

BOARD OF MAYOR AND ALDERMEN

April 1, 1997

7:30 PM

Mayor Wieczorek called the meeting to order.

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

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

CONSENT ITEMS

Mayor Wieczorek advised if you desire to remove any of the following items from the Consent Agenda, please so indicated. 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 meeting held July 29, 1996; August 6, 1996 (two meetings); August 26, 1996; September 3, 1996 (two meetings); September 18, 1996, September 26, 1996; and September 30, 1996.

Approve under Supervision of Department of Highways

- B. PSNH Petitions #11-800, 11-801, and 11-802

Informational to be Received and Filed

- C. Communication from the Executive Director of the Manchester Housing and Redevelopment Authority extending an invitation to the Board to attend a public hearing scheduled for April 30, 1997 relative to the Comprehensive Grant Program.
- D. Communication from the Manchester Transit Authority submitting minutes of their February 25, 1997 meeting along with the Financial and Ridership Reports for the month of February 1997.
- E. Copy of a communication from the U. S. Environmental Protection Agency, advising that it has approved the City of Manchester's modifications to its Industrial Pretreatment Program.

Accept Funds and Remand for the Purpose Intended

- F. Communication from the Deputy Finance Officer advising of the receipt of donations in the amount of \$3,550.00 for the K-9 Unit.
- G. Communication from the Deputy Finance Officer advising of the receipt of a donation in the amount of \$50.00 for the Community Police Officers.

- H. Communication from the Deputy Finance Officer advising of the receipt of a donation in the amount of \$39.00 for the D.A.R.E. Program.
- I. Communications from the Deputy Finance Officer advising of the receipt of funds in the amount of \$290.42, \$1,598.33, and \$5,984.60 for the Drug Forfeiture Account.

REFERRALS TO COMMITTEES

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

- J. Communication from Thomas O'Rourke, Continental Cablevision, advising that the channel realignment project, originally scheduled for April 1, 1997, has been postponed until a later date; and that effective April 1, 1997, *SPICE* a Pay-Per-View service shall be available.

COMMITTEE ON BILLS ON SECOND READING

- K. Communication from Thomas Seigle, EPD, submitting proposed changes to Title 5, Chapter 52 of the City's Code of Ordinances.

COMMITTEE ON COMMUNITY IMPROVEMENT PROGRAM

- L. Communication from Phil Hagopian regarding overpayments he has made over a 20-year period to EPD and requesting back monies owed to him.

COMMITTEE ON FINANCE

- M. Communication from the Finance Officer requesting authorization to utilize funds in the amount of \$50,000 from the EPD Replacement Account for the purchase of a portable emergency generator.

REPORTS OF COMMITTEES

CENTRAL PURCHASING ADVISORY COMMITTEE

- P. Recommending that the Board of Mayor and Aldermen adopt the Purchasing Management Audit prepared by Melanson Heath & Company, PC; and further that the report be referred to the Committee on Administration/Information Systems.

COMMITTEE ON PERSONNEL/INSURANCE

- Q. Recommending that the Deferred Compensation Plan contract be amended as herein enclosed.

- R. Recommending that Ordinance amendments:

“Amending Sections 33.024 and 33.025 (Archive/Records Supervisor, Information Support Assistant and LAN Administrator) of the Code of Ordinances of the City of Manchester.”

be referred to the Committee on Bills on Second Reading.

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

N. Bond Resolution:

“Authorizing Bonds, Notes or Lease Purchases in the amount of \$800,000 for the 1997 CIP 5.10262 Riverfront Stadium Project.”

O. Resolution:

“Amending the 1997 Community Improvement Program, authorizing and appropriating funds in the amount of \$800,000 for the 1997 CIP 5.10262 Riverfront Stadium Project.”

Alderman Wihby stated we had agreed that we were going to wait for some numbers, are there any numbers today or do we have to table this or what do we have to do in order to get the numbers.

Mayor Wieczorek replied I haven't heard anything yet.

Alderman Reiniger stated it was not my understanding that we agreed to wait for numbers this fast. We, at the last Board meeting had unanimously approved to go forward. This is not the final vote. There is a final vote April 15th on the Bond and then the CIP Committee would have to, or the full Board would have to finalize the contract, so I think this does not need to be tabled.

Mayor Wieczorek stated I know there was a meeting held with the Parks & Recreation Department just recently, maybe last week and there are still some questions that have to be answered.

Alderman Wihby asked should the Resolution all be tabled.

Mayor Wieczorek replied, I don't think we're at that point. I don't see any problem with moving this along; that there are questions to be answered and it has to come to another vote and before we take the final step we're going to want to make sure that everything is in order.

Alderman Wihby asked what then is the final step, in two weeks what is there to vote on.

Mayor Wieczorek replied it will be to vote on the final adoption, right.

Clerk Johnson replied there will be two votes to be taken at the next meeting, one would be on the Bond Resolution and the other would be on the authorization to incur expenditures.

Alderman Wihby asked on what bond.

Clerk Johnson replied on the \$800,000; advising that the Bond Resolution would layover until the next meeting. She noted at that time, at the Finance Committee level, the Board would be presented an authorization to incur expenditures which authorizes them to spend the money.

Alderman Wihby moved that the Bond Resolution and the Resolution be referred to the Committee on Finance. Alderman Soucy duly seconded the motion. There being none opposed, the motion carried.

Mayor Wieczorek stated before we start on some of the other business, I see that our new School Superintendent is here and I would like to introduce Norm Tanguay to the Board of Mayor and Aldermen and to everybody else. Norm, nice to have you here.

Confirmation of the nomination of Paul Bolieau to succeed himself as a member of the Fire Commission, term to expire May 1, 2000.

Alderman Sysyn moved to confirm the nomination of Paul Bolieau to succeed himself as a member of the Fire Commission, term to expire May 1, 2000. Alderman Hirschmann duly seconded the motion. There being none opposed, the motion carried.

Confirmation of nominations to the Planning Board as follows:

A. Joseph Dion to succeed himself, term to expire May 1, 2000.
William Craig to serve as an Alternate, term to expire May 1, 1999.

Alderman Hirschmann moved to confirm the nominations to the Planning Board as presented. Alderman Robert duly seconded the motion. There being none opposed, the motion carried.

Confirmation of nominations to the Heritage Commission as follows:

Gregory Goucher to serve as an Alternate, term to expire January 1, 1998.
David Boutin to serve as an Alternate, term to expire January 1, 1999.

Alderman Pariseau moved to confirm the nominations to the Heritage Commission as presented. Alderman Robert duly seconded the motion.

Alderman Elise moved to table the nominations to the Heritage Commission commenting that she wished to discuss the matter in private with the mayor. Alderman Wihby duly seconded the motion to table. The motion carried with Alderman Domaingue and Alderman Robert duly recorded in opposition.

Alderman Elise stated she wished to make clear that the candidates nominated by the Mayor were not in question.

Brief presentation by members of the Anti-Graffiti Committee.

