

BOARD OF MAYOR AND ALDERMEN

January 7, 1997

7:30 PM

Mayor Wieczorek called the meeting to order.

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

Present: Alderman 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.

Minutes Accepted

- A. Minutes of meetings held November 8, 1995 (2 meetings); November 21, 1995 (2 meetings); December 6, 1995; December 11, 1995; December 19, 1995; January 2, 1996 (2 meetings); January 16, 1996; January 22, 1996 (2 meetings); January 30, 1996; February 6, 1996 (2 meetings); February 21, 1996; March 5, 1996; and March 19, 1996.
(

Informational to be Received and Filed

- B. Communication from Alderman Elise praising the Board of Assessors relative to their decision of non-utilization of the "new methods" of taxing some types of utility holdings.
- C. Communication from the Manchester Airport Authority submitting minutes of their November 21, 1996 meeting.
- E. Communication from Jerry Rabe, Internal Revenue Service, congratulating the City's Finance and Information Systems Departments on having been identified as IRS Quality Suppliers.
- F. Communication from Executive Councilor Earl A. Rinker, III, advising of items addressed at the November 20, and December 4, 1996 meetings of the Governor and Executive Council.
(
- G. Communication from Michael D. Roche, President, United Steelworkers of America, suggesting the City of Manchester could benefit greatly if it applied principles by which Mr. Aaron Feuerstein (Malden Mills) lives by.

REFERRALS TO COMMITTEES

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- H.** Communication from John Gancarz, requesting the City correct a serious problem at the intersection of Huse and Weston Roads.
- I.** Communication from Marc Scheer, suggesting that the City Solicitor be instructed to review enforcement procedures as they relate to the City's parking control ordinances.

REPORTS OF COMMITTEES

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

- J.** Recommending that the City Clerk's request that the Board of Mayor and Aldermen establish the Municipal Records Committee, required under RSA 33-A:3, be approved, and further that the Municipal Records Committee be composed of one or more Aldermen to be named by the Mayor, as well as the City Clerk, the Finance Director, the Chairman of the Board of Assessors, the Tax Collector, the City Solicitor, and the Director of Information Systems, or their designees, and that said Committee be authorized to make recommendations to the Committee on Administration/Information Systems on records-related issues or standards.

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- K.** Recommending that a request from Patrick Gosselin, CHIPs Race Co-Director, requesting "No Parking" signs be placed on Notre Dame Avenue, behind Optima - CMC on Saturday, May 3, 1997, in conjunction with the 14th Annual CHIPs Challenge 5K and 1 Mile Family Fun Run be granted and approved; subject to review and approval of the Fire and Police Departments.
- L.** Recommending that certain regulations governing standing, stopping and parking, be adopted and put into effect when duly advertised.

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

- D.** Communication from the Manchester Board of Water Commissioners submitting the 1997 Capital and Operating Budget of the Manchester Water Works.

Alderman Hirschmann stated he was very impressed with the Water Works effort, for the second year in a row they decreased their appropriation budget, and this year it was a three percent decrease over last year. Alderman Hirschmann stated he wished to commend them, it was the kind of action they needed in Manchester to keep moving. Alderman Hirschmann asked why the EPD, sewer department, do what the Manchester Water Works do, noting water bills were going down and EPD bills were going up, it now costs more to flush the toilet than to have the water come in.

Alderman Wihby asked why every other department in the city comes to the board at budget time and give the numbers and Water Works did not. Mayor Wieczorek noted that according to the charter they did not have to. Assistant Solicitor Arnold advised that there was special state legislation.

Alderman Wihby stated so the special legislation stated they did not have to come to the Board. Assistant Solicitor Arnold responded they furnished them with information, he was reluctant to go into detail without the statute but it was his understanding.

Mr. Clougherty commented that he thought it was something that the Solicitor would research and give them a legal opinion on, it was based on relationship to the charter and the statute.

Alderman Wihby asked if they did not used to come before the Board. Mayor Wieczorek responded not to his knowledge. Mr. Clougherty concurred that he did not think they had ever come here, perhaps when they were just servicing Manchester, before servicing some of the outlying areas they may have and he was not sure if that was the case.

Mayor Wieczorek noted that perhaps they should request a legal opinion on that and so asked Assistant Solicitor Arnold for same so every aldermen would have it and know why that doesn't happen.

Alderman Cashin asked if Mr. Clougherty would explain why EPD bills are so high, noting that the buck belonged at the Board not with the EPD.

Mr. Clougherty noted they needed to look at the different agencies and enterprise operations, and where they are in time and what they are trying to do. Mr. Clougherty noted that the Water Department was a mature system with respect to the City, and its facilities; that EPD is trying to expand into different areas and is undertaking some improvements that are large in capital nature which was what was affecting their operations, it was not so much the operational side or administrative side of what they were doing as it was so much the large capital undertakings that they were entertaining at this time as a result of federal regulations and thinks of that nature.

Mr. Clougherty pointed out that there was a meeting with the Governor-Elect Shaheen and Councilor Elect Normand where 50 or so people from the area were asked to participate and unsolicited there were no less than 15 comments by companies saying how good our water is, our sewers are, the quality of our environmental products in Manchester were superlative and noted that these were unsolicited comments from companies either expanding or relocating in Manchester. Mr. Clougherty noted that they also had some really nice things to say about the other city departments in terms of how easy it is for the city to work with.

Alderman Cashin asked if the reason wasn't because the Board took certain expenses out of the budget and put it into a fee structure at EPD, was that not why the bills were so high.

Mr. Clougherty responded this was right, that they were trying to keep it fee based for the service so that all of the costs are not subsidized by taxes, that it is separate as it is with water

and when you look at those things you look at the capital projects program that they had to undertake over the next several years, those were the driving forces.

Alderman Wihby noted that it was not because the Board did that that the fees are higher because part of the tax base was covering the fees, they had not done anything to raise the fee.

Mr. Clougherty concurred.

