domaingue stated I would like to ask the City Solicitor a question if I may. I'm a little bit concerned if this Board were to adopt the wording of this recommendation, it appears to me that what we are doing is we are allowing establishments holding a liquor license to go ahead and continue to have these "slot" machines there, thereby, giving tacit approval to the "slot" machines in those liquor establishments. Would it not be, in effect, their argument later on should the City decide to ban machines outright that, in fact, we passed a particular recommendation that said we ought not to ban them from these establishments and they would have a legal position.

Assistant Solicitor Arnold replied, I guess it's certainly a possibility that that argument would be made. If the City were to have the authority to ban the machines, I think that it could do so if it has that authority. As you know, that is a subject of debate and the mere fact that we regulate them now probably would not give a very strong argument if we were to ban them later. I'm not sure I answered your question.

Alderman Domaingue stated, I guess that's my concern with respect to this particular recommendation, your Honor. I don't want to give any establishment the idea that by voting in favor of this Committee report, we're saying it's okay to have these machines in the City in certain places at all times because this Board may then down the road decide that they want to ban them outright and I'm afraid that by adopting this we're not going to allow ourselves the option of that position and so I cannot support it.

Alderman Robert stated just to comment on some of the things that have been said. At election time, I have gone through three different elections, I hear the folks say we're going to do what we can about crime. People complain that the City's looking more and more like Lowell and Lawrence every day. Well, what constructive steps are we going to take to make sure that we don't wind up like a Lowell or Lawrence. We've done some budgetary things, we've put more Policemen on the streets, we funded some programs that are suppose to regenerate the inner-city, but by not taking action, not by facing a challenge that has come to us over the last few years because of the proliferation of these things, we're letting all of that go and we're saying to the types of people who use these things whose families may suffer for it, our neighborhood's will be suffering for it. It's okay that the inner-city, we're going to let this go and the inner-city is going to deteriorate and it's okay. We're cutting new ground. I feel that this Board has to take some strong action even if it's not certain that it can do this a hundred percent, so we can make the statement that this is a not a good activity for the City of Manchester, that it is not good for the community and if there is something that has to be changed whether it's on the State level or the local level tell us what has to be changed and we can do it and we can get this done over time. By saying that this is okay, over time you're going to see flight. Decent people are going to leave the inner-city and the inner-city is just going to turn out like the way people are hoping that it won't like Lowell and Lawrence. I guarantee it.

Alderman Shea stated Ogden Nash has a very humorous statement..."candy is dandy, but liquor is quicker"...we're going to have so many liquor stores in the City now that we're not going to be able to house them all because if people depend upon "slot" machine receipts in order to keep open now whether it's a known donut shop they are going to apply for a liquor license.

Alderman Pariseau asked, your Honor, can we move to the question.

Alderman Shea stated basically, nothing will prevent them from trying to get a liquor license and if there is any type of way that they can keep those machines they are going to do it.

Mayor Wieczorek stated a question running through my mind here is we have 482 licensed machines here in the City. If you ban them and say only in liquor establishments and that's approximately 200, now does that mean if you say what we've got now we're going to put a moratorium on them, is that those people that have only a few now can get more, so we go up to the 464.

Alderman Pariseau stated, no. The moratorium on the ones that are currently in the liquor establishments, not the 482 figure.

Alderman Hirschmann stated there would be 200 machines in the City and you couldn't license anymore, there's a moratorium, whether you have a liquor license or not.

Mayor Wieczorek stated I'm opposed to it, no matter what.

Alderman Reiniger stated it is my understanding that the Solicitor is saying it is illegal to put a moratorium on them and my other question is how is it different, we're talking about banning future machines, how is it different from a total ban.

Assistant Solicitor Arnold stated again if you wish me to render an opinion, I suggest we go into recess for a non-public meeting.

Alderman Reiniger stated the other question is, aren't we in effect creating government-sponsored monopolies.

Mayor Wieczorek stated there is a motion on the floor to accept the report of the Committee and to refer it to the Committee on Bills on Second Reading. A roll call vote was taken. Alderman Shea, Domaingue, Robert and Reiniger voted nay. Alderman Pariseau, Cashin, Hirschmann, Wihby, Elise, Sysyn, Clancy and Soucy voted yea.

Mayor Wieczorek stated I am going to veto this action because I think it is really inappropriate.

Alderman Pariseau moved to override the veto.

Mayor Wieczorek stated I am hoping that somebody will decide that maybe we ought to wait for the Attorney General to find out whether we can or can't.

Alderman Cashin interjected, your Honor, it's only going to the Committee on Bills on Second Reading and the Attorney General is still going to have time to make his decision.

