

BOARD OF MAYOR AND ALDERMEN

January 16, 2024 at 7:00 PM

Mayor Ruais called the meeting to order.

Mayor Ruais called for the Pledge of Allegiance, this function being led by Alderman Goonan.

A moment of silence was observed.

The Clerk calls the roll.

Present: Aldermen Morgan, Goonan, Long, Fajardo, T. Sapienza, Kantor, O'Neil, Levasseur, Terrio, E. Sapienza, Burkush, Barry, Vincent, Thomas

PUBLIC COMMENT

Mayor Ruais advised that the purpose of the public comment session is to give residents of Manchester the opportunity to address the Board. All people wishing to speak will have up to three minutes to do so and any comments must be directed to the chair. Any resident wishing to speak will come forward to the nearest microphone, clearly state their name and address when recognized and give their comments.

Josh Reap, New Boston Road, Candia, NH stated:

I am here representing my association, Associated Builders & Contractors. I sat before a mixture of members on this Board last December encouraging you to consider our proposed reforms to an ordinance that was passed regardless of what we had for input. I know that it is on the agenda again tonight and while I would certainly encourage the revisiting of this ordinance and making it something more palatable, at the end of the day I think what we had before this whole conversation began in a perfect world was great but I realize that we are working in a world of compromise and coming together to make sure we get done what everyone wants for all parties. I think the proposal that we had in our initial letter which I know has been in the record and I can leave here again if you need another copy gets to some specificity and objectivity to make sure that contractors are doing it right and doing it safely for the protection of their workers and the residents of Manchester. That is pretty much what I wanted to say to you. Again,

thank you for opening this up again and I would like you to consider what I put in my letter initially. Thank you for your time.

Tom Hilton, Election Administrator, City of Manchester, stated:

I am here tonight for a public service announcement regarding the upcoming Presidential Primary scheduled for next Tuesday, January 23. I want to remind voters that the polls are open from 6 AM until 7 PM. Please remember to bring your photo i.d. so that you can be checked in quickly and efficiently. If you do not have a photo i.d., you can still vote but you will be asked to have your picture taken and to complete an affidavit. The City of Manchester has implemented a quick and easy check-in process using an electronic checklist. Voters can go to any line and check-in. There will no longer be any alphabet letter lines. If you are not registered to vote in the ward you live in, you can register to vote on Election Day. Please go to our website, manchesternh.gov/elections to get detailed voter registration requirements. There are no party changes allowed during the Presidential Primary. Registered Republicans and registered Democrats will receive the ballot of their party. Undeclared voters can vote in this primary. They will be asked to choose either a Republican or Democratic ballot. Undeclared voters will have the ability to return to undeclared after they vote by completing a Return to Undeclared Form. I want to thank you for your time and if you have any questions regarding elections, voting, absentee voting or voter registration, please contact the City Clerk's Office at 603-624-6455. Thank you very much.

Dam Wright, Manchester stated:

There are a lot of new faces here and a new seating arrangement. I want to sincerely congratulate every single person here on winning your election and I do hope that we can work towards positive relationships in the types of work that overlap between us. Some of you may not know much about me. I don't usually like to talk about myself but I will give you the quick version. I am an independent consultant specializing in homeless initiatives working in outreach, aid and advocacy. I do a variety of educational projects including free Narcan classes and many other things. My flagship project has been the Loads of Love Program with the Wash Street Laundromat where twice a week we provide free laundry services to the unsheltered homeless community along with meals, wi-fi, charging stations, literally tons of donated clothing, supplies,

etc., a place to be warm for a few hours, and the use of a bathroom. Through most of last year, we were serving over 350 loads of laundry per month and way over 700 meals per month which makes us one of the largest aid operations in the city. I get involved in a variety of other projects including helping out at the local Beech Street shelter. I was over there two Fridays ago fixing the toilet for them. Anyway, enough about me. I wanted to talk briefly about homelessness especially since some of you folks are coming in new to this and some of you folks seem to have run on a platform that the best approach to homelessness is more laws and more enforcement. I can tell you right now that doesn't work. That is what they tried to do in 2022. They forced people out of the camps around the outskirts so they all ended up around the parks downtown. Then when they forced them out of there in the fall, they all ended up in a giant tent city in the middle of downtown. When they were ultimately forced out of there, they scattered back into the doorsteps of businesses and around people's neighborhoods. The best way to deal with this, especially when you are coming in because a lot of this is counterintuitive, is listen to your experts. You have great experts. You have Director Beloin. You have Director Warner. They know what they are doing. In fact, in Director Warner's case, in his first year as the Director of Overdose Death Prevention, overdose deaths are down 24%. Pay attention to what these people are talking about because a lot of this is counterintuitive. Things like housing first and harm reduction sound like the wrong thing to do. They sound like they are enabling. They sound like a lot of things but when you look at the data and you look at the actual results, you will find that this is the way that we get ourselves out of this problem. Thank you very much and good luck in your terms.

Glenn R.J. Ouellette, 112 Auburn Street, stated:

Number one, I want to thank the alderman from Ward 5. Congratulations for standing up for the decisions of Manchester and making sure that JFK Coliseum remains where it is as it should. When you spend \$7 million to repair a building like that and then a few years later talk about destroying it, that is a waste of taxpayer's money. When you spend \$6.5 million on Beech Street School, which is now the best coded intact school, and you want to tear it down three years later...we are still paying on the bond. Then you want to take a park away from the students who play soccer there and build another Beech Street School. What is wrong with the first one? If you need another high

school, I am sure we have plenty of land in this city for it. Wasting \$13.5 million is not the way to do it. I am glad and thank you to the alderman in Ward 5. Another thing is parking. I guess we have so much parking downtown according to Alderman Levasseur that we now have cars parked on the sidewalk by the hotel where the people can't even walk. I guess our parking lots are getting pretty well full. I do welcome the election, the primary. It brings in a lot of people to the city and helps the restaurants and hotels and other businesses and that is always a good thing for the City of Manchester, especially in January. The last thing I want to say is the elections are now over. You have won your election. I don't care what party you belong to, you won them. Do what is best for the City of Manchester. Manchester citizens first. Thank you and goodnight.

Mary Roberge, Manchester, NH stated:

I am a neighbor to Hallsville School and I know that there are discussions about Hallsville School. I have come and spoken to the Board of Mayor and Aldermen about Hallsville School. There was a community meeting a few years ago with the neighborhood where the residents addressed their concerns. The biggest one was parking because it is a small street and a dense street. I heard a couple of proposals; one is to have more housing. I have to tell you that we cannot have more housing on that street. It is too tight and the residents do not really want it. The community center is actually one of the best things that has happened since Hallsville was decommissioned. I have no trouble with them. Once in a while they do leave their trash which comes into my yard but I really and truly do not have an issue with them. I would like to see Hallsville School become more vibrant. I am sorry to see that it has deteriorated so much. I would like to see it be an asset to the neighborhood; one where it makes that neighborhood, even though it is in the inner city, a livable neighborhood for all the residents and one that does not add more housing. I have to tell you that if you put in additional bathrooms it is going to reduce all the water pressure. That is really basically why I am here. I want you to consider all proposals but please, please do not add more housing. We just can't deal with it on that street. It is too tiny and it is a small residential street. We need to honor Hallsville School. It has been around for over 130 years. It was an asset to the neighborhood and there are so many wonderful things that you can do with it that can be beneficial to both the city and to the neighborhood. Thank you very much.