Mayor Wieczorek commented that they had more sewer work that had to be done, and the idea was to try to see if they could pay for that without having to pay as you go along rather than having to bond it.

Alderman Cashin commented that in the past it had been bonded through the real estate tax, was moved to fees and enterprise and that wasn't that why it was higher. Mr. Clougherty responded it had been through a point in time and it was shifted a couple of years ago, and this was part, but they were looking at the total cost of the operation and making sure that this operation is financed by the fees as opposed to being subsidized by taxes.

Discussion ensued where Alderman Cashin noted that they had always had fees for sewer but they had been paid from the tax base. Mayor Wieczorek commented on the west side paying fees and not having the service. Alderman Cashin noted that the people had been aware of that and had accepted it as part of their responsibility. Alderman Cashin reiterated earlier comments regarding the fact that the sewer projects were formerly paid for through bond issue through the taxes and it was not done any longer and it was funded through EPD. Mr. Clougherty stated this was correct and noted that the reason why they could not reduce the fee in EPD as Water does, and water did a good job, was because it was a mature system and there is a lot of capital projects that need to be done to expand the sewer system and that is why the fees are where they are primarily because of the expansions.

Alderman Cashin noted that they would continue to go up. Mr. Clougherty concurred noting those were the things they needed to do if they were going to be able to accommodate the needs of a growing community. Alderman Cashin noted unless they decided to put it under the tax side. Mr. Clougherty agreed they would have to pay for it one way or another.

Alderman Hirschmann noted the PUC regulated Water as to their growth so they can't grow too fast and build their system too fast, and asked if EPD was regulated by them. Mr. Clougherty responded no, the primary concern of the rates in the city is with respect to water is PUC based because they are providing to other communities, it was a different relationship. If he wanted a comparison of the two different enterprises and how they operate and the legal structures, they could provide it, if they wanted to see an illustration of the growth they could provide him that as well, but they did complement one another and were in two different regulatory environments.

Alderman Hirschmann moved to receive and file the communication. Alderman Pariseau seconded the motion. The motion carried.

Report of Committee on Traffic/Public Safety

- M.** Recommending that certain regulations governing standing, stopping, parking and meter fees, be adopted and put into effect when duly advertised.

Alderman Elise noted that she wished to be recorded in opposition to Section 54 relating to the increase in meter fees to fifty cents. Alderman Elise commented that she did not feel this was beneficial to the downtown area, knowing a lot of people were looking at it to encourage people to use the garages but she looked at it as a way that the Board has looked to increase revenue and she thought it was wrong to look to increase revenue through increasing meter fees, she thought they needed to be looking at increasing the tax base, not increasing this type of fee or any type of fee. Alderman Elise also noted that there were private parking garages charging less than the city run garages, which seemed to defeat the intent of the city to increase usage of the city parking garages, and if the city wanted to look to more use of the parking garages maybe it could look at a market rate, so they could fill the garages and pay expenses related to the parking garages versus increasing car registration fees.

On motion of Alderman Robert, duly seconded by Alderman Domaingue, it was voted to accept, receive and adopt the report of the Committee. Alderman Elise, Alderman Reiniger, and Alderman Cashin, were duly recorded in opposition.

Brief presentation to be made by Richard Houle, Director of Public Buildings Services, relative to the Internet/Vendor Information Program.

Mr. Houle addressed the Board utilizing a display of the City's web site. With the assistance of the Information Systems Department, Mr. Houle walked the Board through various sites within the web relating to the airport and vendor information. Mr. Houle noted his intent was to show the members of the Board the options currently appearing and what could be done in the future.

Alderman Hirschmann commented that the web site was a future revenue source for the city where RFP's etc. would be sold to potential vendors and commended Mr. Houle for his work in this area to date.

Confirmation of nomination of Robert Christy to succeed himself as a member of the Manchester Board of Health, term to expire July 1, 1999.

On motion of Alderman Wihby, duly seconded by Alderman Soucy, it was voted to confirm the nomination of Robert Christy to succeed himself as a member of the Board of Health, term expiring July 1, 1999.

Confirmation of nominations to replace Chris Vaal as a member of the Retirement Board, term to expire January 1, 2000, as follows:

Chris Vaal
Brooks McQuade

Alderman Elise withdrew the nomination of Brooks McQuade.

On motion of Alderman Pariseau, duly seconded by Alderman Shea, it was voted to confirm the nomination of Chris Vaal as a member of the Retirement Board, term expiring January 1, 2000.

OTHER BUSINESS

7. Ordinances:

“An Ordinance Adopting and Enacting a New Code of Ordinances for the City of Manchester, NH; Establishing the Same, Revising, Amending, Restating, Codifying, and Compiling certain existing General Ordinances of the City dealing with subjects embraced in said Code; Providing for the Effective Date of Such Code and a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When this Ordinance Shall Become Effective.”

“Authorizing the Mayor to dispose of certain tax deeded property known as 243 East High Street, Map 410, Lot 7.”

“Authorizing the Mayor to dispose of certain tax deeded property known as 398-400 Hanover Street, Map 289, Lot 15.”

“Amending Section 18-24 (Cemetery Supervisor, Parks Maintenance Ski/Aquatic Supervisor, Recreation Utility Supervisor, Parks, Recreation and Cemetery Irrigation Worker, Parks Utility Supervisor and Victim/Witness Advocate) of the Code of Ordinances of the City of Manchester.”

“Amending Section 18-25 (Cemetery Supervisor, Parks Maintenance Ski/Aquatic Supervisor, Recreation Utility Supervisor, Parks, Recreation and Cemetery Irrigation Worker, Parks Utility Supervisor and Victim/Witness Advocate) of the Code of Ordinances of the City of Manchester.”

“Amending Section 18-26 (Cemetery Supervisor, Parks Maintenance Ski/Aquatic Supervisor, Recreation Utility Supervisor, Parks, Recreation and Cemetery Irrigation Worker, Parks Utility Supervisor and Victim/Witness Advocate) of the Code of Ordinances of the City of Manchester.”

