

## FBOARD OF MAYOR AND ALDERMEN

**July 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

Mayor Wieczorek stated before we get into the Consent Agenda, I'm going to ask Joanne St. Pierre to make a brief presentation to the Board regarding The Greater Manchester Summit For Youth which is going to be coming up very shortly.

Ms. St. Pierre stated I am here tonight as a representative to The Greater Manchester Summit For Youth Planning Committee. My name is Joanne St. Pierre and I was fortunate enough to serve as one of the ten delegates representing Manchester at the President's Summit For America's Future in April. At that summit, all the delegates across the nation received a clear focus for the work to be done by communities to improve the lives of our young people and to ensure that as adults they would be healthy, happy, productive and have fulfilling lives. I'm sure you're aware that the five resources deemed necessary for children to achieve that type of adulthood included an on-going relationship with a caring adult, safe and structured places to learn and grow during non-school hours, a healthy start, marketable skills and the opportunity to give back to the community through service. Manchester was very fortunate in that we were chosen to represent first the State and then they did pull some other delegations together and we met frequently and we found that there was a tremendous amount of information available to us before going to Philadelphia. There were needs assessments that had been completed, we learned a great deal about the programs that currently exist in Manchester as well as various initiatives and we were the envy of many communities to have this available to us at the on-start. When we came back from Philadelphia, we had a lot of energy, a lot of enthusiasm to bring back to Manchester what we learned and hopefully to open more dialogue between members of the community...be it individuals, non-profits, the private sector, business, any sector that we could possibly reach...it was necessary to start this communication. Our summit is scheduled for next Wednesday the ninth. You may be aware that last Monday we held a pre-summit kick-off event. It was a service event. At the time of the press conference *The Union Leader* was there, we had about 150 people. About an hour later when we went out to do the community service at various spots around Manchester more than 350 people were participating. This included children and their families from the Kids Cafe, children teens from programs such as Big Brothers/Big Sisters and ALPHA, volunteers from the sponsors of the summit as well as interested and concerned citizens; that was a very successful event and we are thrilled to be offering the summit for next Wednesday. At this time, we have about 55 to 60

non-profits who have agreed to attend, we also have numerous businesses both large and small who will be attending. Our sponsors for the event and I don't dare forget any of them - CFX Bank, United Parcel Service, Citizens Bank, Optima Health, St. Anselm College and Public Service of New Hampshire. In addition to those organizations that have provided not just financial support for the summit, but also volunteer people support, we have so many organizations that do want to attend, I'm sure you're aware also that many businesses both large and small in Manchester all ready do a great deal as far as community service goes and many of them do work with young people. This will be an opportunity for people to come listen and learn. We are not asking for partnerships to be formed that night; that would be premature. We do hope that people and organizations will come, think about what they may be doing and perhaps enhance programs that they have in place. Attending the summit are numerous non-profits and businesses vary from Hartford Insurance, Manpower, Center of New Hampshire/Holiday Inn, State Street Bank, CFX, St. Mary's, Optima, Pappy's Pizza, Peabody & Brown, Merchants Automotive, McLane Law Firm, the Union Leader, Velcro, Blue Cross/Blue Shield, Kinko's, Sweetheart Corporation, Alfano and Baroff Law Firm, Dobles, Grace Limousine, Bank of New Hampshire, Associated Grocers. It goes on and on and we're so pleased to have this participation and at this time I would just encourage you if you are free to attend for a part of the day, the entire day, you are more than welcome to join us. It will be a wonderful exchange of information and ideas and certainly as representatives for the City of Manchester while you know a great deal of what's going on, I'm sure you'll also be surprised at some of the statistics, some of the needs, and pleasantly surprised at some of the programs that are currently in place. If you are interested in joining us that day, I would encourage you to talk with me or contact St. Anselm College's Center for Volunteers. Thank you very much.

### **CONSENT AGENDA**

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.

### **Ratify and Confirm Poll Conduct**

- A. Request by Victoria Lemire to issue free child's passes and adult \$4.00 off coupons with employee paychecks

### **Minutes Accepted**

- B. Minutes of meetings held November 6, 1996 (two meetings); November 19, 1996, December 3, 1996 (two meetings); December 17, 1996; January 7, 1997 (two meetings); and January 21, 1997.

**Approve under Supervision of Department of Highways**

- C. NYNEX petition #942257

**Informational to be Received and Filed**

- E. Communications from the Manchester Airport Authority submitting minutes of their April 23, 1997 and May 29, 1997 meetings.
- F. Communication from the Health Officer advising that they have purchased a photocopier for less than originally anticipated, therefore, \$4,585 remains unspent of the Contingency transfer; and wishes to thank the Board for authorizing such funds.
- G. Communication from the Public Works Director relative to the FY98 Street Resurfacing Program.
- H. Communication from William Desrosiers submitting his resignation from the MTA Commission due to increased career responsibilities and responsibilities associated with his being a State Representative from Ward 9.
- I. Communication from the Manchester Transit Authority submitting minutes of their April 29, 1997 and May 27, 1997 meetings along with the Financial and Ridership Reports from the months of April and May 1997.

**Accept Funds and Remand for the Purpose Intended**

- K. Communication from the Deputy Finance Officer advising of the receipt of funds in the amount of \$2,035.60 for the Drug Forfeiture account.
- L. Communication from the Deputy Finance Officer advising of the receipt of donations in the amount of \$836.11 for the K-9 Unit.

**REFERRALS TO COMMITTEES**

**COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS**

- M. Communication from the Chairman of the Assumption Grecian Festival Committee requesting authorization for the placement of a banner across Hanover Street, between Chestnut and Elm Streets for the purpose of announcing the Festival to be held on August 16 and 17, 1997.

**COMMITTEE ON BILLS ON SECOND READING**

- N. Communication from Messrs. Arnold and Bergeron seeking the Board's consideration of technical corrections to the City's Code of Ordinances.
- Q. Request for a rezoning of property located at the intersections of Webster, Beech, Maple Streets and Hooksett Road to B-2 submitted by Attorney Stebbins on behalf of American Stores Properties, Inc.

**COMMITTEE ON COMMUNITY IMPROVEMENT PROGRAM**

- R. Communication from Alderman Robert requesting the Board consider the sale of three parcels of land at the intersection of Wayne and Whipple Streets.

- S.** Copy of a communication from Alderman Robert to the Board of School Committee requesting the release by the School Department of the Brown School to the Board of Mayor and Aldermen for consideration of its future use.
- T.** Communication from the Health Officer advising of the receipt of \$15,000 from Optima Health in support of the Health Department's Public Health Assessment and Improvement Program noting that the CIP will need to be amended to enable the Health Department to receive and expend these funds.
- U.** Communication from the Director of Parks, Recreation & Cemetery requesting that the \$7,200 payment from NYNEX for a utility easement at Livingston Park be placed in an account for the new playground project.
- V.** Communication from the Director of Parks, Recreation & Cemetery seeking clarification as to who is responsible for the building maintenance of two of Park's tax-funded divisions, the Parks Division and the Cemetery Division (Public Buildings Services or Parks).
- W.** Communication from the Deputy Chief of Police Robinson seeking the Board's approval to accept a donation of a battery-powered, rechargeable electric bicycle from the Northeast Utilities Service Company and also allow them access to the bicycle in order to collect data on the use.

#### **COMMITTEE ON FINANCE**

- X.** Communication from the Chairman of the Conservation Commission requesting the establishment of a long-term Conservation Fund for the City of Manchester.
- Y.** Communication from the Chief of Police seeking authorization to apply for a U. S. Dept. of Justice grant; and advising that if successful in receiving said grant a local match of \$24,671 would be needed to be transferred from the Contingency account.
- Z.** Bond Resolution:

“Authorizing Bonds, Notes or Lease purchases in the amount of \$90,000 for the 1998 CIP 5.10156 School Parking Lot Construction - Memorial High.”

#### **COMMITTEE ON TRAFFIC/PUBLIC SAFETY**

- AA.** Communication from the Chief of Police requesting that the Residential Parking Permit Ordinance be amended to allow permits to be used in two-hour or greater time zones rather than using the 15-minute, half-hour, or one-hour time zones.
- AB.** Communication from the Chairman of the State Liquor Commission suggesting that the Bureau of Enforcement could instruct liquor license applicants for an on-sale license within the City of Manchester to proceed to the Office of the City Clerk to receive instructions on obtaining health and fire permits required under administrative rule, LIQ. 702.03.
- AC.** Communication from Attorney Robert Christy requesting a change in the parking on the southerly side of Salmon Street from Bay to Chestnut Streets to that of limited short-term parking.
- AD.** Communication from Dianne Gullo on behalf of the residents of Rosecliff/Megan's Meadow requesting that the speed limit for both developments be lowered to 20 mph.

**REPORTS OF COMMITTEES**

**COMMITTEE ON ACCOUNTS, ENROLLMENT  
& REVENUE ADMINISTRATION**

- AE.** Advising that it has accepted the enclosed report from the Board of Assessors and is submitting same to the Board for information purposes.
- AF.** Recommending that Ordinance Amendment:
- “Amending Chapter 150. Housing Code. Section 150.114 of the Code of Ordinances of the City of Manchester by decreasing fees charged for inspection of rooming units.”

be referred to the Committee on Bills on Second Reading for technical review.

**COMMITTEE ON BILLS ON SECOND READING**

- AG.** Recommending that Ordinance:
- “Amending the Code of Ordinances of the City of Manchester by inserting a new section, Section 132.140. relating to a Department of Human Resources.”
- ought to pass. The Committee notes that such recommendation is subject to the approval of the Personnel Committee.
- AI.** Recommending that a petition to rezone properties in the vicinity of Goffe, South Main and West Hancock Streets from B-1 (Commercial) to B-2 (General Commercial) be referred to public hearing on July 29, 1997 at 7:00 PM at the School Administration Building, 196 Bridge Street.
- AJ.** Recommending that a petition to rezone property located at 1466 Bodwell Road from Residential to Neighborhood Business submitted by Edward Houle be denied.

