

BOARD OF MAYOR AND ALDERMEN

August 5, 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 and Hirschmann.

CONSENT ITEMS

Mayor Wieczorek stated if you desire to remove any of the following items from the Consent Agenda, please so indicated. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Ratify and Confirm Polls Conducted

- A.** Request of Riverfest, Inc. to relocate activities for the 17th Annual City Festival on September 5-7, 1997 from Stark Landing to Arms Parks.
- B.** Request by Steve Tierney, Utilities Coordinator, for the construction of underground conduits in the Downtown area by Brooks Fiber Communications.

Minutes Accepted

- C.** Minutes of meetings held February 4, 1997 (three meetings); February 18, 1997, February 25, 1997; and March 4, 1997.

Approve under Supervision of Department of Highways

- D.** F.E.S., Inc. application for conduit location (plan marked CMNH1).
- E.** Vitts Networks Nos. V970701 & V970702

Informational to be Received and Filed

- F.** Communication from the Chairman of the Committee on Joint School Buildings submitting project summaries for the Central and West Heat & Ventilation Improvements project; the Central HS Locker Room Renovation project; and the new Middle School.
- G.** Communication from the Manchester Airport Authority submitting minutes of their June 19, 1997 meeting.
- H.** Copy of a communication from the Director of Parks, Recreation & Cemetery Department to Mr. Bob Dennis extending thanks for the donation of the repair work and paint job on the tensile structure and portable bandstand at Veteran's Park.

- I.** Communication from Christopher Allwarden, Senior Counsel of PSNH forwarding a copy of NHPUC Order No. 22,660 in Docket DE 97-117 for a license to construct and maintain electric lines and fiber optic cable at existing transmission line crossings over and across the Merrimack River.
- J.** Communication from Lloyd Basinow requesting that all voter checklists be corrected prior to the next elections to be held in the City.
- L.** Communication from Arthur Lyford, President of NH Custom Brewers, Inc., thanking various City officials who assisted in their efforts to build the business here in Manchester.
- M.** Communication from Thomas O'Rourke, MediaOne, advising of the addition of WUNI TV-27 on September 3, 1997, which will broadcast a variety of nationally and locally-produced programming targeting the region's Puerto Rican, Dominican and Portuguese communities.
- N.** Communication from Real Pinard thanking the Board for its cooperation in making the Lake Side Neighborhood Watch band concert at Massabesic Lake a success.

Accept Funds and Remand for the Purpose Intended

- O.** Communication from the Deputy Finance Officer advising of the receipt of funds in the amount of \$1,164.60 for the Drug Forfeiture account.

REFERRALS TO COMMITTEES

COMMITTEE ON BILLS ON SECOND READING

- R.** Communication from the Health Officer submitting proposed amendments to the City's Lead Poisoning Prevention ordinance.
- U.** Communication from Michael Roche requesting the Board consider changes for a Charter referendum as outlined in the enclosed.

COMMITTEE ON COMMUNITY IMPROVEMENT PROGRAM

- V.** Communication from Alderman Robert requesting that ownership of a parcel of land adjacent to 17 Ferry Street be identified and disposed of in accordance with State law.
- W.** Communication from Assistant Solicitor Arnold submitting a formal offer by Ann Marie Daigle and Michael P. Murphy to purchase land owned by the City known as Map 862, Lot 62, Phillip Street (705 Catherine Street).
- Y.** Communication from the Public Works Director seeking authorization to register a hydroseeder and a small trailer which were purchased in June.
- Z.** Communication from Tom Seigle seeking permission to purchase a mid-sized sedan for use by the EPD administration office to replace a 1990 Chevy Caprice.
- AA.** Communication from Deputy Chief of Police Robinson seeking permission to add a crime scene van to the department fleet utilizing Local Law Enforcement Block Grant Program funds for such purchase.
- AB.** Communication from the Tax Collector submitting a statement from Steven Rudman who wishes to donate a parcel of land to the City known as Map 279, Lot 13.
- AC.** Communication from the Director of the Manchester Water Works submitting a

renewal of Sandy's Variety Store lease between the City of Manchester, Manchester Water Works and Massabesic Realty, Inc.