Alderman Shea stated as you know there was an Anti-Graffiti Committee formed and I'd like to just review what is in the packet of the Aldermen. The Committee's report focused on three major elements or components. First, the identification of places where graffiti has been present and what the response has been to such problems; that is either the responses have been positive or negative from those that were affected by the graffiti being on their property. Second, how certain segments of the private sector as well as the public sector have reacted when graffiti has been found on their property. And, third, what steps can be used to help eliminate criminal acts of graffiti from occurring in our community. To summarize the material that was submitted to the Board of Mayor and Aldermen first of all, graffiti has been found on bridge abutments and school buildings and around park areas as well as on private residences and on garages. Our City departments have procedures in place to deal with the removal of graffiti and responsible private property owners tend to remove graffiti as it occurs. However, not enough people report graffiti to the Police Department. Also, there is no clear ordinance to combat acts of graffiti. Finally, an involved, dedicated, and organized community effort can help to keep Manchester beautiful and devoid of graffiti. The Committee that was formed formulated the concepts that have been presented this evening and I'd like, at this time, to ask Regis Lemaire, Director of Youth Services for the City of Manchester to offer his comments.

Mr. Lemaire stated, Mr. Mayor and members of the Board of Aldermen, I'd like to signal some of the members that are sitting on that Committee - Alderman Shea, Alderman Clancy, Alderman Robert, Chief Driscoll, Frank Thomas, Armand Gaudreault, Tom Clark, Dick Houle and Ron Ludwig - are on that Committee. Our aim on what can be done to reduce criminal mischief acts of graffiti in our City, we think is very important and some of the things that we will be looking at are as follows: to establish a graffiti paint-out day which we're going to be looking at sometime in June, asking local youth and service agencies to give us a hand. We've already had a number of agencies step forward. Basically, the reporting to the Manchester Police Department of any graffiti because it is against the law and they would like to know where the graffiti is and where it's seen. You can also contact our office at 624-6470 because we are collecting from various neighborhoods. This is an effort that's done throughout the City. Just because those three Aldermen are serving, we're looking at all of the wards and all to report, so we also are looking through the Police Department as materials that we would paint over, it's called Secured G-Pro; that if painted on where areas that often get repeated for graffiti would not be able to put on it, would slide off; that is something that the Police Department had looked at that exists in New York City on abutments. As Alderman Shea stated, we do want to take a look at formulating an ordinance. There are also our schools. We basically know that there are hate graffiti that are put up that need to be removed as soon as possible. Also, in the area of private property, we already know that there have been a number of people on their

private property who have removed graffiti and we want to thank them for their efforts, as well. So, basically, we need to study actions that would avoid some liability issues, as well. We also need a list of community resources and like I said before, we encourage Manchester citizens to help us out with this. This is not just our effort, it's everybody in the City of Manchester, all of us have a role to play. Thank you very much.

Mayor Wieczorek stated, I want to thank you, the Committee, Regis, everybody that's involved in it. So many times you travel around and you see communities where there is graffiti on every wall. You go to New York City there is hardly a wall where you don't see graffiti in there somewhere. I think, unfortunately, it really takes away from a community and we would like to commend everybody for being involved in it because I think it is very important that we try to keep our City very clean. It's too bad that some of the young people look like they have some talent with some of the art work they do, it's too bad they don't put it to constructive use.

Alderman Shea commented that we do plan to have a meeting in April with the Committee and then set aside a day as Regis said in June to try to have the community come together on that issue.

Alderman Elise concurred with the Mayor's opinion and wanted to congratulate Alderman Shea for bringing this issue forward.

Brief presentation by Chairpersons of the Makin' It Happen Coalition for Resilient Youth regarding an outline of their two-year plan, if available.

Mayor Wieczorek stated unfortunately the presentation regarding Makin' It Happen Coalition for Resilient Youth is not available and I think it will be ready for our next meeting on April 15th, so we will have to wait until then.

Mayor Wieczorek presented his Fiscal 1998 budget message.

Members of the Honorable Board and Citizens of Manchester:

This is now the eighth budget I have presented to this Honorable Board. Each year, we have struggled to provide the citizens of this City with the services they deserve in an affordable manner. Rising demands on services and a diminishing ability to generate revenue have made keeping this balance an excruciating task. Despite improvements in the local economy and slight growth in the value of the tax base, the City's struggle to provide necessary services affordably continues.

The Foundations

The projected tax rate is \$31.90. This represents an estimated increase of 3.44% or \$1.06. Though I am not terribly happy with this small increase, I want to thank all of the departments who worked in concert with my office to develop these figures. I am very pleased with the cooperation I received from the departments this year. As a result of their efforts, I am convinced that we have presented the best possible budget given the numbers we had to work with. I am sure they will continue to work with me and with this Board to make further reductions where possible without significantly impacting necessary services.

That having been said, this budget assumes a tax base value of \$3.65 billion; an increase of \$25 million over the current budget's actual base value. This exceeds the Board of Assessors projection by \$15 million. Economic development trends, coupled with an historic record, clearly show that the projected tax base is reasonable. Accordingly, the Overlay Account was adjusted downward.

A fund balance of \$750,000 is projected as revenue in this proposal.

What's Inside?

This budget includes \$1.2 million in Salary Adjustment for the School Department. As you may recall from the City's management letter and audit report, we have been rolling an entire teacher payroll period from one fiscal year to the next for the past four fiscal years. In essence, the City is paying one fiscal year's expenses with another fiscal year's appropriation. Because this liability, which is unfunded, will double next fiscal year, the City's auditors have required the City to appropriate this rolling pay period. Should we fail to do this, the City's balance sheet will show a deficit, which would harm our bond rating.

This budget includes pay raises recently granted to the International Association of Firefighters and Manchester Association of Police Supervisors. It does not include raises anticipated for the AFSCME Master Contract as this Board has not formally ratified the proposal and AFSCME has yet to advise me of the outcome of their vote.

As with AFSCME, raises have not been funded for any bargaining group with an open contract or one that will be open by the end of Fiscal 1997. This includes the non-affiliated group. Further, all step increases for these expire agreements have been removed.

While I realize this may be an unpopular decision, I felt it was necessary so the Board could judge the impact future increases will have on the tax rate and also on the cost of providing necessary services. This is particularly true of the AFSCME contract which was laid over by this Board without any consideration of the budget impact on fiscal 1997 or fiscal 1998. Information presented to my office indicates a gross increase in expenses of nearly \$440,000, with an insurance savings of only \$144,000, for a net cost of \$296,000 in fiscal '98.

This Board must remember that insurance savings generated by a switch to Blue Choice can no longer fund pay raises as the vast majority of the City's employees are now on the plan. Therefore, everything has a direct tax impact with no implicit offset.

Finally, on the topic of salaries and benefits, I have removed the more than \$63,000 from the health and dental insurance lines that goes to pay the benefits provided to members of the Boards of Aldermen and School Committee. Knowing that members of the Board are concerned about cost increases resulting from additional members to the Board of Aldermen and the Board of School Committee, I felt this was appropriate. These savings will more than pay for the additional elected officials without increasing the tax rate.

Parking Facilities Fee

This proposal does continue the use of the auto registration surcharge for parking facilities for the entire fiscal year. However, we have been able to lower the fee to the \$1 minimum in years three and four. The fee for these years is currently \$1.50. Year five remains at the \$1 minimum. We anticipate this fee will generate the \$1.4 million necessary to cover the necessary construction at the Center of New Hampshire Garage and the current debt service associated with all three garage facilities.

Without continuation of this fee, the taxpayer will immediately absorb nearly \$630,000 in debt service that will be returned to the General Fund. In addition, it will either have to absorb additional debt service to conduct the repairs, or come up with an additional \$350,000 if the repairs are done in cash this year, or the City will have to discontinue the project or replace existing bond projects to have no additional debt service impact. In my view, none of these are acceptable alternatives.