**COMMITTEE ON COMMUNITY IMPROVEMENT PROGRAM**

- AK.** Recommending that an amending resolution and budget authorization allowing for the acceptance and expenditure of State grant funds by adding Extended School Year - \$113,143; Deaf Summer Program - \$14,229; SAFE Program - \$11,000; Title I Summer School - \$49,714; and by increasing Driver Education to \$142,655 be approved.
- AL.** Recommending that an amending resolution and budget authorization allowing for the acceptance and expenditure of funds from developers by adding the 1997 CIP 7.10109 Hermit Road Improvement Project in the amount of \$34,500 be approved.
- AM.** Recommending that an amending resolution and budget authorization allowing for the acceptance and expenditure of additional developer impact fees by increasing the 1997 CIP 7.10227 South Willow Street Area Improvements Project be approved.
- AN.** Recommending that an amending resolution and budget authorization allowing for the acceptance and expenditure of funds by adding the 1998 CIP 4.10127 Drug Task Force - \$38,533.00 Department of Justice be approved.
- AO.** Recommending that a request for extension of various CIP projects as listed therein be approved.
- AQ.** Recommending that an addendum to the Derryfield Country Club Restaurant Lease

providing for two additional five-year options beyond the 14 years remaining on the present agreement be granted and approved; and further that the Director of Parks, Recreation and Cemeteries be authorized to execute same.

- AR.** Advising that it has approved a request to change the ordinances to provide for deduct water meters for commercial and industrial establishments, and recommends same be referred to the Committee on Bills on Second Reading for Ordinance preparation.

#### **COMMITTEE ON PERSONNEL/INSURANCE**

- AT.** Advising that it has reviewed Ordinance:

“Amending the Code of Ordinances of the City of Manchester by inserting a new section, Section 132.140. relating to a Department of Human Resources.”

and has approved same.

#### **COMMITTEE ON TRAFFIC/PUBLIC SAFETY**

- AV.** Recommending that a request of Sgt. Lussier for the closure of the Notre Dame Bridge on July 3rd for the 4th of July fireworks display as outlined herein be granted and approved.
- AW.** Recommending that a request of Kevin Collimore on behalf of the For Manchester Subcommittee “The Neighborhood Committee for the Beautification of Victory Park and the Hartnett Parking Lot”, to affix flags and/or banners to the light poles (3) located in the center of the Hartnett Parking Lot be granted and approved; and further recommends that Intown Manchester oversee the management of this project.

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

- D.** Communication from Messrs. Clougherty, Clark and Taylor recommending that the Board give consideration to final adoption of the Preliminary Plan for Aggregation.

Mayor Wieczorek noted item D was listed to be received and filed, but it would need a vote on the final plan and if there were any questions, Kevin was here to answer any questions the Board might have.

Alderman Domaingue stated I was looking over the document over the weekend and the word “preliminary” strikes me as not quite right, could you tell me how “preliminary” this “preliminary” plan is. We’re asked to take a vote on it.

Mayor Wieczorek stated that is the word we are taking out “preliminary” and it’s going to be final.

Alderman Domaingue stated in reference to Section 3.02...

Mayor Wieczorek stated I need to get a vote on this, do you want to move this item.

Alderman Domaingue replied no. I have questions about the item, your Honor.

Alderman Wihby moved to adopt the Plan for Aggregation as submitted. Alderman Reiniger duly seconded the motion.

Alderman Domaingue stated, Kevin, item 3.02 "Staffing should consist of adequate personnel..." can you tell the Board specifically how many people will be needed to provide rate analysis and customer service.

Mr. Clougherty replied we have a couple of people tonight from my staff as well as some of the consultants that have been working on that. Primarily, what we are looking for initially is to bring on a small staff to be able to deal with the aggregation. We have consultants that will address a lot of the issues that the Aldermen raise and we will rely on their expertise. We don't want to build up a bureaucracy of internal high-staffed people. What we would be looking to initially is to have perhaps one staff person as a secretary to start the aggregation process and to deal with the consultants in pulling together what is necessary in order to do the RFP's and get those in a position so that as the process in the courts and the PUC moves forward and we are able to undertake an aggregation program, we will be in a position to go forward and beat the rush of people that might want to get into the market. So, the initial program that we are calling for and you may recall it was included in the resolution that was recently adopted was a large contingency funding from the staffing side relatively lean in terms of clerical staff of about four or five people and a secretary and a director; that is going to allow us to put together the expertise to beat off the consultant information and to do as efficiently as possible a lean aggregation program. As the program gets started and as we pass hurdles we hope to trim that back. Initially, we want to start small, do what we have to do in order to meet the requirements of the rulings that are coming out of Concord, be in a position so that if they say we can aggregate we can move forward fast and trying and minimize our expenses so that as revenues flow in at that point, we would be able to keep up.

Alderman Domiangue stated in referenced to section 8.0 Agreements with Other Communities...are they going to assume their fair share of whatever costs are associated with this program and is that spelled out in those two RSA's that you cite.

Mr. Clougherty replied, yes, I believe that they are. First of all, they are not spelled out in the RSA's, but they will be spelled out in the agreement as we have with Nashua. What we are trying to do is use the load as perhaps the basis for that share. We talked to Londonderry, we were suppose to meet with Derry tonight, but they asked us to come back the 15th because what these cities and towns are waiting for is for the City of Manchester to adopt the aggregation plan and then they will take it to their councils and go along, but they are waiting for us to approve it. We've talked to Keene, Londonderry, Nashua and several others (Bedford).

Alderman Domaingue stated, I have one more question, your Honor, but I just want to state for the record that I hope we are going to hold them to their share because in the City of Manchester we have a sewage treatment plant that currently services as a municipal plant servicing other communities and we've expended several million dollars of City tax dollars into that facility...I'm not sure we've recouped the kind of costs we could have from the communities that take advantage of it and I'm hoping that we'll do so from this point forward. My final question has to do with whether or not the City is really protected in terms of liability. I know that PSNH and Governor Shaheen and the PUC are having meetings, but what will the City's liability be or what kind of liability do we face if, in fact, PSNH decides to try and recover what has been lost to it as a result of the aggregation programs. If they decide to go to court, do we then become a participant in the lawsuit and an entity from which they will seek damages.

Mr. Clougherty replied I will defer to the Solicitor's Office on this one because they have been working with us as you know and the Industrial Agent right along. My understanding that are exposure in that regard would be minimal because we are only doing what we have been authorized by statute and State rules to do.

Assistant Solicitor Arnold stated I think I would tend to agree that our exposure is probably minimal, however, I would state that this is a very new area of law. We're the first in the nation in this respect, so in that regard it's somewhat hard to predict, but even if there were to be a lawsuit, I think that the damages that would be due would be the difference between the cost of electricity which they would have paid and what they did pay. So, it's kind of a zero sum game, you only get back to where you were if there had been no program and no savings.

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

**J.** Communication from Terry Penny advising the Board of her having received a parking ticket recently.

Alderman Domaingue moved that Item J be referred to the Committee on Traffic/Public Safety. Alderman Soucy duly seconded the motion.

Alderman Soucy suggested that a copy of the communication be forwarded to Intown Management as well since it was at the encouragement of Intown Management and the Downtown Association that we increase these rates.

Alderman Domaingue stated she had no problem with that.

Alderman Sysyn stated this woman had stopped where I work and I did send her to Intown Management and I also referred her to Tom Lolicata. I called Tom while she was there and we sent her back to the Ordinance Violations and they were supposed to straighten it out.

Mayor Wieczorek stated I want all of you to know that Alderman Sysyn is the Director at the Plaza for anybody who has any problems that has to do with the City. She is located in a very strategic spot and I want to express my thanks to you, Mary, you do a great service to us all.

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

- O.** Communication from Lloyd Basinow requesting an ordinance prohibiting officials from accepting positions in any public or private enterprise.

Alderman Wihby moved to receive and file Item O. It basically says “that uncompensated, non-profit public entity” you couldn’t be able to be a trustee if you were a public official and I think it’s overdoing it. Alderman Pariseau duly seconded the motion. The motion carried with Alderman Robert duly recorded in opposition stating he did not see why it couldn’t be given a closer look.

- P.** Communication from the Director of Property Management and Development/Technology Center strongly requesting the elimination of the Amoskeag Millyard Historic District Overlay in the Zoning Ordinances of the City of Manchester.

Alderman Hirschmann asked if Mr. Clark was present and stated I just wanted to state that I am in receipt of the letter that you wrote to the City and I would ask that this be entered into the City’s record and that the comments made as far as letting buildings decay and dwindle, I just took that as a threat and the other threat was not paying the Central Business Service District tax any further until this zoning issue is lifted, I took that as another threat. The whole context of the letter, I didn’t think it was appropriate and I move that it be received and filed with a copy sent to the Historic District Commission.

Mayor Wieczorek stated this item is being referred to the Committee on Bills on Second Reading.

Alderman Hirschmann reiterated that he moved that it be received and filed.

Mayor Wieczorek asked Mr. Clark, do you want to make any response.

Don Clark stated not having been here when the MXU Zoning went into effect and I don’t understand the Bills on Second Reading Committee as well as I should probably, but in response to the comments, we...back when the MXU was adopted and the Historic District Overlay was added to that we asked at that time that it be repealed. We provided a letter to Alderman Wihby and copied everyone else who was an Alderman at the time and provided supporting documentation of letters from each and every...well, a majority of all of the other Millyard owners in that District asking that it be repealed and to my knowledge no response was ever

given to those letters and that was back in '95 and so yes, the tone of the letter was a little course, but we didn't feel like any response was received and we'd like to have some type of action taken on it.

Alderman Domaingue stated I do have a question or two, your Honor.

Mayor Wiezorek asked a question of who.

Alderman Domaingue replied of Mr. Clark.

Alderman Domaingue stated, Mr. Clark, you are here on stationery representative of The Technology Center, what is that.

Mr. Clark replied it is a combination of five Millyard buildings.

Alderman Domaingue asked the owner of those buildings is whom.

Mr. Clark replied there is a general partnership for each individual building, so it is separate ownership entity to each one.

Alderman Domaingue asked representing how many people.

Mr. Clark replied a maximum of six technology center owners. Members of a partnership of a single ownership interest.