“An ordinance amending Chapter 21A Sewer Use Ordinance.”

“Amending the Zoning Ordinances of the City of Manchester by modifying Section 4.03 Item 71 and Article VII limiting parking lots for business uses within residential zones, as further amended by deleting Section 4.03 Item 45.”

On motion of Alderman Reiniger, duly seconded by Alderman Pariseau, it was voted to read by titles only.

These Ordinances having had their second readings by titles only, Alderman Shea moved on passing same to be Enrolled. Alderman Sysyn duly seconded the motion. The motion carried with Alderman Cashin duly recorded in opposition to the Personnel Ordinances involving salary increases.

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

Mayor Wieczorek called the meeting back to order.

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

“An Ordinance Adopting and Enacting a New Code of Ordinances for the City of Manchester, NH; Establishing the Same, Revising, Amending, Restating, Codifying, and Compiling certain existing General Ordinances of the City dealing with subjects embraced in said Code; Providing for the Effective Date of Such Code and a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When this Ordinance Shall Become Effective.”

“Authorizing the Mayor to dispose of certain tax deeded property known as 243 East High Street, Map 410, Lot 7.”

“Authorizing the Mayor to dispose of certain tax deeded property known as 398-400 Hanover Street, Map 289, Lot 15.”

“Amending Section 18-24 (Cemetery Supervisor, Parks Maintenance Ski/Aquatic Supervisor, Recreation Utility Supervisor, Parks, Recreation and Cemetery Irrigation Worker, Parks Utility Supervisor and Victim/Witness Advocate) of the Code of Ordinances of the City of Manchester.”

“Amending Section 18-25 (Cemetery Supervisor, Parks Maintenance Ski/Aquatic Supervisor, Recreation Utility Supervisor, Parks, Recreation and Cemetery Irrigation Worker, Parks Utility Supervisor and Victim/Witness Advocate) of the Code of Ordinances of the City of Manchester.”

“Amending Section 18-26 (Cemetery Supervisor, Parks Maintenance Ski/Aquatic Supervisor, Recreation Utility Supervisor, Parks, Recreation and Cemetery Irrigation Worker, Parks Utility Supervisor and Victim/Witness Advocate) of the Code of Ordinances of the City of Manchester.”

“An ordinance amending Chapter 21A Sewer Use Ordinance.”

“Amending the Zoning Ordinances of the City of Manchester by modifying Section 4.03 Item 71 and Article VII limiting parking lots for business uses within residential zones, as further amended by deleting Section 4.03 Item 45.”

were properly Enrolled.

On motion of Alderman Sysyn, duly seconded by Alderman Clancy, it was voted to accept, receive and adopt the report of the Committee. Alderman Cashin was recorded in opposition to Personnel Ordinances reflecting any increase in salaries.

Communication from Alderman Wihby advising that at the last meeting of the Committee on Bills on Second Reading, the Committee voted to receive and file the proposed ordinance amendment relative to eliminating compensations to members of Boards and Commissions.

Alderman Wihby stated that it was an informational item to let the Board know what happened with this item.

Alderman Hirschmann stated that he was in opposition to this due to budgetary considerations. Alderman Robert moved to eliminate the compensations. Alderman Hirschmann seconded the motion.

Alderman Domaingue stated that the communication from the committee is that if they have received and filed the proposed ordinance which would have eliminated the commission salaries, their communication to the Board is that they think we ought to pay it which was contradictory given the fact that the Board in the budget process did agree to eliminate the \$15,000. with Chairman Wihby chairing the meeting and encouraging that to happen, she was confused as to how they had gotten to this point. Alderman Domaingue stated that if it was important in talking about saving taxpayers money that \$15,000. may not seem like a lot against a multi-million dollar budget but it was still money of the taxpayers. Alderman Domaingue stated they did not question that these people are dedicated to the City but the Board did agree as a Board and she had to agree with Alderman Robert and Alderman Hirschmann and would support the motion.

Alderman Hirschmann asked if Alderman Wihby could explain where the money for the planning people would come from.

Alderman Wihby responded that he had not supported this in committee; that there had been no determination on where this was coming from.

Alderman Hirschmann stated that when Alderman Wihby was presiding over the meeting he recommended the proposals that this happen and now that the budget had been passed.

Alderman Wihby stated he thought Alderman Hirschmann was misunderstanding; that this was not his motion in the committee he voted against this motion in the committee he was of the belief of Alderman Hirschmann and Alderman Robert and Alderman Domaingue that they should be doing what they decided in the budget process, but he thought the committee felt that they did not want to pursue it and that the money would come out of contingency.

Alderman Hirschmann whether supported by Alderman Wihby or not, the budget that was passed in July was the Wihby budget and these cuts were included in that budget.

Alderman Cashin stated that Alderman Wihby had voted against it with the majority of the committee that voted to recommend this to the full Board; that Alderman Wihby supported his budget and supported, by voting against this, voted to support the cuts to the commissioners.

Alderman Soucy noted that they had taken money out of the budget but if they did not change the ordinances during the budget process then they currently have ordinances that still say they should be paying these people, and isn't that actually what happened and isn't that the problem the dilemma they are in and aren't they legally obligated to abide by our own ordinances and pay these people, at least for the six months or until we make a change.

Assistant Solicitor Arnold stated that it would depend on the change in the ordinance he would have to go over the individual ordinances or statutes as they may be but that was a possibility.

Alderman Wihby stated that they had taken a consensus during the budget process they were going to eliminate the \$15,000. and he thought it was done and nobody was paid he didn't think. Alderman Wihby stated that it was not realized at the time they had to do an ordinance change to do that, it came to the committee and the committee voted it down the first time, it came back to the Board and the Board said why we already voted on it at the budget and why shouldn't we be doing it and sent it back to the committee. In the committee it was received and filed which meant it wasn't going to be here, he had voted against it in the committee because he thought they should continue what they said they were going to do in the budget process and that was to eliminate the fees and that was why he put it on the agenda as a communication so it was there to discuss at the full Board level. Alderman Wihby stated he thought the motion would be to amend the ordinance to do it, which was what was on the floor, so they could vote on this and if they did they would be eliminating the fee.