Frankly, while I did not propose the imposition of this fee last year, it allows the City to address these pressing, unmet needs in the most cost-effective manner possible. Therefore, I ask this Board to reconsider its position and implement the reduced fee as proposed in my budget.

Video Poker

As you know, I remain opposed to use of video poker machines under any circumstances. I oppose the "compromise" proposal before this Board for the following reasons. First, the \$214,000 in revenue we could generate from this proposal is simply not worth the aggravation, crime, and neighborhood deterioration caused by these machines. Perhaps more importantly, I think the compromise is nothing more than an admission that these machines are illegal gambling devices. Why regulate the machines at all if they are not being used for illegal purposes? Further, for those of you who support the compromise because of concerns regarding the City's authority to enact a band, I have a question. Why is it that we cannot enact a full band, but can enact a moratorium, which is a ban on anything new, and location restrictions, which is an arbitrary ban on unapproved establishments?

Ladies and Gentlemen, the fact that these machines are used for illegal gambling is more than apparent. We either deal with the problem by banning them entirely, or continue to give it sanction and cover behind regulations that would be unnecessary if they were not illegally used. Therefore, I have removed all \$214,000 in poker machine revenue from my budget proposal and urge you to support a full ban on these machines. Our neighborhoods can do without these machines and our budget will survive without this blood money.

Worker's Compensation

We have significantly reassigned our expenses for worker's compensation. Under the current system, employees on worker's compensation are paid from a non-departmental/restricted account. Their salaries remain in the departmental budget unspent. Therefore, any salaries we carry in the worker's compensation line is actually counted twice. In making this shift, we will require departments to pay the compensation wages due its employees, thus allowing us to reduce, if not eliminate the double budgeting of these salaries.

School Department

As mentioned, the City's departments worked very cooperatively with my office in the development of this proposal. None has been more cooperative than the Department of Schools. Special recognition must be shown to the department in general and to Business Administrator Mark Hobson in particular. He spent countless hours with members of my staff and myself to explain the school's budget proposal. The honesty and integrity of the department's numbers are beyond reproach and exceptional in my experience. They have aggressively addressed the issue of special education, not simply with more money and have taken quantifiable steps toward addressing general education concerns, and have

properly organized their revenues. They have also properly structured their operations to maximize revenue opportunities, resulting in a significant increase in non-tax revenue. As a result, the net tax impact of this budget proposal over the current budget is approximately \$350,000.

I urge the Board to support this budget proposal without further cuts.

Personnel Classification Study

The CIP Cash budget includes \$155,000 for a very long overdue and badly needed personnel classification study which will overhaul our personnel system. The employees and department operations have suffered long enough under our current system. To assist in the management and implementation of this study, I recommend granting the department's request for an additional Personnel Specialist. The department should be provided with the ability to, in concert with the other departments, properly evaluate and restructure the system. An additional \$45,000 will be paid by the enterprise operations who will also be part of this study. It is absolutely necessary to change the classification system and provide appropriate job descriptions and parity within the City.

As a result of this proposed study, the budget funds only one reclassification request; that being from the Information Systems Department. The need to make changes there is absolutely critical for reasons I will explain later and we simply cannot wait for the recommended changes.

Departments Doing More

As a result of actions by this Board and by citizens of Manchester, some departments have received increases in staff. I am again proposing the funding of a City Coordinator and have budgeted ten months salary to this end. If we are truly serious about economic growth, this position must be funded. Without the City Coordinator, there is no City official whose full-time responsibility is to locate, assist, manage, and encourage economic development projects. The Mayor, Finance Officer, Planning Director, and Industrial Agent all have responsibilities in this area. But, they all have other responsibilities and cannot be the lead agent in development areas. Therefore, I ask this Board to fund this position.

The Information Systems Department request to add two positions and complete their reorganization is granted in this proposal. Staff shortages and increased workloads, coupled with the relocation of City Hall and City Hall Annex, have caused a considerable delay in the implementation of the city's new systems. This must be rectified without further delay.

As a result of the new Charter, which takes effect on July 1, 1997, there will be a significant increase in the workload and responsibilities of my office. As my staff is already stretched well beyond a reasonable workload, my budget proposal includes funding for an additional staff member. Salaries have also been slightly increased to try and compensate for the additional burdens that will be placed on the staff.

A full-time grants administrator has been added to the Police Department to help manage the more than 20 grants they administer. There has been about a ten-fold increase in the number of grants administered by the department with no increase in administrative capabilities. As a result, several grants are in jeopardy due to reporting and administrative backlogs.

Other additions include a temporary clerk in the Office of the Tax Collector to assist with phones and serve as a receptionist in the relocated City Hall; a plumber at Public Buildings Services; a Planning Technician at Planning (note that 80% of the cost is being funded by CDBG funds, minimizing tax rate impact); one and one-half school nurses (covered in part by Medicaid funds); and an increase in funding for Library pages and part-time assistance.

Conclusion

As I first stated, many people worked very hard to prepare this budget proposal with the information currently available. However, my submission to you is simply the beginning of the process. It is my hope that as some of the restricted numbers change and solidify, we will be able to further lower the tax rate impact for fiscal 1998.

I would be remiss if I did not mention Bag and Tag. While it is not proposed in this budget, the Board should know that the proposed tax rate increase would be .89% if it were included. Solid waste costs have shot up over \$4.2 million since the closure of the landfill and are nearly four percent of the total of all departmental operating budgets. This one line item is larger than the budgets of 21 City departments, almost every non-department/restricted item, except FICA and health insurance, and is the single largest non-salary item in the budget. Sooner or later, the Board has to come to grips with this problem and provide the proper incentives for people to increase recycling and reduce rubbish disposal and transportation to Rochester.

I thank the Honorable Board and the citizens of this City for their time and attention in this matter.

Sincerely,

s/Raymond J. Wieczorek
Mayor

And, for all of the Aldermen we will have the green bars for you by the end of this week, we didn't have time to get all those ready but we'll have them ready by the end of the week.

Alderman Wihby stated a couple of questions. We had taken a vote and I was on the other side of it for the parking fund and the vote was to not include them, has that changed, has people's minds changed, have you talked to them.

Mayor Wieczorek replied I don't think their minds have changed, but in putting the budget together it is my budget and I put it together the best way I possible could. If you decide you want to take it out or the Aldermen want to take it out, you can feel free to do it.

Aldermen Wihby stated you also said that as time goes by, hopefully, we can find some money to reduce your budget, are you, therefore, telling us that we should not look at employee's raises the rest of this year since there is no money in that budget.

Mayor Wieczorek replied, no. I've done what I could with the figures that I currently have. I can't do anything with what I don't have, Alderman.

Alderman Wihby stated your comments saying that you're going to find extra money and hopefully reduce the budget, at the same time we're going to find more expenses as we go along that we are going to have to try and take care of those also.

Mayor Wieczorek stated hopefully the Board will spend the next three months looking at the budget and finding ways to probably reduce some of the expenses that we have here. We did

the best we could with the numbers that are currently available to us. As I said, this is not the end of the process, this is the beginning. So, the end of the process comes July 1st.

Alderman Cashin stated so you are saying that there are expenses that you are aware of that you have not addressed in your budget, is that correct.

Mayor Wieczorek replied, no, I am saying potentially there are expenses that...it will be up to the Board to vote on those things.

