

BOARD OF MAYOR AND ALDERMEN

March 19, 1996

7:30 PM

Mayor Wieczorek called the meeting to order in joint session with the Library Trustees.

Mayor Wieczorek called for the Pledge of Allegiance, this function being led by Ald. Hirschmann.

A moment of silent prayer was observed.

The Clerk called the roll. There were twelve Aldermen and five Library Trustees present.

Board of Aldermen

Present: Ald. Wihby, Elise, Reiniger, Sysyn, Clancy, Soucy, Shea, Domaingue, Pariseau, Cashin, Robert, Hirschmann

Library Trustees

Present: Kevin Devine, Romeo Dorval, Madeleine Roy, Karen Sheehan-Lord, Kathleen Sullivan

Absent: John Howe, Virginia Theo-Steelman

On motion of Ald. Wihby, duly seconded by Ald. Soucy, it was voted to confirm the nomination of Kevin C. Devine to succeed himself as a member of the Manchester City Library Board of Trustees, term to expire October 1, 2002.

There being no further business to come before the joint session, on motion of Ald. Cashin, duly seconded by Ald. Soucy, it was voted to adjourn.

Mayor Wieczorek called the regular meeting of the Board of Mayor and Aldermen to order.

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

Present: Ald. Wihby, Elise, Reiniger, Sysyn, Clancy, Soucy, Shea, Domaingue, Pariseau, Cashin, Robert, Hirschmann

CONSENT ITEMS

Mayor Wieczorek 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.

Informational to be Received and Filed

- A. Communication from Manchester Transit Authority submitting minutes of their meeting held January 30, 1996 and the Financial and Ridership Reports for the month of January 1996.
- B. Communication from Executive Councilor Earl A. Rinker, III, advising of items addressed at the February 14, 1996 meeting of the Governor and Executive Council.

Informational Only Referred to the Committee on Community Improvement Program

- C. Communication from Ronald Doucet, expressing an interest in purchasing parcel 796/13 (So. Mammoth Road) from the City.
- D. Communication from Beverly Foshier, expressing an interest in purchasing the house located at 397-399 Spruce Street.

REFERRALS TO COMMITTEES

COMMITTEE ON ADMINISTRATION

- E. Communication from Leo Bernier, City Clerk, requesting that Rule 23 of the Board of Mayor and Aldermen relative to sewer abatements be referred to the Committee on Community Improvement Program.
- F. Communication from Richard Girard, relative to recent communications from Kathy DeSchuiteneer of the Amoskeag Quilters Guild who is seeking relief from City fees leveled on her organization's exhibit.
- G. Communication from Susan M. Eid, Vice President, Corporate Counsel, Continental Cablevision, advising that Continental has reached an agreement with the FCC to amend its existing contract to include systems it acquired late in 1995 and to amend certain other provisions.
- H. Communication from Lloyd Basinow requesting the Board of Mayor and Aldermen issue appropriate directives and establish a firm City policy relative to funding of abortion counselling.

COMMITTEE ON BILLS ON SECOND READING

- J. Communication from Ald. Elise relative to the proposed Heritage Commission Ordinance.
- K. Communication from Robert MacKenzie, Director of Planning, submitting the Planning Board's recommendation on the proposed Heritage Commission Ordinance.

COMMITTEE ON COMMUNITY IMPROVEMENT PROGRAM

- N.** Communication from Nike Speltz, Program Officer, Norwin S. and Elizabeth N. Bean Foundation, advising that the City Clerk's Office has been awarded grant funds in the amount of \$6,000.00 to support fees of a trained archivist and other expenses associated with a review of the 150 years of records of the City of Manchester.

COMMITTEE ON FINANCE

- O.** Resolution:

"Amending the 1996 Community Improvement Program, authorizing and appropriating funds for Challenge Consortium."

- P.** Communication from Rick Groleau, Chairman, Adopt-A-Block, seeking funding from the City of Manchester in the amount of \$2,200 to help support this citizen-led program to clean up 140 City blocks and 15 City parks.

COMMITTEE ON PERSONNEL

- Q.** Communication from Leo Bernier, City Clerk, requesting that the Committee on Personnel review a matter pertaining to a City Clerk's staff vehicle being involved in an accident on February 20, Presidential Primary day.

COMMITTEE ON TRAFFIC

- R.** Communication from Alison Lysitt, Office Administrator, Berry, Dunn, McNeil & Parker, CPA's, expressing an interest in renting parking spaces for their employees in the vicinity of the NYNEX Building, 900 Elm Street.

REPORTS OF COMMITTEES

COMMITTEE ON TRAFFIC

- U.** Recommending that an agreement between Realworld Corporation and the City of Manchester be entered into whereby the City would agree to hold forty (40) parking spaces in the Myrna Lot on a first refusal basis for a term coincident with the term of their lease at 670 Commercial Street be granted and approved, subject to the review and approval of the City Solicitor.

HAVING READ THE CONSENT AGENDA, ON MOTION OF ALD. WIHBY, DULY SECONDED BY ALD. SHEA, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.

- I.** Ordinance submitted by Chief Kane, Fire Department:

"An Ordinance Establishing an Office of Emergency Management for the City of Manchester."

On motion of Ald. Pariseau, duly seconded by Ald. Robert, it was voted to refer the Ordinance to the Committee on Traffic/Public Safety.

- L. Communication from Robert MacKenzie, Director of Planning, requesting authorization to enter into a three-year contract for Intown Management services.

Ald. Reiniger stated the Manchester Management Company of the Downtown business district had located a first-rate individual from Columbus, Ohio to assume the job of the Downtown Manager and was ready to start April 1st in this very important role and moved pursuant to the recommendation of Mr. MacKenzie that the Board adopt the three-year contract.

Mayor Wiczorek noted it was a referral to the Committee on Community Improvement Program and asked Ald. Reiniger if he wished to take it off the agenda and address it at this time.