Alderman Domaingue stated that the budget process wound up in June of 1996, this was January of 1997 and she was hearing the Chairman of the Board tell them was between June of 1996 and January of 1997 no process was allowed for to change those ordinances and in fact the comment was that they didn't know they needed to be changed. Alderman Domaingue commented that they had a city clerk's office that usually informs us on a regular basis of ordinances that would need to be changed pending committee approval or board action. She was finding it difficult to believe that for all of this time no one alerted this committee or the board that this ordinance needed to be pushed through so that everything would match.

Alderman Domaingue asked if anyone on this committee give any kind of an indication as to where this money was coming from, knowing the board asked to have it eliminated because of the budget.

Alderman Wihby responded that it appeared the intent was from contingency.

Alderman Domaingue stated that contingency is really an account that this board will use in the event of any kind of an emergency, she was disappointed in the process and was sure the taxpayers were too.

Alderman Cashin stated his recollection was that every department said that they could absorb the cost with the exception of the Planning Board and the Planning Board it was decided would come out of contingency.

Alderman Pariseau noted if it was needed. Alderman Cashin concurred noting they were governed by their own ordinances.

Alderman Pariseau noted that there was some concern as to the timing, here it was January and they were going to refer it to the next budget cycle where things would be done right to begin with.

Alderman Robert noted he was disappointed it had taken this long stating to move forward in a productive manner it was here now to do something with the question was whether they were going to do this or not going to do this. Alderman Robert stated there was a motion on the floor to do what they had agreed in the budget process and requested a vote be taken.

Mayor Wiczorek asked if the motion needed to be amended in any way to comply.

Assistant Solicitor Arnold stated that if the vote was in the affirmative to eliminate the compensation than the appropriate amendment to ordinances would need to be prepared so they would refer it to committee to prepare those ordinances.

Mayor Wieczorek stated that if the vote then was to eliminate it the ordinances can be dealt with at a subsequent meeting.

A discussion ensued as to the process relative to ordinances where it was noted that the ordinance would need be referred to committee or the rules would need to be suspended to adopt the ordinance without referral, and the desire to not have the solicitor's office spend time researching and preparing an ordinance that would may not be adopted. Mayor Wieczorek advised that they would take a vote on the motion to eliminate the compensations and if it passed the Solicitor's office would be asked to prepare the ordinance for submission at the next meeting for the Board to suspend the rules and act upon.

Alderman Cashin commented that whatever the Board did here with the exception of the ZBA would not effect the tax rate. Alderman Cashin questioned if it was fair to ask the members of the ZBA to drive around town looking at sites and doing their job without any compensation.

Alderman Domaingue stated that the Board as a unit agreed in the budget process that this money was important not to spend.

Alderman Soucy stated that they were voting on an ordinance they had not seen.

A roll call vote was taken. Alderman Hirschmann, Wihby, Elise, Reiniger, Domaingue, and Robert voted yea. Alderman Sysyn, Clancy, Soucy, Shea, Pariseau and Cashin voted nay.

Mayor Wieczorek voted yea and advised the motion carried and requested the solicitor's office to prepare the ordinances for a subsequent meeting.

Communication from the Chief of Police, requesting to meet with the Board of Mayor and Aldermen on January 21, 1997, in order to make a presentation relative to video poker gambling.

Alderman Pariseau noted he had spoke with the Chief and moved to have a presentation made on February 4, 1997. Alderman Shea seconded the motion. There being none opposed the motion carried.

Communication from the Deputy Finance Officer advising of the receipt of a donation in the amount of \$500.00 for the D.A.R.E. Program, requesting the Board accept same and remand for the purpose intended.

On motion of Alderman Reiniger, duly seconded by Alderman Elise, it was voted to accept the D.A.R.E. funds and remand for the purpose intended.

Ordinances:

“An Ordinance Adopting and Enacting a New Code of Ordinances for the City of Manchester, NH; Establishing the Same; Revising, Amending, Restating, Codifying, and Compiling certain existing General Ordinances of the City dealing with subjects embraced in said Code; Providing for the Effective Date of Such Code and a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When this Ordinance Shall Become Effective.”

“Authorizing the Mayor to dispose of certain tax deeded property known as 243 East High Street, Map 410, Lot 7.”

“Authorizing the Mayor to dispose of certain tax deeded property known as 398-400 Hanover Street, Map 298, Lot 15.”

“Amending Section 18-24 (Cemetery Supervisor, Parks Maintenance Ski/Aquatic Supervisor, Recreation Utility Supervisor, Parks, Recreation and Cemetery Irrigation Worker, Parks Utility Supervisor and Victim/Witness Advocate) of the Code of Ordinances of the City of Manchester.”

“Amending Section 18-25 (Cemetery Supervisor, Parks Maintenance Ski/Aquatic Supervisor, Recreation Utility Supervisor, Parks, Recreation and Cemetery Irrigation Worker, Parks Utility Supervisor and Victim/Witness Advocate) of the Code of Ordinances of the City of Manchester.”

Amending Section 18-26 (Cemetery Supervisor, Parks Maintenance Ski/Aquatic Supervisor, Recreation Utility Supervisor, Parks, Recreation and Cemetery Irrigation Worker, Parks Utility Supervisor and Victim/Witness Advocate) of the Code of Ordinances of the City of Manchester.”

“An ordinance amending Chapter 21A Sewer Use Ordinance.”

“Amending the Zoning Ordinance of the City of Manchester by modifying Section 4.03 Item 71 and Article VII limiting parking lots for business uses within residential zones, as further amended by deleting Section 4.03 Item 45.”

