

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

**June 3, 1997**

**7:00 PM  
Aldermanic Chambers**

Mayor Wieczorek called the meeting to order.

Mayor Wieczorek called for the Pledge of Allegiance; this function led by Alderman Reiniger.

A moment of silent prayer was observed.

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

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

Mayor Wieczorek advised that the purpose of the special meeting is to give residents of Manchester the opportunity to address the Board on items of concern affecting the community; that each person will be given only one opportunity to speak and any comments shall be limited to two minutes to allow all participants the opportunity to speak and any comments must be directed to the Chair. Mayor Wieczorek advised that any resident wishing to speak should come forward to the nearest microphone, clearly state their name and address when recognized, and give their comments.

Barry Goddard, 1830 Front Street, addressed the Board stating:

The status of Old Hackett Hill Road which runs through Westbrook Condominium Association has been an issue of contention before this Board since 1990. It appears that Old Hackett Hill Road was abandoned by the city of Manchester in the late 1950's when the Everette Turnpike was constructed. In 1985 Westbrook Condominium Association was created from existing apartment buildings. Our association had been in contact with the public works department since 1986 in an attempt to get the city to plow and maintain the road, or declare it discontinued. For a very brief period of time, possibly as brief as one storm, the public works department plowed half way up Old Hackett Hill Road, during a first winter storm. That has been the extent of any plowing or maintenance performed by the city of Manchester since 1985. In 1992 the City of Manchester Board of Mayor and Aldermen voted to discontinue Old Hackett Hill Road, thus removing any responsibility of the City to plow and maintain this roadway. Under the threat of a lawsuit from an abutter, Colonial Village, whose undeveloped property adjoins the top of Old Hackett Hill Road the Board of Mayor and Aldermen in a closed session voted February 4 of this year not to contest the legal challenge by Colonial Village to stop the discontinuance of Old Hackett Hill Road. Our association, at great legal expense, had to become a party to this litigation in order to see the road finally discontinued. This Board then voted the following month to not only not challenge Colonial Village, but to formally reverse

this discontinuance of Old Hackett Hill Road. Now since both of these votes were taken during closed session I can only theorize what the reasons were. I'm sure the City Solicitor advised the Board and Mayor that the land owned by Colonial Village was worth \$375,000 or \$350,000 and what Westbrook could recover from the city in a law suit for damages for the road not being maintained for twelve years was this much. So let's put ourselves at the least liability. And that might have been a wise financial decision, but it certainly I don't think is a moral one. Two things I don't really believe the City Solicitor explained to this Board. Number one it's assumed that if the road is discontinued Colonial Village can't develop their property using Old Hackett Hill Road. Which is true, but the reverse is not true. If the road remains public Colonial Village still cannot develop its property using Old Hackett Hill Road. The City has already, in 1990, through its Planning Board denied an application from Colonial Village to develop that property when it was already a public road. So they cannot go into court with any standing and say that because the road was discontinued now we can't develop. It's already a part of public record that they can't develop that using Old Hackett Hill Road, because of three reasons. It's too narrow. There is no room for it to be widened. And they have plenty of other access using new Hackett Hill Road and Front Street. Secondly, I believe the City Solicitor feels that if we do discontinue the road, we will make Westbrook happy and they will not seek damages for the twelve years we didn't maintain a public road. That is not true. Regardless of whether this road is discontinued or remains public, Westbrook will be seeking to recover costs for the twelve years that the city did not maintain a public road. We understand that there is benefits for us either way, whether it's discontinued or whether it's made public, and there are drawbacks either way. If it remains public the city will have to incur the cost of maintaining the road. We loose control of it. If it's discontinued we have more control, yet we incur the costs. We are asking that a decision be made formally one way or the other for this to end. These votes were taken first in February. I called the public works department last week. I asked him when is trash pick up on Old Hackett Hill Road. The quote from public works was 'Old Hackett Hill Road is a private road, it's been that way for the past 30 years, there is no trash pick up.' I said does that mean you won't be snow plowing it this coming winter. 'That's correct, it's a private road.' You can't have your cake and eat it too. You cannot say that it has never been discontinued and it's a public road and then not call your public works department and tell them to maintain it. We can save ourselves approximately \$8,000. a year as an association by having this a public road. We will put our trash out on the road and we will look for trash pick up on Friday, just like everybody else on Front Street. And the city will maintain it during the winter, maintain the potholes and sweep it. But please a final decision has to be made and I hope you don't just make the best financial decision, but you make the moral decision. Thanks a lot.