Alderman Domaingue stated I'm wondering if we couldn't send this also, if it's the Board's will to send it to Bills on Second Reading, I'm wondering if for benefit of Mr. Clark who is here and obviously they have an opinion on this issue and certainly for those Board members who are not familiar with why we have this misunderstanding such as myself, if we couldn't also send it to CIP because that is the Committee that usually oversees this. I must agree with Alderman Hirschmann that I was a little surprised by the tone of the letter, I read it as blackmail. I had a further curiosity, your Honor, regarding the statements. It's been our understanding that you, meaning Alderman Tim Reiniger will be taking steps necessary for elimination of this Historic District and I thought Alderman Reiniger was supportive of the concept of a Historic District, so I'm confused and I would hope that for the Board's purpose we might be able to send it to CIP as well as Bills on Second Reading so that we can clear this up.

Alderman Robert stated I wouldn't mind sending it to those places as well. If I recall, we enacted this Overlay just a number of years ago. We have one mill that was to be part of that Overlay, but we took it out, it's the Varney Mill on the west side. We have an example of what can happen in a building or a structure that we consider a City treasure without the Overlay and

we have examples of what can happen in it. I guess what I'm saying is, it wouldn't hurt to look at it one more time to see if what we did was actually the right thing.

Mayor Wieczorek stated I'm kind of wondering though what is CIP going to be doing with this.

Alderman Reiniger moved to second Alderman Hirschmann's motion to receive and file the communication stating I do want to clarify for the record and Alderman Domaingue alluded to the sentence about my agreeing to take steps to eliminate the Historic District, this is false, I never did that. I agreed to address the parking issue and I've had some discussions with Mr. Kamen about that which he broke off over a year ago and I agree with Alderman Hirschmann and I don't think it's in the interests of this Board to start entertaining and discussing proposals which basically constitute threats to not pay taxes. If we start that business, Ladies and Gentlemen, we're going to have a hundred letters every week of taxpayers who disagree with some policy of this Board and don't want to pay their property taxes. Now, having said that, this Board has made it very clear that the City has a huge financial stake in the Millyard and the Board as a result of that unanimously adopted the Mixed Use Zoning of the Millyard and the Historic District and this Board's policy has been to reuse the existing buildings, not to eliminate them. Subsequent to doing that this Board voted to spend over \$2 million on a Science Museum, it's also voted to put in a Small Business Incubator in the Millyard. On the private side there is a group spending a fortune on the Myrna Shoe building and another group spending a fortune on the Waumbec building, For Manchester is a group that has at least three efforts that I know of focused on the Millyard and the Riverfront and I think to start tearing down buildings would run counter to all of those policies, all of those efforts. The Historic District that is in question is the most limited, is the least restrictive form of Historic District that can be adopted, it only addresses demolition. It, in no way, prevents development of any buildings, it does not place any restrictions...I think Alderman Pariseau sits on an Advisory Committee that provides just advisory assistance to the building owners in their attempts to fix up the buildings. And, in fact, Mr. Kamen's people have applied and successfully received demolition permits for at least one of the buildings. So, I think given all of that what is really at stake is the issue of parking in the Millyard and I think perhaps that is the last issue or the issue the Board should be grappling with particularly in view of the Science Museum coming on board at some point, but I think in the meantime, I second Alderman Hirschmann's motion to receive and file this.

Mayor Wieczorek called for a vote on the motion to receive and file. The motion failed.

Alderman Cashin stated there is no reason why this can't go to Committee.

Alderman Wihby moved to refer the communication to the Committee on Bills on Second Reading.

Alderman Domaingue asked is it only going to the Committee on Bills on Second Reading.

Alderman Wihby replied I don't know what is going to happen in CIP, but Bills on Second Reading will send it to Planning.

Alderman Domaingue stated I won't second that motion, your Honor, because it is clear to me that with all of the discussion around the Board this evening there are serious questions about this whole issue and those questions and those issues belong appropriately in the CIP Committee.

Alderman Wihby asked what is in CIP that we could discuss.

Alderman Domaingue stated the issue of what to do with buildings whether or not demolition should even be a consideration after this Board has previously determined that it should be and now there are issues raised regarding withholding of taxes from the same group of people or at least part of that same group are the same people that this City turned over \$1.8 million for a Science Center of tax dollars, so I'm a little confused at this point and I certainly want clarification on whether we're all on the same side or if we're looking at two opposing sides here and I hope we can do it in an amicable setting in the CIP Committee.

Alderman Cashin duly seconded the motion to refer to the Committee on Bills on Second Reading.

Alderman Wihby stated I don't know what CIP would do with it and demolition of a private building does not go to CIP and if there is a traffic problem then you probably want to send it to Traffic also.

Alderman Reiniger stated I think CIP would make sense because one option for parking would be to build parking garages or parking decks. Mr. MacKenzie told me today that there have been past studies by the City, Mr. Hoben at which he is going to be bringing out to look at again and that might be another option and that would be a capital project, so it probably would make sense for CIP to look at it.

Alderman Hirschmann stated this is not about one building, he is asking for a complete removal of an Overlay in the Millyard, for all buildings. This is a zoning issue, this isn't something that is going to be rectified in CIP or Second Reading, this is a zoning problem and it's not a problem it is a policy that the Board adopted to have an Historic District, so are we going to have it or not.

Alderman Wihby stated I don't care, if you want to send it to CIP, Traffic...I don't care where we send it, but let's send it somewhere and look at the problem and address it so that their concerns are addressed. It's a letter out of frustration and maybe we can work with them and get something done. I'm not saying we're going to change anything, we can look at it, sit down

with them, talk to them, and if we want to do it in three different committees, we'll do it in three different committees.

Alderman Elise stated I have been a strong proponent for the Historic District Overlay in the Millyard and I do recognize that this group of property owners is very concerned about this issue and although I have strong feelings about the Historic District Overlay, I think that we should grant them a full airing of their concerns and whether we can do something about it or not, they should have a full hearing.

Mayor Wieczorek called for a vote on the motion to refer the communication to the Committee on Bills on Second Reading and asked if they wished to amend it to include referral to the CIP Committee.

Aldermen Wihby and Cashin voted to amend their previous motions to include referring the communication to the Committee on CIP also. There being none opposed, the motion carried to refer the matter to both committees.

#### **Report of Committee on Bills on Second Reading**

**AH.** Recommending that Ordinances:

“Amending Chapter 52. Sewers., Prohibited Discharges. subsections 52.026 (L) and (M) of the Code of Ordinances of the City of Manchester relative to the table of limited pollutants and screening levels.”

“Amending the Code of Ordinances of the City of Manchester by deleting Chapter 130, Section 130.03 Curfew for Children and replacing it with a new Section 130.03 Curfew for Children.”

“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.”

“Amending the Code of Ordinances of the City of Manchester by inserting a new section, Section 96.06.1 Smoking at Gill Stadium.”

ought to pass.

Alderman Clancy referred to the second ordinance read pertaining to Curfew for Children, and moved to delete the last sentence under item (c) “Upon any subsequent violation of this section by any child, the parents, guardian, or custodian shall be guilty of a misdemeanor.”

Alderman Robert asked if he could expound on that a little bit. Why shouldn't a parent be held responsible.

Alderman Clancy replied I received that information from the City Solicitor, maybe he will want to expound on it.

Assistant Solicitor Arnold stated the reason that that was requested is that the City does not have the authority to pass an ordinance which is a misdemeanor if it's violated. It doesn't prevent the

parents from being guilty of a violation, but they cannot be found guilty of a misdemeanor the City doesn't have the authority to enact that ordinance.

Alderman Robert stated just to comfort me a little bit, it is essentially the parents who will have to control the situation. How will they be held responsible. Are you saying they are going to be guilty of a violation and what does that mean, what does that imply.

Assistant Solicitor Arnold replied it is basically the penalties that can be attached to a violation or can be attached to a violation of the ordinance under the statute. Basically, what the City can do is it can make breaking the ordinance, a violation which is up to a thousand dollar fine, it cannot make it a misdemeanor which would be up to a year in jail and a two thousand dollar fine.

Alderman Robert stated it still imposes penalties and it still applies that the parents are the main enforcers of this or the folks who are looking after the kids.

Alderman Domaingue stated the City of Manchester's parents are about to be told that if they don't keep their children off the streets or under the age of 18 between the hours of 9:00 PM and 6:00 AM, they will be held responsible and I think that's fine but I think while we are telling them that, we have an obligation to tell them what those penalties will be. The Chief of Police is here this evening, can he enlighten us as to what kind of penalties will be exacted on these parents should their children be found in violation of the ordinance we are being asked to adopt.

Mayor Wiczorek stated I would think that the Assistant City Solicitor would know that, Tom.

Alderman Domaingue stated either one, but I think we have an obligation to let parents know and not have them be surprised.

Assistant Solicitor Arnold stated a violation carries a penalty of a fine up to a thousand dollars.

Alderman Domaingue asked who makes that determination as to whether it's zero or a thousand dollars, your Honor.

Assistant Solicitor Arnold replied at this point, a judge, upon the finding of guilty.

Alderman Domaingue stated so the process would be, if I may follow this through so that parents can have an understanding once their children are running down the street and get caught at 9:01, could you please tell these parents what the process would be if a student is found loitering and no purposeful place to be and picked up and notified by the Police Department to leave somewhere and they don't, then a violation is issued to the underage child or to the parent.

Assistant Solicitor Arnold replied either.

Alderman Domaingue stated the violation and the determination on that will be from the court system.

Assistant Solicitor Arnold replied the same as the finding on any other offense.

Alderman Domaingue stated it could be as much as a thousand dollars.

Assistant Solicitor Arnold replied that is correct.

Alderman Pariseau duly seconded the motion to amend the ordinance and the report relative to Curfew for Children by deleting the last sentence under (c). The motion carried with Aldermen Shea and Domaingue duly recorded in opposition.

On motion of Alderman Robert, duly seconded by Alderman Robert, it was voted to accept the report of the Committee as amended.

**Report of Committee on Community Improvement Program**

**AP.** Recommending that the Industrial Agent be authorized to proceed with the proposed JacPac expansion for economic development assistance under the CDBG Program as outlined in the enclosed communication.