Ald. Reiniger replied he wished to do so as there was a time element involved at this time.

Mayor Wiczorek noting Mr. MacKenzie was present asked Board members if there were any questions of Mr. MacKenzie.

Ald. Cashin stated it was not a question on Intown Management but rather a question relative to the residents tax. Ald. Cashin stated it was his understanding that it was a business tax for Downtown merchants and had thought it would not affect residential households, however, it now appeared that it would which had raised quite a few questions.

Mayor Wiczorek agreed and thought they were dealing with it to get the residences out of there.

Ald. Cashin suggested it ought to go back to Committee then.

Ald. Reiniger stated there was an explanation. The plan had been to exempt residential and was as surprised as anyone to have received a bill as he lived within the district and what had happened was that the City Solicitor had determined that, in fact, the City did not have the authority to exempt a class of property such as residential pursuant to the State Statute and he had been working with Senator Danais who was present this evening noting Senator Danais had already introduced legislation to amend the State Statute which would give the Board the power to exempt residential according to the original design and noted it was his understanding that it had already passed the Senate and was

currently working it way through the House and should be in effect in a few months. So, the problem had been addressed and they were ready to go forward.

Ald. Shea stated the idea of an Intown Manager would help the Central Business District noting it was perfectly understandable by merchants and business executives who would be supportive of such an arrangement. The primary concern he had as an Aldermen was related to residents and non-profits living in the district and being assessed a tax, not for one year or two, but committed for three years and recommended that the residents and non-profits be afforded an opportunity to address the issue and concerns addressed before any type of vote was taken.

Ald. Reiniger stated with respect to the non-profits their problems had been addressed with the City Solicitor ruling that they would be exempt, so they were not being taxed and after the Legislature acts the residential would not be taxed in the future, as well.

Ald. Shea stated if the Board voted it would affect them until such time as the Legislature did legislate that they would not be taxed so the Board at this time should not do anything until it has heard from the Legislature noting those people who were residents would be exempted.

Ald. Reiniger stated they ought to keep in mind that they could lose - a national search was done and applications came in from around the country and there was an outstanding individual who was willing to leave his other job and that possibility could be jeopardized and if he was lost they would then have to search once again which could take up to two or three months to complete.

Ald. Shea asked who were they thinking of the residents first or second when they did discuss the fact of losing that person.

Ald. Reiniger stated he lived in the district and had met with the members of his condo association. The problem that had developed was because they were suppose to be exempt they never received notice, so one day they received a bill in the mail with no explanation so naturally they were irritated noting his surprise as well. There was a meeting held to explain the situation and many of the residents agreed with the whole concept, some would rather still be exempt noting there was not a unanimous feeling of the residents against them and there was widespread support.

Mayor Wieczorek recalled Solicitor Clark in order for them to go ahead with it they had to tax everybody including the residences which was why the bill was going through the State Senate and Legislature.

Solicitor Clark replied the Statute was very specific in that it states if you're going to have a Central Business District and if you're going to have an assessment then the properties on public ways, all properties on public ways within that district are assessed and the Statute on taxes does exempt non-profit but not residential versus commercial.

Ald. Domaingue stated, as a member of the CIP Committee she too had a lot of concerns relative to the proposal not the least of which was if she thought for a moment that they would attempt to move it as an approval this evening, she would have given it closer scrutiny noting she was expecting to be able to deal with it in Committee. But, she as an Aldermen also had several calls from people who own business property in that district noting their concerns about the non-notification and the resulting tax bill. Ald.

Domaingue stated she was concerned that if there should be a challenge to that tax, it was her understanding that they would be looking at an agreement for three years and if there were to be a court challenge to that particular tax asked if there would be a question of the City holding liability for payment of the services of that director at that point in time noting that would certainly concern her.

Solicitor Clark stated the contract itself had a provision that if the Statute was changed or if it was found to be invalid it would be terminated.

Ald. Domaingue stated as a member of the Board and the CIP Committee had not yet had an opportunity to look at the contract noting she was not comfortable with the Board moving on this issue this evening.

Ald. Elise stated she knew this issue was very important to the Downtown in terms of their moving forward and asked of Ald. Reiniger what the timetable was on it.

Ald. Reiniger replied some of the heads of the Intown Management Company were present who could better address specific timeline issues.

Mr. Jim Hood stated he was a member of the Board of Directors of Intown and a concerned Manchester citizen. They were here before the Board to present a contract which would allow a group of business and landowners in the district who had been working at it for many more years than he'd been on it to move forward and start making a difference Downtown. They had located a person, his name being Richard Davis who had an extremely long background in developing downtowns and bringing business back to downtowns and bringing people back to downtowns. He was the President of the Columbus, Ohio Downtown Corporation, was very successful there and has agreed to take the position beginning April 1st noting he was here this week seeking housing and would be moving his family here. The timing of what they were looking at right now was fairly critical because of a couple of things. There is an LDR study that they had spent a lot of time with which had established a set of priorities for them that they believe

to be achievable in a three-year period and they had talked about these with Mr. Davis and relying on his expertise and his view of his own abilities to achieve some of the goals and felt comfortable and confident in going forward. Mr. Hood stated they had told him that his position was subject to the contract being ratified and reiterated he would be moving his family from Ohio and, therefore, a 3-year agreement was the only prudent way to establish a person like that in our community and to give him the opportunity and the time to actually make a difference noting there was an excited and dedicated group of people who had given a lot of their own time and energy and were committed to doing so in the future to make a difference in Downtown and thought it was all positive for Manchester and it took only one walk down the sidewalk of Elm Street to tell anyone they needed to start moving now. The contract was negotiated between them and primarily he and Tom Clark and Bob MacKenzie and believed it was a fair agreement for the City reiterating it was for three years as he had indicated and also believed based on what he had been told that it accurately portrayed the discussions and commitments and concerns which had been relayed back and forth between this group and the City over the past few years and urged the Board to pass the agreement this evening so they could bring this person on board and get things rolling before the summer season and really get a jump of making a difference Downtown.