- AD.** Communication from Maria Drozd requesting that the sidewalk in the vicinity of 742 Lake Avenue be repaired and/or reconstructed.
- AF.** Communication from Richard O'Keefe, Columbia Realty LLC requesting the City consider transferring title to a parcel of land currently known as "Auger Avenue".
- AG.** Communication from Else Raymond seeking assurances from the City that she will not be hurt in any way by the City's disposition of property located on Pennsylvania Avenue.

COMMITTEE ON FINANCE

AH. Resolutions:

"Amending the 1997 Community Improvement Program, authorizing and appropriating funds for the 1997 CIP 4.20108 Sting Patrol Program."

"Amending the 1998 Community Improvement Program, authorizing and appropriating funds for a Health Department Project."

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

COMMITTEE ON PERSONNEL/INSURANCE

- AI.** Communication from the Health Officer requesting to recruit for a Deputy Health Officer and a part-time Clerk Typist III.
- AJ.** Communication from the Director of the Manchester Water Works requesting a one-year leave of absence for Colleen Devan to participate in a home schooling program with her two children.
- AK.** Communication from the Employee Relations Manager submitting class specification #7090 for the Municipal Communications Superintendent.
- AL.** Communication from the Employee Relations Manager submitting minor administrative changes to the Family and Medical Leave Act Policy.

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- AM.** Communication from Richard Duckoff relative to the recent conversion of Bedford Street from a two-way to a one-way going south to north.
- AN.** Communication from Mr. and Mrs. Loughlin requesting the issuance of stickers for residents in the Sunset Manor area which would allow them to go directly to the homes.
- AO.** Communication from Darrell Ross, American Red Cross, requesting the closure of both ends of North & Elm Streets and Webster & Elm Streets on Saturday, October 19, 1997 from 5:30 to 9:30 PM in conjunction with the 2nd Annual "Frightmare on Elm Street".
- AP.** Communication of George Vannah, Clerk of Court, U.S. Bankruptcy Court, requesting approval for thirty (30) leased parking spaces in the Pine Street Parking Lot be allocated for use by his office staff.

- AQ.** Communication from Hillsborough County Sheriff Walter Morse requesting that the direction of travel on Barrister Lane directly behind the Hillsborough County Superior Court at 300 Chestnut Street be changed.

REPORTS OF COMMITTEES

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

- AR.** Recommending that a request from the Chairman of the Assumption Grecian Festival Committee 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 & 17, 1997 be granted and approved; subject to review and approval of the Risk Manager.
- AS.** Recommending that a request by Kim Moore on behalf of Healthsource New Hampshire for the placement of a 60-foot banner across Elm Street to be set up at 5:00 PM and removed immediately after runners and walkers have passed on August 14, 1997 in conjunction with the 5th Annual Healthsource Corporate Road Race be granted and approved; subject to review and approval of the Risk Manager.

COMMITTEE ON COMMUNITY IMPROVEMENT PROGRAM

- AU.** Recommending that the Board of Mayor and Aldermen authorize acceptance and expenditure of funds from the New Hampshire Highway Safety Agency for the Sting Patrol; and for such purpose an amending resolution and budget authorization have been submitted.
- AV.** Recommending that a request of the Health Department to increase grant funds and accept donations for the FY98 Public Health Improvement Program be granted and approved and for such purpose a resolution and budget authorization have been submitted.
- AW.** Recommending that the Board of Mayor and Aldermen authorize acceptance and expenditure of grant funds for School Department programs as follows:
 \$189,713 for the Youthbuild Grant from US Dept. of HUD through Odyssey House; and
 Federal Special Education for Deaf and Hard of Hearing Program, increasing program funds from \$790,397 to \$936,278;
and for such purpose an amending resolution has been submitted.
- AX.** Recommending that the Board of Mayor and Aldermen forward a letter in support of a request of Alderman Robert to the School Board that the Brown School be released to the Board of Mayor and Aldermen for consideration of its future use/disposition.
- AY.** Recommending that a request of Parks, Recreation and Cemetery to placement payment of \$7,200 from NYNEX for a utility easement at Livingston Park in a special account for the new playground project be granted and approved.
- AZ.** Recommending that the Police Department be authorized to accept a donation of an electrical bicycle from Northeast Utilities Service Company and allow access to them to collect data on the bicycle.
- BA.** Recommending that the Board authorize disposition of a right-of-way area adjacent to Billy's Sports Bar, to William Laberge, owner of same. Such disposition is to be authorized subject to approval by the Board of discontinuance of Right-of-Way, subdivision approval of the property area, and with the stipulation that the area is to be used for loading/unloading of goods, and/or trash being stored for pick up in compliance with code regulations.