Lloyd Basinow addressed the Board stating:

The city administration has botched up contractual negotiations for our municipal employees long enough. And particularly one man is responsible for this holocaust in employee public service. On your agenda is a means to help solve this problem in the form of a request for me to place a charter referendum question on this year's ballot regarding mandatory annual cost of living adjustments tied to the federal cost of living index. The same formula as is used for social

security beneficiaries, other government workers and in the private industry. It is time to let the taxpayers decide what is just, fair and equitable. Every candidate who runs for office this year should stand up and be counted as to what constitutes what is right and proper treatment for those who serve the needs of the public. I implore you not to let the mayor keep this important question off the ballot with a veto. Let the people decide this issue once and for all and help restore harmony within our city government which one man has destroyed. In recognition of the Board's internal procedures the need for a public hearing before placement onto the ballot, and the Board's condensed summer schedule, I have submitted this proposal early so that there will be ample time to process it for the fall ballot. Please ladies and gentlemen, let the people of this city decide how we can best treat our municipal employees and get the most for our bucks in service from them. If we do not have harmony in this city, we are not going to go into the 21st century with our heads held up. We are going to have chaos continue in this city, let's do what's right for a change. Thank you.

Bernie Cowette, 14 Eastmeadow Way, addressed the Board stating:

This is a letter I prepared a few days ago and I had asked Alderman Elise to present it to you. I realized that was actually two things - unfair to Alderman Elise and fairly cowardly of myself. It's been my name that's been before you an number of times lately. The letter bears reading, and I want to go on the record with my feelings. I will dispense with the heading and salutation and read it. Mr. Cowette read as follows:

Your Honor, Ladies and Gentlemen of the Board:

This letter is written so that I might have the opportunity to address an issue which has, for a period of time, been a source of consternation for a few, frustration for some and perhaps aggravation for many. As you surely know, the issue of which I speak is the question of whether or not I will be nominated to the Heritage Commission. I ask your indulgence while I state my view of the debacle in the midst of which we currently find ourselves. I then leave it to you how best to resolve the issue.

In essence, there are only two elements to the present argument; the first being wholly political and based upon the power of the Mayor to nominate, at his discretion, those people he would see seated on a commission, committee or board. Under our current system of government, there can be no doubt that this power to nominate resides solely in the Mayor. The second element of the argument is far less defined in its' nature and is, in my opinion, based upon principle; the principle being that reasonable people, sharing reasonable views and expectations have, or should have, within the representative form of government the inherent right to rely upon a reasonable course of action by the Chief Executive of that government, and in the absence of a reasonable course of action, the means by which to insure a fair, equitable and reasonable resolution of the matter contested at that point in time.

Your Honor and Aldermen: given your knowledge of how and why the Heritage Commission Ordinance came into existence, and in distilling the argument before you, it is apparent that you are caught squarely on the horns of a dilemma; one horn being that which is politically expedient; the other, the imperative of principle. I can only say to each of you that I sincerely regret the fact that, regardless the direction in which you turn, you will be gored by one horn or the other.

Having said this, I would like to express my deepest gratitude to Alderman Elise who first chose to stand up in favor of my nomination and those of you who then stood by that nomination as a matter of principle. While I would have been honored to have been able to take part in defining such an historically significant Commission as the Heritage

Commission and through that definition, the privilege of helping to shape our city so that the labors of those who have gone before us can be appreciated by those yet to come, it has been enough for me to have received an award for my part in the process and extremely gratifying to me that a majority of you have gone out on personal and political limbs when standing up for my nomination. I would now ask that my name be withdrawn from consideration as a prospective commissioner of the Heritage Commission.

In closing I would like to make a few brief observations.

I am not, as the Mayor suggested to me, a “victim” in this matter. The word “victim” denotes one who is, in some way, set upon unsuspectingly.. While I was, as first, naive enough to think that a decent and good idea would be something taken up by all, I quickly came to realize there was far more at stake than I had at first thought, not the least of which was the protection of power bases and the ability to protect those power bases either by direct action or a lack of action altogether. The truth of the matter, is, given the politics of this place I call home, I had no real expectation of being nominated to the Heritage Commission. In fact, I anticipated that as a means of personally and politically punishing myself and Alderman Elise for our respective roles in the formation of the Commission, I would not be nominated. And finally, when all the deletions were made to the original draft ordinance, all the serfdoms protected, and the final watered down version of the ordinance was passed, I realized just how great the fear is of a few that the business of all the people might somehow be tainted by too many of the people.

I will leave you with this parting quotation, based upon an observation of a friend of mine who works for the U.S. Department of the Interior at the Department of Historical Resources and regarding my non-nomination to the Heritage Commission. “Perhaps by not being nominated to the commission, you have been paid the highest compliment possible.” Each time I think of those words I smile.

Sincerely and with Respect,  
s/Bernard H. Cowette III

Thank you for your indulgence.

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

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

A True Record. Attest.

City Clerk