Ald. Elise inquired of Mr. Hood if April 1st was the target date for hiring that individual.

Mr. Hood replied April 1st was the target date that back in November when they had begun their search primarily because they had felt it important to get a person here in Manchester, get his family settled or her family settled and allow that person to begin the summer, really the early spring, and starting to put some programs into place and to make a difference through the year and starting that kind of thing in the fall really wouldn't get them very far as things close down during the winter time, people would be out and about and a chance to really start making a difference in Manchester was now and not later in the year, so they had established April 1st as the target date sometime ago.

Ald. Elise stated the contract was on the agenda this evening noting she had not really looked at it because it was suppose to go to Committee and thought the Committee would look at it like in all matters relating to contracts or at least most to date and if the target date was April 1st asked was there any reason why the Board had not received the contract earlier so as to be able to review it or was it tailor made for that particular person.

Mr. Hood replied negotiations on the contract were completed last Monday and they wanted to make sure that the Aldermen had the agreement in their hands for at least a week before the meeting this evening and was not aware how the protocol worked in terms of things going to Committee versus how things come up for a vote and really relied on the Mayor's Office and Tom to worry about those issues, but he was concerned

as was Tom that they get the contract into the Alderman's hands with at least a week for all of them to take a look at it and give some thought to it. In terms of why it didn't come up until now, they had spent a lot of time looking for an Executive Director, they had had a contract which had been in discussion for a good bit of time, but until they were aware of how that Executive director would fit their program and their protocol it was very difficult to put the finishing touches on the agreement and were not able to do so until recently.

Ald. Elise reiterated the Board had just received the contract Friday.

Mr. Hood stated it was his understanding it had come to them on Tuesday morning and if they only received it on Friday he apologized for that.

Ald. Elise stated it probably would have been helpful to the Board when they were looking at the contract if there had been any indication that the Board would be voting on it this evening noting she would have read through the contract and noted she had been very supportive of all of the Downtown efforts and thought most people on Mr. Hood's committee would know that.

Mr. Hood stated he did not know how the procedures here worked and if the Board received the contract on Friday indicated that had not been his understanding and was sorry for that. Mr. Hood stated he had put a letter together which had been delivered to each member a number of weeks ago to try to give them an idea as to where things were going and believed that letter was very close to retaining an Executive Director and they had tried, without getting in the Board's way to make them aware of how things were progressing before they attended the meeting this evening.

Ald. Hirschmann stated he did not think it was prudent of the Board until the action in the Legislature had occurred that if the residential tax, there were enough taxes in this town and did not think that the residents Downtown needed another tax noting the Board was not prepared for it noting he had been home all weekend and if this had been that important they could have called him, somebody could have called him to tell him how important it was indicating it was not very responsible to go to the Board meeting this evening and all of a sudden be forced to vote on an Intown contract which would affect the City for 36 months and recommended that when the Legislature got rid of the tax for the residents that they vote.

Mayor Wiczorek stated there was not that much time and with all due respect nobody would agree with him more about how they were taxed but they were people who were voting to tax themselves noting the City collected the money for them.

Ald. Hirschmann stated they had not yet taken a vote.

Mayor Wieczorek replied they had and the Board was going through the legal ramifications to get it positioned but they had taken care of it among themselves - the Central Business Service District. When Tom first interpreted the law, people were surprised when they were billed because they had condominiums or any residence in the area and that was not the idea originally noting they were not going to be taxing the residences and what they were doing now would eliminate it and that was why it was going through the Legislature and the Senate now and suggested they needed to take a look at where they were and that they were continually criticized about the fact that there wasn't anything happening in the Downtown area and there had been a lot of time and effort expended by a lot of people to bring it to this point and they were talking about something that was very important to the community.

Ald. Soucy stated she would address her question to Ald. Reiniger and whoever else could answer the question and asked when the figures were prepared for the budget was it on the basis of collecting the tax from the residents and how was the money being handled that had been collected by residents who had paid, who may no longer be assessed the tax and would the money be refunded to them and was it being put aside.

Ald. Reiniger replied since the original plan was that the residential not be included and the non-profits, the original budget was based just on the businesses so there had been a windfall noting that the non-profits who had already paid had been refunded and the monies were now in the hands of the City and set aside and after the issue had arose he had called the International Downtown Association in Washington to find out their experience relative to this issue and told him it had come up before noting that the City of Philadelphia in one of their Downtown districts had rebated residential and added that it was his understanding that the residential properties constituted roughly five percent or less of the entire boundaries so it wasn't a huge amount.

Ald. Soucy stated the monies were set aside so that those people could be refunded with the intent being to refund them should the legislation be signed into law.

Ald. Robert stated there were a couple of things which seemed to make it important noting that the person they had coming and the timeframe involved if it were to go through Committee asked how long would it take and would that person say "no" if they had it go through Committee and it probably took two or three weeks and was that person that important.

Mayor Wieczorek replied that person was very important.

Ald. Robert asked couldn't it wait a couple of weeks.

Mayor Wiczorek replied if that individual was scheduled to start April 1st it would not leave them a lot of leeway.

Ald. Robert asked of the Clerk when the next CIP Committee meeting was scheduled.

Clerk Bernier replied the next scheduled meeting would be next Tuesday.

Ald. Robert noting the next Board meeting date was April 2nd asked if one day was that critical.

Mayor Wiczorek presumed the moving van might even be coming noting Mr. Davis would be here very soon.