The Committee recommends that the Mayor be authorized to dispose of said property subject to meeting conditions set forth through cooperation efforts and approval by Planning, Highway, and City Solicitor.

- BC.** Recommending that a request for discontinuance of a portion of Pennsylvania Avenue be denied with a finding that same has been released and discharged from public servitude in accordance with State Statute.

PERSONNEL/INSURANCE

- BE.** Advising that a communication from Alderman Wihby recommending that the City undertake a bidding process relative to property and liability insurance will begin the bidding schedule with pre-qualification in January 1998.

TRAFFIC/PUBLIC SAFETY

- BF.** Recommending that a request by Kim Moore on behalf of Healthsource of New Hampshire for the closure of Merrimack Street from Elm to Chestnut Streets beginning at 12:00 noon on August 14, 1997 in conjunction with the 5th Annual Healthsource Corporate Road Race be granted and approved; subject to the review and approval of the Police Department.

- BG.** Advising that Ordinance amendment:

“An Ordinance amending Article IV Residential Permit Parking Section 15-62(a).”

has been approved and recommends that the Ordinance amendment be referred to the Committee on Bills on Second Reading for technical review.

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

- K.** Communication from Andrew Cuomo, U.S. Dept. of HUD advising that Manchester has been awarded \$2,939,000 for its Consolidated Plan and \$541,994 for the Supportive Housing Program renewal.

Alderman Shea stated a considerable amount of money was given to the Manchester community and what I would like is for either Bob MacKenzie or you, your Honor, to explain...concerning the grants so the constituents in Manchester would know what this money is going to be used for.

Mayor Wieczorek requested Mr. MacKenzie approach the microphone stating the \$2.9 million we received is our Community Development Block Grant funds and the \$541,000 is for a program for the homeless with several agencies that are involved with it and Mr. MacKenzie can elaborate on that.

Mr. MacKenzie stated I'll start with the second grant identified as Supportive Housing Program Renewal; that one is specifically geared towards three agencies and doesn't necessarily come through the City. It is a program that will help homeless people find jobs basically, it will provide job training, job opportunities, and other assistance to people who are currently homeless and that is going to be operated primarily by Families in Transition, but also New Horizons and that grant is a multi-year grant to help homeless find jobs. The main chunk of money, the \$2.9 million is already included in this year's CIP Program, the City was aware of this several months ago, I think it was just announced recently although the City has been aware of the amount of money that we were going to get. The primary portion of this, the \$2.4 million roughly is CDBG money and as you know that is allocated toward a number of projects, about 15 percent to go to social service type organizations including matching grants to Police programs, VNA, homeless programs, housing programs, and portions are also used for economic development. I think one of the large pieces of the puzzle this year is to economic development and the Elm Street Reconstruction Project, but a number is used for various other projects from sidewalk reconstruction, so that is basically identified in the fiscal year 98 program and that has been adopted by the Board.

On motion of Alderman Shea, duly seconded by Alderman Soucy, it was voted to receive and file the communication from Mr. Cuomo.

- P.** Communication from Lloyd Basinow requesting that the Board of Aldermen audit the filing of DRA reports by the Mayor and Finance Department.
- S.** Communication from Lloyd Basinow requesting that the Board remove from the September 1997 ballot the referendum question relative to Alderman at-large and School Board at-large positions or in lieu of complete removal that the effective date be specified as commencing with the 1999 election.
- T.** Communication from Lloyd Basinow requesting that the Board hold a public hearing and place an appropriate referendum question on the November 1997 ballot relative to term limits for elected officials.

Alderman Pariseau stated we could take P, S & T as a group and moved to receive the file the three communications from Mr. Basinow. Alderman Wihby duly seconded the motion. The motion carried with Aldermen Domaingue and Robert duly recorded in opposition.

Alderman Robert in reference to Item T stated essentially what this is doing is sending out a feeler, getting the public's impression or feelings about term limits as they may apply to City government. It's been my perception and I've communicated those feelings of perception to the Charter Review Committee and it wasn't included in it that term limits would probably be one of the best things that could ever happen to Manchester City government. I still feel strongly about that and I'm disappointed that the Board wouldn't at least want to get the feelings of the public on the issue. I think the public feels strongly about it and I think they'd be equally as disappointed as I am in hearing that we would not look into this.