Alderman Cashin stated like AFSCME, you know that they are going to get an increase.

Mayor Wieczorek stated I don't know if they've approved it yet and we haven't yet approved it for the second vote.

Alderman Cashin stated you know they're going to get something, your Honor, so there are some expenses that you haven't addressed.

Mayor Wieczorek replied there very well could be. I did not put anything in here that is not settled.

Alderman Cashin stated so there are expenses that you are aware of that you haven't addressed.

Mayor Wieczorek replied how can I make it more clear, if anything is not settled, it's not in here.

Alderman Elise stated when you proposed your last budget, you had a tax increase in it with some increased fees and at the end of the budget process you came in with a zero tax increase with proposed fees and we haven't heard the end of that for this past year about how you proposed a zero tax increase last year. In actuality you have proposed one earlier. So, I would just like to know in advance is there a possibility of you coming in at the last minute with a zero tax increase.

Mayor Wieczorek replied, I would hope that this Board will work and deliberate over the next three months and come in with a zero budget; that would make me very happy, make every citizen in this community very happy. It isn't me, Alderman, it's all of us that have to try to work to try to provide this service and try to get this budget down as much as we possibly can.

Alderman Elise stated I just wanted to be clear on that because this past year we've heard how you came in with a zero tax increase at the end of the last session.

Mayor Wieczorek stated, Alderman, you've done this at every meeting now. You come in here and you're making a lot of statements, every single meeting. Would you get it all out of your system one time, we'll listen, and then that will be the end of it.

Alderman Elise stated as an Alderman I am responsible for making statements on certain things and I just wanted to be clear that if you're going to come in with a zero tax increase at the last minute like you did last time, if there was a possibility of that because I know over this past year that's all we've heard that you came in with a zero tax increase.

Alderman Wihby stated last year, you said you had talked to the departments and they were all in agreement with the numbers, are they this year.

Mayor Wieczorek replied, I didn't talk to every department this year, but I think you did though.

Mr. Girard stated by-and-large they're all basically all set with the numbers.

Alderman Domaingue stated, your Honor, you made a couple of statements one of them was that you worked with the numbers currently available to you and the other one was that caught my ear was that you didn't put anything in here that wasn't already settled. With respect to the auto registration fee, I'd say you struck out on both those counts. The auto registration fee money was not available to you, your Honor, because we voted not to have it be included and you knew that. And, you put it in there and we had already settled it. We had settled that we didn't want to include the auto registration fee for the next fiscal year, so I'm going to be very open-minded when I look at your budget numbers and I know you've done a hard job trying to get them in line, but we, I thought, made it very clear that the taxpayers we had heard from, your Honor, did not want to see that auto registration fee continued and we tried to respond that way by ending it in this fiscal year and I'm at a loss to understand why you would have included it. I know you gave your explanation, Sir, but I'm afraid that it's not something that I can adopt or approve.

Mayor Wieczorek stated, okay, Alderman, as you grapple with the budget over the next three months, let's see what you come up with because everybody is going to have an awful lot of work to do. If there was a way to do it without it and do a lot of things and get down to zero I would have been very, very happy to do that because I don't have any increase, so we have a lot of work to do over the next three months.

Alderman Hirschmann asked the Personnel Assistant, is that a temporary position.

Mayor Wieczorek replied, yes. No, I guess it is permanent.

Alderman Hirschmann stated it's related to the study and the study is only going to take a little while, right.

Mayor Wieczorek replied it is going to take a little more than a little while. Do do a comprehensive study like that...it's not that the study is going to be permanent, but there's a lot of work that has to be done in the Human Resources Department, there is no question about it, a lot of work. This is only the first step.

Mr. Moran commented that even once the study is adopted, it is very, very appropriate that the study be maintained in the future with the changes as they develop and that Personnel Specialist position would be the individual position that would be responsible for that.

Alderman Sysyn asked where is the Coordinator in MEDO.

Mayor Wieczorek replied, yes.

Resolutions for 1998 Fiscal Year budgets to be forwarded by Mayor Wieczorek under separate cover.

Alderman Wihby moved that the Appropriating Resolutions be read by titles only and it was so done. Alderman Robert duly seconded the motion. There being none opposed, the motion carried.

“A Resolution appropriating to the Manchester Airport Authority the sum of \$12,975,285 from Special Airport Revenue Funds for Fiscal Year 1998.”

“Appropriating to the Central Business Service District the sum of \$175,000 from Central Business Service District Funds for Fiscal Year 1998.”

“A Resolution appropriating the sum of \$2,637,542 from Recreation User Charges to the Recreation Division for Fiscal Year 1998.”

“A Resolution appropriating the sum of \$9,259,964 from Sewer User Rental Charges to the Environmental Protection Division for Fiscal Year 1998.”

“A Resolution appropriating to the Manchester Transit Authority the sum of \$900,000 for the Fiscal Year 1998.”

“Raising Monies and Making Appropriations for the Fiscal Year 1998.”

Alderman Sysyn moved that the Appropriating Resolutions be referred to the Committee on Finance. Alderman Robert duly seconded the motion. There being none opposed, the motion carried.

Alderman Soucy stated could I just ask a question, your Honor, about the Coordinator. Unless I'm missing something, I heard the response to Alderman Sysyn's question that it was in MEDO. There are three positions here, none of which is the Coordinator. The Coordinator is listed on the chart, but the salary isn't on the salary sheet.

Mr. Girard stated there's no addition there underneath.

On motion of Alderman Soucy, duly seconded by Alderman Pariseau, 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 Bond Resolution:

“Authorizing Bonds, Notes or Lease Purchases in the amount of \$800,000 for the 1997 CIP 5.10262 Riverfront Stadium Project.”

ought to pass and layover; and further recommending that Resolution:

“Amending the 1997 Community Improvement Program, authorizing and appropriating funds in the amount of \$800,000 for the 1997 CIP 5.10262 Riverfront Stadium Project.”

ought to pass and be Enrolled.

Alderman Shea moved to accept, receive, and adopt the report of the Committee on Finance as presented. Alderman Reiniger duly seconded the motion. There being none opposed, the motion carried.

A report of the Committee on Bills on Second Reading was presented recommending that Ordinance:

“Amending the Code of Ordinances of the City of Manchester by inserting a new section, Section 111.45.1 Electronic Video Poker Machines.”

ought to pass.

Alderman Robert moved to deny, just so you can get the job done and it makes things worse than it really is right now. Alderman Shea duly seconded the motion. A roll call vote was taken. Aldermen Robert, Reiniger, Shea and Domaingue voted yea. Aldermen Hirschmann, Wihby, Elise, Sysyn, Clancy, Soucy, Pariseau and Cashin voted nay. The motion failed.

Mayor Wieczorek asked is there a motion to accept the report.

Alderman Wihby moved to accept the report of the Committee on Bills on Second Reading. Alderman Pariseau duly seconded the motion. The motion carried with Aldermen Reiniger, Shea, Domaingue and Robert duly recorded in opposition.

Mayor Wieczorek stated I am still going to veto that action. I hope that with everything you've heard here, you've heard the Police Chief, you've heard what I've had to say here with this. I just don't think this does anything to improve the quality of life in our community and for me, I am going to tell you that I think it's small peanuts to be taking the little bit of money that we get. Because what we are talking about is something that is going to be absolutely impossible to enforce and this is going in the wrong direction. I don't think it's going to be in the best interests of our City in the short-term or certainly in the long-term and I hope that somebody here will reconsider and change their mind and say that this is really not what we want in the City of Manchester.