Ald. Domaingue stated it was not her intention to question the sincerity of the group as she was sure they were doing everything they could for the center-city, but she knew of one person who lived in Ward 8 and owned a business down here and had told her that she never got a notice to go to any meeting or take any vote on the particular tax and that was the reason why she had raised the concerns with the Board. Ald. Domaingue continued by stating that there was a process and had assumed the group would have been informed as to what that process was and was a little surprised to learn that they had the guy and the moving van and everybody was ready to move in and the Board hadn't even looked thoroughly at the contract from the Committee process and here they were tonight being asked to approve it which concerned her, but more importantly because she had gone through the documentation recently on a couple of other contracts relative to the Pine Island 4-H Center and had raised some serious questions relative to the wording in those contracts so as much as she hated wanting to delay the process she was not left with a choice as an Alderman sitting on this Board and had to think of the constituents she represented and hoped they would be able to find some kind of middle ground where the Committee could meet, following that perhaps a poll of the Board after the Board had an opportunity to look thoroughly through the contract themselves and did not want to hold the process up but asked that they please not ask her to vote on a contract she had not gone through.

Ald. Shea stated as a member of the Board of Aldermen he resented the fact that they were getting something after a decision had been rendered, like a done deal noting they were the bad guys if they didn't approve it simply because people put in motion something that they didn't even understand had begun, a process that they had no instrumentation in developing or any say in what was going into it and thought they should examine how processes were developed and asked did they come to the Board after they'd been decided upon or does the Board decide and send them back to someone else.

Mayor Wieczorek replied this had been going on for a long time, for a number of years noting it had started with Citizens Planning Revitalization, went to the LDR, went to the Central Business Service District, went to the Intown Management Group and had been going on for a long time and this was a group voting to tax themselves to revitalize the Downtown area and what the City was doing was collecting the funds for these people because this was what the legislation said had to be done.

Ald. Shea stated he realized that but asked was the Board involved in making a decision on it or was the Board involved in simply okaying a decision that was made by Mr. Clark and also Mr. MacKenzie and the gentleman in back here.

Mayor Wieczorek replied most of the weight went to the group that was in charge of that program who then decided what they would tax themselves to do it with the Board going through the legal mechanism which had to be in place so they could comply with the law.

Mr. MacKenzie stated he wished to clarify one point and basically the reason why it came to the Board of Mayor and Aldermen. Normally, they would handle it and sign off contracts of one-year duration at his level and in this particular case, Intown Management wanted to have a longer contract so that they could hire a person who was very experienced and qualified and did want to clarify for some of the new Aldermen that it was not normal that contracts go to the Board or all contracts went to the Board at that level and the only reason this contract had come to the Board was because he could not sign off on anything beyond a one-year contract noting that would have to be approved by the full Board.

Ald. Wihby asked who reviewed the contract.

Mr. MacKenzie replied himself, the City Solicitor but did not believe the Mayor's Office had looked at it in detail and the attorneys for Intown Management, Jim Hood.

Ald. Pariseau stated he did not appreciate the ramrodding of this through the Board this evening noting he would have it go to the CIP Committee.

Ald. Clancy stated he had a question relative to the monies allocated for the positions, was it for a secretary and Mr. Davis himself the \$95,000 for the first year.

Mr. Hood replied it was also for an assistant to help him and the potential for some part-time people as the programs got up and running.

Ald. Clancy asked what his salary would be.

Mr. Hood replied his total package which included an automobile allowance and medical insurance was \$70,000.

Ald. Sysyn stated that was their money and the City was holding it for them and they wanted to hire somebody and the only reason they came to the Board was so that they could get the three-year deal and was already paid for because the money was sitting there, so what's the problem.

Ald. Elise asked if there was any reason why the CIP Committee couldn't meet Thursday and have a special board meeting next Tuesday.

Ald. Cashin stated again tonight they were being asked to fish or cut bait and it was not easy and if any mistakes had been made this evening with all due respect believed Ald. Reiniger made it noting Ald. Reiniger should have at least informed the Board of what he had planned to do either by telephone or something so the Board would have been better prepared for it, however, he did not feel that should be the reason for the Board not to vote for it this evening. Ald. Cashin stated everybody was talking about Downtown Manchester, everybody was talking about the vacant building, everybody was talking about doing something and tonight they were being asked to do just that - was it difficult, yes - had they read the contract, he had and he would still have to rely on Tom Clark and their attorneys and Bob MacKenzie to tell him whether it was right or wrong, so whether it went to Committee or didn't they would still have to rely on the same people and tonight they were being asked to give a vote of confidence to people who had worked very hard to get it to where it was this evening and stated let's vote on it in good faith and join the partnership and see if something couldn't be done about Downtown.

Ald. Wihby stated he agreed with Ald. Cashin and it was their money noting he had every faith in Tom Clark and Bob MacKenzie and there shouldn't be a problem with it.

Ald. Reiniger moved to authorize execution of a three-year contract for Intown Management services. Ald. Wihby duly seconded the motion.

Solicitor Clark stated to clarify one point Ald. Reiniger had mentioned that if the legislation passed the residents would get a refund noting that was not contemplated in the contract but rather the contract contemplated the budget which was adopted through the budget process and would go to the contractor in increments, quarterly payments minus a contingency fee and did not believe the legislation as he had read it was retroactive and would probably apply next year, but was unsure of that.

Ald. Reiniger stated technically it would be the management board which would do the rebate, not this Board and wished to remind Board members that the total amount of the residential taxes was \$3,500.00 out of the \$185,000.00 or so.

A roll call vote was taken. Ald. Pariseau, Clancy, Soucy, Shea and Domaingue voted nay. Ald. Cashin, Robert, Wihby, Elise, Reiniger and Sysyn voted yea. Mayor Wieczorek voted yea. The motion carried.

- M.** Communication from Carolyn Gargas, Chair, Hillsborough County Cooperative Extension Advisory Council, advising that they intend to exercise their option to terminate their lease with the City of the Pine Island facility located at 2849 Brown Avenue within thirty (30) days of receipt of the letter.