- Q.** Communication from Alderman Elise seeking the Board's endorsement of an exploratory committee to identify a program whereby work of local artists can be displayed on a rotating basis at the soon to be renovated City Hall.

Alderman Domaingue stated Item Q is a request from one of our Board members that we endorse an exploratory committee on art and I'm not only in favor of that, but I would like to ask Alderman Elise who brought the proposal forward if she wouldn't mind including as a recommendation to be studied a member of the School Art Department for the City of Manchester because we have some very good artists in the City of Manchester School system, some young budding artists in junior and senior high school as well as elementary and I think it would be a positive reinforcement of their efforts if we could not only have a representative from the School Department to sit on this committee but also that we could have the students artwork displayed in the renovated City Hall.

Alderman Elise stated that was an addition that I was going to make when it went to Committee. In the City of Nashua, that is exactly what they do, they have student art exhibited not only in City Hall but in some of the business fronts and that's a wonderful idea.

Alderman Domaingue moved to amend the item by adding of a representative from the School Art Department and to have students artwork displayed in the renovated City Hall. Alderman Elise duly seconded the motion. The motion carried.

On motion of Alderman Domaingue, duly seconded by Alderman Elise, it was voted to refer the communication to the Committee on Administration/Information Systems with the amendment.

- X.** Communication from the Public Works Director seeking the Board's concurrence in allowing the Department of Highways to proceed with necessary negotiations and purchases relative to the Huse/Weston/ Mooresville Intersection Improvements project anticipated to begin in the Spring of 1998.

Alderman Domaingue stated I understand Item X is being referred to Committee, but I also understand that the general public won't be there to get the information. It is a request from the Highway Department to approve their opportunity to take some land to improve an intersection in Ward 8 in the southend of Manchester which is very much in need that of Huse Road, Weston Road and Mooresville Road and I'd like to ask the Public Works Director, Frank Thomas, if he could come forward and just tell us whether or not there has been a final figure on that.

Mr. Thomas stated the project itself is approximately \$400,000 made up of both a contribution from the Mall of New Hampshire and Street Reconstruction funds. The project, if you know the area, is badly needed because of the congestion. The project envisions the installation of street lights and minor widening with channelization, an island to be constructed between Weston Road and Mooresville Road to control the traffic. Right now, it's pretty much a free-for-all at that intersection and what this would do is allow for proper channelization and allow for left-turn movements with the installation of street lights. The schedule for that project is under final design now, we are requesting permission to acquire some minor property corners just to be able

to increase the radiuses at a couple of points, there will be minor land acquisition involved with this project and we'll go to construction this coming Spring.

Alderman Domaingue asked this includes crosswalks and sidewalks at that intersection as well, is that correct.

Mr. Thomas replied that is correct. There will be sidewalks in the project area and crosswalks with cross light phases on the signals. In addition, there is a sidewalk project that is proposed under the School Sidewalk route program that will provide for sidewalks on one side of Weston Road which will tie into this project.

Alderman Wihby stated when the Mall came to us for the enlargement, wasn't that part of the understanding that they were going to fix that intersection themselves along with putting sidewalks on Huse Road.

Mr. Thomas replied I don't remember the actual agreement made, Bob MacKenzie would. I know that money was given the City to make improvements at that intersection and along Goffs Falls Road itself from South Willow over to the overpass.

Alderman Wihby asked how much of the \$400,000 is the Mall paying for.

Mr. Thomas replied \$150,000.

Alderman Wihby asked, Bob, can you answer the question. I thought when they went to Planning, Planning said they wanted the specifications that were required that they fix the intersection and not only that but they also talked about the intersection on Mammoth Road too.

Mr. MacKenzie replied they did put together a package and invested probably close to \$3.5 million in total, including major widening improvements on South Willow Street, improvements at the intersection of Goffs Falls/Huse Roads and South Willow and they also invested in making improvements and putting a sidewalk in on Huse Road from roughly Harvey Industries up to the interstate highway, so as part of the offer when the Mall expanded they did make a dollar limit of \$150,000 for this intersection that we are talking about tonight.

Alderman Wihby stated it wasn't a requirement of Planning that they fix the intersection.