Alderman Robert stated I do appreciate an effort that was made to deal with this problem, but what's going to happen is a lot of people are going to have to suffer before we finally decide that we should have banned them in the first place and I just feel sorry for what is going to happen and the way it looks we will probably just have to look at the bruises and the bumps and go from there.

Mayor Wieczorek stated, well, I vetoed.

Alderman Wihby stated this eliminate three-quarters of the machines, we know we can't ban them at this point, there was nothing wrong and this does solve some of the problem and it's better than not solving the problem and having everybody come in and sign up on April 1st. This will allow us to eliminate 300 machines by next week and that's the next question, I wonder what happens from here. But, this will allow them not to be licensed anymore and it eliminates 300 machines and I'll move to override the Mayor's veto.

Alderman Soucy duly seconded the motion to override.

Alderman Reiniger stated before we vote, I was just wondering if the Solicitor has rendered an opinion as to the legality of this.

Assistant Solicitor Arnold replied there has been no formal opinion and if the Board would like to discuss an opinion from my office, I think we ought to recess the regular meeting to meet with Counsel.

Mayor Wieczorek stated maybe the Police Chief has something. Did we hear anything from the Attorney General's Office.

Chief Driscoll replied I've spoken with them a number of times as most recently as today. They continue to work on and I half expected a memo from them today, they've made considerable progress, they've identified cases that are on-point in other states and followed that as far as the United States Supreme Court and they believe that they will come to a conclusion and provide that information to the City, but that is not available tonight. I was hoping it would be. I would,

once again, encourage you to wait on that. I don't think they are going to set policy for the City of Manchester, but I think they will provide us with information that will send us in the right direction and I would hope that the Board would consider waiting for that information.

Alderman Hirschmann moved to recess the regular meeting to meet with Counsel. Alderman Domaingue duly seconded the motion. The motion carried unanimously.

Mayor Wieczorek called the meeting back to order.

Mayor Wieczorek stated we had left off at the point where I had vetoed the action and there was a motion to move to override my veto - moved by Alderman Wihby, seconded by Alderman Soucy.

Alderman Domaingue stated, your Honor, this has been a very difficult situation for all of us and I think that the Committee that worked on this probably feels as difficult in their position as the rest of us do. I'm not going to support this this evening because I think it contradicts the City's original intent which was to eliminate video poker machines and the issue is quality of life and I think that this moratorium while I respect the Chairman of the Board's position that it will eliminate many of them. I think what this does is it endorses and it legitimizes the existence of video poker in the City of Manchester. So that, even though we are eliminating them in coffee shops and other places what we are saying to the public it's okay for video poker machines to legitimately operate in the City of Manchester and we don't have a problem with that with our quality of life and I have a big problem with that. So, I'd like to see us try and improve Manchester's quality of life, I think it is worth the fight to ban them. I think if there is going to be a court challenge on a moratorium or a court challenge on a ban, we may as well go for the ban and I'm not going to support this moratorium because I believe if we are sincere about improving the quality of life in Manchester, we need to ban these machines outright.

Alderman Elise stated I have been involved in a couple of situations in the past where we have tried to do something contrary to the City Solicitor. In both cases, we have had to pay fees related to the case and we were unable to do what we wanted to do. In this particular case, we have a better chance of doing something. If the issue is solving a problem, there is a problem in some wards with machines, many machines located in certain neighborhoods, but with this particular effort, we are able to eliminate some of those machines, we have a better chance of doing it and I would certainly like to work towards eliminating some of the problem than not doing anything about the problem, at all. And, tonight, I think if going forward with the moratorium and licensing the machines within liquor licensed establishments we are eliminating part of the problem and I would encourage the rest of the Board to go along with this. In terms of it being a moral issue, we are all grappling with that right now. But, in terms of being able to do something about a situation, we're able to do something with it this evening with this particular effort and I'm going to support this.

Mayor Wieczorek stated it's like saying, well, I'll support the removal of a little bit of cancer. What you're doing is condoning gambling, that is basically what it is.

Alderman Robert stated as much as I dislike the result that's come out of the Committee, if this is all I'm going to get, I feel that I'd like to get something. But, I have a problem with the something that I am going to get. As much as it appears to be unenforceable, it's even more enforceable because you're going to allow establishments with liquor licenses and they could be social clubs or whatever, bars to use poker machines and let's face it there's going to be gambling in these places. Gambling is still illegal in the State of New Hampshire unless somebody has changed the law that I don't know of. I could only support this if the Police were able, as a condition of getting a license to operate one of these things, is to be sure of access to the machines, to the premises at any time they feel necessary to do that, to control the gambling activity.

Alderman Hirschmann stated I'll second the amendment, your Honor. Based on Alderman Robert's testimony, I think that the City fathers of Manchester would be leaders showing that they would prefer to move forward to do something. Just to have status quo and have gambling out in public isn't a moral thing, not gambling per se, but these machines in public where youth and others can see them. Alcohol isn't banned, you have to be 21 to go into a club and if we could move to this to restrict them up to 60%, I think that we're setting a good example.

Alderman Shea stated there are about seven or eight major points that have been discussed this evening. Alderman Domaingue referred to the quality of life, others referred to the addictive behavior involved with machines or the use of machines. The Chief of Police made reference to the failure to be able to enforce and control. Other people have indicated individually to me the human suffering involved, the loss of income and other types of deterioration in the family life. You have pointed out the limited financial return that we gain as a result of the legalization, of the moratorium. Alderman Robert mentioned about the deterioration of neighborhoods and also I might point out that there are certain parts of the City that aren't affected as prominently by the machines as other parts of the City and those people seemingly that do not have this particular problem do not have the same concerns as other Aldermen who are affected by this particular location. So, basically, I'm really not in favor of these machines. I think they should be banned and I think we should set the tempo. We are the examples of the community and if we speak in a forthright nature and if we show the type of leadership that we should show, we give examples to others whether they be adults or youths or others.

Alderman Soucy stated I certainly agree with a lot of the points that have been made this evening, however, this Board has to take a position and I think the most important thing that this Board has to do is to obey the laws of the State of New Hampshire. Now, the Attorney General has not rendered any opinion, as of yet, about whether or not we can ban these machines. As far as we are concerned at this point, we are unable to do an outright ban and I think it would certainly be worse for this Board to take a position contrary to what we know is the existing

State law than it would be to simply do a moratorium and to attempt to work towards the ultimate goal of banning the machines, if that's the ultimate goal of the members of this Board. We can all talk about things we'd like to do, but the reality is that we do not live in a home rule state. If we want to live in a Home Rule state, we should move to Massachusetts. Cities and towns in Massachusetts can do whatever they please, provided that it isn't prohibited by law. In the State of New Hampshire, cities and towns can only do those things that are permitted by the State and as far as we know at this point a ban, a total ban on poker machines is not something that's prohibited and I think the moratorium is at least a step towards reducing access of young people, towards getting them out of our community areas, out of laundry mats, out of tanning booths, out of places like that. At least putting them in a controlled environment, in an environment where we enforce alcohol laws and I think it is a step in the right direction and I would hope that the members of the Board would support at least moving forward and trying to eliminate some of the machines.

Mayor Wieczorek stated CACR10.

Alderman Soucy stated I am aware of that legislation, your Honor, but it has not passed yet.