Allan Rath, 8 Carpenter Street, stated:

I come before you this evening to advocate for the amendment to Chapter 38: Procurement Code of the Code of Ordinances of the City of Manchester by adding additional requirements during the prequalification of bidders associated with the procurement of city construction contracts and to advocate against a motion to reconsider the Board's prior decision on the amendment. I helped draft the amendment to this ordinance with former Alderman Kevin Cavanaugh to protect Manchester taxpayers from businesses coming in and doing construction work in our city, for our city and with taxpayer money when they have been banned from doing construction work in other cities or states because they mistreated their workforce or because of other business misconduct. As we were writing the first draft to this amendment back in March 2023, it became public that Avatar Construction Corporation, the contractor that is building the Grand Central Suites project on Central Street, was being charged by the Massachusetts Attorney General for wage theft. Avatar also received three years of tax breaks from the City of Manchester. This amendment to the prequalification ordinance was drafted to protect the city from exactly this kind of situation. It was never our intent to cause small businesses or the city any additional money when they go to work on a project. I also wanted to note that this amendment was worked on in coordination with DPW and was approved in its final form. We are also aware that the Associated Builders & Contractors have concerns with the way the amendment was written and I wanted to say and I told Mr. Reap that we supported their suggested changes and the amendment to the ordinance. I am simply asking the Board our mayor to vote no on the motion to reconsider and to work with ABC to amend the ordinance so that it works for all parties involved. Thank you.

*On motion of **Alderman Terrio**, duly seconded by **Alderman E. Sapienza**, it was voted to take all comments under advisement and further to receive and file any written documentation submitted.*

CONSENT AGENDA

Accept BMA Minutes

2. Minutes from the 10/17/23 Special BMA, BMA & Finance Committee meetings, the 11/21/23 Special BMA, BMA & Finance Committee meetings, and the 12/5/23 BMA & Finance meetings.

Accept and Remand Funds

3. Two one-time payments from the passage of NH House Bill 2 - \$584,450.65 (Highway Block Grant) and \$1,218,698.35 (Municipal Bridge Aid).

REPORTS OF COMMITTEES

COMMITTEE ON ACCOUNTS, ENROLLMENT AND REVENUE ADMINISTRATION

4. Advising that the update on the Revolving Loan Fund has been accepted.
(*Unanimous vote*)
5. Advising that the Finance Department reports:
 - Accounts receivable over 90 days
 - Aging report
 - Outstanding receivableshave been accepted.
(*Unanimous vote*)
6. Advising that the Monthly Financial Report (unaudited) for the first five months of fiscal year 2024 has been accepted.
(*Unanimous vote*)

COMMITTEE ON LANDS AND BUILDINGS

8. Recommending that the Memorandum of Understanding between the Southeast Land Trust of NH and the City of Manchester be approved.
(*Unanimous vote*)

*HAVING READ THE CONSENT AGENDA, ON MOTION OF **ALDERMAN O'NEIL**,
DULY SECONDED BY **ALDERMAN BURKUSH**, THE CONSENT AGENDA WAS
APPROVED.*

COMMITTEE ON LANDS AND BUILDINGS

7. Recommending that Mark Gomez be allowed to work with Ed Baroody and come back to the committee on January 16 with a proposal for Hallsville School.
(*Unanimous vote*).

Alderman Levasseur moved to refer this item back to the Committee on Lands & Buildings. **Alderman E. Sapienza** duly seconded the motion. Mayor Ruais called for a vote. The motion carried with Alderman Fajardo duly recorded in opposition.

REGULAR BUSINESS

9. Motion for reconsideration by Chairman Levasseur on a vote to ordain the following ordinance amendment:

“Amending Chapter 38: Procurement Code of the Code of Ordinances of the City of Manchester by adding additional requirements during the prequalification of bidders associated with the procurement of City construction contracts.”

Alderman Levasseur moved to reconsider the vote and send the ordinance amendment back to committee for further work. Clerk Normand could you tell us which committee this would go back to? Would it be Bills on Second Reading?

Matthew Normand, City Clerk, replied it could go back to Administration if you want to amend this.

Alderman Levasseur stated I think we should work on this a little bit more. There seems to have been some movement on the language by two parties so I think it could go back.

Alderman Long duly seconded the motion.

Alderman T. Sapienza stated if we have an ordinance and we want to make amendments to it, why don't we just go through the normal process. Why do we have to reconsider this?

Mayor Ruais stated I think the idea was that we had two entities that were interested in finding compromise. That is the conversation that we have had with a number of members of the Board to send it back to committee to let them work on a compromise.

Alderman T. Sapienza responded we don't need to reconsider the motion. We already ordained the ordinance. It can be amended. The two parties can work together and come up with an amendment. Then when they have an amendment they can...

Mayor Ruais interjected the motion is to send it back to committee.

Alderman T. Sapienza replied right and I am wondering why we would do that rather than use the amendment process that is already in place. Any ordinance can be amended. Just bring your amendment forward and put it through the process.

Alderman Long stated I think going back to the committee an amendment would be added and it can then come to the full Board. It doesn't have to go through the two other committees – Bills on Second Reading and Accounts. There can be an amendment done in committee and then brought straight to the BMA I believe.

Alderman Levasseur stated I think technically the alderman from Ward 5 is correct. My motion for reconsideration should be voted on and then somebody could bring it back and start the process over again. I think what we are asking for is just an expedited process instead of reconsidering the actual motion to ordain the ordinance. Whatever happens after that reconsideration would then kill it. I am looking for a little bit of compromise by not killing what is there but just trying to rehabilitate it in another committee. I think technically the alderman is correct. I am not sure if we need...maybe the Clerk can weigh in on whether we are allowed to do this.

City Clerk Normand stated this ordinance was ordained by the last Board if you recall. You are asking this Board to reconsider that action as I understand it and rescind that ordinance by a simple majority of this Board and then go back to committee and come back with a new recommendation for an ordinance amendment. Is that what I understand?

Alderman Levasseur replied well Alderman T. Sapienza is expressing that point I believe. I am just not sure if we need to do those two steps in order to get it back to committee but if we kill it now we have nothing. I know a bird in the hand is better than

two in a bush so I don't know what the Board wants to do. I could actually make an argument that the reconsideration was on the change made to that ordinance and that is what I wanted corrected. I don't want to kill the whole ordinance. I just want to kill the changes that were made. Is that a fair argument?

City Clerk Normand asked so you are looking to revert back to the original ordinance that was on the books. Is that what you are saying?

Alderman Levasseur responded yes. I would stay with what we had originally...well that would be what the reconsideration would be right? The changes that were made?

City Clerk Normand answered correct. You are reconsidering the Board's action to ordain that ordinance. If a majority of the Board agrees with you, then it is on the table as far as what you want to do. Do you want to rescind it? Do you want to send it back to committee and have it worked on and then come back? It is up to the Board.

Alderman Levasseur stated *I will amend my motion to do it that way. I think that is a fair interpretation. I would ask this Board to reconsider the motion to ordain and send this back to the Committee on Administration.* ***Alderman Long*** duly seconded the amended motion.

Alderman Fajardo asked can someone repeat the motion.

Alderman Levasseur stated we are going to reconsider the ordinance that was put into effect by the previous Board and send it back to the Committee on Administration for more work.

Alderman Fajardo asked more work or you said kill...

Alderman Levasseur interjected changes. There are some changes that have been agreed to by the parties or at least things they want to look into it.

Alderman Fajardo replied but previously you said kill it; kill the language.

Alderman Levasseur responded that is what the original motion is; to kill it. I am amending it to approve the motion for reconsideration and then send it back for more work.

Alderman T. Sapienza asked in the meantime it remains an ordinance.

Alderman Levasseur responded no there wouldn't be an ordinance now because that vote has been reconsidered. Is that correct?

City Clerk Normand stated you are rescinding the action that the prior Board took to ordain. You are rescinding that and now we are going back in time should this pass and take the original ordinance and send it back to committee for more work. That is how I understand this.

Mayor Ruais called for a vote. *The motion carried with Aldermen O'Neil, Fajardo and T. Sapienza duly recorded in opposition.*

10. Communication from Chairman Levasseur recommending the following changes to the 2024-2025 Special Aldermanic Committees:

1. Combine the Special Committee on Riverfront Activities & Baseball with the Special Committee on the Civic Center, which will be called the Special Committee on Baseball/Civic Center; and
2. Eliminate the Special Committee on Energy Contracts & Related Activities; and
3. Eliminate the Special Joint Committee on Education

Alderman T. Sapienza moved to approve #1 & #3. ***Alderman Long*** duly seconded the motion.

