

**SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN
(PUBLIC PARTICIPATION)**

August 6, 1996

7:00 PM

Due to the absence of Mayor Wieczorek, Chairman Wihby called the meeting to order.

Chairman Wihby called for the Pledge of Allegiance, this function being led by Ald. Elise.

A moment of silent prayer was observed.

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

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

Absent: Ald. Robert

Chairman Wihby advised that the purpose of the special meeting was to give residents of Manchester the opportunity to address the Board on items of concern affecting the community; that each person would be given only one opportunity to speak and any comments shall be limited to two minutes to allow all participants the opportunity to speak and any comments must be directed to the chair.

Chairman Wihby requested that any resident wishing to speak should come forward to the nearest microphone, clearly state their name and address when recognized, and give their comments.

Dick Tracy, 861 Union Street, Manchester, NH (Re: MAPS Contract), stated:

Good evening, Mr. Chairman and all the members of the Aldermanic Board. I'm here this evening to speak to you on behalf of the members of the Manchester Association of Police Supervisors. Later this evening, we hope that you'll be voting on a contract. I am asking you on behalf of our membership to please vote favorably on this contract. When the City was going through extreme financial crises, our members agreed to help out by foregoing pay raises. Unfortunately, it has now been five years that we have gone without an increase in our salaries. According to a recent TV program - Behind the Badge - aired by PBS that equates to a twenty percent loss in real income when inflation is factored in. It has also been two years since we've had a contract with the City. This has resulted in not only loss of wages, but also loss of longevity steps which have been taken away from us. These longevity steps were conditions under which we were hired, many of us over 15 years ago. We feel this is very unfair and not the proper way to reward a group who was willing to help during the really tough times. I'm sure that those of you who hold positions in the private sector have not gone five years without a salary increase. You had, at least, some cost-of-living increase in your paychecks. We have not seen that.

Our paychecks from five years ago are identical to our paychecks today. Through all of this our members have continued to conduct themselves in a professional manner and do the jobs we were hired to do, protecting and serving the citizens of Manchester. We are the largest City in the State and our members deal with more life-threatening situations on a daily basis than any other city or town in the State. Yet, other departments are being much better compensated for their work. We realize the City's budget doesn't allow for us to be brought up to those levels, but we feel that it is only fair that we should be brought up to a level that is better than where we are now. During these stressful times, we have not neglected our duties. We have continued to do our best to keep the streets of Manchester safe for you, your families, friends, and supporters. We are asking you do what is fair and just. Vote in favor of our contract and show us that you truly do appreciate and respect the unending efforts we put into keeping the City safe for everyone. Thank you.

Dave Janick, 83 Langdon Street #2, Manchester, NH (Re: Intown Manchester), stated:

I just wanted to address the issue, very briefly, of the improvements in the community that voted to bring in Intown Manchester. I think it's a great idea and it's going to be nice to see a lot of positive change start to happen around the City.

Tom Davis, 86 Erie Street, Manchester, NH (Re: Traffic), stated:

I'd just like to ask some questions. We have a traffic problem over on Erie Street and I'd like to know what we can do about it. We keep being told that we can't reduce the speed limit, we can't put up signs. They've come and taken a survey, they take traffic readings with the Police car visible. Can we see the figures, can we get an average speed with the Police car sitting out in the street. These numbers aren't real and we'd just like to know what can we do.

Chairman Wihby asked have you addressed it with your Alderman and sit down and look at the numbers.

Mr. Davis replied, yes, we have and we've sent a letter and I have a copy of the letter from the Police Department that did the survey and we also sent copies of our letter to the Director of Traffic, the Traffic Aldermen's Committee, and we'd just like to know if somebody could tell us what we can do to slow down the traffic.

Ald. Cashin stated, Mr. Chairman, I've been talking to the Police Department and somebody will be in touch with you within the next couple of days.

Mr. Davis stated my main concern is this report. Now, I don't want the Alderman to see this report and not be aware that the traffic, that the Police car was visible when they were taking these readings.

Ald. Cashin stated, I understand there was a problem with...you feel that the cruiser was visible and it slowed the traffic down and, therefore, you don't feel that the numbers are correct, we're working on it.