Mayor Wieczorek stated I hope you're going to support it.

Alderman Reiniger stated by the same token the Attorney General's Office hasn't rendered an opinion saying a moratorium is legal either, it's in the same position as the ban. We don't know from the Attorney General whether a moratorium is legal or of the ban and I guess we're awaiting an opinion, but just a technical question. Is there any provision for transferring a license. I'm a bit concerned about the monopolistic-type power this gives those who hold a license now and obviously they can transfer a license, like a liquor license in Massachusetts. It doesn't address it.

Mayor Wieczorek asked can you or can't you transfer a license.

Clerk Bernier replied, no.

Mayor Wieczorek stated I guess everyone has spoken their peace. So, it was Alderman Wihby, duly seconded by Alderman Soucy to override my veto. A roll call voted was taken. Alderman Wihby, Elise, Sysyn, Clancy, Soucy, Pariseau, Cashin and Hirschmann voted yea. Alderman Reiniger, Shea, Domaingue and Robert voted nay. The motion carried.

Alderman Wihby asked, your Honor, just a status of that. Where is it, are we over with this now.

Mayor Wieczorek replied, yes.

Alderman Wihby stated, so gambling is settled, so poker machines are settled and the licensing can start.

Mayor Wieczorek stated on April 15th it will have to be enrolled and ordained.

Alderman Cashin stated you could suspend the rules.

Alderman Robert stated would it be proper to offer an amendment at this time. My concern is they're being able to enforce the licensing or address the gambling process. I would like to make it a condition of licensing that the Police be guaranteed access to the premises, to the area where the machines are being used at any time they feel that it is proper, they have to be there. I do not want establishments that may have the ability to thwart them from enforcing the laws of the State of New Hampshire, I'd like to have that added to the ordinance language.

Mayor Wieczorek stated I've had a vote to deny, a vote to approve, and I've vetoed and I've had an override.

Alderman Robert stated I'd like to amend the ordinance. If this is the ordinance, if this is what we have, I'd like to fine-tune it.

Mayor's Wieczorek stated they'll be an opportunity on the 15th.

Alderman Robert stated I could have an ordinance, if there is still time to put it off.

Mayor Wieczorek interjected he said on the 15th when it will be voted to enroll and ordain, then he could amend it.

Alderman Robert stated I'll speak with you and we'll have something in writing and we can submit an amendment at a later time. Thank you, your Honor.

Alderman Pariseau stated I would just like to have it checked out if it would be contrary to State law relative to enforcement of the Liquor Commission.

Mayor Wieczorek stated, I don't know. Don't they get into everywhere, including private clubs.

Alderman Pariseau stated the Chief said they were never stopped from going into a club anyhow.

Alderman Cashin stated, your Honor, there is not a legitimate social club in the City of Manchester that would deny Police access, that would be foolish.

Alderman Robert stated the ability for them to do that is there and since we are creating mini-casinos around the City, you never know what might happen.

Mayor Wieczorek stated they are really not gambling, they are just entertainment.

Alderman Robert stated I just think that it is a necessary provision.

Alderman Cashin moved to suspend the rules and place the ordinance on its final reading.

Mayor Wieczorek stated, no Alderman, we are not going to do that. I am not accepting the motion to suspend the rules.

Alderman Cashin stated I made the motion, your Honor, and I'm entitled to a second.

Alderman Wihby duly seconded the motion.

Alderman Cashin stated now, we'll talk to the City Solicitor. Can the Mayor deny that.

Assistant Solicitor Arnold replied that is a parliamentary ruling that is the Mayor's prerogative subject to appeal to the Board.

Alderman Cashin asked where do we go from here.

Mayor Wieczorek stated, I think your on a fast train, Alderman.

Alderman Cashin stated I'm asking a question, your Honor.

Mayor Wieczorek stated you can't wait two weeks.

Alderman Wihby interjected we didn't, your Honor. You're the one that brought it up today because you knew that two members of this Board might not be here.

Alderman Cashin stated who do you think you're kidding anyway. It's okay for you to do it, but it's not okay for anybody else to do it, is that what you're telling me, your Honor. You tried to push this through tonight because you thought that Aldermen Wihby and Sysyn weren't going to be here.

Mayor Wieczorek stated, Alderman, you heard that we have several more readings.

Alderman Cashin stated, your Honor, I have a motion to suspend the rules and I have a second. Now, he's saying that it's up to you to decide whether you accept that motion.

Mayor Wieczorek replied, I said I am not going to accept that motion.

Alderman Cashin stated I will then appeal to the Board, your Honor.

Mayor Wieczorek stated go ahead.

Alderman Cashin stated I am appealing to the Board for a ruling, I want a ruling and it's up to the Solicitor, let him do what he wants to do with it. I'm calling for a vote of the Board.

Alderman Cashin stated before the roll call, I believe that Alderman Robert wants to make an amendment. I'm not opposed to the amendment if that's the way he feels. By holding off until he makes his amendment, I have no problem with that, but I am going to bring it back as soon as the amendment is made.

Alderman Robert moved to make it a condition of licensing that the Police Department be granted or be given unconditional access to the machines in the environment that they are in for the purposes of enforcing anti-gambling laws.

Alderman Hirschmann duly seconded the motion to amend.

Alderman Soucy stated instead of using the word "unconditional" could we just say for the purposes of gambling, for the purposes of checking for gambling, that is what they are enforcing. If you say "unconditional" then you have a problem with search warrants with them having access for purposes that are beyond just inspecting the machines to check to see if they are being used for gambling. I don't disagree with the amendment, at all, I just want to make sure that we get it right.

Assistant Solicitor Arnold stated perhaps if I could make a point for the Board that under our present ordinances specifically Section 111.55 enforcement provides each person holding a license under this sub-chapter "shall allow the Police Department or a designee of the Office of the City Clerk to enter during hours of operation any arcade, mechanical amusement business for the purpose of making inspections to ensure compliance with this sub-chapter."

Alderman Robert stated speaking with the City Clerk, the City Clerk has had problems and they seem to get hung-up. There's a problem they can't get in there. The City Clerk, the Police Department can't get in there to do what they have to do the way this is written.

Alderman Soucy stated then they are not complying with the license requirements.

Mayor Wieczorek asked well how should it be changed.

Alderman Wihby stated they will now, pull the license and they'll never get it again.

Alderman Robert stated from what I can see, from my research on the matter they need to be allowed access when they feel they have to be in there for the purposes of enforcing anti-gambling laws. If you allow discretion that it when the machines get carried off late at night and similar to the things going on in the 1930's during Prohibition. We have to have access, we have to have control. I just feel...up until this point, I just feel that the amendment with the word "unconditional" is appropriate, it needs to be.

Alderman Wihby asked isn't true that if they stop Leo from going in, Leo could pull their license and they would never get it again.

Alderman Cashin asked have you been denied access.

Clerk Bernier replied, no. The problems that Alderman Robert is speaking about are places that we have followed-up on that are suggestions that there are poker machines or video machines there and we have no access in there. They're not licensed. And, we get a number of calls indicating that at a certain address there are video machines and we do do follow-ups, go early in the morning or late in the evening and we have no access in there.

Alderman Robert asked why is it that Chief Driscoll who was with us earlier stated the fact that he had problems getting into social clubs.

Alderman Cashin stated he never said that.

Alderman Robert stated he said that there is a potential there for him to have a problem.