Alderman O'Neil asked what is your thought, Alderman Levasseur, on combining those two committees. To me they are separate entities.

Alderman Levasseur stated my thought process is to make less work for all of the aldermen. The arena and the baseball field are close to each other. I think the last time

one of these committees met was 2019. It is not like they are really busy committees in the first place. I was looking to combine them so there would be fewer aldermen going to two separate committees and have five on one committee instead of ten on two.

Alderman O'Neil stated it isn't part of Alderman T. Sapienza's motion but is it appropriate Your Honor to ask about the Special Committee on Energy Contracts or do you want to wait and take a vote on the motion. I think Alderman T. Sapienza made a motion on just items 1 and 3. I have a question on the other committee.

Mayor Ruais replied I believe it would be appropriate now.

Alderman O'Neil stated at one time they were busy, Alderman Levasseur as you recall, with the solar project. What committee would...we have an energy consultant and that contract will have to be renewed at some point in the next few years so what committee do you see picking up energy related items?

Alderman Levasseur stated as a former Chairman of this Board, I believe you know that I can always form a special committee should the need arise. I think the last time we met on that committee it was a long time ago. Again, I would have had to put five more aldermen on a committee and to be honest with you, when I got responses to who wanted to be on what committees, no one picked that one.

Alderman Fajardo stated I am curious as to the logic on eliminating the Joint Committee on Education.

Alderman Levasseur responded that is a good question. I actually thought it was a no-brainer for a while and then I thought maybe I would keep it but my understanding is that it is a committee that was put together, and I don't know when it was put together because we never met when I was on it or maybe we met once in two years but my understanding is that we have a Joint School Buildings Committee with three aldermen and three school committee members already so I didn't know if we had this committee what they would be doing. They would basically be doing the same thing and again my goal was to eliminate extra work for six members or three more members of this Board.

Alderman Fajardo asked so maybe those two can be combined versus eliminated.

Alderman Levasseur asked which ones.

Alderman Fajardo answered the Special Committee on Joint School Buildings and the Joint Committee on Education because will that buildings committee be able to take up anything that falls outside the realm of facilities.

Alderman Levasseur stated I don't know what the other items would be.

Alderman Fajardo replied that is the point.

Alderman Levasseur stated there is a school board with 15 members on it.

Alderman Fajardo stated I will just share from my perspective and what I have heard. I don't think I am alone in this opinion that we have very little communication between the budget which is basically we hear from the school board when it is time to get approval for their budget. I, for one, would appreciate the opportunity to hear from them more frequently. Does that need to be a special committee? Maybe not but I think similar to how we requested Director Beloin to provide regular updates to this Board I think something to that effect would be helpful from the school district because unless you are on that committee, which apparently doesn't meet very frequently anyway, you don't have any visibility on what is going on until we get that sort of rosy picture during budget season.

Alderman Levasseur replied I am not set in stone on not having a Special Joint Committee on Education. Again, when I sent out the request, nobody responded that they wanted to be on it.

Alderman Fajardo stated I didn't understand the email to be on voting to keep those special committees.

Alderman Levasseur responded well it was sent out for people to let me know which committee they wanted to be on but I didn't get anybody who wanted to be on that one. So, because there was no one that wanted to be on it, I figured I wasn't going to keep it and just put people on there randomly. I really didn't want to do it that way but if you really have a desire for that, I can always set-up another committee if there are three willing participants on this Board. This is a be all end all. I can set-up a committee anytime.

Alderman Fajardo replied okay I misunderstood the way you had framed that. Thank you for clarifying that.

Alderman Long stated with respect to combining the Joint School Buildings and Special Joint Committee on Education, that would be problematic because the Joint School Buildings Committee is statutory. The other one is a special committee. The intent of the Special Joint Committee was during the budget process to have school board members and aldermen talk and file a report with us as is the Joint School Buildings Committee required to do. The fact that you can bring it up if the need arises because it wasn't utilized for quite a while...I am hoping to eliminate it. It can be re-established if there is a need.

Alderman Fajardo stated I am curious if anyone else on this Board has an interest in hearing from the school committee more than once a budget cycle because if that is the case I would make a motion...

Alderman Levasseur interjected it is not by motion that I set-up a special committee. You can just ask me or send me an email and find some people that want to be on it.

Alderman Fajardo responded but to your point maybe it is not a committee but perhaps quarterly communications from the district at our meetings or something to that effect if anyone else would like that.

Alderman Levasseur stated this Board can send invitations to the school board to have them come any time they want. The Finance Chair can do the same thing to ask them

to come discuss the budget. In our situation, the mayor will be presenting the school budget 30 days before our budget so to Alderman Long's point, they are already done their budget before we are finished with ours or the mayor is presenting it and then the aldermen get it after that. We can always invite...the mayor can invite them to come or anybody on the Board can invite them to come.

Alderman Fajardo stated I will put a reminder in my calendar to communicate getting that on an agenda perhaps on a quarterly basis for now.

Mayor Ruais stated I am more than willing to facilitate those conversations. The conversations I have had with the school board already have been fruitful in terms of their wanting to come before us, the Board of Mayor and Aldermen, so I would be happy to facilitate those conversations. Alderman T. Sapienza, can you reiterate your motion?

Alderman T. Sapienza stated my motion was to approve #1 & #3 and handle #2 separately.

Mayor Ruais called for a vote on the motion. The motion carried with Alderman O'Neil being duly recorded in opposition.

Alderman T. Sapienza stated I would like to keep the Special Committee on Energy Contracts. Energy is one of the city's biggest expenses. There is electricity, fuel for all the vehicles, and heating all the buildings. We have an energy consultant that helps us purchase that. I have been on that committee and we have reviewed RFPs from different consultants. We chose a consultant who has been serving the city very well. As a matter of fact, I believe we renewed his contract the last time. I, for one, appreciate having aldermen who are involved in seeing what is going on at the front-end of the process rather than it just coming before our Board where we simply have a choice to either accept or reject a contract. If we have a Special Committee on Energy, when they are going through the RFP process and trying to figure out which consultant to hire to handle one of the biggest expenses the city has, I think it is very important to have aldermen in front of that process. We worked very well with the Department of Public Works. I just think it is important to preserve that.

Alderman T. Sapienza moved to keep the Special Committee on Energy Contracts & Related Activities. ***Alderman Fajardo*** duly seconded the motion.

Alderman Levasseur stated I am not sure, alderman, if you got the email where I requested all of the aldermen on the Board to let me know what special committees they wanted to be on. You didn't even ask for one committee. If you wanted to chair this committee, you should have actually said you wanted to be on it. Again, I got no requests from 14 aldermen. No one requested to be on it. I don't know why all of the sudden there is this big thing to get on it. If four or five people requested it, I would have thought there was some excitement about it but the last time this committee met was in 2021. Is that right?

City Clerk Normand responded yes May 4, 2021.

Alderman Levasseur stated again my heart is not against setting up committees. My goal is to find aldermen who want to be on them.

Alderman Terrio asked is there another committee that could handle the energy contracts.

Alderman Levasseur answered Administration.

Alderman Barry stated Alderman Long and Alderman O'Neil, you were both Chairman of the Board at one time. When we gave requests to be put on committees, we all put down a few. We don't put down five or six or seven or eight. We put down a few that we are really interested in. I know two years ago I put in for a couple of committees and I ended up being on four special committees. That is just the way it goes. So just because people didn't tell you they wanted to be on it doesn't mean you can't assign them to them.

Alderman O'Neil stated just to follow-up on what Alderman Barry said and I respect what Alderman Levasseur is saying I only put in for two because I thought everyone

would want to be involved. I gladly would have jumped on energy. I was on it previously. I apologize for that but I think I only put in for two committees. If we were short, I would have been willing to serve on it and I was not aware of that.

Alderman Levasseur stated I know people don't believe this but I am really nice and didn't want to just put people on committees they didn't ask for. Alderman Long asked for 11 committees. Some people asked for 11 and some people asked for 9. I am not the kind of guy to put you in a prison. If you don't want to be on it, I won't make you be on it.