Alderman Elise stated I want to commend Jac Pac Foods for their persistence in wanting to do business in the City of Manchester; that they are a long-standing company who has expanded over the years and has wanted to expand in the recent past, but was quite cautious in doing so because of the electric rates here in the City and State-wide and I want to commend the company as well as Chuck Hungler who is here this evening for not backing off and participating in all of the discussions at the City level on the Study Committee on Electric Rates, with the Business and Industry Association on the State level on advocating that we, the State, come to open competition for our electric rates. I think this example highlights the Aldermen, the critical nature of the electric rates and how it has undermined development in the City in the recent past. I want to commend the team that worked with the Study Committee on Electric Rates in going forward with developing a plan in the City where the City and participants participated in a plan that decreased their electric rates 23%. This was a very difficult issue to tackle, it is still being worked at on the State level and there should be an outcome on this issue soon and I hope it will be to benefit all parties including public service. Two-and-a-half years ago when I began to look into this issue and realized that it was an underlying factor in holding back development in the City, thus keeping our tax base down, I brought this issue before the Board of Mayor and Aldermen and in an unprecedented effort the Mayor held it off the agenda, not wishing this issue to be looked into. Despite his non-participation in this issue the Study Committee on Electric Rates went forward and it is my deep belief to this day that if we had had the weight of the Mayor's Office fully involved in this issue up at the State House, we wouldn't even be looking at this situation today. We would be seeing Jac Pac Foods expanded to this day

where our tax base would already be increased. So, I would like to commend Jac Pac Foods for its involvement in this issue and not wanting to give up on Manchester and New Hampshire, for that matter.

Alderman Elise moved to accept the report of the Committee. Alderman Wihby duly seconded the motion. There being none opposed, the motion carried.

**Report of the Committee on Joint School Building**

**AS.** Recommending that the Board of Mayor and Aldermen authorize the School Administration to proceed with the request for purchase of the Lake Shore Hospital or alternate site for services such as those provided at the Chandler School and an alternative school.

Alderman Domaingue stated I was not present at the last Committee on Joint School Buildings where they discussed this issue and before I can take a position one way or the other, I was wondering if we could have Alderman Clancy give me, at least, an idea of how much money the Joint School Buildings Committee talked about being expended with a request for purchase of Lake Shore Hospital.

Alderman Clancy replied it was in the vicinity of \$3 million, to my knowledge.

Mayor Wieczorek noted that Mark Hobson was present.

Alderman Domaingue asked Mr. Hobson, does \$3 million bind this City to an agreement to purchase.

Mr. Hobson replied through the Building & Sites Committee, Board of School Committee and then the Joint Buildings & Sites Committee as well as the Finance Department, the Planning Department and Mr. Houle's office what we have done is put together a proposal to look at either the Lake Shore facility or an alternative site for a replacement for the Chandler School facility and an alternative school for special education services. The total bond cost that we are proposing that we would enter into would be approximately \$4 million. The Lake Shore Hospital is on the market for approximately as a barometer for what such a facility would cost for \$3.5 million. What we're asking this Board to do is to give us approval to begin to negotiate a proposal that we can bring back through committee and then to you for either the Lake Shore site or an alternative site, not to exceed the \$4 million request of a bond. Before we end there, I need to tell you what was brought to Joint Buildings & Sites is that this facility will have a cost savings to the City after its first year in operation of \$12,500 for all Special Education costs. By the end of the second year, it will have a cost savings of a quarter of a million dollars; by the end of the fifth year it will be self-sustaining, it will pay for itself. It will be a revenue-based proposal for the bond and we haven't worked out those details yet with the City Finance Officer, but he has reviewed this proposal and he, I believe he agrees that our financials are solid and that from his perspective the numbers are very appealing to the City, it will be a savings to the

City, and it will be, I think for the first time ever, we're bringing to you a self-sustaining proposal. So, therefore, we would like for you to tell us that we can go out and negotiate.

Alderman Domaingue stated a question for the Finance Director if I may, your Honor. Mr. Clougherty, does this vote in fact bind the Board of Aldermen to bond \$4 million for this purpose no matter what the end result is.

Mr. Clougherty replied that is not my understanding, Alderman. My understanding is that they are looking for authorization to proceed to clarify a project to bring back to you. At that point, you would have to take a look at whether you want to do the project, you'd have to go through the authorization process for the bonds and the layover process and all that is associated with that. I think what they are looking for tonight is based on the information that's been provided there seems to be an opportunity here...paying a lot of money out-of-state and out-of-district for services. If there is some way that we can provide those services in the district to our own students as well as some of the other neighborhoods around us, we might be able to come up with something over a few years that would produce enough revenues to make this thing self-sufficient and if you can do that that is going to help relieve some of the pressure on the School budget to allow for some other things to happen and that seems to be a worthwhile endeavor to take to the next level. But, the next level involves us getting much more involved staff wise with some running of numbers with perhaps a financial advisor and before we go through that investment we want to make sure that the Board is in fact interested in pursuing something of this magnitude. From the Finance Officer's standpoint we have reviewed the numbers that have been given to us by the School Department, we think that for the most part they are accurate. As we move forward we'd refine those a little bit more, but we think that it certainly has some appeal and should be further considered.

Alderman Soucy stated first, let me begin by saying that I would certainly welcome having that type of a facility at Lake Shore Hospital considering some of the other uses that have been bandied about for that particular facility. We would certainly welcome, definitely welcome a school in the area. I know that the neighbors would. I do have a couple of concerns though, Mark, and I hope you can address them. One, is that that building presently has an option that a Mr. Clancy from New Jersey purchased. He wants to use that facility as a drug rehabilitation facility, he's paying for a monthly option, he has until July 31st, he is on automatic renewal, he has a right of first refusal on the property, he's pursuing it through the ZBA and has said if he has to go to court...he's very, very, very adamant about acquiring this building. It's my understanding that in order for the City to purchase it, we would have to outbid him in that price and given the cost of rehabilitating the facility and attempting to outbid what is probably a \$3.5 million offer on the building already, how can we accomplish that and will \$4 million be enough to do that.

Mr. Hobson replied that's a good question. The reason for the wording of our proposal to the Board of Mayor and Aldermen is because we are looking for parameters and the situation with

Mr. Clancy and we have met with Mr. Clancy and his attorneys and we've discussed our needs and I think he understands what our needs are, however, you're right. He's adamant about buying trying to buy the facility. The actual issue with Mr. Clancy is that if the School Department makes a bid of let's say \$3.3 million, Mr. Clancy can then as you say "right of first refusal" make another bid and then if I understand the way his purchase and sale is established he then must buy the building within a time certain. So, in other words he makes the bid and then he closes on the deal. So, if that happens obviously that leaves us in a situation where we have no other alternative site for our alternative school. So, we have been looking at alternative proposals that we'd like to hold a little close to our vest right now in terms of the public and we have shared some of that information with folks within the Planning Department. We do have some other ideas in mind, but Lake Shore is very attractive to us as a facility. It has 68,000 square feet, it was built to do a number of the things we want to do. Next year's budget is built around the fact that we need an alternative program for children who have special behavioral needs, children that have special physical needs.

Alderman Soucy stated so if there is an opportunity still to purchase this property and for whatever reason because of increasing a bid price to \$4.5 million or whatever the concept may be, you'll then be able to approach the Board and we can make that determination then when you submit a final proposal perhaps on this property.

Mr. Hobson stated the way we have run our numbers now with Kevin, we've looked at certain bond rates and time periods, debt service, etc.

Alderman Soucy stated I just don't want that to be a ceiling in case because I realize that we are competing against a private business obviously.

Mr. Clougherty stated the numbers that we have, Alderman, are not necessarily site specific, they are really conceptual, other types of scenarios and you were able to change these things and these savings and these numbers will be generated on a couple of different areas, but once you've figured in on one site then you're going to have to do some more work and I think that is what Mark is asking for to pursue that. We ought to be able to bring something a little bit more concrete back to the Board.

Alderman Elise stated I'd like to encourage the Aldermen to support this proposal. As everybody knows, Special Education is a very big part of the School budget and it's growing every day. It's not just a problem that the City of Manchester has, it's a problem throughout the State and we need to look at how we are delivering our services and the cost of those services to continue to provide services at a reasonable cost. Many students do go out-of-state, it is very expensive to send students out-of-state, the transportation alone is almost as expensive and to think of keeping our students here in Manchester is really a comforting thought to a lot of parents. The surrounding communities have the same costs. If we're able to offer services to students in Manchester and the surrounding communities can participate, everybody's better off.

So, looking into that proposal, I think would be a very good thing and if we come up with a package that can suit everybody's need and meet our financial costs, I'd definitely support this.

Alderman Domaingue moved to accept the report of the Committee. Alderman Clancy duly seconded the motion. There being none opposed, the motion carried.

**Report of the Committee on Personnel/Insurance**

**AU.** Advising that it has approved actions taken on agenda PC 6-97.

Alderman Reiniger in reference to the last item of PC 6-97 Police - approved to hire retired Police Officers on a temporary basis, to support work requirements - I'm going to ask the Police Chief if he is here to come to the microphone, at the last Personnel Committee meeting in discussing this issue which you proposed, Alderman Cashin brought up this one reason this may be a good thing to help his problem in Ward 10 at the Colosseum and what I would also like to know is if this would make available more police officers to walk on foot on Elm Street in the Downtown.

Chief Driscoll replied I can't tell you how the officers would be deployed, but what I would tell you is that this is something that is being done nationwide. The City of Manchester has a policy that they cannot hire retirees. On November 26th, I sent a letter to the Personnel Committee asking that they review that policy and for whatever reason that was not well-received at that time and perhaps I didn't explain it well enough. The issue of hiring retired police officers on a part-time basis to fulfill positions that are presently being staffed by full-time police officers would definitely free up those police officers to be used in the community in a variety of functions. I made no commitment. We initially thought they might be used at the front counter and in the cell block, but certainly it would make more manpower available and be a very good cost-effective way to deploy our people.

Alderman Reiniger stated having foot police in the Downtown would be a contemplated use at some point.

Chief Driscoll replied certainly.

Alderman Pariseau asked what would be the rate of pay for these retirees.

Chief Driscoll replied we had talked about something in the area of \$10.00 to \$13.00 an hour, it would be significantly less, there would be no benefits. I believe it's a good deal.