Ald. Domaingue stated Item M was a communication from the Chairman of the Hillsborough County Cooperative Extension Advisory Council noting the Mayor had gone before the CIP Committee the last time they had met expressing his views on the Pine Island 4-H Center and asked if he had had any further communication either from the County or the University system relative to that item because the CIP Committee was waiting to hear and perhaps invite representatives from one of those groups might be helpful.

Mayor Wieczorek replied he had talked to Commissioner Pappas noting she was supposed to be getting him some of the correspondence they had which related to the issue because when they took it up in their session they voted that the answer would be no, that they would not go to seek replacement costs noting he had said whatever they could get whether it was actually cash value or just to pick up the demolition costs reiterated Chairman Pappas was to bring the correspondence to him so he could review it and asked Mr. Girard to remind him to contact her tomorrow.

On motion of Ald. Domaingue, duly seconded by Ald. Soucy, it was voted to refer Item M to the Committee on Community Improvement Program.

- S.** Report of Committee on Administration recommending that Rule 2B (adopted 8/3/93) be replaced with the following:

"Public comment sessions shall be conducted at the first meeting of every month. This allows residents of Manchester the opportunity to address the Board on items of concern affecting the community. 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. A member of the public must register name and topic with the City Clerk prior to the session beginning. A registered member of the public can not relinquish allotted time to another speaker. The Mayor reserves the right to select speakers of different issues to be permitted to speak, in order to provide a forum of various topics to be presented."

Ald. Pariseau stated he wished to clarify the situation so that when the time came there would be no questions about the new procedures relative to public sessions noting the sessions would be for thirty minutes, not thirty-two or forty, but thirty minutes and any member of the public may speak for the limited imposed of two minutes and that person must register with the City Clerk with their name and topic for discussion and the person who registered cannot relinquish the allotted time to another speaker and the last item he wished to mention was that the Committee on Administration included the last sentence

relative to the Mayor having reserved the right to select speakers of different issues noting that would be the Mayor's call and wanted to make sure that everyone was playing with the same deck and they did not want anybody to be embarrassed especially the Mayor has had occurred the last session relative to public sessions, so if everyone knew the rules of the ballgame there would be no need to interrupt the Mayor or anybody else, those were the rules and that was the way the game would be played.

Mayor Wiczorek stated there were rules the last time, but unfortunately they didn't follow the rules and thought that was part of the problem such as if you get a subject that's a hot topic and pretty soon you get into all of the situations they got into and it created a very difficult situation for the Board starting their meetings noting there were meetings which had started at 8:45 or 8:30 because there was a lot of stuff and it was the same people indicating he could make out the list every month as to who would be speaking and that was the reason he thought it was such a tough issue.

Ald. Domaingue stated she wished to personally thank Ald. Pariseau for his patience but most especially the whole Committee on Administration for their input because she thought they came to a very respectable conclusion to the issue and agreed with the Mayor that they needed to remember that there were time limits and while she would champion public forums she did not champion taking advantage of those forums and so would look to the Mayor in his leadership since he conducted them to see to it that the people maintained the two minute limit and that they stick to the topic they were on.

Ald. Soucy noted that in the second to the last line of the report where it said in order to provide believed it should read "forum" and not "form".

Ald. Wihby asked if the Committee had looked at having people speak at the subcommittee level as he understood they had but their concern had been that the subcommittee meetings would be longer and asked if they thought they were appeasing people by letting them speak for two minutes.

Mayor Wiczorek thought the camera had something to do with it, there was a certain allure that people had.

Ald. Wihby stated if they went to the subcommittee level, they'd go there, have a discussion and perhaps the Committee meeting would last a little longer but at least they could speak.

Mayor Wiczorek stated that approach made more sense because then the individuals would be speaking to the Committees that the subject matter applied to.

Ald. Wihby stated it was just a feel-good thing so that it would be put back on and let people have their input noting it didn't do anything for people who really wanted to be heard.

Ald. Elise stated the Committee had looked at having people go before the subcommittees but they felt from the input that certain individuals had expressed to them that they wanted a chance to access the full Board and express their opinions to the full Board noting that two minutes was enough time to express an opinion, to keep people from getting personal and going on and on and many communities had public forums with a lot of them having public forums twice-a-month and the Committee felt this was a compromise and put in place structures where people could express their opinions to the full Board, had access to the full Board and could say what they wanted to say and thought it would be a grave mistake for the Board to deny the public to have access to the full Board.

Ald. Hirschmann stated in response to Ald. Wihby's comment on having sessions in Committee he thought it was beneficial for the Aldermanic members to hear the input of the citizens specifically, Dave, if you didn't know what was going on with a few citizens having problems on Campbell Street or wherever and they addressed it in a Committee you weren't on, you'd be in the dark and that wouldn't be good for him and thought the public brought a lot of good things to the Board when they speak noting he had taken detailed notes at the last session that had been held.

Ald. Shea stated as a member of the Administration Committee he concurred fully with the other members of the Board and believed that the citizens should have a right to speak, they had good ideas and they could all learn from them and thought their input had a positive effect on all of their thinking and the way the Board responded to their needs.

Ald. Reiniger concurred with Ald. Wihby and thought it would be most efficient and practical to have input at committee level as they did at the State House and thought once the television factor was removed they would get a lot less people trying to promote themselves and have people come who were really concerned about the issues.

Ald. Domaingue stated there was nothing preventing either Ald. Wihby or Ald. Reiniger from amending the report to include Committee meetings if they were that concerned and could have the public attend Committee meetings and still have them attend once-a-month and speak to the public forum and if what Ald. Wihby and Ald. Reiniger was advocating was correct the public would find no need to come to the full Board once-a-month because they would have already addressed the Committee so perhaps that should be included.

Mayor Wieczorek stated he did not think that was right as there was no television at the Committee meetings.

Ald. Domaingue did not think that was the issue.