Alderman O'Neil stated I will serve on the energy committee if we save it.

Alderman Long asked so I can expect to be serving on all of those committees I requested. There is a community energy program or something that some municipalities have. In talking to other municipalities, evidently there has been a major reduction in the rates they pay. That is something we may want to look at. I know they came before us once but since those rates are going down maybe we want to look at that again. I would be in favor of keeping this committee.

Mayor Ruais called for a motion to keep the Special Committee on Energy Contracts & Related Activities. There being none opposed, the motion carried.

Alderman Levasseur stated anyone who wants to be on it, please send me an email. Thanks.

11. Communication from Lisa McCarthy, Assistant City Clerk, recommending that due to the state election being held on Tuesday, November 5th, only one Board meeting be held in November on the 19th.

Alderman Levasseur moved to approve. **Alderman Barry** duly seconded the motion.

Alderman T. Sapienza stated there was also a full schedule for the whole year that was in our packet. It was part of this item. In our packet there was a full schedule. I think we ought to include that schedule as part of this motion because what we typically do is

we get to June and we start moving the July and August meetings. I think it is a good idea to decide tonight what the schedule is going to be so people can make their plans and they don't have to find out two weeks before that we are changing the meeting date. For instance, we have a meeting scheduled for July 2. That is the week of July 4. Do we want to continue with that? That is what was in the packet. That is fine. I am not advocating for changing it. What I am saying is we shouldn't wait until June to change it. If we are going to change it, we ought to do it tonight. So, part of the motion should be to include the schedule that was in the packet.

City Clerk Normand stated the only difference was the July 2 meeting that I think Alderman T. Sapienza is referring to.

Alderman Levasseur asked is it staying July 2.

City Clerk Normand stated originally it was recommended that it get moved because that is what we have traditionally done. After discussion with the Mayor and the Chairman, it was decided not to do that.

Alderman T. Sapienza stated I am not advocating to move it. I am just saying let's set the schedule tonight and the schedule was in the packet.

Alderman Long asked will the person who made the motion and who seconded amend it to add the schedule that we received.

Mayor Ruais asked the schedule for the meetings for the year.

Alderman Long answered correct.

Alderman Terrio stated just to clarify, November 5 is still in there and she is recommending moving November 5.

Alderman Long responded right it is this motion to suspend the rules and move that meeting date in November and accept the rest of the calendar.

Alderman Vincent stated the memo is kind of clear cut. The question about July is if we do away with July 2 will it be July 9 or July 16. That is my understanding. There are three choices. I think if we are going to vote we need to make sure we are clear on whether we want it July 2, 9 or 16.

Alderman Levasseur stated I think Alderman T. Sapienza is saying he wants to keep it July 2 as it says on the calendar that was presented. Am I correct? Am I looking at the right page?

Alderman T. Sapienza replied right. It says July 2 now. If we want to move July that is fine. I just want to know what it is going to be in July now.

Alderman Levasseur stated *I amend my motion to suspend the rules and move to have only one meeting in November on the 19th and to accept the meeting schedule as presented. Alderman Burkush* duly seconded the motion as amended. Mayor Ruais called for a vote. *There being none opposed, the motion carried.*

12. Communication from Mark Gomez, Chief of Parks, Recreation & Cemetery, requesting approval of an agreement with A1 Bill Reliable Revocable Trust regarding a donated combat photographer statue to be installed at Veteran's Park, and authorization for the Mayor to execute said agreement.

On motion of Alderman Vincent, duly seconded by Alderman Long, it was voted to approve.

13. Communication from Robert Miller, Esquire, on behalf of the NH Fisher Cats, requesting approval of the sale of the NH Fisher Cats to Diamond Baseball Holdings, LLC.

Alderman Barry moved to approve. **Alderman Levasseur** duly seconded the motion.

Alderman Terrio stated just to clarify, someone called me on the phone and we had a conversation. Was it one of you? Whoever I spoke to said they weren't looking for a tax abatement or money from the city. They just wanted to buy the team outright, correct?

Tom Silvia, NH Fisher Cats, responded that is right.

Robert Miller, Sheehan Phinney, stated I am counsel to the NH Fisher Cats.

Alderman O'Neil stated I know he is stuck and he was upset that he couldn't be here but I had a great conversation with Mr. Shepherd of Diamond Baseball Holdings. I feel very comfortable with their commitment to the city and the opportunities in the future. I want to recognize him because he put time in trying to reach everybody.

Mayor Ruais called for a vote. *There being none opposed, the motion carried.*

14. Budget projections to be submitted by Sharon Wickens, Finance Officer, if available.

Sharon Wickens, Finance Officer, stated the FY24 general fund expenditure and revenue forecast, as of January 16, and based on department head estimates is as follows. The current projected general fund operating surplus is \$139,000. The operating surplus is comprised of an expenditure surplus of \$46,000 and a revenue surplus of \$93,000. December health insurance claims continue to exceed budget expectations. Through December, health costs are running roughly \$1 million over plan. Departmental expenditure surplus is expected to continue to increase as vacancies remain open coupled with the city hiring freeze. Any additional surplus will help to offset the higher health insurance costs. Health insurance costs not offset by surplus will be covered by the health insurance reserve. That account has a balance of approximately \$3.3 million. The forecasted surplus does include \$275,000 from the contingency account. There were 25 retirements through January 12 compared with 11 at this same time a year ago. Severance paid through January 12 amounts to \$941,814 compared to \$523,827 a year ago. The severance reserve account is anticipated to have a balance of \$1,438,551 after all related entries have been posted. You should also have the overtime report as of January 6 and a summary of department severance paid through January 12. One of the things that I wanted to note is that when I talk about the surplus of \$139,000, a comment was made at the last meeting that had me thinking about it a little bit. It was from Alderman Levasseur. Health insurance is

running over plan and I think the prudent thing to do is to use surplus to offset what we can versus hitting the reserve. The reserve is there and we can absolutely tap that if we need to but if at the end of the day something comes forward that I didn't expect from a department, well the departments don't have reserves so we would have to modify...right now I have a placeholder of \$600,000 going towards health claims but if we have to reduce that we have to reduce it and help whatever department is having difficulty. I don't know what that might be. When you look at surplus, I guess you could say it is \$739,000 which would give Alderman Levasseur more comfort. \$139,000 is a little scary at this point but I just wanted to give you an explanation on why I was doing that. It is just a placeholder to pay that down if we can and if we get more surplus in we will throw it at healthcare. The mayor intends to throw surplus to make up the \$1.7 million hole he has in the budget. We do have our eyes on it and we are working through it. As I look at the budget as a whole, I don't see any problems or any glaring concerns other than health insurance. January and February are usually not great months. I only see this getting bigger and we could easily be \$1.5-\$2 million down again this year. I will keep you apprised of it and we will make up what we can with surplus. We do have the reserve and the reserve is healthy at \$3.3 million.

Alderman Fajardo asked can you repeat where the \$600,000 is that you have earmarked for health claims.

Ms. Wickens answered if you are looking at the second page which has the bold at the top, FY24 Budget Projections, and you see all of the departments if you go down towards the bottom of the page you can see non-departmental. Health insurance is a non-departmental line and I have \$600,000 for surplus committed to it but that can be moved. It can be pushed off if it is needed somewhere else. It can do whatever we need it to do but the prudent to do with any surplus we have is to fill any holes that we have and right now that hole is health care.

Alderman E. Sapienza stated thank you for the presentation. I just want to be clear on something. When you say that there is nothing too alarming or words to that effect...

Ms. Wickens interjected nothing that I see like lagging revenues.

Alderman E. Sapienza stated but that is speaking to FY24 right. FY25 is less than six months away and that is a whole other...

Ms. Wickens interjected that is a whole other ball of wax.

Alderman E. Sapienza asked do you have any projections there or is it too early.

Ms. Wickens answered well that budget hasn't been set yet. The mayor does have challenges and he addressed some of those in his inauguration speech. The 4% COLAs are at least \$5 million. We don't know what people are going to come back with as they are putting their budgets together now. He is starting very early and maybe there will be some revenues to be able to curb that a little bit. He is trying to start this early because he has a lot of things he has to look at.