On motion of Alderman Reiniger, duly seconded by Alderman Soucy, it was voted to read by titles only.

These Ordinances having had their third and final readings by titles only, Alderman Clancy moved on passing same to be Ordained. Alderman Shea duly seconded the motion. The motion carried with Alderman Cashin duly recorded in opposition to Personnel Ordinances reflecting any increases in salaries.

Mayor Wiczorek presented nominations as follows:

Building Board of Appeals

Frederick Matiszewski to succeed himself, term expiring January 8, 2000.

Owen Pierce to succeed himself, term expiring January 8, 2001.

Parks, Recreation and Cemetery Commission

Thomas R. Murphy to succeed himself, term expiring July 7, 1998.

Howard Keegan to succeed himself, term expiring July 7, 1999.

Mayor Wiczorek advised that under the rules these nominations would lay over to the next meeting.

TABLED ITEM

16. Ordinance: (Note: tabled 3/19/96 pending submission of agreements.)

“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 Alderman Domaingue, duly seconded by Alderman Soucy, it was voted to remove this item from the table.

Mayor Wieczorek read the ordinance by title only.

Alderman Domaingue stated that she was happy to support the ordinance after much time the agreements relating to deed restrictions had been settled and her understanding was that the Marriot would be building their hotel on the corner of Huse Road and South Willow Street bringing a large amount of tax revenue for the City of Manchester; and that the development would include two new restaurants yet to be named. Alderman Domaingue commented that the residents had been contacted months ago, she was excited about it and was supporting it primarily because of economic development and with the understanding that they welcome the Marriot Corporation to the City.

This ordinance having had its third and final reading by title only, Alderman Domaingue moved on passing same to be ordained. Alderman Pariseau duly seconded the motion. The motion carried with Alderman Cashin duly recorded in opposition.

Alderman Cashin noted that he had to oppose it because he had early on given his support to the people on Huse Road and the curb cut onto that road precluded his supporting the rezoning.

Communication from Alderman Reiniger submitting a proposed amendment to Chapter 13, Article IV, Section 214(b) relating to Housing Code inspection fees.

Following brief discussion where it was noted that the proposal was to reduce the fees and Accounts had been reviewing fees, on motion of Alderman Reiniger, duly seconded by Alderman Soucy, it was voted to refer the communication to the Committee on Accounts, Enrollment and Revenue Administration.

Alderman Elise nominated Richard Houle as Director of the Department of Public Building Services for a term of six years to expire March 2003.

Alderman Wihby nominated Dave Demers to succeed Richard Houle as Director of Public Building Services for a term of six years to expire March 2003.

Alderman Robert moved to close the nominations for Director of Public Building Services. Alderman Hirschmann seconded the motion. The motion carried.

Alderman Elise stated that Richard Houle had served the City for a long time and she admitted that it must be difficult to have your critiqued in public, and some would have some pros and cons to characterize Mr. Houle's performance. Alderman Elise stated that he had done the city a great service in the past few years in just working at the directives the Board had given him he had a tough job to do, specifically with the privatization of the janitorial services. Alderman Elise noted that presently Mr. Houle was working on central purchasing and the Board saw a product of that work this evening that is really going to assist the City in the future and another issue that most of the Board had campaigned on was central fleet maintenance. Alderman Elise stated that she thought these issues have been difficult to work on, they would be very beneficial in the future, so these were her comments about his performance.

Alderman Elise stated that she wished to suspend the rules to confirm Mr. Houle's nomination this evening. Alderman Hirschmann seconded the motion. Mayor Wieczorek called for a vote and advised the motion carried.

Alderman Wihby asked if the Mayor was going to allow the suspension of the rules tonight.

Mayor Wieczorek responded he was because they had a split vote and Alderman Pariseau was not going to be here, and he thought that when you have a split vote like this it would just be fair.

Alderman Cashin stated it was not fair.

Alderman Wihby stated that Mr. Demers had not even had a chance to send our his resume to members of the Board until his name was brought in.

Alderman Hirschmann stated the motion had passed. Mayor Wieczorek stated that was right, the motion had passed.

Alderman Cashin requested a roll call on the vote on the motion to suspend the rules.

A roll call vote was taken. Alderman Cashin, Wihby, Clancy, Soucy, and Shea voted yea. Alderman Robert, Hirschmann, Elise, Reiniger, Sysyn, Domaingue, and Pariseau voted yea. Mayor Wieczorek stated the motion passed.

Alderman Cashin stated he had sat on this Board for 28 years and saw a lot of things happen but had never seen anything that he had to apologize for.

Alderman Wihby noted that they needed eight votes to suspend the rules. Alderman Cashin stated that was what he had been getting to and he concurred eight votes were required to suspend the rules.

Alderman Shea stated as a new alderman he was shocked at the way this had been conducted and he was appalled.

Mayor Wieczorek concurred that the motion to suspend the rules had failed.

Alderman Hirschmann stated that where Alderman Pariseau would not be present at the meeting of the 21st asked if the nomination could be laid over to February 4.

Alderman Wihby questioned if the nomination had to come up at the next meeting.

Assistant Solicitor Arnold advised that the rule stated that action upon such nomination shall be deferred to a succeeding meeting.

Mayor Wieczorek advised that it could be done.

Alderman Hirschmann moved to defer the confirmation of the nominations to the February 4 meeting. Alderman Elise seconded the motion.

Alderman Hirschmann noted that it was a courtesy to the alderman of ward 9.

A roll call vote was taken on the motion to defer the confirmation to February 4. Alderman Hirschmann, Wihby, Clancy, Soucy, and Shea voted nay. Alderman Robert, Hirschmann, Elise, Reiniger, Sysyn, Domaingue and Pariseau voted yea. The motion carried.

Mayor Wieczorek advised that For Manchester was meeting this evening and an agenda was distributed to members of the Board. Mayor Wieczorek advised that in keeping them informed they had received correspondence from the For Manchester Committee asking the aldermen to submit names of ten or fifteen people from each ward to attend the next meeting which was to be held on January 10 at the Courtyard Restaurant. In response to question, Mayor Wieczorek advised that the names should be submitted to Bob Dastin.