Alderman Pariseau stated it wouldn't be at their retirement pay.

Chief Driscoll replied absolutely not. It would be at significant savings to the City, there would be no retirement contribution, there would be no benefits. I had sent out to a couple of the Aldermen and I would be pleased to...a couple who particularly questioned me on it at that

time...I found an article from Albuquerque, New Mexico in the Law Enforcement Journal in which they do it, they spoke very highly of it and I said that I would be pleased to send that out to all of the Aldermen, so that you could review it if you'd like. I think it's a win/win for everybody.

Alderman Hirschmann stated I have two concerns, two questions. Number one, when I read this it said "hire retired Police officers on a temporary basis", but it doesn't say certified. Are they going to keep their certifications up.

Chief Driscoll replied they would not be acting as a sworn officer, they would be doing something other than that in the building, perhaps working at the front counter, working on the switchboard, working in our cell block, something like that. It would not require law enforcement authority. Other officers would be displaced and be out in the community.

Alderman Hirschmann asked have you defined the positions, what they are.

Chief Driscoll replied not at this time. I was just looking for a good feeling and support from the Aldermen on this issue and certainly before we progressed at all, we would come back before you and tell you this is specifically what we want to do.

Alderman Hirschmann stated the only other question or concern I would have with this is with the Solicitor, with any collective bargaining, if this comes into any collective bargaining issues.

Mayor Wieczorek stated there is no benefits.

Assistant Solicitor Arnold stated I would not think so, but quite frankly I'd have to review the applicable collective bargaining unit agreements before I could you a definitive opinion and perhaps the Chief Negotiator would be the better person to direct that to.

Chief Driscoll stated when we have, in fact, and I don't even know if this is a word, but "civilianized" positions that have been held by Police officers in the past, we have generally gone to the union and they have been very supportive as a result of their general positions that they are not real interested in anyway, they'd rather be out on the street doing what they believe a Police officer does.

Alderman Cashin stated the major reason I supported them, I brought it in at the Personnel Committee meeting was called to my attention that you had 15 vacancies, is that true.

Chief Driscoll replied I don't think we have 15, I think we have about 12 and within a very short time on July 7th we'll fill a great majority of those vacancies.

Alderman Cashin stated I just thought this would be a stop gap to fill those positions, at least giving you an opportunity to go out and hire and also take the Policemen that are presently on telephones and radio and put them out on the streets and I thought that made a lot of sense.

Chief Driscoll stated that is the key issue right there and I'd like to send you all around that magazine article, I think you'd enjoy reading it and it really emphasizes the positive attributes.

Mayor Wieczorek stated I think if you would forward that to the City Clerk, the City Clerk will see that each Alderman receives a copy.

Alderman Domaingue stated I know that as a member of that Committee, I am in full agreement with Alderman Cashin. My constituents and I am sure all of our constituents have been talking for years about getting more Police officers out on the street and this will enable the Police Department to do that and that is why we have been supportive of it.

Alderman Shea asked the temporary, is that 20 hours a week.

Chief Driscoll replied I really haven't defined that, we were just looking for support of the concept in that the City has not allowed us to hire back a retiree or any department to hire back a retiree...20 or 30 hours, somewhere in that area.

Chief Driscoll asked might I ask the Board for their indulgence and back up for one second to that Curfew issue. I think that there was some uncomfortableness on the part of a number of the Aldermen relative to that. Perhaps I can explain that that is the same ordinance that has been on the books for many, many years. When the Clerk's Office sent the ordinances out to be reviewed, they identified that one...it used to say age 16...they suggested that it be changed to 18; that is the only change and perhaps Carol can support this if she knows, that is the only change in that ordinance at all. In fact, when we got it back and just looked at it recently it does say misdemeanor, that's unlawful as Tom said and can't be done. Both Aldermen Robert and Reiniger have submitted information relative to reviewing a curfew ordinance and we are presently looking at that, but I think you shouldn't be concerned what's on the books right now because we're taking a serious look at that and we will be back to see you within a very short time, if that's helpful.

Alderman Shea commented that nine o'clock is a pretty early hour for an 18 year old to be off the street; that is why I was a little bit concerned.

Chief Driscoll stated that has been on the books since the 50's, I think.

Alderman Shea stated things have changed since then.

Chief Driscoll stated we are going to review it at both the request of Aldermen Robert and Reiniger.

Alderman Shea stated that is what I would find objectionable.

Alderman Robert stated nine o'clock may seem early for 16 year olds, but when you have children under the age of 10 running around when the sun goes down, it's time to be indoors and that's why I...maybe you can offer them a little bit of latitude, a little bit of judgment in terms of what's appropriate and what's not. I deal with the situation and sometimes children get away from parents, sometimes parents don't even care, but the smaller ones have to be protected in my opinion.

Chief Driscoll stated there are also some constitutional articles that I believe the City Solicitor's Office is looking at at this moment.

Alderman Reiniger moved to accept the report of the Committee on Personnel. Alderman Cashin duly seconded the motion. There being none opposed, the motion carried.

**Report of Committee on Traffic/Public Safety**

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

Alderman Wihby stated every time there is this Traffic report there is always rescind and add and it looks like it's the same meters all the time. Are we just having complaints from people and changing them back and changing others or are they actually different meters. On the last page there are all of these rescinds and it seems like we've had them before, is it because we don't know what we are doing with the meters or what.

Deputy Clerk Johnson replied that recently the City adopted a different parking plan Downtown and in the process of that many meters had to be rescinded and we have done them in parcels according to when the meters were going to get installed, so that is part of why you are seeing a lot more rescinding and it's not necessarily the same meters. In some instances, it is because something else had come up and they had to put a loading zone in or whatever to address the problem for the business in the area, but there has been a lot more than average because of the new parking.

Alderman Wihby stated Traffic has a plan and those are the meters that were supposed to be changed and we're taking it little by little.

Deputy Clerk Johnson replied in the affirmative.

Alderman Wihby moved to accept the report of the Committee on Traffic. Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

**Warrant to be committed to the Tax Collector for collection under the Hand and Seal of the Board of Mayor and Aldermen.**

**AY.** Warrant for Collection of Sewer Charges in the amount of \$129,247,66

Alderman Wihby stated I pulled this item at the request of the Deputy City Clerk.

Deputy Clerk Johnson stated a handout was provided with abatements totaling \$3,244.09 and requested that a motion be made to commit as abated.

Alderman Wihby moved to commit as abated. Alderman Soucy duly seconded the motion. There being none opposed, the motion carried.

**H.** Communication from William Desrosiers submitting his resignation from the MTA Commission due to increased career responsibilities and responsibilities associated with his being a State Representative from Ward 9.

Alderman Pariseau moved that a letter be forwarded to Mr. Desrosiers accepting his resignation with regrets. Alderman Cashin duly seconded the motion. There being none opposed, the motion carried.

Confirmation of the nomination of Alderman Clancy to replace Alderman Hirschmann as a member of the Safety Review Board.

Mayor Wiczorek noted that the nomination of Alderman Clancy as a member of the Safety Review Board was for informational purposes only and did not require the confirmation of the full Board.

Confirmation of the nominations to the Board of Health as follows:  
Robert Courtois to succeed himself, term expiring July 1, 2000.  
Nicholas Skaperdas to succeed himself, term expiring July 1, 2000.

On motion of Alderman Wihby, duly seconded by Alderman Soucy, it was voted to confirm the nominations to the Board of Health as presented.

Confirmation of the nomination of Mark Hobson to fill the vacant position of Personnel Director.

Alderman Reiniger moved to confirm the nomination of Mark Hobson to fill the vacant position of Personnel Director. Alderman Domaingue duly seconded the motion.

Alderman Cashin stated I'm opposed, your Honor. I'm not opposed to Mark Hobson, I am opposed that Connie Roy never got an opportunity to apply for the position.

The motion carried with Alderman Cashin duly recorded in opposition.

Alderman Elise stated I am also not going to oppose this nomination. I recognize Mark Hobson is a very talented individual and he will do well for the City and I do recognize that this position has been vacant for a period of time and it is time to go on and it is time to actually bury the issue of Connie Czyzowski. Two years ago when the Mayor formed a task force to look into hiring a department head for this department, a task force was assigned to receive resumes and review the resumes and recommend the proper individual. The task force came up with one individual who subsequently decided not to take the position. The second person that the task force recommended was Connie Roy-Czyzowski. This issue was not taken forth and subsequently the department went for about two years without a department head. I do feel that in this particular case if Connie was in private sector she could have had a strong issue of discrimination based on sex. Connie has moved onto another position and hopefully she is doing well. She really had the City's best interests at heart and she did want to do more work in the City and I really regret her ability not to have taken on this position. If you look around how many department heads do we have that are women, how many women are presently sitting on our boards and commissions. No, I will not vote against Mark Hobson based on discrimination that was held against another City employee who did not want to take it anymore and decided to move on and I will support Mark Hobson, I think he is a very talented individual and I wish him luck in his position and he will receive my every cooperation.

Mayor Wieczorek stated, Mark, I don't want to lose anything in there, the nomination did pass and I want to congratulate you for now being the Director of Human Resources.

On motion of Alderman Robert, 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 \$90,000 for the 1998 CIP 5.10156 School Parking Lot Construction - Memorial High.”

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

“Amending the 1994 Community Improvement Program, authorizing and appropriating funds in the amount of \$107,980.00 for the 1994 7.10227 South Willow Street Area Improvements Project.”

“Amending the 1997 Community Improvement Program, authorizing and appropriating funds for the 1997 CIP 5.10252 Precourt Park Master Plan.”

“Amending the 1997 Community Improvement Program, authorizing and appropriating funds in the amount of \$34,500 for the 1997 CIP 7.10109 Hermit Road Improvement Project.”

“Amending the 1998 Community Improvement Program, authorizing and appropriating funds for various School Department Projects.”

“Amending the 1998 Community Improvement Program, authorizing and appropriating funds for the 1998 CIP 4.10127 Drug Task Force.”

ought to pass and be Enrolled.

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

Communication from the Public Works Director requesting authorization to enter into an Airspace Agreement to allow Granite State Packing to park motor vehicles under the easterly end of the Queen City Bridge; and further that the Mayor be authorized to execute this agreement on behalf of the City.