Alderman Long stated just for clarification, \$1 million over the plan means \$1 million over the millions we gave in the last budget.

Ms. Wickens responded you got it. We have some very, very sick members.

Alderman Levasseur stated generally we do new business and tabled items before we recess.

NEW BUSINESS

Alderman E. Sapienza moved to rescind Phase I of the Manchester School District's Plan to close Wilson Street School on a permanent basis and the plan to tear down Beech Street School in order to construct a new elementary school on the former Beech Street site. ***Alderman Terrio*** duly seconded the motion.

Alderman Long asked are there any contracts out on that. You made the motion so did you call the school district and let them know and are there any contracts out with regard to Beech Street or Wilson Street.

Alderman E. Sapienza stated what we are doing is taking a pause here. That is the general idea.

Alderman Long asked but are there any contracts with respect to those two entities out because we will have to pay those contracts off for doing nothing. Do you know whether there are contracts out on Wilson or Beech Street?

Alderman E. Sapienza asked are you talking about Phase II. The one they haven't told us about yet?

Alderman Long answered no Phase I.

Alderman E. Sapienza stated not to my knowledge. That is why we are doing this.

Alderman Long asked so you are saying no there isn't.

Alderman E. Sapienza replied I am saying we are taking a pause here. Constituents have contacted me and they are a little concerned about tearing down a perfectly good building.

Alderman Long stated if there is a contract, the taxpayer is going to eat that contract if we approve this. So, if there is a contract for either of those entities, we are going to eat that contract. That is what I am saying. The taxpayers are going to eat that contract.

Alderman E. Sapienza stated that is why we are having the discussion.

Alderman Long stated well before we vote I would like to know if there are contracts because I certainly don't want to have the taxpayers eat more than they have to.

Alderman E. Sapienza stated I applaud your fiscal conservatism.

Alderman T. Sapienza stated I would like to ask the Solicitor if...that was a bond approval so we approved the bond for the school district. Do we have the authority to take that bond back from the school district?

Emily Rice, Solicitor, responded I would be happy to give some advice in a recessed meeting. I don't think it is advisable to discuss it in public. The pending motion as I understand it, is a motion to rescind the plan. I just have to say I don't know how that would work to rescind the plan but not the bond.

Alderman T. Sapienza stated we approved the bond so I don't know if we approved the plan.

Alderman O'Neil stated that was my question too. The previous Board approved the bond and things are moving forward, I think. Unless there is an attempt to rescind the bond, I don't know what other action can be taken. Is it legal at this point to rescind the bond?

Alderman Terrio stated to address Alderman Long's concern, it is my understanding that although the school district runs the schools, the city owns the school buildings and there is a joint committee on how to administer them. I would ask Solicitor Rice but I don't see how they could go out for a contract without our knowledge since the aldermen control the buildings and have to control the contracts. Although they are going to do the planning and it was their plan, it has to come back to us and it has to come back to our committee to approve the contract. I would be surprised if they had a contract without our knowledge and I would ask Solicitor Rice if that is a correct understanding. Since the city owns the school buildings and we have a committee on how those school buildings are to be administered and disposed of, wouldn't any contract that was signed have to be approved by the BMA?

Solicitor Rice responded the alderman is correct that the city owns the buildings. I can't comment, certainly not publicly, on the viability of any contracts or whether they have been entered into or if they have whether they are valid or invalid. If you want me to

look at a specific contract, I would be more than happy to give an opinion but I wouldn't want to give any opinion in public if there are ongoing contractual relationships.

Mayor Ruais stated I think at this point it would be appropriate to go into non-public.

City Clerk Normand stated it would be a recess to meet with legal counsel.

Alderman Goonan stated we can go back and forth and talk about this curveball all we want but I think we need to talk to the Solicitor to see what is legal and what is not and where we are at.

Alderman Levasseur stated first of all, if there was a contract to tear down a school building, which is Beech Street, it would be more than \$50,000 and in order for them to go above \$50,000 there would have to be a vote by the board. Remember, they changed the policy...if you watch the school board meetings, they passed a motion that anything that they go out for or any contract had to be \$50,000 or more otherwise they could do it without board approval. I would consider that the fact they are going to tear down Beech Street school if they had a contract on it, they would have already had to come before the school board at minimum for anything over \$50,000. Since this project that we have, just the first phase when you consider a 30-year bond at 4.5% is going to cost the taxpayers \$550 million, if we had to eat \$50,000 because there was a contract to tear down Beech Street School, I would be more than happy to eat that amount for them not to do so. You can talk about the legalities but we are not trying to get rid of a bond. This motion specifically doesn't mention a bond. It mentions changing the project. When you guys rushed this through in December while we were all sitting here waiting to get into these seats, you guys jammed this down our throats without any questions being answered. We couldn't get any questions. We didn't get a proper presentation. We never knew what the second phase of this plan was. We have never been told. Coincidentally, and it was brought up tonight, JFK has been saved by an amendment that was made that night on Phase I. Why would JFK have anything to do with Beech Street School being torn down that that would have to be brought up? Somebody must know something. A lot of people are in the light on what this Phase II is and the new members of this Board are very in the dark as to what Phase II is. Why are they tearing

Beech Street School down? We are not asking them to stop with any of their...as far as rehabbing school buildings, they can go forward. We are not asking to kill the bond that was voted on with 10 votes. When Phase I was approved, it was approved with eight votes. Eight votes to approve and 10 to bond. The bond stays in place. We are not trying to kill the bond. What we are hoping, hoping, is that somebody comes back with a clear mind and says what a waste of money this is. You think you are going to get Phase II in? It is not going to happen. There is no reason to tear down Beech Street because my little bit of understanding I have is tearing down Beech Street has everything to do with Phase II. There is no reason to not rehab Wilson Street School. You just blew \$16 million on modulars; 6 modulars folks. \$16 million and you are worried about maybe losing a little bit of money on the fact that we don't want Beech Street School torn down. A gentleman came tonight and said it is one of our best schools and the youngest school and the highest coded school. We put millions of dollars into a couple of years ago and the outrage in this city right now is palpable and actually it is warranted. We need to slow this thing down. Let them continue to rehab the middle schools and let them continue to do any kind of rehab they want to do but tearing down Beech Street School...I just wonder how much of a cost savings that is going to be. Maybe they will only have to spend \$100 million out of that \$300 million bond and save us a fortune on that. There is no reason to go into non-public to discuss contracts. We don't have a contract here for Beech Street School and if it was more than \$50,000, we would all know about it. There has only been one meeting where they have taken one vote and that vote was for the modulars. I am just perplexed why there was an amendment to get a vote out of an alderman and that amendment was not to touch JFK or Gill Stadium. Why was that added in? What was up with that? You guys rushed this thing through and now, just now folks, they are going on a listening tour. They are going on a listening tour after they got the \$300 million instead of a listening tour before we actually, not we but before the previous Board went out and spent \$300 million. You jammed \$25 million of contracts in our face and \$300 million worth of spending not including interest. This needs to stop now but they can continue to do the rehab on their buildings. We are not trying to take their bond away. That is what we are really here for. We are not worried about whether or not there is a contract on Beech Street School and if there is, it needs to be stopped. Thank you.

Alderman Barry stated I think probably the most important issue is the fact that the Board of Mayor and Aldermen has no authority whatsoever on the school district plan. That is up to the school district, not us.

Alderman Long stated that is one of the questions that I had. By statute and by charter, the Board of School Committee is responsible for the buildings while they are in them, not the Board of Mayor and Aldermen. When they empty them, they become our property. I don't know if this motion is in our purview. As far as rushed it through, this conversation has been happening since April 2023. I know I am not on the school board but it is part of the city so I listen to some of their meetings and this discussion has been happening since April 2023. Rushed through? I think there was plenty of time. I understand that we are not rescinding the bond but I question whether we can make a motion to control what they are doing to their schools because by charter that is their purview, not ours.