Mayor Wieczorek commented on the Elm Street reconstruction project noting the paper had reflected the project would be delayed for a year and that was not the case. In speaking with the Public Works Director it has been advised that the project would be delayed approximately one month.

Mayor Wieczorek thanked the department heads and the employees who participated in First Night of Manchester, noting it was a very cold night but enjoyable for many of the people who went to the events that they had. Mayor Wieczorek noted that despite the cold many of the events he attended were well attended by the folks who thoroughly enjoyed it and they were looking for to First Night in Manchester next year.

Mayor Wieczorek advised that he would hold a special meeting during the month of April to have John Andrews make a presentation to the Board on the new Charter; that the meeting would be with all of the elected officials, all of the commissioners and all of the department heads so everyone would understand what the new charter is going to involve, what it's going to do and what everybody's responsibility is going to be, and he wanted them to hear this so that everybody is going to hear the same thing. Mayor Wieczorek noted Mr. Andrews of the Municipal Association was reviewing the old charter and the new charter to make that presentation some time in April.

Alderman Domaingue commented on her displeasure of not having received notice of a meeting or the actions taken regarding the Economic Development Committee. She was not even aware of whom had been appointed by Chairman Wihby, and as the leader of the Board she was disappointed at the lack of communication on this issue.

Alderman Wihby noted that he and Alderman Cashin were the aldermanic representatives to this committee and the first meeting was merely organizational in nature. Alderman Wihby asked if members had received information on the contents of that meeting because it was to have been distributed to the aldermen. Members had not. Alderman Wihby stated that the next meeting was to be held on February 6 from 5:00 to 7:00 PM at the Chamber of Commerce and that the

various members would be bringing a synopsis of what there programs were and what they were doing. It would be a good meeting for aldermen to attend if they so desired.

Various members requested the information on meetings be placed on the weekly schedule. The clerk noted that Mr. Taylor had indicated he would provide information to the Clerk for future meetings so the notification could be placed on the Board's weekly schedule, and would follow up on the matter.

In further discussion Alderman Domaingue commented that perhaps all of the aldermen should be part of the committee. Alderman Wihby noted that if other members of the Board wished to join this committee, just to let him know any other members were welcome.

Proposed amendments to the Charter submitted by Alderman Wihby

A handout was distributed to members of the Board. Alderman Wihby stated that he had given a proposed amendment to the City Charter to the City Clerk, and moved that the Board of Mayor and Aldermen order the proposed amendment to the City Charter which would eliminate the positions of at large members of the Board of Mayor and Aldermen and the at large members of the School Committee thereby reducing the membership of each board from fourteen to twelve members, one elected from each ward, to a public hearing to be held on January 30, 1997 at 6:30 PM at the Aldermanic Chambers. Alderman Shea seconded the motion.

Mayor Wieczorek stated that originally he had said he would support something like this because frankly when they first came out with charter revision he said 14 was too many, and if they did 2 at large and 10 by district and redistrict that would be all right with him, but the charter revision passed by about 3,600 votes and it isn't as if it squeaked by, by one vote. Mayor Wieczorek stated inasmuch as the people have already spoken on the charter then he thought they should at least given them an opportunity to see if it was going to work. To have somebody start to run when the charter changes July 1 and then tell them when November comes well you ran a great race there is just no job for you because we eliminated it he did not think was very good sense so he was opposed to this happening.

Alderman Shea stated he voiced his serious concern regarding the at large aldermen simply because he came from a ward that the voter registration is quite limited in regards to wards 1, 2, 6 and 8. Also, he voiced concern because they were adding \$20,000 to the budget, they had discussed tonight a length how important it was to reduce the budget by eliminating stipends to different commissions -- on the one hand they were saying it's okay to eliminate \$15,000 but it was not okay to add \$20,000 -- to him it didn't make any sense so for those two reasons primarily he was opposed to the aldermen at-large.

Mayor Wieczorek noted the people voted for this.

Alderman Shea stated that the people voted for the entire charter; that they had no way of knowing exactly what specific items they could eliminate if they so chose; that when he speaks with his constituents the majority of them are opposed to at-large aldermen because of the reasons he had listed and he was reflecting his constituency in ward 7.

Alderman Robert asked what was being asked of the Board to do tonight in regard to this. Alderman Wihby stated basically what they were asking today was that they have a public hearing on January 30 at 6:30 to get input from citizens of Manchester on whether or not we should expand the aldermanic board or leave it the way it is. Alderman Wihby noted from there what would happen on the first meeting in February they would take a formal vote to either keep on sending it or not; that if the formal vote was to send it it would show up on the September ballot, the primary ballot, and it would be voted on then. If it was voted to keep the twelve then whoever ran in September and won would have no where to go, if it was denied then those top four people would go in November and continue in the regular process.

Alderman Robert stated he didn't know this was coming tonight and he had some concerns they were dealing with a charter that was lengthy and really what they were talking about here was power and how it is distributed among the people who operate city government; that Alderman Wihby was asking him to do something tonight that he was not really comfortable with, and he would like to have the opportunity to digest what had been asked of him before he moved to consider the question; that something of this magnitude he thought they would short changing people or may be allowing themselves to be used if he was to vote on something this quickly. Alderman Hirschmann stated he was interested in this proposal, as the Mayor he would have a vision for these two new seats and would obviously give them some delegations such as he does with the committees and chairmanships that he puts together; that he wanted to hear what the mayor's vision for these two seats were before they eliminated them. Alderman Hirschmann noted that these two seats may be vital to economic development, or vital to something he had not considered.