Mayor Wieczorek stated I am letting you know what my opinion is, Alderman. I'm going to veto this action because I just think it's inappropriate, I don't think Manchester's going to be the

kind of a City we want it to be. By picking up \$200,000 in money from what I consider a gambling machine, so I'm vetoing it and if you want to override my veto you can move.

Alderman Pariseau moved to override the Mayor's veto. Alderman Cashin duly seconded the motion.

Alderman Wihby asked aren't we eliminating almost 60 percent of the machines by doing this. Well, if we're eliminating 60 percent, it's a step in the right direction and we don't know if we can do the ban anyway, why shouldn't we jump on this first and after we get the results of the ban, we can decide later what we want to do.

Mayor Wieczorek stated a step in the right direction would be to eliminate them.

Alderman Wihby stated we can't do that.

Alderman Robert interjected, we can.

Mayor Wieczorek called for a vote on the motion to override the Mayor's veto. A roll call vote was taken. Alderman Pariseau, Cashin, Hirschmann, Wihby, Elise, Sysyn, Clancy and Soucy voted yea. Alderman Robert, Reiniger, Shea and Domaingue voted nay. The motion carried.

Communication from Alderman Wihby relative to insurance.

Alderman Wihby moved that the communication be referred to the Committee on Personnel/Insurance. Alderman Pariseau duly seconded the motion. There being none opposed, the motion carried.

Request from Rick Groleau seeking \$2,500 from the City to assist with the Adopt-A-Block Program

Alderman Reiniger stated Mr. Groleau had indicated they would need it by April 19th.

Alderman Reiniger moved to approve the request of Mr. Groleau seeking \$2,500 from the City for the Adopt-A-Block Program, such funds to be taken from the Contingency account.

Alderman Wihby duly seconded the motion. There being none opposed, the motion carried.

Mayor Wieczorek stated there was another question which came up at the School Board meeting. We had received a communication from Committeeman D'Allesandro talking about using one of the Millyard buildings for the School of Technology and then using the School of Technology as the Middle School. I indicated that Mr. MacKenzie would be taking a look at

that and responding, which he did and we've now responded to the School Board and I understand some questions were brought up by some of the Aldermen here, so, Mr. MacKenzie, if you could just speak to that issue for a couple of minutes here.

Mr. MacKenzie stated I did review it, there were some pros to the approach and I think I identified in the report to the School Board, I like the idea of additional activities in the Millyard. There are a lot of difficulties with the proposal and I did review those and one of the major ones is that the School of Technology was paid with State funds and we have an agreement and a contract with them to continue that through the year 2003. There are certain other logistical issues and there's cost consideration. At this point, we had cost estimates prepared by an architectural firm and the cost would likely come in to double as to what is being proposed right now. There is also timing difficulties in that the likelihood of opening, it's likely the facility for a Middle School that we're looking at opening in the fall of 1998 would not be open until the year 2000. So, there was a fairly long list of issues that would have to be reviewed, but I think the issue of our State agreement and the cost issues are perhaps the overriding ones at this time.

Alderman Reiniger stated I guess what you're saying is that the construction at the existing MST site would be \$4.2 million, what would that be for.

Mr. MacKenzie replied the MST is not set up for a Middle School. There is no gymnasium, no cafeteria, no band area, it does not have a Library as such. None of the classrooms at the MST are the right size classrooms for a Middle School. In essence, we went through the program and the entire inside of the building would have to be gutted and restructured into correct classrooms. So, that's the cost and there are also other costs that do not meet the State standards for the size of a school. If we wanted to get roughly 30% of principal back, we would have to meet those State standards and we would have to purchase additional acreage in the area to meet that.

Alderman Reiniger stated I had a discussion with Don Clark, Dean Kamen's Property Manager and he was hoping someone would approach him, he had strong interest in this. He said there's a lot of extra space in the U.S. FIRST Museum that maybe could be used to accommodate this school and I guess they have a lot of interest in coordinating with UNH and the Museum to create a technology/educational presence in the heart of Manchester, but I don't know if Mr. MacKenzie has spoken to Mr. Clark. There might be considerable savings by coordinating with the Museum. The City's already spending millions of dollars in the Museum, so I don't know if Mr. MacKenzie's spoken to Mr. Kamen or Mr. Clark.

Mr. MacKenzie stated, in essence, I have not identified any particular building because if we ever had to get into negotiations we wouldn't necessarily want to tip our hand on that. The proposal looked at a range of options. One of those was that somebody would donate a building to the City. Again, we found some technical problems with putting a facility that was designed

and intended to be on one level and take that and put it into the constraints of a multi-level Mill building, it's not impossible, but you do compromise some of the programs and it does increase the cost of doing so. So, we did assume at one point that there might be a building donated to the City.