Alderman Levasseur stated we own the buildings; the city owns those school buildings. They don't. We own them. By the way, they sent us Hallsville back and we haven't even figured out what to do with that in over a year. They are going to send us Wilson Street School and we haven't even figured out what to do with Hallsville in over a year. They are going to send us Wilson Street School. It is coming back to us. We own the buildings and we have the right to tell them not to tear one down and we also have the right at least to ask them to not permanently shut down Wilson. We want them to reconsider it. As far as whether or not you can vote to reconsider a bond or reconsider a project, I will harken back to 2008. Alderman O'Neil was on the Board. He voted to bond the civic center. A year and a half later, when I was an alderman and sworn in in January, the first meeting that we had was a motion to reconsider the civic center. So, the civic center was actually bonded, 11-3 I think at the time. Alderman O'Neil voted in favor of it and then a year and a half later a new board comes in and the vote was 8-6 not to reconsider it luckily for Alderman Lopez. If it would have been 7-7, the mayor would have broken the tie and the civic center would have been dead on arrival. You can't say that we...the bond is still there. The bond was there when they made the motion to reconsider that. I am sure you remember that well Alderman O'Neil because after bonding it you decided to try to kill the project with your vote. Here we are not

even a month since you voted for the \$300 million bond and we are asking you to reconsider tearing down Beech Street and abandoning Wilson Street School without at least a thought of renovating it. The question that most of us have is why wasn't there at least a plan put in place or generated for the renovation of these buildings instead of tearing down buildings? We have like 600,000 extra square feet of school building space so we are going to tear down buildings to build new buildings and add additions to buildings when enrollment is coming down? This doesn't make any sense. I think this motion is fair. I think it keeps the project moving but it slows down some of the project so that we can at least get a good idea of what Phase II is because if Phase II is incumbent upon Beech Street being torn down, we should send the message quickly that Phase II isn't going anywhere. There is no support for Phase II. There is no support for closing West High School. I don't believe anyone is going to shut down Central High School. Let's work on a better plan while saving the taxpayers a fortune.

Alderman T. Sapienza stated we are using the terms Phase I and Phase II. When I got my packet with their request for the bond, I couldn't figure out what the definition of Phase I was. I talked to many people – the chairman of the school board and the chairman of this board, and the mayor. I asked the simple question, what is the definition of Phase I. You want a \$300 million bond for Phase I. They said Well we are thinking of this and that and the other thing but they didn't have an actual definition of Phase I so I tailored my motion to what they were targeting in Phase I but not calling Phase I. I tailored that motion. I worked with the clerk to tailor a motion and the reason I put in don't touch JFK Coliseum was because there are rumors that some people on the BOSC want to knock down JFK and build a giant high school. Those are rumors. Now I don't like the idea of knocking down JFK so I put that in my motion. When you talk about rescinding Phase I, I ask you what is the definition of Phase I? I don't think there is one.

Alderman Long stated well there is a definition of Phase I and it was in our package.

Alderman T. Sapienza replied I disagree.

Alderman Long stated my understanding of the motion to keep JFK was that it was discussed as part of Phase II and Alderman T. Sapienza wanted to make sure it wasn't going to happen in Phase I and it is not. Again, although we own the buildings, I have that question because by statute and by charter, the school district run them. We own the buildings but they do the maintenance and they do what they need to do to keep that district going. When a building is empty, it gets turned over to us. By the way, in the election the BOSC didn't change. That is telling me that the voters are okay with the BOSC. They did change this Board; however, they didn't change the BOSC. In my opinion, the voters aren't dumb. They know what they are doing. There were a couple of changes that basically kept the make-up the same so they didn't change it. That tells me that they are comfortable with what is going on. I do have that question as to whether it is in our authority to have them...well the motion is not to reconsider, correct? The motion is not to have the school board reconsider those initiatives but it is to tell them not to do them, correct?

Alderman Levasseur responded it is interesting that there is a state statute and basically everything I brought up has to go through the Joint School Buildings Committee and we have aldermen on it. Nobody has ever done that. We never heard anything from anybody in the school district. Never once was there a Joint School Buildings Committee meeting called on any of that. The process wasn't even followed correctly. Again, we own the buildings and we can decide whether or not they can be torn down, not them. We are reconsidering that first motion you guys made, which passed by eight votes by the way. The bonding is ten. They are two separate actions. If they weren't two separate actions, it wouldn't have taken two separate meetings. The first meeting that we went to because I remember that I asked. It was eight votes because I thought it was going to be ten votes for both actions. The first meeting where you guys took the vote only required eight. I knew we were dead in the water because you guys easily had eight votes. The second one was the bond and it required ten votes. Two aldermen gave their word they weren't voting for that and changed their vote. I think I would have been a little bit more prepared if I knew those votes were going to change.

Alderman Long stated with respect to the charter, I think that is at issue. I think this has been hashed out for nine or ten months. I have been familiar with this since April 2023

which is when they hired the architect. The fact that I am not on the school board doesn't mean I am not going to follow their decisions because they affect the City of Manchester which I am an alderman in. I will follow them and I was following them. Again, saying it was rushed through in the dark is just totally somebody telling me that they didn't follow it. That is their purview. They have the choice to not follow it in the BOSC.

Alderman Fajardo stated to reinforce that, I also attended school board meetings in this Chamber where I watched detailed presentations that were given. I also coordinated with Leslie Want, school committee member of Ward 4, to make sure I had the full copies of what SMMA was providing, including a thorough facilities review where they went through all of the buildings and Wilson was essentially deemed unacceptable for students and staff to continue occupying. Again, that was something that I was aware of because I took the initiative to do it and also the school committee did extend to the public, which includes us, the opportunity to come in and see all of those details presented. They also came in and presented to us the same presentation. I don't see this as being done in the dark as you suggested. I don't have any clue about what is coming in Phase II and I am pretty sure the rest of us don't because the school district doesn't even know. It is not that anyone is keeping secrets or some people are getting privileged information and other aren't. We voted on what was put in front of us many, many months ago.

Alderman Kantor stated I believe that we should have had full transparency on a master plan because all children matter and it should have been a full-blown public hearing. We didn't even have the projector so we didn't have the full presentation.

Alderman Thomas stated I just wanted to say that this is a lot of money and I want people to be aware that I was on the school board years ago and we had facility studies for other schools and at that point we actually voted on taking the modular out of schools. Parents were very upset that we had those outside because they were dangerous, etc. Although people are saying right now that there has been talk since April 2023, that is only nine or ten months. That is not enough time for this much money to be on the table. Although I do respect the school board very much, a couple of years

ago they voted to take those out and now we are spending \$16 million to put them back. They pose the same risk I would assume that they did years ago. I would like, especially being a new alderman, more time. I never had a presentation. I could have watched a school board meeting but back in April 2023 I wasn't really thinking I was going to be full into this. I would like more time to hear plans and pretty much development things hopefully a little bit differently. If we have that much money, why are we not spending it on things other than buildings. A building doesn't make a kid succeed. We need teachers and we need paras and we need special education and we need programs for at-risk youth in schools. We don't have any of that. Parents are calling me and yelling because we are going to push this through, which I feel we shouldn't. I think informational sessions should be done definitely beforehand to hear more about what parents have to say. Thank you.

Alderman Terrio stated I am a huge proponent of public education. Everybody in my family went through public schools and all of my kids went through public schools. There are a lot of us, especially people in Manchester, who can't afford private education even with those vouchers. They are going to go to public school because they have no choice. There are many families in Manchester that are unhappy with the quality of education in Manchester. Our school board, and I don't know if it is their fault or not but our test scores are now I think three from the bottom. Our schools have gone from 17,000 kids to approaching 12,000. If I thought this building plan would improve the school system, I would vote for it but we need to improve the quality of education. I will end my comment with a football analogy. I am old enough to remember when the Patriots were horrible in the 70's and 80's. Then I remember the last 20 years when they were great. If somebody said to Mr. Kraft, what are you going to do to improve the Patriots, hire a new coach? No. Get a new quarterback? No. I am going to build a new stadium. They would laugh in his face. That is not going to fix the problem. Listen, if we need to rehab our schools or we needed a new school, I would support it but we need to fix education first. The families of our students want this and they deserve it. Our students deserve this. Building a new school or ripping down an old school isn't going to fix the problem. Thank you.