Mr. MacKenzie stated no, it was just that they offered \$150,000 for a couple different purposes and ultimately the Board of Mayor and Aldermen said we wanted it for this particular intersection.

On motion of Alderman Domaingue, duly seconded by Alderman Wihby, it was voted to refer the communication from the Public Works Director to the Committee on Community Improvement Program.

AE. Communication from Louise Gazda regarding the Manchester Transit Authority's cancellation of two "bingo" runs and transportation for after-school programs at the YMCA and YWCA.

Alderman Cashin moved to refer the communication from Ms. Gazda to the Manchester Transit Authority, to at least give them an opportunity to respond to it before it goes to or is in Committee and request that the MTA report back to the Committee on Community Improvement Program. Alderman Wihby duly seconded the motion. There being none opposed, the motion carried.

Report of Committee on Administration/Information Systems

AT. Recommending that a request by Krista Stromberg submitting a new Franchise Bond to be filed on behalf of the name change of Continental Cablevision to MediaOne, effective May 13, 1997 and a Cancellation Notice for bond number 5095393-1-CCI-3999-PE-546 be accepted effective May 13, 1997 to coincide with the effective date of the new bond be granted and approved; subject to the review and approval of the City Solicitor.

Alderman Wihby stated I don't have any problem with AT except that it takes up the MedioOne cable company and I guess what my concern is since we brought him in the last time and he promised us all local programming and everything nothing has really happened and I'm getting the calls now about New Hampshire College basketball again from people who are concerned with nothing being done over there, but I guess my main concern there is that we're going out to a new contract and I think Tom Clark said it was due next year.

Assistant Solicitor Arnold stated it's either next year or the year after.

Clerk Bernier stated negotiations will start next year.

Alderman Wihby stated my concern is that we make sure that we publicize this time that we're going to be going out and getting a new cable company or renegotiating our contract and maybe we can get other companies or write letters to other companies letting them know that we are going to be renegotiating our contract or coming up with something different and maybe get more bids and more competition in Manchester.

Mayor Wieczorek stated we've never had to move and we've already had three cable companies.

Alderman Wihby stated, I know, they just keep buying and selling each other and we don't have much of a choice, but I think if we went out and let people know that we are at least doing this maybe the ones that don't know about it will come in and get some competition.

Alderman Wihby moved to accept, receive and adopt the report of the Committee on Administration/Information Systems. Alderman Hirschmann duly seconded the motion. There being none opposed, the motion carried.

Report of Committee on Community Improvement Program

BB. Recommending that the Board of Mayor and Alderman approve a purchase and sales agreement authorizing disposition of 88 Lowell Street to The Sargent Museum.

The Committee notes that such recommendation is made subject to further negotiation by staff regarding right of first refusal, and provisions for reimbursement to the City for investments made and possible proceeds from future sale of the property; such new language to be presented directly to the Board with this report.

Alderman Domaingue stated Item BB is the request to approve the purchase and sale agreement on The Sargent Museum and prior to going ahead and consent to doing that, I was wondering if we could get an update from both the City Solicitor and someone representing the museum.

Assistant Solicitor Arnold stated I guess I don't quite know what you are looking for in terms of update...

Alderman Domaingue stated there were questions that the Committee had asked be addressed and changes to the purchase and sales agreement, have those changes been met.

Assistant Solicitor Arnold replied, I believe they have. There was some discussion before the Committee of protections for the City should The Sargent Museum either not be able to meet the financial needs of establishing the museum or in the event that The Sargent Museum decided for whatever reason to sell the building. Those by-and-large have been addressed by an Option to Purchase and Right of Refusal which you should have received this afternoon and/or had passed out to you tonight. What those two documents are designed to do is should The Sargent Museum decide to sell the building, they would first have to offer the City the option to purchase that building at the cost of the renovations they had put into the building up to that time. At that point, the City could decide if it wanted to exercise that option or not. If they did, of course, we would purchase the building in accordance with the terms of the Option to Purchase. If the City decided not to purchase the building we would remain with the Right of First Refusal. What the Right of First Refusal is, is The Sargent Museum upon finding a bonafide purchaser for the building would have to offer the building to the City at the price that the purchaser was willing to purchase it for and the City, at that time, could decide whether it wanted to purchase it for that price. What these two documents are designed to do is to give the City the protection of making sure that the donation or the sale for \$500 that we're making to the museum is protected should they ever decide to sell. I would note that if for some reason the museum cannot sell the building before the year 2005 that they would be obligated to return the building to the City. If the City then sold the building, we would be obligated to give to The Sargent Museum 50 percent of the proceeds up to the cost of the renovations. If the City kept the building for its own use and in doing so used some of the

renovations that The Sargent Museum had put into the building, it would be obligated again to pay The Sargent Museum for those renovations that they found useful.