Florence Bernard, 44 Erie Street, Manchester, NH (Re: Traffic), stated:

I've lived at 44 Erie Street now for 20 years. When we moved there is was a nice quiet street and now it's the last couple years and I'm sure you're all aware of all of the build up in that area with WalMart and all of the stores there. So, for a couple of years we put up with all kinds of trucks that were delivering over to the stores over there. We even had half a house go by one day and we do have the truck sign and I understand we are going to get the one with the speed, I mean the fines on it, and we are going to get some stop signs, but this is not slowing down the speed on Erie Street itself. We have been told that you can't have the speed signs. Now, I understand this is a problem all over the City and I see no reason why the speed can't be lowered. We're told that they're not going to be ticketed anyway if they're speeding because it would clog up the courts. So, if you're not going to ticket them anyway, why can't we have a 25 mile-an-hour sign which might slow them down to the 30 and we have had one bad accident. One man wears a collar, walks with a cane, and he doesn't know if he'll ever get out of that collar. We had another lady trying to enter her driveway with a child in the car. I have skid marks in front of my house now which is the latest near miss. Now, this is going to continue until we have an accident. Somebody's going to get hurt again or killed. And, we're not going to go away. Some of the people we've talked to have been very rude. But, until we get a safe street, we're going to stay here and you're going to hear us. Thank you very much.

Ald. Cashin stated, before you leave, Mame, you mentioned that somebody said that they won't give tickets because the courts are...

Mrs. Bernard stated we were told they were not going to ticket the speeders anyway because it would clog up the courts.

Ald. Cashin asked would you tell me later who told you that.

Mrs. Bernard replied, well, we really have been trying to stay away from naming people.

Ald. Cashin stated if someone is saying that, I'd like to know that.

Mrs. Bernard stated my point is if they're not going to be ticketed.

Ald. Cashin stated they will be ticketed.

Mrs. Bernard asked why can't we have the speed lowered and have a sign there and this might slow them down to the 30 miles.

Ald. Cashin stated the speed limit on Erie Street as I'm sure you're aware right now the ordinance states 30 miles-per-hour.

Mrs. Bernard stated well, this is what we've been told and you see very few cars except the neighbors that do that.

Ald. Cashin stated I would like to talk to you later, if you don't mind.

Ald. Domaingue asked Mrs. Bernard could you tell us, at least, if the person who led you to believe the tickets would not be given because they were afraid of clogging the courts, was that a neighbor or was that someone employed by the City of Manchester.

Mrs. Bernard replied an employee of the City.

Chairman Wihby stated they might have said that at 30 miles-an-hour they can't ticket and they have to go 38 or whatever it is, but I can't picture anybody saying they're not going to ticket anybody if they're, in fact, speeding over, I don't think they're going to give a ticket at 30, but normally isn't there a leeway there that we normally give just to be sure that instruments are working everything, Chief.

Chief Driscoll replied, yes there is and I'd be glad to meet with both of these folks and Ald. Cashin and see if we can get to the bottom on this.

Ald. Cashin stated I want to thank Mark because I've talked to Mark on several occasions about this and he has been extremely helpful.

Chief Driscoll stated it's a problem and we're trying to address it.

Chairman Wihby asked has this gone to Traffic, at all, yet.

Chief Driscoll replied it's not gone to the Traffic Committee, but has gone to our Traffic Department and they've been over there at Ald. Cashin's request to look at this situation.

Chairman Wihby stated so something will show up in Traffic Committee between everybody working together.

Chief Driscoll replied, yes, we'll address it.

Atty. Robert S. Stephen, 100 Middle Street, Manchester, NH (Re: Monte Carlo - Charity), stated:

Thank you, your Honor and members of the Board. I represent The Stardust Room. With me tonight is Peter Poulos from The Stardust Room. Procedurally, I'm not really sure what is before the Board tonight in regards to this Monte Carlo issue. In fact, I only found out that this issue is on the agenda when I read the morning news today. You will recall that when I was last here on June 4th on behalf of