Alderman Barry asked are we going to go into non-public to discuss this because my understanding is there are legal questions that we are concerned about or are we just going to move the question. Now we are going into scores in our school district. We are not the school board. We can debate why their scores are low and talk about all the different countries that are in our school system and all the languages that are spoken that may be bringing the scores down. We can go on and on but we are not the school board. Let them handle all of that. Thank you.

Mayor Ruais stated I believe there are several questions about whether or not there are any contracts and Alderman Long referenced ownership of the buildings whether people are in them or not. Solicitor Rice, does it make sense to go into...my understanding is that there is a contract for the modular.

Alderman Levasseur stated that is okay. I didn't say we were stopping those.

Mayor Ruais asked would this be a breach of contract. That is a question that I would have.

Solicitor Rice responded I would be more than happy to answer the Board's questions and I think the most advisable way to do that is in a recessed meeting.

Alderman O'Neil stated I didn't hear what she said.

Mayor Ruais stated she advised that we recess the meeting.

Alderman Long stated with respect to non-public, this wasn't publically noticed. Is that an issue talking about that in non-public?

Solicitor Rice responded no.

Alderman Long stated I just wanted to make sure.

Alderman Goonan stated I am not sure why there is such a problem going into non-public. For the love of God can we go into non-public and talk to our solicitor? It looks like she has done a lot of research on this as well as Alderman Levasseur and I would like to see where we stand.

Mayor Ruais stated I believe there are several legal questions that should be answered by our solicitor and we should go into non-public to have those conversations if there are legally related issues we need to discuss.

Alderman Levasseur stated the question of whether or not we would be in breach of contract if we stopped paying on the contract for the modular, you don't need to go into non-public for that. Yes, it would be a breach of contract so we don't need to go into non-public to be told that and I don't think anybody with common sense does. Nobody is talking about breaching any contracts here. Nobody is talking about stopping them from getting their modular. All we want to do is stop the destruction of Beech Street School and slow down the process on Wilson Street being handed back to the city. That is all this is. We are not talking about paying for anything or not paying for anything. We are not talking about breaching any contract. The modulars are also under contract. I am not looking to breach a \$16 million contract. They are going to need them for their first phase if they do the rehabs anyway. Why are we going into non-public? You go into non-public for secret legal advice but this isn't secret. They already bought them and entered into a contract and we know that. Yes, if we don't pay for the modulars we would be in breach of contract. I don't need to be told that in the dark of night. I want this staying open and I want people who are watching to watch this occur and I want this vote in public.

Solicitor Rice stated I guess we are going forward on a somewhat incomplete factual record in the sense that I don't know, and I will just speak for myself, what has been done in Phase I thus far. I don't know if there is a contract for the modulars and if there is if that is the only contract. I don't know as I sit here how far down the road the school district has gone and I would think that is an important piece of factual information if we are trying to assess the risks and benefits here understanding the issue and the desire of some of the board members to vote to rescind the plan. I just don't know that as I sit

here and therefore, I can't evaluate the legal risk of other contracts because I don't know whether or not they exist. Now maybe that was part of the packet that the Board received. I just don't know the answer to the question.

Alderman O'Neil moved the question and requested a roll call vote.

Alderman Long stated I agree that it should be in public but I don't have all the findings and facts. I don't vote on things that are going to affect this city without knowing all the facts.

Alderman Fajardo stated I believe those modulars or some portion of them are to accommodate the students in Beech Street and Wilson so if we are considering that there would be a change to the plan regarding Beech or Wilson then I think we might not need those modulars. Are you suggesting that the taxpayers eat that \$16 million?

Alderman Levasseur answered I am suggesting that we stop the destruction of Beech Street School.

Mayor Ruais stated I would like to go into recess. I have questions for the Solicitor and I think it is appropriate to recess to meet with legal counsel.

Alderman Long asked did we address the tabled item.

Mayor Ruais answered no.

Alderman Long asked would it be okay to do that before we recess.

Mayor Ruais answered yes.

TABLED ITEM

- 16.** Proposed change to Rule 3 of the Board of Mayor and Aldermen to remove the sentence "The session shall be a period of time not to exceed thirty minutes during which any member of the public may have two minutes to address any single topic".

*On motion of **Alderman Long**, duly seconded by **Alderman Levasseur**, it was voted to remove this item from the table.*

*On motion of **Alderman Long**, duly seconded by **Alderman Levasseur**, it was voted to refer this to the Committee on Administration.*

Alderman Kantor stated before we recess can we continue with new business.

Mayor Ruais responded yes.

Alderman Kantor stated I was wondering if Chief Aldenberg could come up so I can ask him about the cyber investigation regarding June Trisciani.

Allen Aldenberg, Police Chief, replied it wouldn't be appropriate to discuss that in public.

Alderman Fajardo stated I wanted to announce that next Thursday, January 25 at 6 PM in the Central High School Cafeteria there will be a community meeting to discuss a public art project and traffic safety project. I just wanted to let people know if you are a resident within the Corey Square Neighborhood which is primarily Ward 4 around Central High School. Please come to the meeting and contribute to the direction of the project.

Alderman Levasseur stated there is one issue that has come up in the last day or two. I think Alderman Long knows what I am going to talk about. Mr. Clougherty if you could please come up as this concerns the Highway Department. I have had two phone calls from property owners that own big units, I think one had a 20-unit building and I don't remember what the other person said but the refuse collectors went to these two properties and will only pick up eight trash bins. The people said they had 20 bins but

only 8 bins got picked up. They thought the first time it was a mistake and they put the bins back out the second time and only eight were picked up again. One gentleman called me and said he has tried to get in touch with Waste Management and Pinard to come and have more of the barrels picked up. My understanding is that the previous Board took a motion to stay any changes to the Highway Department's policy on garbage pick-up. It looks to me like that policy is not being stayed with these two particular individuals. I am not sure if it was just a mistake on somebody's part. Actually, one lady got a violation notice also. What is going on with them not picking up the garbage? Is there another part of that policy that we didn't know about when we had the first big issue with all of the landlords?

Tim Clougherty, Public Works Director, replied the section of the ordinance that you are referring to is volume limits and those have been in existence for a number of years. Those have nothing to do with the changes that were approved by the Board several times last year that we agreed we would wait until this Board came in to revisit. That is a current ordinance.

Alderman Levasseur stated I have never heard of volume limits before to be honest with you. That is the first time I have heard volume limits and I don't know how you determine volume limits. I guess based on the amount of garbage cans there are maybe?

Mr. Clougherty answered yes, the size of the cans. They are either 65 gallons or 95 gallons.

Alderman Levasseur asked but why now in this particular week are they being...is it just a coincidence with these two or has it been going on...I never heard anything about this before. Maybe these people are confused by the ordinance. Why would they have 20 barrels if they are only going to get 8 picked up?

Mr. Clougherty responded we have been consistently notifying properties incrementally over the past six months or something like that because of the volume limits. I don't know when these particular people were specifically notified but I had a conversation

with someone today about this. To make sure that we don't have any nuisances, we are going to pick them up and give them the opportunity to find a private hauler and if they don't, then we go the violation route but we will work with them.

Alderman Levasseur asked so the person who sent me the violation notice, did they get a notice prior that you were going to enforce the volume ordinance.

Mr. Clougherty answered yes. I didn't ask that question specifically about that property but we had a very specific conversation about notifying properties before any violations or stoppage of service was done. I would think that the property was notified and that particular property you are talking about is a 40-unit property.

Alderman Levasseur stated there was one that I thought was 20-units and the woman was losing her mind because she said it was the first time she was notified and she didn't want to go up on the rents and all of that. The same stuff we heard from a lot of people about a month ago. I don't know if it is a good policy to just leave the garbage there.