On motion of Alderman Wihby, duly seconded by Alderman Reiniger, it was voted to authorize the Public Works Director to enter into an Airspace Agreement with Granite State Packing; and further that the Mayor execute the agreement on behalf of the City.

Bond Resolutions:

“Authorizing Bonds, Notes or Lease Purchases in the amount of \$4,500,000 for the 1998 CIP 3.30519 Middle School Program.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of \$60,000 for the 1998 CIP 4.20320 Somerville Street Station Renovations (Design).”

“Authorizing Bonds, Notes or Lease Purchases in the amount of \$870,000 for the 1998 CIP 4.30208 800 MHz Trunking.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of \$300,000 for the 1998 CIP 5.10155 School/Park Improvement Projects.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of

\$100,000 for the 1998 CIP 5.10176 West Memorial Field Improvements.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of \$500,000 for the 1998 CIP 5.10258 Livingston Park Capital Improvements.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of \$1,210,000 for the 1998 CIP 7.10103 Annual Right of Way Reconstruction.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of \$290,000 for the 1998 CIP 7.10114 Notre Dame Bridge Reconstruction.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of \$116,000 for the 1998 CIP 7.10115 Bridge Rehabilitation Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of \$745,000 for the 1998 CIP 7.10215 Annual Parking Facilities Maintenance Program.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of \$90,000 for the 1998 CIP 7.50101B Sidewalk Construction/50/50 Program.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of \$800,000 for the 1998 CIP 8.20128 City Computer System Upgrade/ Network.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of \$100,000 for the 1998 CIP 8.20410 Motorized Equipment Replacement.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of \$75,000 for the 1998 CIP 8.30305 Library Renovations.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of \$350,000 for the 1998 CIP 8.30340A City Hall and Annex Renovations.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of \$450,000 for the 1998 CIP 8.30340B City Hall Restoration.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of \$1,800,000 for the 1998 CIP 8.30354 School Capital Improvement Program.”

Alderman Shea moved to dispense with the readings by titles of the Bond Resolutions.

Alderman Sysyn duly seconded the motion. There being none opposed, the motion carried.

Alderman Clancy moved that the Bond Resolutions pass and be enrolled. Alderman Pariseau duly seconded the motion. The motion carried with Alderman Reiniger duly recorded in opposition to the 1998 CIP 3.30519 Middle School Program Bond Resolution.

Resolutions:

“Amending the 1994 Community Improvement Program, authorizing and appropriating funds in the amount of \$107,980.00 for the 1994 7.10227 South Willow Street Area Improvements Project.”

“Amending the 1997 Community Improvement Program, authorizing and appropriating funds for the 1997 CIP 5.10252 Precourt Park Master Plan.”

“Amending the 1997 Community Improvement Program, authorizing and appropriating funds in the amount of \$34,500 for the 1997 CIP 7.10109 Hermit Road Improvement Project.”

“Amending the 1998 Community Improvement Program, authorizing and appropriating funds for various School Department Projects.”

“Amending the 1998 Community Improvement Program, authorizing and appropriating funds for the 1998 CIP 4.10127 Drug Task Force.”

On motion of Alderman Soucy, duly seconded by Alderman Clancy, it was voted to dispense with the readings by titles of the Resolutions.

On motion of Alderman Soucy, duly seconded by Alderman Sysyn, it was voted that the Resolutions pass and be Enrolled.

Discussion of nominations to Conduct Board created by new Charter.

Mayor Wieczorek stated as this reads now, there is going to be suggested terms on here. There will be five regular members and two alternates and will have staggered terms. So, the first one will be expiring in one year, we'll have an alternate and a regular member who have a one-year term, we will have two regular members who will have two-year terms and we will have a regular member and an alternate who will have a three-year term. Now, no more than three people can serve from the same political party. One member must be a former Aldermen.

Alderman Pariseau asked why are we saying that when everything is non-partisan, we just had a discussion here.

Assistant Solicitor Arnold replied it is provided for in the Charter.

Mayor Wieczorek continued by stating that membership is limited to six consecutive years with two members and one alternate being appointed by the Mayor and confirmed by a majority of the Board of Mayor and Aldermen. Two members and one alternate to be appointed by the Board of Aldermen with eight votes being required. So this, I think, is pretty serious business and I hope that everybody will think about who they would like to appoint to this Board and when we get to the next meeting that we will have some nominations that we can put on the table.

Alderman Wihby asked who picks the former Alderman, is that not on here or is that one of the six.

Mayor Wieczorek replied the member that is on here that nobody is going to pick is the City Solicitor, he is automatically on here. Tom, who will pick the former Alderman.

Assistant Solicitor Arnold replied the Charter doesn't provide, it just says that one of the regular members must be a former Alderman.

Mayor Wieczorek stated I don't want this to get unnecessarily complicated. I think that this is something we can work out regarding the nominations that we have, but think about who can

serve because this is going to be an important post and we want to make sure that we are going to get people that we feel are going to be able to do what has to be done with this Board.

Mayor Wiczorek presented the following nomination:

**Municipal Records Committee**

Alderman Robert Pariseau, effective immediately, per RSA 33-A:3.

**Planning Board:**

Daniel Goonan to succeed himself, term to expire May 1, 2000.

**Parks, Recreation & Cemetery Commission:**

Mike Lopez to succeed himself, term to expire July 7, 1998.

Michael Allen to succeed himself, term to expire July 7, 1999.

**Airport Authority:**

Robert Carr to succeed Robert Early, term to expire March 1, 2000.

Mayor Wiczorek stated Mr. Carr is the nomination brought forth by the Town of Londonderry.

As per the rules of the Board, these nominations will lay over until the next meeting of the Board.

Alderman Pariseau asked would it be appropriate to suspend the rules in the case of Robert Carr from Londonderry and confirm him this evening, your Honor. Londonderry has appointed him to be a member of the Airport Authority.

Mayor Wiczorek replied frankly, I'm not always too keen on suspending rules unless there is something absolutely vital and I haven't heard anything from the Airport Authority indicating that they have any problem with running the Airport Authority.

Alderman Clancy stated I understand Mr. Early moved to Hooksett, New Hampshire.

Mayor Wiczorek replied, I think you're right and when a person moves from the Airport Authority at least, you've indicated that that is a resignation. But, we wanted to hold that over until July 1st so that there would be a three-year term because prior to that they were five-year terms on the Airport Authority, now they will all be three-year terms.

Alderman Soucy asked do you think that before the next meeting we could get some clarification from the Solicitor's Office about Mr. Lopez' term. I'm trying to rationalize this. Because he was a holdover for two years, you're saying that the first two years of his term are used up because he was sitting there, but wasn't his term for a longer duration of time, they were three years before.

Mayor Wieczorek replied they are three-year terms.

Alderman Wihby asked is this then one year for him or three years.

Mayor Wieczorek replied he will be completing three years, he's served two already.

Alderman Wihby asked does it count.

Mayor Wieczorek replied of course it counts. Under the new Charter, I'm assuming that you can go either way, is that right.

Assistant Solicitor Arnold replied I would need to look to be sure.

Alderman Wihby stated I thought we said at the public hearing, it was going to be that today you were nominating him, so today would be his first day.

Alderman Soucy stated I guess that is what I am not clear on, maybe if they could just review it and come back.

Mayor Wieczorek stated it isn't going to be the first day because you have people that are serving terms right now and what they are doing is completing their regular terms.

Alderman Pariseau stated so in the case of Mike Lopez you are nominating him to a one-year term and if whoever was there wanted to nominate him again, it would be a total of four years rather than six.

Mayor Wieczorek replied now, that's right. Say, we didn't do anything with him and nominated someone from the outside he would have served two years of a three-year term as a holdover.

Alderman Cashin stated on the other side of this coin, your Honor, let's assume that he stayed there as a holdover for another year, then would he be entitled to two three-year terms.

Mayor Wieczorek replied he cannot stay as a holdover, I have 90 days.

**NEW BUSINESS**

Mayor Wieczorek stated I would like to have Kevin explain the new financial system for the City which went on-line today. Now, there are a couple of things we want to make sure that people understand that there could be a few complications that we might run into as we make this transition and I'd like to have Kevin cover that briefly.

Mr. Clougherty stated what I'd like is the checks that will go out to the employees on Thursday will be the first ones that will be coming off the new payroll system. What I'd like to do is include a letter that could be attached to each employee's check to inform them of that, tell them to take particular attention to look at their check and make sure it's accurate because we want to make sure that we catch any mistakes early and rectify them. We also want to make sure that the employee's know that the checks that will be coming out a week from this Thursday are the ones that will be including a lot of the negotiated contract settlements and for that reason they should be aware of that and if they see increases, it's not as a result of the system, but to just stand on guard for the next month when direct deposits and things are coming into their departments. So, if they are our mistakes to let us know as we are not trying to do anything other than to get the system up and running, but it's a massive undertaking. The City of Manchester is about the fifth largest employer in the State with about three thousand W-2's we're talking about. Trying to put everybody on one system there is no question that there will be glitches and we just want to make sure that people catch them as soon as possible, so that we can help to rectify any problems that they may have and if the Board would allow us to do a memo like that, I would appreciate it.

On motion of Alderman Domaingue, duly seconded by Alderman Shea, it was voted to allow the Finance Department to include the requested memos with the City employee's payroll checks.

Alderman Robert stated under the Charter Section 3.0.7 there is a paragraph 3.0.1 that says that the Board of Mayor and Aldermen now appoints the Chairman of the Board of Assessors and with that perspective in mind, I guess we now have a duty to appoint that Chairmanship and moved to nominate Steven Tellier as Chairman of the Board of Assessors. Alderman Wibby duly seconded the motion.

Alderman Reiniger asked has Mr. Porter been consulted, is this part of a prearranged deal or is this just coming up now. He's shrugging his shoulders, I don't know. Is this a surprise for Mr. Porter tonight.

Mayor Wieczorek replied, I have no idea.

Alderman Soucy stated he is shaking his head yes.

Alderman Robert stated if the Board wishes to table it to give it some thought, that's fine. But, as the new Charter states, we can do this and I am bringing it up.

Alderman Pariseau moved to table the nomination of Steven Tellier as Chairman of the Board of Assessors. Alderman Reiniger duly seconded the motion.