Mayor Wieczorek stated the people that want to support this seem to be awfully anxious to try to circumvent every possible precaution there is in here.

Alderman Robert stated I just want to guarantee access with the license. I don't want to have any problem. Again, your Honor, I live in the neighborhood where this is going to go on. Okay, maybe I'm a little more sensitive to it than most people, but I have a lot of other people, a lot of young families that have got to deal with this. Potential marital problems, potential financial problems. Can we do something right. I'm trying to protect them, that's all I'm trying to do.

Mayor Wieczorek stated we're trying.

Alderman Domaingue stated Alderman Cashin has suggested that he wants to come back with his proposal to suspend the rules and I'm just...I just don't understand why it can't wait the two weeks, the traditional time period, and why we would need to suspend the rule.

Alderman Wihby replied the same way with Houle, you were on the other side.

Alderman Soucy stated because you're afraid somebody is going to pull a fast one.

Alderman Domaingue asked was that Alderman Cashin answering.

Alderman Cashin asked are you asking me.

Alderman Domaingue stated I was addressing...because it's your motion to suspend the rules.

Alderman Cashin replied okay, I don't think I have to explain it, but I'll be happy to. I'm concerned that the same situation might arise in a couple of weeks from now that arose this evening and that is why I would just as soon put it to bed tonight. Let's get it over with. We're all here and let's vote.

Mayor Wieczorek asked any conflicts of interest out there.

Alderman Cashin replied, I certainly don't have any.

Mayor Wieczorek stated, okay, Alderman, you were appealing to the Board to suspend the rules.

Clerk Johnson stated at this point Alderman Cashin has appealed to the Board that the motion to suspend the rules be accepted and we will take a vote of the Board on a roll call as requested by the Mayor. Alderman Cashin is appealing to the Board that the motion be accepted.

A roll call vote was taken. Alderman Cashin, Hirschmann, Wihby, Elise, Sysyn, Clancy, Soucy and Pariseau voted yea. Alderman Robert, Reiniger, Shea and Domaingue voted nay. The motion to appeal carried, and the motion to suspend the rules was accepted to be placed on the floor.

A roll call vote was taken on the motion to suspend the rules and place the ordinance on its third and final reading by title only at this time. Aldermen Cashin, Hirschmann, Wihby, Elise, Sysyn, Clancy, Soucy and Pariseau voted yea. Alderman Robert, Reiniger, Shea and Domaingue voted nay. The motion carried.

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

“Amending the Code of Ordinances of the City of Manchester by inserting a new section, Section 111.45.1 Electronic Video Poker Machines.”

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

Alderman Wihby stated so now the licensing is done, so tomorrow we start.

Mayor Wieczorek replied it doesn't matter what the Attorney General says, it doesn't make any difference what anybody says. It's all done.

A second report of the Committee on Bills on Second Reading was presented recommending that Ordinance:

“Amending the Code of Ordinances of the City of Manchester by deleting Chapter 35 in its entirety and replacing it with a new Chapter 35 Finances.”

ought to pass as amended.

Alderman Pariseau moved to accept the second report of the Committee on Bills on Second Reading as presented. Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

A third report of the Committee on Bills recommending that Ordinances:

“Amending Section 33.028 Vacant Positions of the Code of Ordinances of the City of Manchester.”

“Amending Section 38.06 Citation Penalties of the Code of Ordinances of the City of Manchester by changing penalties relating to unlicensed dogs and dogs at large.”

“Amending an Ordinance Regulating Traffic Upon the Public Streets of the City of Manchester relative to penalties for certain vehicular traffic and pedestrian violations.”

“Authorizing the Mayor to dispose of a parcel of property of approximately 615 square feet at 175 Mammoth Road.”

“Authorizing the Mayor to dispose of a parcel of property of approximately 975 square feet at 175 Mammoth Road.”

“Amending Section 151.04 Issuance of Building Permits of the Code of Ordinances of the City of Manchester by replacing said section to provide for the adoption of state provisions.”

“Amending the Code of Ordinances of the City of Manchester by deleting Sections 151.15 through 151.27, Building Regulations providing for municipal licensing of plumbing.”

ought to pass.

Alderman Pariseau stated I would like to pull the ordinance amending Section 33.028 Vacant Positions and moved that it be inexpedient to legislate which means leaving it the way it is. Alderman Reiniger duly seconded the motion.

Alderman Domaingue asked could Alderman Pariseau define what he means by leaving it the way it is.

Alderman Pariseau replied we have faith in the department heads and feel that if the position has been budgeted, they should be allowed to fill it without going through the Personnel Director.

Mayor Wiczorek stated it's a very cumbersome process. We just changed that last year, if I remember correctly.

Alderman Wihby stated this doesn't change anything from what it is. All it does is that the three days that it takes Hugh Moran to send it over to Finance, he's send it to the Committee on Personnel and they can contact him and if a majority of those Aldermen, three out of the five, contact him then he won't okay it and he would put it on the agenda on Personnel. It doesn't delay anything, it's just the three days that are there anyway because Finance takes three days to okay it. And, I brought this in, your Honor, because a couple of the Aldermen on that Committee said they wanted to change it back the way it was and this was sort of a compromise to not delay it any further, but yet being able to have some control from the Committee. It's not what some department heads have called me and they said this is going to delay the whole process, it's only delaying it three days that it's being delayed already because it takes Finance three days to okay it.

Alderman Pariseau stated it's three days if Mr. Moran has the time.

Alderman Wihby stated he sends it over to Finance and they take three days. He's here to speak to it.

Alderman Pariseau asked how many times have you requested stuff from Personnel and you're told it will have to wait because I don't have the time.

Mr. Moran stated let me say this that in the past the contact with the Finance Department has been the most important thing that we do in the Personnel Department and when I say three days that is not to say that the Finance Department is not immediately responsive, but that is probably the average. By the time we type it up, send it over, and they review it and send it back it's a minimum of approximately three days.

Mayor Wiczorek stated I guess what could happen is that three Aldermen could hold it up and then it has to go to the Committee.

Mr. Moran stated that is what the intention is.

Mayor Wiczorek stated I don't know what the purpose of that is.

Alderman Pariseau replied if they have a problem with the department head they're going to hold it up.

Alderman Cashin stated that is not true.

Mayor Wieczorek called for a vote on the motion.

Alderman Domaingue asked please clarify the motion.

Clerk Johnson replied it is removing it from the report, deleting that Ordinance from the report and finding it to be inexpedient to legislate.

Alderman Domaingue stated we were not happy with the process that was initiated at the beginning of this term because what we found, some of us, as Aldermen on that Committee was that we had an opportunity, if necessary, to question the legitimacy of certain positions after the budget had been adopted. Primarily, it was a financial thing and what is being asked of us this evening is to go back to not being able to question whether or not those budgeted positions are still necessary halfway or three-quarters of the way through the year. And, I guess I have a problem with that because as an elected official we're expected to be on guard for any savings we can possibly glean on behalf of the taxpayers and I would not be doing my duty to its fullest extent if I were to just rubber stamp an entire year's worth of filling positions because at one point in the year we may have had the money and at another point in the year, we may not. I think we have an obligation to be responsive to whatever the budget situation is.

Mayor Wieczorek stated you have every opportunity to put a hiring freeze on, to eliminate positions as a Board, you can do that. So, I just don't think that's the right reason.