Mr. Clougherty replied like I said, that is probably what happened sometime after January 5. I guess that was an important date in this timeline. I had conversations with our Solid Waste Manager to make sure that all of the garbage was picked up regardless so we don't have a public nuisance and that we continue to work with the property owner to find a private hauler.

Alderman Levasseur asked and just renotify them again or something like that.

Mr. Clougherty responded we will work with them. I am not going to make the promise that they are not going to receive a violation in the future but we will always work with property owners in order to identify alternative sources for their refuse collection.

Alderman Levasseur asked so you get a violation if you have too many barrels for a certain property.

Mr. Clougherty replied that is correct. The volume limits are specifically identified by the number of units in the ordinance.

Alderman Levasseur asked but don't we sell them the barrels.

Mr. Clougherty answered we do.

Alderman Levasseur asked wouldn't we know how many barrels we are selling to a certain address so they can then say no you can't have any more barrels or do we not have that in place yet.

Mr. Clougherty responded I don't know that such a database exists at the Drop Off Facility where we sell the barrels.

Alderman Levasseur stated thank you.

Alderman Barry stated just a quick follow-up. I am not sure if it is the same person that contacted Alderman Levasseur but this person that spoke to me lives on the west side on Henriette Street. She owns a 40-unit building and apparently, she was cited because she had 16 trash barrels out there and is only allowed 8. She was told that she needed to get 8 recycling barrels and she refuses to do it because she doesn't trust that the residents in her building will abide by the recycling guidelines. That is why she only puts out the green barrels. I did contact Brad Moore and Chaz and they replied back exactly what she needs to do. I am hoping that they also responded to her which I asked them to do. That is what is going on. We absolutely need something in place because if we don't, people are just going to do whatever they want to do.

Mr. Clougherty stated you are correct and that is the individual we were talking about. It is my understanding that the property owner also owns a 20-unit building in a different portion of the city. That might be the confusion. We have a 40-unit building in violation and a 20-unit building in violation of our existing ordinances. We are only enforcing the ordinances that are on the books and have been for some time.

Alderman Long stated I got a call from two gentlemen and the issue was for two to three months they have been looking for a private hauler. Both of them agreed to privately have somebody pick up multiple times. The city will do it once a week but if they need it two or three times, they have to hire someone. They can't get...actually Waste Management never responded to them and they have been calling for two or three months. The other company that does our recycling now, Pinard, was called and they have no room to be able to pick-up extra properties. The issue is getting a private vendor. I don't know if you can help with that. Both of them agreed that they would do that but they can't find anybody and now they are concerned that there will be trash all over the place.

Mr. Clougherty replied yes, we can certainly help. That information is entirely different from the information that we got when we contacted several private haulers prior to proposing the ordinance changes that we did last year. Have them get in touch with us and we can put them in contact with someone.

Alderman Fajardo stated I have a similar issue in my email. I guess the property owner is indicated that they are allowed 12 barrels but they currently have 11 and only whatever number is being picked up. Perhaps this is just a miscommunication on what the particular limit is at this particular property but what I am wondering is are there guidelines for number of barrels per unit. Where do I send people for this?

Mr. Clougherty responded it is on the city's website in the code of ordinances.

Alderman Fajardo asked your department doesn't have a handout or something.

Mr. Clougherty answered we would be happy to provide that information if they contact us.

Alderman Fajardo stated they already tried to and that is why they called me. This just came today. I am working on it. I will call you.

Alderman T. Sapienza stated Tim thank God for your equipment operators plowing the streets. I know you are short-handed and you are still doing a great job. Thank you to the plow operators.

Mr. Clougherty responded I appreciate that and I appreciate all of their hard work. Thank you.

Mayor Ruais stated going back to the conversation we had previously, I have several questions for the Solicitor and I would like to recess the meeting in order to do that.

*On motion of **Alderman Barry**, duly seconded by **Alderman Kantor**, it was voted to recess the meeting to meet with legal counsel.*

Mayor Ruais called the meeting back to order.

Mayor Ruais stated I know we had a conversation before from Alderman E. Sapienza about the Phase I project and several of the buildings within it. A few things that I heard in the conversation were that we are concerned about the process that was followed, we are concerned about the spending in contracts that are being entered into and about the process in general. Might I suggest a different amendment that I think addresses and alleviates those concerns?

Alderman E. Sapienza asked what do you have Sir.

Mayor Ruais answered what I wrote down quickly is it is the position of the BMA that the school district must place all spending in contracts as it pertains to Phase I on hold until the Board has the opportunity to receive a full presentation on the project and all future spending decisions must go through the Joint School Buildings Committee as laid out in the charter. I think that addresses the concerns of Alderman Thomas who said she wanted a full presentation. I think it addresses the concerns on the spending of the project because it is placing it on hold. I think it addresses the concerns of Alderman Long who said that this has to go through the proper process and I think it addresses Alderman Terrio's concerns about the process as well.

Alderman O'Neil stated that is good to request that the school district come in but at the end of the day it doesn't mean anything.

Mayor Ruais replied I agree and that is why I said it was the position of the Board based on the conversation we had. Whether or not that has legal affect is not up to us.

Alderman O'Neil stated I like the tone of it but I have to say that I can't support something that legally doesn't have any standing.

Mayor Ruais responded understood.

Alderman E. Sapienza asked do I need to rescind my original motion.

Mayor Ruais stated you can just amend it to include what I said.

Alderman E. Sapienza stated okay I will do that.

Alderman Long stated for clarification, are we going by the charter or the statute RSA 199:3.

Mayor Ruais asked what is the appropriate language.

Solicitor Rice responded it is the state statute.

Mayor Ruais stated okay so we will change that to say follow the proper statute going forward for the Joint School Buildings Committee.

Alderman Levasseur asked do you want to cite it.

Alderman Long replied it is 199:3.

Alderman O'Neil asked and that includes asking them to come in.

Mayor Ruais stated it is basically asking that they put it on pause and come in and make a presentation to the full Board, a majority of whom were not here during the previous process and then everything going forward goes through the process as stated in the statute.

Alderman O'Neil asked but all we can do is ask for a pause and they can tell us to...

Mayor Ruais interjected correct just like Alderman Levasseur said before they very well could tell us they are going to continue with the process as is. This is just the position of the Board that this is what should follow.

Alderman Levasseur stated can the motion come from the mayor. Okay so I will read it and then you guys can go to town on it.

Alderman Levasseur moved that it is the position of the members of the Board of Mayor and Aldermen that the district must place all spending as it pertains to Phase I on hold until the new Board has had the opportunity to receive a full presentation on the project and all future decisions must go through the Joint School Buildings Committee as laid out in the charter and per state statute RSA 199:3. ***Alderman Terrio*** duly seconded the motion.

Alderman T. Sapienza stated just to be clear, that motion says we are asking for a hold until we have a presentation.

Alderman Levasseur responded a pause correct.

Mayor Ruais stated right and then the Board can take action at that time if they want to consider additional steps on the project.

Alderman T. Sapienza asked when are we going to invite them to give their presentation.

Mayor Ruais answered as soon as possible. I see no reason to wait.

Alderman Levasseur asked the first meeting in February Your Honor.

Alderman Barry asked did the school board name the members to the Joint School Buildings Committee yet.

Mayor Ruais replied yes. Vice-Chairman O'Connell named the members at the last meeting.

Alderman O'Neil stated I want to thank the mayor for putting me on it by the way.

Mayor Ruais called for a vote. Alderman O'Neil requested a roll call vote. Aldermen O'Neil, Burkush, Barry, Goonan, Long, and Fajardo voted nay. Aldermen Levasseur, Terrio, E. Sapienza, Vincent, Thomas, Morgan, T. Sapienza and Kantor voted yea. The motion carried.

There being no further business, on motion of **Alderman O'Neil**, duly seconded by **Alderman E. Sapienza**, the meeting was adjourned.

A True Record. Attest.

A handwritten signature in black ink, appearing to read "Matthew Normand". The signature is fluid and cursive, with a long horizontal stroke at the end.

City Clerk