Mayor Wiczorek commented that twelve was enough of a party to work with, but they do have fourteen and he did support the charter revision because he thought in the aggregate it was going to take the city in the right direction, this was the reason for the meeting in April, was to outline what the responsibilities are going to be, us to each other, to the commissions and the department heads so everybody would understand and be on the same page with these things. Regarding specific assignments, he did not think they were there yet, because there was a lot of work that had to be done to present everything that is going to be in that new charter to the Board.

Alderman Domaingue stated her understanding of this proposal this evening was that Alderman Wihby has made a proposal which is not uncommon for this Board to do at any time and to ask that it be put before a public hearing. It did not appear to her that asking the public for their opinion was such a very bad thing, and it still would give this Board plenty of time to hear the proposal in April at the meeting, actually it would help them in their deliberations so that they would begin to digest some of the input that is coming before the Board. She did not think there was any harm in asking the public for its opinion. Alderman Domaingue noted that she agreed with Alderman Shea stating that when they as a Board, those who agreed to support the charter, supported it, they recognized they were taking a step that said to the public, all or nothing because that was the only choice they were given, this narrows the choice a little bit. The public may come in the door and say leave it the way it is give it a shot, they would not know that until they give it a public hearing.

Alderman Elise stated she could not support this this evening; that the charter commission was elected by the general public. They did a lot of research and held public hearings. They were known people in the community, most having higher educations, most have had political experience in the city. They did put together a charter that they felt would move the city forward in terms of its functioning. Alderman Elise noted that she did not agree with the entire charter, but did support the charter because she felt as a whole it would help the city and move it forward; that it did have some good changes to it. Alderman Elise stated she felt by the Board taking any action on it this evening, they would be second guessing it, not enabling it to go into full practice which would be short changing the commission entirely, and out of respect for the commission and the amount of time that they put into it, the research that they did and public hearings that they held she felt they should enable the charter to perform for a full term before any changes were made to it.

Alderman Robert stated he wasn't aware that they were able to make changes to the document after the people voted on it. Alderman Robert commented that he didn't like the charter changes, he did not vote for it, he was not comfortable with the aldermen at large proposal as it is, but questioned if they were beginning a process where they were going to come in as a Board with things they don't like and ask to change it. Alderman Robert stated that he could go through the thing and bring in a laundry list of things he did not like, given a couple of week he would bring in a list of things to bring in front of the people.

Alderman Wihby commented that it was every alderman's right to bring anything in that they wanted, that was the process, they can bring it in and if you have enough votes it's put on the ballot. Alderman Wihby stated he felt that this was the tie to do it before you get an election, before someone is sitting next to him that is a 13th or 14th alderman and he had to vote to get rid of them because they have sat there already it just was not going to happen, and any alliances that he or she has gotten with the other board members it was not going to happen even if it is not working it wouldn't happen because there was an alliance there. Now was the time to do it, the time to do it is before you get all of the names of everybody saying they are going to want to have it, which would eliminate some votes, it was still early. Alderman Wihby noted that the aldermen were not doing it, the whole argument over the charter was to give input to the citizens and that was what they were doing here. Alderman Wihby stated his feeling was, and the Concerned Taxpayers's feeling was, because they were the ones that contacted him, and since the start they were against this, was that they don't think that given the benefits, expenses and everything else, you are talking between \$50,000 and \$60,000 a year that it was going to cost the taxpayer, so they don't want to spend that money, he did not see an advantage to spending that money. Alderman Wihby noted everywhere he had gone people were saying they voted for the charter but why are we having more government we should have less government, so the proposal was to let the input come on the thirtieth, see what people say, he knew that the charter and Chamber of Commerce will be there because they have already called him and threatened to run against him in that case; but he thought it was the right thing to do. It was letting more input to come forward from citizens to decide on that one particular issue; that if the public hearing goes fine then they will have a second chance to decide in September, all they were doing is letting the citizens decide and he did not know why anybody would vote against having a public

hearing, it was a month away, the paper and Channel 40 would have something on it, they would have input from people on the 30th, and the vote doesn't come until February. Alderman Wihby noted at that point a decision would have to be made, not because people were pushing or pressuring them to do it, but what is best for the city, and he did not think they could afford to spend \$50,000 or \$60,000 a year to do this.

Clerk Johnson stated she wished to provide a point of clarification because of some erroneous comment and stated that the process being proposed was under a provision of state law to place the charter amendment on the ballot. Clerk Johnson stated the process for that is first that the Board would order the public hearing, which was what her understanding was that Alderman Wihby was requesting; that once the public hearing was held, under the provision of law, the Board, if it wanted to send it to ballot, would have to act within seven days which was why the February date was being proposed. Clerk Johnson noted that in terms of the discussion regarding the April meeting and delaying that decision, it would require an additional public hearing down the road and she wished the Board to understand that process prior to the vote. Alderman Wihby concurred that the action this evening was to have a public hearing, and the vote would be considered in February.

Alderman Reiniger stated he agreed that they already had a year of public hearings and meetings and endless discussion on this issue. Alderman Reiniger asked that a letter from Kathleen Sullivan be read into the record.

Mayor Wieczorek read the letter as follows:

Dear Mayor Wieczorek and Aldermen,

I am writing with respect to a proposal that may be presented to the Board with respect to the new City Charter. I understand that a proposal is being circulated to place an amendment on the ballot at the next municipal election that would eliminate the at large aldermen and school board positions.

Prior to the November, 1996 election, several Aldermen made it clear that they were not happy with all or parts of the proposed Charter revisions. Despite the lack of support from those Aldermen, and despite the lack of support from several city union heads and department commissioners, the revised Charter passed - and by a healthy margin.

In fact, there have already been three votes on the Charter revision: the vote to elect a commission, the vote to select the commission members, and the vote to approve the Charter. Are the Aldermen trying to tell the voters that we did not know what we were doing?

Doesn't this proposed action make the City look foolish? At the same time as individuals are running for at large aldermen, there may be a vote pending to eliminate the job - even though the revised Charter was just passed this past November, and has not been given the chance to take effect. What does that say about the process?