Alderman Robert stated the Board is also welcomed to make other nominations.

Alderman Wihby stated this isn't a surprise. We've talked about swapping chairmanships in the past. The last time when Paul came up that was one of the arguments that he had had it before and should he have it again. So, this isn't something new that the Board has also considered. They've always alternated actually, in the past. I think that because of the Charter he went an extra year, but in the past they've always alternated and I don't see why we have to do anything different today. We can do it, it's not that it's a surprise to anybody.

Mayor Wieczorek stated there's a motion on the floor to table this.

Alderman Domaingue stated isn't it a fact that if a motion to table were to include a time certain that that would give the Assessors an opportunity to have a discussion amongst themselves, so would it be possible that the tabling could be time certain till the next meeting.

Mayor Wieczorek stated the next meeting would be August 5th.

Alderman Pariseau stated I really don't think we should get involved. I think the Assessors have had a good working relationship where they alternated chairmanships annually, I thought it was...unless there is a problem in the Assessor's Office, I don't know.

Mayor Wieczorek stated there is a motion on the floor to table the nomination until the next meeting on August 5th. There being none opposed, the motion carried.

Alderman Domaingue stated I believe, your Honor, you have a petition in your hand which was previously raised in the public forum relative to the Board of Mayor and Aldermen signing on regarding the Airport Access Road. As the Board knows both Representative Vaillancourt and I both represent Ward 8, he on the State level and I here at the City currently, but for nearly eight years also on the State level. He's asked you tonight as a Board to sign onto this petition and this petition specifically references the Department of Transportation's current proposal. I think before anyone on this Board signs it and I won't tell you whether or not you should, I'll simply give you this information. I have in my possession petitions from people who live in that area, who have some serious problems with the proposal that has been brought before them by the Department of Transportation. They feel strongly that the Department needs to hear from them

on modifications they would like to see to this proposal and it's only reasonable, your Honor, that we as the local Board would allow that process to develop rather than act as a bureaucracy usurping the power and the voice of the people who actually are going to be impacted by this proposal. So, I would ask this Board before we take any action on this particular petition we allow those people who have signed petitions to the Department of Transportation to follow the process and allow them to consult with them.

Mayor Wieczorek asked are you going to notify Representative Vaillancourt that this is what you'd like to do, it's your Ward.

Alderman Domaingue replied I would be more than happy to notify him that I would and moved to table any motion on this particular petition until those people have had an opportunity to speak with the Department of Transportation. Alderman Pariseau duly seconded the motion. There being none opposed, the motion carried.

Alderman Cashin stated, your Honor, I've asked the City Solicitor to write up a new ordinance and I believe the City Clerk has it and I'd like to ask that they pass it out. It's simply an ordinance giving the City of Manchester more enforcement powers and you're all aware of the situation that has been going on over the last seven or eight days over on the west side and I'm going to ask this Board tonight to act on this motion this evening. The City Solicitor is here and he will go into detail, if necessary. The Chief of Police is here and I'm sure he will be more than happy to talk to you about it.

Alderman Pariseau duly seconded the motion.

Mayor Wieczorek asked is there any discussion from the Aldermen regarding this ordinance.

Alderman Sysyn asked can we have Mr. Arnold explain it to us.

Assistant Solicitor Arnold stated this ordinance basically does two things. The office was approached by Alderman Cashin relative to amending the present ordinance which I will get to in a minute. But, as we were performing that task we discovered a few technical and drafting errors in the prior amendment to the ordinance, so we've taken care of those too. But, in the way of substance, what we have done is in Section 110.26 Compliance with Title we have added basically three grounds for which a license could be revoked. I know that your documents contain two of them, maybe not the third. First, is that a license could be revoked for a violation of any condition or restriction placed on that license pursuant to ordinance Section 110.02 (c). Second, a license could be revoked for a business or activity which creates a nuisance as defined by that last section which I just cited and third, is that a license could be revoked for a business or activity which endangers the public health, safety or welfare. In addition to that, the other substantive change that was placed in the document is Section 110.27 Hearing which sets forth

the process by which the City revokes a license. Basically, what was added was Section (c) which provides that if the business or activity creates a danger to the public, health, welfare or safety and that danger is immediate that the license could be revoked pending the process set forth in that section (a).

Alderman Wihby stated, Tom, we all understand what is going on over there and some of the concern is that these people go down the street, party in someone else's yard and it's not in the building, but it's somewhere else. Would something like this take care of that.

Assistant Solicitor Arnold replied if you look at Section 110.02 (c) there is language in there as to a nuisance which provides and let me find it for you..."such nuisance does not have to emanate from the licensed activity itself, but includes any nuisance from patrons as well as employees." So, I think that it would hopefully cover that situation, yes.

Alderman Wihby asked is that something new or was that always there.

Assistant Solicitor Arnold replied that was in the prior amendment to this ordinance.

Alderman Robert asked, Tom, is this going to conflict with any State regulation or are we going to run into problems with the State on this.

Assistant Solicitor Arnold replied not that I am aware of. This particular amendment to the ordinance was designed not to conflict with the liquor statutes which I think is what you are probably referring to and what led to the prior court challenge which is now before the Supreme Court awaiting decision.

Alderman Robert stated I am just saying that because I am very frustrated because it's not just the Colosseum, there's other problems throughout the City where activities that go on in clubs like this spill out into residential neighborhoods. I don't know why I'm a bit frustrated but the State won't let us deal with it adequately. I see this as maybe a step in the right direction but I really don't see why we can't have more help from the State in dealing with this. Could we...it's got to go through the legislative process, we have a new Governor, I guess what I'm asking is can we get some help from the State in dealing with our problems like this.

Alderman Cashin stated to answer Alderman Robert's question...we did meet with the Liquor Commission and they were extremely helpful. They haven't made any decisions but they were very attentive, they did listen and I am confident that at least they are going to look into what can be done. To answer your question, you could talk to the delegation, I suppose, to submit new legislation if that was the will of the Board, but this tonight is important, it's got to be done now and I don't want...the Chief is here and I'm sure he can speak for himself, but here's what he told me this morning...he's afraid somebody's going to get killed down there unless we do

something and that's how bad it is. I don't want to get melodramatic here, but that is how serious this is.

Alderman Sysyn stated you've got gangs coming in from out-of-town.

Alderman Clancy stated from what I understand most of the problems are not within the Colosseum, they're on the outside and I also understand that those people may leave the nightclub over there, they go down to where Applebee's, the shopping mall down there and buy coffee, Subway and sandwiches which is where they congregate before they go back to Massachusetts, I was told. Now, if they have enough Police patrol over there or something, I don't know what the story is, I may ask Alderman Cashin or the Police Chief if you had to meet with the owners of the Colosseum, did you try to work these things out with them.

Alderman Cashin replied we have met at least, I have met, at least three times with them. I met with them as early as today.

Alderman Clancy asked did you have proposals back-and-forth.

Alderman Cashin replied yes. We've had open discussion, yes.

Alderman Clancy stated then tell us about it, Alderman.

Alderman Cashin stated they're making all kinds of promises today, but they've made them in the past. Alderman, I'm sorry, but I just don't have any faith in what they're telling me. They're credibility to me is certainly questionable at this point in time. Now, you say that it's a problem that spills out into the neighborhood.

Alderman Clancy asked is that true or not.

Alderman Cashin stated the problem...again, the Chief is here and I'll let him speak to that, if you want to. But, remember this. Last week I had 22 Police officers on Second Street, okay; that means that every one of your wards had no protection, so it's no longer just my problem, Ladies and Gentlemen, it's our problem and we have to address it.

Mayor Wiczorek stated one of the major factors in *Money* magazine's article in determining which cities were the best cities in this country had to do with crime and the last thing in the world we want would be to have crime run rampant in our community because we're not willing to be heading back to 296 like we were in 1991, but we would like to be moving forward to number one and I think in order to do that we are going to have to continue to keep our hand right on it and I know that a lot of these problems emanate right from that immediate area and they spill over into other areas of the City and, Chief, I would like to have you, at least, address to this Board why you feel that this is important because these are problems that I think the City

of Manchester could do without and I would like to at least hear from you and explain to the Board why you're feelings are as strong as they are because I know you have very strong feelings about it.

Chief Driscoll stated yes, your Honor, I do. At quarter of five on Friday morning, my phone rang at home, I got up and spoke with the Shift Commander and he said I'd better brief you on something that has occurred a short time ago. As Alderman Cashin said we dispatched over twenty police officers to the area of Second Street relative to what was described as a near riot, they could not handle the situation, they assumed a defensive mode only, there was in fact a stabbing. An individual was taken in critical condition to the Elliot Hospital, he is thankfully safe and recovering at this time. For probably the last six weeks things have been escalating now. I'm not sure why whether it's the warm weather and more people traveling here from Massachusetts, but things have been escalating. We went to the Liquor Commission on May 23rd and expressed our deep concerns relative to what was going on. We met with Aiden Moore their Chief, we asked for his support and since that time more recently in the last seven days prior to last Thursday there were three incidents in which individuals were stabbed. I won't tell you that all of them happened at the Colosseum nightclub, but I will tell you that they were all directly related to the patrons of the Colosseum. There are businesses in that area that close down, there are 24-hour-a-day businesses in that area that close down as a result of the influx of the people coming out of there. They're capacity is 579 people and oftentimes those people are all turned out into the community in the wee hours. There are people that are from Manchester and from out-of-town and from out-of-state and for whatever reason those groups don't get along we are very often challenged to the fullest extent of our capabilities. We are, as you folks know the largest Police agency in the State and when I tell you and I go and tell the folks at the Liquor Commission that we need their help, we need your help. We have a situation over there that is very, very difficult to control, there is not a good answer. We made some suggestions to the Liquor Commission, I wrote them a letter and it was signed by the Mayor's Office, it was signed by Alderman Cashin, it was signed by the Chairman of the Police Commission and it was signed by myself asking them to revoke the license of the Colosseum nightclub. They have not acted on that at this time, there are only two Commissioners there, it wasn't an official meeting, but we are very concerned about that and we met with the Colosseum today. I strongly urge you to support the ordinance submitted by Alderman Cashin to this Board along with the Police Department, along with the Liquor Commission needs to do something. If we don't, we will have a death there.