Alderman Reiniger stated I just wanted to make a general point that in looking at other cities, as a general statement and in an era of tight finances the great challenge we have is every dollar we spend to do two or more things, to accomplish two or more results with each dollar and I just think that Mr. D'Allesandro is heading in the right direction. I think he was saying that we can use each taxpayer dollar to do two or three things. We can accommodate the Middle School, we can be fixing up buildings in the Millyard, we can be creating an exciting educational presence in the State. We're not doing that now. Under the present proposal we're only accomplishing one thing with each taxpayer dollar, the Middle School.

Mayor Wieczorek stated he just said we can't use the School of Technology and we have to use it as a School of Technology because of the funding.

Mr. MacKenzie reiterated because of the agreements we have on funding.

Alderman Reiniger stated I heard him say it would have to be looked into further and negotiated.

Alderman Cashin stated due to federal funding we have commitments and we have got to stay there until 2003, we don't have any alternative.

Clerk Johnson stated at the last meeting we had made a presentation to the Board on using the Superior Court building for the Chambers, or at least that was what the Board had instructed and we have been trying to work a memorandum of understanding with them and have run into some difficulties because of the excessive use of the facility. The School Department in speaking with them today has offered the use of their School Board meeting room which the Fire Communications people have indicated would work on the recording and audio system for us and see if they can't put something a little better together and we would like authority from the Board to proceed with some kind of an agreement with the School Department and work towards getting a permanent location for the next 18 months.

Alderman Hirschmann asked what is the difficulty with the courthouse.

Clerk Johnson replied my understanding is that the person in charge of the Bureau of Court Facilities made a presentation to his Board and they were concerned about the use of the building, because it is a court building, it is not a public hearing kind of building, and we were talking about a substantial use. He was going to go back to his Board and redirect it because

they were taking a lot of items up that particular day and I have not heard back from him, so rather than delay it and knowing that the School Department is a cheaper option for us, we thought we would proceed with that option if the Board is agreeable.

Alderman Cashin moved to accept the Clerk's recommendation relative to the use of the School Board meeting room. Alderman Soucy duly seconded the motion. There being none opposed, the motion carried.

Alderman Domaingue stated, we as a Board approved a date for a public hearing for the CIP budget for the 24th and then following that on Tuesday the 25th, we were to meet as a whole Board if everyone wanted to be here to review that CIP Program. My concern, your Honor, was two-fold. First of all, if we go through the public hearing process what is presented to the public is in effect your recommendations for CIP. Prior to either the CIP Committee having looked at it or the full Board. My second concern is that on the 25th Alderman Pariseau and I both have an obligation to our constituents to be present in Londonderry High School where there will be a public hearing on the Airport's Master Plan will be held and there are a lot of concerns about that in both wards, I'm sure. So, the 25th may conflict for both Alderman Pariseau and myself, it certainly does for me. So, I'm just asking the Board if there is any possibility that do they still want to keep the public hearing schedule and if so would they consider the 26th rather than the 25th as the meeting on that particular budget.

Alderman Domaingue moved that the CIP Committee meeting scheduled for March 25th be rescheduled to Wednesday, March 26th at 6:30 PM. Alderman Shea duly seconded the motion. There being none opposed, the motion carried. Alderman Sysyn noted she would not be in town that week.

The following items were taken together:

Communication from non-affiliated employees requesting salaries and benefit improvements for non-affiliated employees - July 1, 1997 through June 30, 1999.

Communication from the Chief Negotiator requesting to meet with the Board for a negotiation strategy session.

Communication from the Assistant City Solicitor requesting that the Board recess the regular meeting to discuss pending legal matters regarding 991 Candia Road/FDIC.

On motion of Alderman Pariseau, duly seconded by Alderman Clancy, it was voted to recess the regular meeting for a negotiation strategy session with the Chief Negotiator.

Mayor Wieczorek called the meeting back to order.

Alderman Cashin moved to approve layover of agreement with AFSCME, Local 298 in accordance with the memorandum of agreement. Alderman Soucy duly seconded the motion. A roll call vote was taken. Alderman Cashin, Wihby, Elise, Sysyn, Clancy, Soucy and Shea voted yea. Alderman Robert, Reingier and Domaingue voted nay. Alderman Hirschmann was absent for the vote. The motion carried.

Mayor Wieczorek stated I don't know how you can vote on the agreement, when you don't have the numbers in front of you.

No further action was taken with regard to the communication from the non-affiliated.

No further action was taken with regard to 991 Candia Road.

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

A True Record. Attest.

City Clerk