Ald. Wihby stated the reason they come here is because they want the TV time and if they wanted to they could go to the Committee, they could go to the Committee as those were the people voting on the item that the people would be talking about and those five Aldermen would be making the decision, so if the people went to the Committee level at least they'd be able to talk more than two minutes, if the Board was going to do it then let them open it up and have a special day and have them come in a talk for as long as they want and be here for two extra hours a week or so otherwise it was just a feel good approach.

Mayor Wieczorek agreed with that approach.

Ald. Robert believed the intent of what was being attempted was all well and good but he questioned how well it would work when it would be put into practice noting there would be pressure on the Board as a result of a particular topic to let people speak longer, etc. and also thought it placed the Mayor in a tough situation as the parliamentarian whereby the Mayor would be put in the position of being the bad guy.

On motion of Ald. Shea duly seconded by Ald. Clancy, it was voted to accept the Report of the Committee as amended. The motion carried with Ald. Wihby and Ald. Reiniger duly recorded in opposition.

Ald. Robert asked if it could be reviewed in six months.

Ald. Pariseau recalled the Committee suggested reviewing the matter in three months.

Report of Committee on Community Improvement Program

- T.** Recommending that land on James Pollock Drive be disposed of through sale to an abutter (Eloi Pelletier) subject to subdivision approval and payment of all costs related to conveyance of property.

The Committee further recommends that the Highway Department, the Planning Department, and City Solicitor's Office be requested to carry out such services as may be required to dispose of said parcel.

Ald. Wihby stated the Report of the Committee was worded wrongly and that the person they were looking to sell to did not want it at that price.

On motion of Ald. Wihby, duly seconded by Ald. Soucy, it was voted to refer the Report of Committee back to the Committee on Community Improvement Program.

On motion of Ald. Shea, duly seconded by Ald. Soucy, 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 Resolution:

"Amending the 1996 Community Improvement Program, authorizing and appropriating funds for Challenge Consortium."

ought to pass.

Ald. Pariseau moved to accept, receive, and adopt the report of the Committee on Finance. Ald. Reiniger duly seconded the motion. There being none opposed, the motion carried.

A second report of the Committee on Finance was presented recommending that \$2,200.00 be authorized from Contingency as requested by the Adopt-A-Block Program be approved.

On motion of Ald. Soucy, duly seconded by Ald. Clancy, it was voted to accept, receive and adopt the second report of the Committee on Finance.

Ordinances:

"Authorizing the Mayor to dispose of certain tax deeded property known as 66-68 Orange Street, Map 39, Lot 45."

"Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include portions of the lots currently zoned I-3 (General Industrial) and I-2 (Industrial Park) on the southerly side of Huse Road and the easterly side of South Willow Street."

On motion of Ald. Wihby, duly seconded by Ald. Soucy, it was voted that the Ordinances be read by title only and it was so done.

Clerk Johnson requested that the second ordinance relative to amending the Zoning Ordinance be tabled prior to final ordaining as the Committee on Bills on Second Reading report had required that two agreements to come before the Board which were in process but had not yet been completely prepared and would come to the Board probably at the next meeting. She advised the ordinance would be read to enroll and suggested that the Committee on Enrollment take its action and the ordinance be tabled prior to ordaining.

The clerk read the ordinances by title only.

These Ordinances having had their second reading by titles only, Ald. Wihby moved on passing same to be Enrolled. Ald. Clancy duly seconded the motion. The motion carried with Ald. Cashin duly recorded in opposition to the second ordinance read.

On motion of Ald. Soucy, duly seconded by Ald. Reiniger, it was voted to recess the regular meeting to allow the Committee on Accounts, Enrollment, and Revenue Administration to meet.

Mayor Wiczorek called the meeting back to order.

A report of the Committee on Accounts, Enrollment, and Revenue Administration was presented advising that Ordinances:

"Authorizing the Mayor to dispose of certain tax deeded property known as 66-68 Orange Street, Map 39, Lot 45."

"Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include portions of the lots currently zoned I-3 (General Industrial) and I-2 (Industrial Park) on the southerly side of Huse Road and the easterly side of South Willow Street."

were properly enrolled.

On motion of Ald. Soucy, duly seconded by Ald. Shea, it was voted to accept, receive, and adopt the Report of the Committee on Accounts, Enrollment, and Revenue Administration.

Communication from Ald. Elise requesting that the Board of Mayor and Aldermen forward letters of gratitude to the Christmas on Elm Street Parade Committee (Janice Tremblay, Chair) and to the St. Patrick's Day Parade, Inc. (Tom King, President)

Ald. Elise stated that special events were very important to the City noting the individuals had done a lot of hard work and if the City could recognize them in any way thought it would be appropriate.

Mayor Wiczorek stated he had sent letters to the Christmas on Elm Street Committee with the list that had been given to him by Janice Tremblay.

On motion of Ald. Elise, duly seconded by Ald. Wihby, it was voted that letter be forwarded to the St. Patrick's Day Parade Committee.

Ordinances:

"Authorizing the Mayor to dispose of certain tax
deeded property known as 66-68 Orange Street, Map 39, Lot 45."

"Amending the Zoning Ordinance of the City of Manchester by extending
the B-2 (General Business) zoning district to include portions of the lots
currently zoned I-3 (General Industrial) and I-2 (Industrial Park) on the
southerly side of Huse Road and the easterly side of South Willow Street."

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

The first ordinance read relative to the tax deeded property having had its third and final
reading by title only, Ald. Domaingue moved on passing same to be Ordained. Ald.
Soucy duly seconded the motion. There being none opposed the motion carried.

On motion of Ald. Cashin, duly seconded by Ald. Domaingue, it was voted that the
Ordinance relative to amending the Zoning Ordinance be tabled pending submission of
agreements. There were none recorded in opposition.

Resolution:

"Amending the 1996 Community Improvement Program,
authorizing and appropriating funds for Challenge Consortium."

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

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

There were no nominations presented by Mayor Wieczorek.