Mayor Wieczorek stated I think that all of us would like to see businesses in our community flourish, but I don't think we want to be bringing businesses in here that are going to bring shame to the community nor do I think that we should have to utilize all of the manpower that's available to take care of a business where they have a lot of unruly patrons and I would urge this Board to very strongly support the action that is being taken tonight. Maybe, it isn't going to be enough, but it is going to be a message that we're going to persist in this until we get this cleaned up.

Chief Driscoll stated, your Honor, if you remember we came before the Committee on Administration two years ago with a similar scenario and asked that action be taken, action wasn't taken at that time and this is not a new situation. We reviewed with the Liquor Commission the last six month's activities there and it is significant, it is absolutely significant.

Alderman Domaingue stated I have no doubt that at some point someone is going to want to challenge this, but what I see, what I hear tonight is Alderman Cashin is asking for our support. Today, it's Ward 10, tomorrow it could be Ward 5, Ward 8, any one of the wards and if we don't stand unified now for this City and its residents and its businesses against this kind of activity, it isn't going to help our future and I totally intend to support Alderman Cashin in this effort.

Mayor Wieczorek stated I think either these folks and businesses are going to run this community or this community is going to regulate the businesses and I think we are all very proud of what we've accomplished here and we want to continue on that same road.

Alderman Cashin moved to suspend the rules. Alderman Robert duly seconded the motion.

Alderman Reiniger stated I don't think anybody here can disagree with the intent of this and I certainly commend Alderman Cashin for his tireless efforts with this issue. I think the question before the Board here is does this address the issue, this is the first time I've seen it and just going through it maybe after some of the questions it will be clear that it does address this issue, but I notice that there is no reference to bars or liquor serving establishments, were those some of the terms that were dropped in your edits.

Assistant Solicitor Arnold replied no, what we sought to do was to amend the ordinances to other types of licenses since basically the liquor license ordinance which was enacted was challenged in Superior Court and overturned, it was appealed to the Supreme Court as you know and we are presently awaiting a decision on that and I didn't want to be in a position where it appeared that we were again trying to regulate liquor serving or selling establishments to prevent any argument that we were either violating an injunction that is in place or subject ourselves again to arguments that that type of regulation is preempted.

Alderman Reiniger stated it's just that there is a long list that talks about a business license shall be required for butchers, petty grocers, hucksters, peddlers, barter of junk, pawn brokers, arcades, dance halls, dances...does this establishment have a business license and under which category.

Deputy Clerk Johnson replied that the establishment does currently hold a license from the City Clerk's Office, it has to under our entertainment clauses. My understanding of the rewrite of the section and I've reviewed it also is that in essence we are amending our business license section, we're not touching the bar license or so-called bar license ordinance for obvious reasons. We have the authority to issue licenses, we also under this would have the authority to revoke the license under certain conditions.

Alderman Reiniger asked do they have a Sunday license.

Deputy Clerk Johnson replied I believe they are opened on Sundays and have a Sunday license.

Alderman Reiniger asked so what happens if a problem happens on a Friday.

Deputy Clerk Johnson replied they have an entertainment license which we would revoke, it's basically aimed toward that license.

Alderman Reiniger stated I guess a legal issue then is how does that interact with the bar license and that whole issue on preemption when you have liquor serving establishments...now, are you saying that if there is a dance floor then we can regulate it, but if there is no dance floor we can't regulate it even though both serve liquor.

Assistant Solicitor Arnold replied we can certainly regulate dance halls and I know that this particular establishment holds a license for a dance hall, they hold the license for Sunday activities and they hold the license for amusement devices.

Mayor Wiczorek asked, Alderman Reiniger, any more questions.

Alderman Reiniger stated I guess I just want to be clear because maybe there's more establishments in other areas of the City that should have entertainment licenses which we can go after and I guess...

Alderman Clancy asked who are you referring to.

Alderman Reiniger replied, I don't know how many other bars have dance floors maybe we can require them to have a business license under this category because we have the issue with the bar licensing that's up at the State Supreme Court that's unresolved. What point does it become subject to an entertainment license versus just being a bar or is it unclear.

Assistant Solicitor Arnold stated if they are licensed under the City ordinances or an activity such as amusement devices, dance hall or any of the other types of activities that we regulate then this particular modification to the ordinance would allow that license to be revoked, whatever that license is.

Alderman Clancy asked under what statute, under what terms.

Assistant Solicitor Arnold replied the violations are set forth in the amendment to the ordinance that you have in front of you, but essentially what we're doing here is setting forth the grounds on which a license which the City has the authority and the power to grant can be revoked.

Alderman Reiniger asked what is the definition of an entertainment places of assembly, what is the exact definition.

Assistant Solicitor Arnold replied there are a number of definitions and a number of different activities that are regulated under the ordinances.

Alderman Reiniger stated and the question is what are they. I want to know if there are other bars throughout the City that should be getting this license...this is a well-known problem throughout the City, it's not just the Colosseum as other Aldermen have mentioned and I would hope that the City would be as aggressive with all the other bars too. We're getting this...I wished we'd had this prior to the meeting, so we could read this over carefully. This is a technical legal document.

Alderman Cashin stated, Alderman Reiniger, I wish you had had it too before, but I just couldn't get it here in time, okay. Now, to go along with what you are suggesting...that this does pass then why can't we look into licensing other places so that they will come under this license, this ordinance.

Alderman Reiniger stated why don't we do it right, all at once, that's my point.

Alderman Cashin stated the problem is immediate. Now, if you want to add to this later, amend later that's fine I have no problem with that. But, this evening, I would ask that this Board pass this.

Mayor Wiczorek stated I think the Police Chief has indicated the urgency of this particular matter, so I would hope that the Board will pass this and then whatever adjustments you want to make to it, we will make.

Alderman Clancy stated if we do pass this this evening, say it does pass does that mean that the Colosseum is going to be closed or is it just a couple of laws, stricter laws into the ordinance.

Mayor Wieczorek replied I don't think you can just go in tomorrow and close the place.

Alderman Cashin stated I don't mean it's going to be closed, it gives you more ability to look at it, yes.

Alderman Robert stated I want to support Alderman Cashin's proposal this evening. He wants to get it done and get it done quickly. Not so much to pull something over the eyes of this Board, but the folks down there are a tough bunch of people and I feel that it is necessary for this Board to show these people that we as a City mean business, that the goings on down there have to stop at some point and I think quick action by this Board could do that.

Mayor Wieczorek stated I agree.

Alderman Shea stated I think Alderman Reiniger was referring to a problem that occurred or was going to occur in Ward 7. People came in for a permit to do something which really was going to change the whole context of that club and I think that it was fortunate that we were able, working together with the Police Department as well as with the Zoning Board to make that person who took over the ownership accountable and I think that it's very important for the whole City, not only for ward 10, but for the other parts of the City to really stand behind this in order to make sure that we sent a clear message to the community that we want a safe community for our residents and we're not against business but we want them to operate within the context of reasonableness and if we don't do that we're going to have...we've already had serious problems...we're going to have problems that are going to be insurmountable after a while, so that is why I think this is a very sound first step.

Mayor Wieczorek advised there was a motion on the floor to suspend the rules.

Deputy Clerk Johnson stated I would like to clarify for the record it is my understanding he motion on the floor is to suspend the rules, to place the ordinance on its third and final reading by title only at this time without referral to the Committee on Bills on Second Reading and without referral to the Committee on Enrollment.

Alderman Cashin and Alderman Robert concurred this to be their motion.

Mayor Wieczorek asked did everyone understand that.

Members of the Board acknowledged they did.

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

The ordinance was presented as follows:

“An Ordinance amending Ordinance Section 110.02 Business License Required.”

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

This Ordinance having had its third and final reading by title only, Alderman Cashin moved on passing same to be Ordained. Alderman Robert duly seconded the motion. There being none opposed the motion carried.

Communication from Brooks McQuade requesting to increase the parking spaces used by Downtown businesses in the Middle Street Parking Lot from 17 to 34 spaces.  
(Note: Communications from McQuade’s Associates and The Insurance Exchange in support of this request also submitted.)

On motion of Alderman Domaingue, duly seconded by Alderman Robert, it was voted that the communications be referred to the Committee on Traffic/Public Safety.

Communication from William Laberge requesting to purchase property on Tarrytown Road adjacent to Billy’s Sports Bar.

On motion of Alderman Domaingue, duly seconded by Alderman Clancy, it was voted that the communication be referred to the Committee on Community Improvement Program.

Deputy Clerk Johnson stated that the Committee on Traffic at its last meeting considered a request regarding the parking meters Downtown, there are problems with patrons utilizing them and as a result of that the Committee has submitted a Traffic Committee report which was only prepared at five o’clock tonight. The report submitted rescinds all references to minimum hours for metered parking by replacing ten hours parking 8:00 AM to 6:00 PM 2-hour minimum to merely parking 10 hours 8:00 AM to 6:00 PM; it also removes the 50 cents per hour charge and places it instead at 25 cents per 30 minutes. She noted in essence it was a lateral change and not intended to loose any revenues and it would repeal any other provisions of the ordinance that would conflict with that.

On motion of Alderman Soucy, duly seconded by Alderman Sysyn, it was voted to accept the report of the Committee on Traffic/Public Safety as presented.

Alderman Wihby asked why is this being done.

Alderman Soucy replied the problem with the brand new meters is that with the 2-hour minimum, the first quarter you put in gives you a minute, the second two, and the third three. The problem is that people were putting in two and three quarters and it wasn’t registering any

time, so they were leaving notices saying they had broken meters and getting \$5.00 tickets for them. You had to put in four quarters. Now, with this change Tom has been able to reprogram meters so that the quarter will show 30 minutes.

The Clerk stated that as a result of the recent Jac Pac proposal that came before the Board, we have been provided late today an amended sewer easement from Jac Pac which we are looking for the Board to accept. The easement allows the City to put in a road in the future if it wants, and also allows expansion of The Heritage Trail in that area, if the City so desires.

On motion of Alderman Reiniger, duly seconded by Alderman Wihby, it was voted to accept the easement presented by Jac Pac.

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

A True Record. Attest.

City Clerk