The Stardust Room, myself and Peter Poulos gave a full presentation as to why we feel State law allows The Stardust Room to hold Monte Carlo nights to benefit charities. That evening, the Board tabled the issue with a recommendation to the City Solicitor to check into other communities as to why other cities are allowing Monte Carlo nights and the City of Manchester is not to benefit charities. Since that time, the City Solicitor and myself (Tom Arnold) have reached what I believe to be a fair settlement, whereby if the charity makes the individuals dealing the cards members of the charity then State law will be complied with and the licenses will be issued for the Monte Carlo night. This is a fair settlement because the Monte Carlo will be allowed to go forward to benefit charities and at the same time the strict interpretation by the Chief of Police will be met and that's on the record of the last meeting which was in July by the Assistant City Solicitor, Tom Arnold, and I spoke to him today and we have reached this settlement. Now, in the event that there's kinks along the way where there are disagreements between The Stardust Room and the City, then we can work those out on our own or we can go to court. But, I think we've reached a settlement so that the Board no longer needs to issue a decision on this matter. So, I'm going to ask that this be removed from the agenda because of this settlement.

Chairman Wihby stated it was just tabled after the last time you came, we just tabled it for discussion, that was the only item on there, there was no other additional stuff. So, you just want it taken off the table and received and filed, is that what you're asking.

Atty. Stephen replied, yes, exactly. Take it off the table, receive and file. I'm asking the Board not to issue a decision per se because I think we've reached an agreement. Having said that, I just want to add a few points if I could just to set the record straight regarding our position on this issue. My client doesn't believe this dispute is about gambling or about casinos, it's about legitimate charities trying to raise funds through Monte Carlo nights. There's a State Statute RSA 287(d) which allows this type of an event and we feel that we're complying with the Statute, so it's really just an issue of whether or not State law is complied with and in our position it is. We feel that we need to find a way for these charities to raise funds through the Monte Carlo nights. They're recognized by the Attorney General's Office and by State law, so there is really no reason why these nights are not being allowed since they are legitimate and they are to benefit charities. Now, I just want to point out that the Manchester Police Department which under the State law is the issuing entity, allowed a Monte Carlo night to benefit the Manchester Police Patrolmen's Association a couple of years ago and if it's good for the Manchester Police Patrolmen's Association, then it should be good for other charities which are simply trying to raise funds through these legitimate means. So, therefore, I'd just like to ask that this be removed from the agenda this evening. Thank you.

Arthur Ketchen, Nashua, NH, stated:

I'm President of the First Amendment Legal Defense Fund. And, what I came by to talk about was the...

Ald. Pariseau interjected, the public session is for Manchester residents and that gentleman is out-of-order.

Mr. Ketchen replied, I already asked.

Chairman Wihby stated didn't we say anybody could speak, if we had time. I thought we had decided that one when we set the rules up, you have two minutes.

Mr. Ketchen stated to start out about these ordinances. At a previous meeting, I said what I had to say about the ordinances. I'm talking about 17-26 and 17-27. I think in a period when people are getting sick of more government interference or a step towards more government interference, I think they go beyond ghettoization which is what I call some of these Zoning statutes that have been put through in this State and Zoning and let the door open for outright harassment and invasion of privacy. One of the and I went back over the proposed ordinances. One of the weaknesses or I suppose from some people's perspective what they'd be in favor of, but one of the weaknesses from the standpoint of being bad from a civil liberties standpoint and this is something that one of your own number pointed out. Despite assurances and they're only verbal assurances there are no safeguards against government harassment of cultural events. We need more than your word or anybody else's word. Among other things it needs to be written in there if you're going to say that The Palace Theatre as I brought up this issue case if they put on "Hair", for example, or some of the other plays or events that feature and, of course, I'm speaking about the anti-nudity ordinance, whose to say that a literal reading of the law that the Police would not come in there and say to The Palace Theatre we're pulling your liquor license. These things needs to be firmed up, these things need to be...what I think you ought to do and the smart thing to do is that you ought to vote to table this or to kill this. It's already being looked at from a number of sources. Anyway, I've said pretty much what I'm going to say, you know. There are a lot of people not terribly happy with this and people are fed up. Again, let me reiterate with government interference. You don't need these ordinances.

On motion of Ald. Pariseau, duly seconded by Ald. Soucy, it was voted to take all comments under advisement and to receive and file any written documentation presented.

There being no further business to come before the special meeting of the board, on motion of Ald. Pariseau, duly seconded by Ald. Soucy, it was voted to adjourn.

A True Record. Attest.

City Clerk