Confirmation of nominations to the Manchester Development Corporation
Board of Directors as follows:

For a term of one year --

Bobby Stephen
John Snow
Eleanor Dahar
Richard Loeffler

For a term of two years --
Raymond Pinard
Alderman Timothy Reiniger
Alderman Mary Sysyn
Karen Golz

For a term of three years --
John Allard
Richard Fradette
Elias Ashooh
Richard Charpentier

On motion of Ald. Wihby, duly seconded by Ald. Pariseau, it was voted to confirm the nominations to the Manchester Development Corporation Board of Directors. The motion carried with Ald. Reiniger and Sysyn duly recorded as abstaining.

Confirmation of nomination of Matthew LaPointe to succeed Gary Casinghino as a Trustee of Trust Funds, term to expire January 2002.

On motion of Ald. Wihby, duly seconded by Ald. Soucy, it was voted to confirm the nomination of Matthew LaPointe as a Trustee of Trust Funds, term to expire January 2002.

Confirmation of nomination of Henry Magdziasz to succeed himself as a member of the Manchester Transit Authority, term to expire May 2001.

On motion of Ald. Cashin, duly seconded by Ald. Pariseau, it was voted to confirm the nomination of Henry Magdziasa as a member of the Manchester Transit Authority, term to expire May 2001.

NEW BUSINESS

Discussion of Date of CenterPlex Referendum Question

Ald. Wihby stated he had looked into the matter since the last meeting noting he had talked with individuals from the CenterPlex Committee as well as Secretary of State Gardner who recommended that there be a Tuesday election as he did not know if it was a binding or non-binding referendum question and thought if it was a binding referendum question it had to be held on a Tuesday and follow the regulations as during regular elections, so it would have to be held at least from 11:00 AM to 7:00 PM noting it could be earlier and it would have to be held at each individual polling place the City currently had. Ald. Wihby stated there was some question though, if it was binding or not, and when he had sat down with the CenterPlex Committee had asked them about - as they were looking at a Saturday day too - but they thought about having something here in the City Clerk's Office on a Saturday so they could have the Tuesday all around the City and

on Saturday when everyone was at Derryfield Park and enjoying themselves and if they wanted to go to the City Clerk's Office noting he had also talked to the City Clerk about it who had indicated there wouldn't be any additional expense other than minimal and the Clerk's Office could do and would have the checklists and the results could be passed out Saturday at five o'clock perhaps at the Sesquicentennial event at Derryfield Park and anyone who had not voted on Tuesday would be able to go to City Hall and vote on Saturday. Ald. Wihby stated it looked liked a good compromise for everybody noting it was an idea they could do only if the State would allow it, so perhaps there could be a motion which stated they would go with the Tuesday and look into the Saturday option so long as the Secretary of State looked at the question; that Senator Danais did not think it was a binding referendum, but the Secretary of State thought it was and City Clerk Bernier thought it was also and CenterPlex didn't, so no one way really sure and the Board could vote today to do the two days and if they couldn't they would still have the Tuesday which would be legal and would not create any problems and proposed to adopt the two days subject to approval from the State that the election could be held on Saturday otherwise continue with the Tuesday, June 4th.

Mayor Wieczorek stated Mr. Freidman, Chairman of the Jewish Federation had gone in to see him that afternoon and had mentioned that Saturday, June 8th was their Jewish Sabbath and wished to register his thoughts that it would not be a good idea.

Ald. Wihby stated he had spoken with Rabbi Starr this afternoon and asked him what his thoughts on the matter were and noted Rabbi Starr had indicated to him if the City had the two days (Tuesday and Saturday) there would be no problem with Saturday as he was 100 percent for and behind the City if they did want the Saturday and would publicly state so as they had been given the option of voting on Tuesday.

Ald. Wihby moved on his recommendation. Ald. Cashin duly seconded the motion.

Ald. Soucy asked what provisions would have to be made to handle ballots.

Clerk Bernier stated that would be an issue which would have to be discussed with the Secretary of State noting the State Committee would be meeting on Thursday noting that Senate Bill 175 could be amended at that time, if they wished to address that specific issue for the City of Manchester.

Ald. Wihby stated it might not be necessary depending on whether or not the question was binding.

Ald. Shea asked who would determine whether or not the question was binding.

Ald. Wihby replied the Secretary of State would be reading over the documents and believed Tom from the City Solicitor's Office could work with him. If, however, the question was binding then the City would have to follow State laws and couldn't have the Saturday, but if it was non-binding the City could do as it wished.

Ald. Shea asked what was the reason to have a referendum and it wouldn't be binding and asked how much money would be spent to hold the special election.

Clerk Bernier replied an election cost between \$15,000-\$18,000.

Ald. Shea stated the City would be spending \$15,000-\$18,000 on a referendum which may or may not be binding and asked does it really make sense that the direction be determined prior to spending that kind of money as to him if the citizens were to have a voice, it should be in his judgement - binding - but, if the majority of the people in Manchester were opposed to it, then he could not see why a minority would rule. On the other hand, however, if the majority would be for it they should go for it.

Ald. Wihby stated the Board would listen to what the majority of the voters said out there, so even if it wasn't binding he was sure they'd be bound by the decisions made out there by all of the voters and asked Solicitor Clark if he knew of anything.

Solicitor Clark replied any referendum which would be initiated here was a non-binding referendum but the State did have the authority to pass legislation which would incur a binding referendum.

Ald. Reiniger stated it was his understanding that for it to be approved it would require an affirmative vote of the people and the Aldermen noting it was a kind of hybrid between binding and non-binding.

Mayor Wieczorek called for a vote on the motion. There being none opposed, the motion carried.

Discussion on Referendum Question -

Mayor Wieczorek stated the question was who would put together the question.

Ald. Wihby stated it might be best to form a committee at the Board level to sit down with them and anyone else who might want to give input and have a committee of five looking to the question and reporting back to the Board.