I respectfully ask the Aldermen to please respect the process and the wishes of the voters. Leave the Charter alone for now. Give it a chance to stand or fail on its own merits. If it does not work, I will be the first one to support an amendment process.

Very truly yours,

s/Kathleen N. Sullivan

Alderman Wihby stated that during the Charter process, commissioners when they found out he was against the Charter, told him if you don't like what is in the charter, don't vote down the whole charter, you guys can come back and put amendments in place. With regard to Ms. Sullivan's comments in her last paragraph, Alderman Wihby stated that the voters are going to be able to decide if they want it or not. He thought that because the charter was one whole package that people really didn't want this, but they felt they had to say yes in order to back the charter because it was the right thing to do, and if you take it out the people are going to see that we don't need bigger government, we don't have to spend an additional \$50,000 or \$60,000 and he thought it would be defeated, but it was not the Board it was the wishes of the people.

Mayor Wiczorek questioned what happens with the money that the candidates have to spend until you get to the point where a decision is made.

Alderman Wihby responded by doing it so early those people will know by the first week of February that there is going to be a question on the ballot that might stop or eliminate the at large seats for the November election, so they know ahead of time it is up to them as to whether they want to spend their money or not, but they would know ahead of time. Alderman Wihby stated if they do it now everybody is on the same playing field, they know that there is a chance that it will be eliminated in September, if the voters wish that it should be eliminated in September.

Alderman Elise stated that if there was a concern that not enough people voted on this charter, or a percentage of people who didn't vote on this charter, in every election there is a percentage of people who don't vote for a particular candidate, and it is their right to vote or not to vote on it. In terms of the percent that did vote, if there is a concern that there wasn't enough people for it, there are several members on this Board who were elected by small margins, and none of us questioned whether they should be sitting in office or not, it was up to the people to vote or not vote. Alderman Elise noted that the people voted to pass their particular charter and she felt they should support this charter for at least one term.

Alderman Shea stated that one of the more controversial issues that the members of the charter encountered was the at-large aldermen, and there was a very close vote regarding this so they couldn't get a unanimous vote on this, there was a close vote and in discussing with members of the charter commission they indicated that it was a very narrow margin by which this was approved. Alderman Shea stated that if they could not come to a unanimous decision as a commission, he thought it was incumbent for the Board to present it at a public hearing so that the people can express their opinions about this particular article of the charter.

Mayor Wiczorek noted that it was not a unanimous vote by the people either.

Alderman Shea responded that it was a majority though there were 10,000 people who didn't vote on the issue because of where they either overlooked it or in their anxiety to elect the officials they did elect they neglected to vote on it. There was a large percentage of people who did not vote on this issue at all.

Mayor Wiczorek commented that he did not think they could have a recount. Alderman Shea stated no, he was not looking for a recount he was just explaining to him why it may have been overlooked by some people.

Alderman Domaingue stated she was surprised to hear Commissioner Sullivan suggest that this Board is looking foolish, or attempting to make the city look foolish at a time when they have worked better together than this Board has ever worked before. Alderman Domaingue stated that she thought what Ms. Sullivan was suggesting inadvertently was that the voters voice is foolish and she would hope that Ms. Sullivan was not suggesting that. Alderman Domaingue noted what they heard tonight were aldermen who are responding to constituents, and she was one of them, who have come to them and said 'we don't want bigger government - downsize it' and so their response was well, according to the commissioners, they could put forth this recommendation because they had the power to do it - why don't you come out and tell us how you feel - and then, thanks to the city clerk, we have a better definition on the time line, the Board will have seven days to make an up or down decision based on that input and can move accordingly. Alderman Domaingue stated that as far as votes by small margin, she did not think the voters gave up their right no matter who won the election to have access to their elected officials, or the right of a public hearing.

Alderman Robert stated he wanted the opportunity to look at the effect of what this action would be before asked to vote on it, and secondly, if it were a matter of money, he would be willing to give up partial compensation or all of his compensation given to him as an alderman if everyone else did, or to reduce it to make it work. Alderman Robert stated that money should not be an issue, he was willing to go that far.

Mayor Wiczorek stated he heard someone say downsize, he would be happy with six.

Alderman Hirschmann stated that he did not support the charter in the least, but he questioned the motives behind this; that he was a rook alderman sitting on this Board looking around and through it out - he questioned the motives behind this, let it work.

Alderman Wihby stated he was asked by the Concerned Citizens of Manchester, the taxpayers of Manchester, that something should be done and what could be done, and he approached it in this manner, there was nothing behind this, and if Alderman Hirschmann thought there was lay it out.

Alderman Hirschmann stated that Alderman Wihby had just opposed the commissioners getting stipends that weren't in the budget.

Alderman Wihby noted he had not opposed it, that he had voted to cut them.

Alderman Hirschmann stated in the end he had.

Alderman Wihby requested the record be set straight on that, Alderman Hirschmann made accusations today that he was not in favor of that (eliminating compensations). Alderman Wihby stated that it was on the agenda because he had voted against it and wanted to let the aldermen know what happened in that committee; that it was his proposal in the Wihby budget, it was voted that way in the committee and it was voted that way today, his mind had not changed on the commissioners or how he had voted on that, he had been against paying them.

Alderman Wihby did not know why Alderman Hirschmann could not understand that.

Alderman Hirschmann responded he was not shy and questioned the motive.

Mayor Wiczorek noted that there was a motion on the floor to hold the public hearing on January 30, 1997 at 6:30 PM. A roll call vote was taken. Alderman Wihby, Sysyn, Clancy,

Soucy, Shea, Domaingue, Pariseau, and Cashin voted yea. Alderman Elise, Reiniger, Robert and Hirschmann voted nay. The motion carried.

Alderman Shea presented a communication from Sal Coco relating to water and sewer issues.

On motion of Alderman Shea, duly seconded by Alderman Pariseau, it was voted to refer the communication to the Committee on Community Improvement Program.

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

A True Record. Attest.

City Clerk