Alderman Robert stated the way it was before, or the way it is now because this hasn't been adopted. It was intended to be a streamlining thing. I guess I have a problem with the approach to this. When you deny a department head the ability to fill a position. We hire somebody to fill this position, he has a job to do. When you don't have a person in there doing the job the whole organization suffers and the service delivery suffers and that's not saving us a lot of money either. My approach to dealing with Personnel problems is to look at the whole department, see what is needed, reorganize, leave it whole, leave it effective, leave it efficient and move on. What we're doing here is we've got the opportunity open to essentially cripple a department and we have people out there that need the services of our department. This is what this will allow us to do. There's also been a question of abuse. Now, I'm not going to point the finger or anything, but for those of us that have been around for awhile the potential is there and some of us may have even said that we've seen it. I proposed the ordinance as it now stands. I think it's doing the job.

Alderman Pariseau stated I just want to rebut Alderman Domaingue. Here she is grandstanding on the situation and she was one of the ones this evening that was going to hold up the Supervisor of Communications in the Fire Department and it's an important position that we

can't afford to lay on the table because somebody has a problem with a department and this was a fine example of what was trying to be done. The matter that came up this evening in Personnel relative to the Communications Dispatcher is exactly what is going to happen with this 33.028, is that if someone has a problem with a department head they are going to delay and delay and delay filling that position.

Alderman Hirschmann stated parliamentary rules, I really object to all this finger pointing and nothing went on in our Committee tonight. It was our duty to do what we did and it had nothing to do with a personality, a name, or anything. It had to do with a position. A \$50,000 Chief's position that has become vacant. Now, you come in front of us with a budget that's going up three point something percent with all of these new other positions flying all over the place, yeah, I took a stand in that Committee and I'm proud of it and I don't appreciate this guy's name calling and he owes her an apology.

Mayor Wieczorek stated it's not "this guy", please refer to him by number.

Alderman Hirschmann stated Alderman 9 owes Alderman 8 an apology and the whole Committee.

Alderman Domaingue stated Alderman Pariseau does not owe me an apology. I appreciate Alderman Hirschmann's defense, but we all know where you come from Alderman Pariseau, so it's not an apology that's necessary. I do, your Honor, get a little concerned when you bring forth a budget and you're filling positions and that's okay, but as a Board you object to our ability to either fill them or not fill them. It wasn't personal against any department, it had to do with the financing of a position and while you may have a personal interest in that department because of family members working there, I don't take any personal interest in the Fire Department. Thank you very much.

Mayor Wieczorek called for a vote on the motion. A roll call vote was taken at the request of Alderman Pariseau. Alderman Pariseau, Robert, Reiniger, Sysyn and Shea voted yea. Alderman Cashin, Hirschmann, Wihby, Elise, Clancy, Soucy and Domaingue voted nay. The motion failed.

Alderman Wihby moved to accept the entire report of the Committee on Bills on Second Reading. Alderman Cashin duly seconded the motion. Mayor Wieczorek called for a vote. Aldermen Wihby, Elise, Clancy, Soucy, Domaingue, Cashin and Hirschmann were in favor. Aldermen Pariseau, Robert, Reiniger, Sysyn and Shea were in opposition.

Mayor Wieczorek vetoed the action.

A fourth report of the Committee on Bills on Second Reading was presented recommending that a petition to rezone property located at 1466 Bodwell Road from

Residential to Neighborhood Business be referred to public hearing on Monday, May 19, 1997 at 7:00 in the Aldermanic Chambers of City Hall.

Alderman Clancy moved to accept, receive and adopt the report as presented. Alderman Soucy duly seconded the motion. There being none opposed, the motion carried.

It was noted by the clerk that the public hearing may need to be scheduled at another location due to renovations of City Hall. It was concurred by members that if required, the meeting would be held at a location selected by the Clerk.

Communication from the Fire Chief requesting authorization to utilize competitive sealed proposal procedures for the purchase of radio communications consoles for the Police and Fire Departments.

On motion of Alderman Robert, duly seconded by Alderman Clancy, it was voted to authorize utilization of competitive sealed proposal procedures for the purchase of radio communications consoles for the Police and Fire Department.

Communication from the Executive Director of Intown Manchester requesting to meet with the Board on April 15, 1997 to present an update on Intown Manchester activities since last summer.

On motion of Alderman Wihby, duly seconded by Alderman Pariseau, it was voted to approve the request on Intown Manchester to present an update on its activities on April 15.

Resolution:

“Amending the 1997 Community Improvement Program, authorizing and appropriating funds in the amount of \$800,000 for the 1997 CIP 5.10262 Riverfront Stadium Project.”

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

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

Mayor Wieczorek presented nominations as follows.

Fire Commission

William Varkas to succeed himself, term to expire May 1, 2000.

Mayor Wieczorek advised that under the rules, the nomination would layover until the next meeting.

Mayor Wieczorek stated Alderman Robert had requested to be replaced on the Teacher's Negotiations Committee, and advised he was appointing Alderman Keith Hirschmann to that Committee, effective immediately.

Ratification of AFSCME, Local 298 in accordance with the memorandum of agreement presented on March 18, 1997.

Mr. Hodgen advised he was informed the union had voted to ratify the agreement.

Alderman Pariseau moved to ratify the AFSCME, Local 298 agreement in accordance with the memorandum of agreement presented on March 18, 1997 and the cost calculations presented. Alderman Soucy duly seconded the motion. The motion carried with Aldermen Robert and Hirschmann duly recorded in opposition.

NEW BUSINESS

Mayor Wieczorek read the following letter from Kids Voting USA into the record:

Dear Mayor Wieczorek and Board of Aldermen:

The Board of Directors of Kids Voting New Hampshire, Inc. wish to publicly recognize Mr. Leo Bernier, Manchester City Clerk for his leadership and cooperation in guiding the program through the electoral process.

Through Mr. Bernier's endeavors and support to Kids Voting New Hampshire, Inc., he paved the way for two successful Kids Voting elections in 1996: "The First in the Nation" Presidential Primary, February 20 and the November 5 General Election. His work with the Ward Moderators and excellent communication with the Kids Voting New Hampshire Board of Directors and staff persons was a major, critical segment of the Kids Voting program. Kids voting with adults in Manchester wards was a new experience for everyone and much work had to be done quickly. Physical changes in polling places were necessary to make room for Kids Voting and cooperation was essential. Mr. Bernier saw that the changes were made.

On behalf of Kids Voting New Hampshire, I salute and thank Mr. Bernier, his staff and moderators. All were gracious and efficient in our efforts to establish a successful school-based program about democracy and the electoral process.

Sincerely,

s/Michael J. McCluskey
Chair, Kids Voting new Hampshire, Inc.

Clerk Bernier distributed a memorandum for informational purposes relative to proposed meeting locations and relocation schedule in conjunction with the renovation period at City Hall.

Alderman Elise moved to refer two communications to the Committee on Administration/

Information Systems; one from the Manchester Development Corporation and one from Intown Management showing support for efforts by the Board to make Manchester more business friendly. Alderman Soucy duly seconded the motion. There being none opposed, the motion carried.

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

On motion of Alderman Pariseau, duly seconded by Alderman Clancy, it was voted to refer the communication from non-affiliated employees to non-public session with the Chief Negotiator.

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

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

Mayor Wieczorek called the meeting back to order.

There was no discussion held relative to the meeting with the Chief Negotiator.

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

A True Record. Attest.

City Clerk