Mayor Wieczorek stated ultimately it would be the Board's responsibility to determine what the question would be.

Ald. Wihby moved that a Committee of five Aldermen be formed to sit down with the CenterPlex Committee and others with ideas and report back to the Board of Mayor and Aldermen. Ald. Sysyn duly seconded the motion. There being none opposed, the motion carried.

Ald. Wihby stated in the spirit of cooperation noting it should be non-partisan named himself and Ald. Cashin as Co-Chairs and Aldermen Pariseau, Soucy, and Elise as members of the Special Committee.

Ald. Elise stated that the team working on the City's participation in the PUC's Pilot Program was requesting to make a brief presentation and to update the Board.

Mr. Sherman stated the RFQ's went out in February which were received in late February noting the Committee had sat down and gone through an initial interview process and as of today four firms were qualified to respond to an RFP process and what they were trying to do was to get both legal and engineering services to work with the City to be a participant in the Pilot Program and in order for the City to be able to go out and submit RFP's for electric power. The RFP's would be due back next week and they expect to be back at the April 2nd meeting with a recommendation to the Board. In addition to that there were several pieces of legislation going through up in Concord (i.e., Senate Bills 587, 610, and House Bill 1392) noting that would provide the City with more opportunities in reducing its electric bills and on April 2nd they would update the Board as to where those stood.

Mayor Wiczorek commented that it was moving pretty fast.

Mr. Sherman stated it was moving along quite quickly and the final guidelines from the PUC were issued on February 28th and they wanted the Pilot Program to start May 28th and in order to start on May 28th the Board would actually have to propose what was being called "GAC" Geographic Areas of Choice which would be small areas within the City that would be submitted for selection in the Pilot Program and if those areas were selected they would then put those areas out to bid for electric service noting it was moving very fast and that was why they would be back in April to get some assistance.

Ald. Domaingue moved to nominate Robert Rivard to succeed himself to the Board of Recount, term to expire October 1997.

Ald. Pariseau stated he wished to remind Mayor Wiczorek about the token of appreciation to those members who left last year noting nothing had been done and they were supposed to have been invited to attend a meeting.

Mayor Wieczorek stated he had been reviewing the Aldermanic budget to see how much could be spent on those items.

Ald. Elise moved to nominate William Gardner to the Board of Recount, term to expire October 1997.

Ald. Clancy stated he wished to thank the Manchester Police Department for the fine work they were doing in the inner-city area and most recently the drug bust conducted on Valley Street noting most of the residents in the Ward were real happy about the work being done.

Ald. Hirschmann stated he wished for clarification from the Mayor noting he wanted to nominate Robert Greenwood to the Revolving Loan Fund, but thought there needed to be a clarification on that matter.

Mayor Wieczorek in addressing Mr. Jay Taylor asked whose appointments were they.

Mr. Taylor replied the way in which it was worded indicated the appointments were nominations to be confirmed by the Board of Mayor and Aldermen so the way it was written it appeared as though it was the entire Board and there had been no nominations but they were compiling a list of names who hopefully would be willing to serve.

Ald. Hirschmann moved to nominate Robert Greenwood, CPA as a member of the Revolving Loan Fund.

Ald. Shea stated he wished to commend the following departments and department heads and their workers for their excellent cooperation with not only his constituents but himself as well: Parks, Recreation & Cemetery, Traffic, Highway, and the Building Departments; representatives from those departments including department heads have readily addressed constituent concerns, attended evening meetings noting they had resolved several problems in Ward 7 and wished to commend them.

Ald. Soucy moved to close nominations to the Board of Recount. Ald. Cashin duly seconded the motion. There being none opposed, the motion carried.

Ald. Soucy stated she took her responsibilities on the Board very seriously as well as people in the past had and thought they had let the issue of recognition of Aldermen who had previously served on the Board slide and strongly encouraged her colleagues on the Board to vote on a motion that there actually be an item on the next agenda with some recommendation as to where funds would come from to provide the recognition noting that they all knew it was a challenging job, it was a job which often went without any recognition, without any thanks and did not think it was asking too much to either present

a key to the City or some plaque to those people who had served in such capacity and moved that something be on the agenda and complete the issue once and for all.

Ald. Elise duly seconded the motion. There being none opposed, the motion carried.

Ald. Pariseau stated he had received a call the other evening relative to why he was not present at a meeting put on by Optima Health at the Jewett Street School for residents of Wards 8 & 9 noting he had not been made aware that Optima was holding Ward meetings relative to their proposal of consolidation and hoped that in the future they would advise the Aldermen of those meetings and did not know if anyone had shown up.

Ald. Domaingue stated she had also received a phone call from a parent of a student at one of those schools and believed it was Jewett Street and wanted to know why the students were being told by way of intercom about the meeting that was clearly intended for the parents and why there wasn't any written documentation to support it noting she did not know of the meeting as no one had ever called her either, but certainly she would hope that if Optima would want to have community support that they would at least notify the Aldermen.

Ald. Shea stated prior to his leaving the Principalship at Hallsville School there were provisions made through the School Department to use school facilities for Optima Health meetings but did not know of any invitations that had been extended to any of the Aldermen.

Mayor Wiczorek indicated he would check it out.

Ald. Cashin stated he would see to it that if anything was going to be held in a Ward by Optima Health that the respective Alderman would be notified and apologized for it noting it must have been an oversight.

Ald. Reiniger stated last week the Supreme Court of New Hampshire had accepted the appeal of the City of Manchester of the decision involving CASICO, Inc. versus the City of Manchester which involved the Bar License Statute which the Superior Court had said was unconstitutional and would now be decided by the State Supreme Court noting that a briefing schedule had not yet been set, so it would be a significant case for the State.

There being no further business to come before the Board of Mayor and Aldermen, on motion of Ald. Pariseau, duly seconded by Ald. Clancy, it was voted to adjourn.

A True Record. Attest.

City Clerk