Mayor Wieczorek stated maybe there were some Aldermen that hadn't been home before the meeting started, there was some stuff delivered today - the Right of First Refusal and the Option to purchase. If you didn't get home, you didn't see this. Copies were distributed to members.

Alderman Shea stated I noticed that a member of the Committee for The Sargent Museum is here, he might want to add a little bit to the discussion, if he would.

Mayor Wieczorek acknowledged Wesley Stinson.

Mr. Stinson stated I am President of the Board of Trustees of The Sargent Museum and I have provided you with some background information, real thumb nail sketch of where the museum has come from, where we are hoping to go, and some highlights of Howard Sargent's career which is the basis for the museum and where it's collection has come from. I put a highlight in there about the Smyth site excavation...30 years ago next year and that is along with The Hunter site in Claremont and the highlight of the collection will be focusing on Manchester as an exhibit no matter where you put exhibits because it's an important site and a very important location and roughly 12,000 years of history in this area. We're looking forward to being here and it's an important part of the collection that we are dealing with.

Alderman Elise stated I think the City of Manchester is very fortunate to have your group step forward and have this type of activity occur in this building. We've been looking for a use for that building for a long time and the City has considered using it several times, we're just very, very fortunate that you stepped forward and use that building in the way that you are. It will really add to the cultural flavor of that area and I want to thank you and your group for doing all of the hard work and am looking forwarding to it's opening.

Alderman Pariseau stated I have a question for the City Solicitor. My concern, Tom, is relative to that Option to Purchase, if the museum people want to sell the facility they are to give the City the Right of First Refusal with the understanding that the City pay for the price equal to their renovations or something like that. Why is that. Here the City is selling them the property for five hundred bucks, it's a non-profit entity, why don't they in good faith just transfer the title over to the City.

Assistant Solicitor Arnold replied, I think that would probably be better addressed by the museum. There was some concern, of course, of it being a charitable organization, they have a duty to protect the organization's assets and their concern expressed to us was that they didn't want to be in a position if for some reason they were not able to complete the museum of having to give the building to the City substantially improved, the City being benefited by that with nothing to show for it on the part of the museum.

Alderman Pariseau stated this Right of First Refusal when they refer to it as the "Grantor" which is the non-profit entity, it's only for nine years, right. After nine years they can turn around and sell it to anybody. The Right of First Refusal as I understand it is for a nine-year period, if they want to dump it prior to the expiration of the nine years they have to give the City first refusal.

Assistant Solicitor Arnold replied yes.

Alderman Pariseau stated after nine years they can go out and sell it for \$150,000/\$200,000.

Assistant Solicitor Arnold stated under the Purchase and Sales Agreement if they are to sell it and get profit on it and a profit being defined as that amount over their purchase price and the cost of renovations they have to split that profit with the City 50/50.

Alderman Pariseau asked is that in here.

Assistant Solicitor Arnold replied that is not in the option, that is in the Purchase and Sales Agreement which should be attached to your agenda.

Alderman Pariseau stated I just think it could be a swap if they wanted to get rid of it and we're giving them the building for five hundred bucks, they're not paying a dime in taxes or nothing in lieu of taxes, we're going to provide services as required (i.e., snow removal and whatever - fire protection, police protection) and they don't give a dime to the City, nothing, except the five hundred bucks.

Assistant Solicitor Arnold stated there is a provision in certain circumstances of a payment in lieu of taxes that's also contained in the Purchase and Sales Agreement, but I guess I couldn't comment much on your concern other than to acknowledge it.

Alderman Wihby stated my understanding, Alderman Pariseau, is that they're going to put the money into renovations and if they're doing that and fixing up the building when we get it back that money is still going to be there, so it's just like we put the money in, that building has sat there for a long time with no takers and we didn't know what to do with it, so I think it's a great proposal and I think the money if they decide they can't make it work we're really getting our money back because they would have put that money into it anyway.

Mr. Stinson stated one comment I'd like to add is that essentially as best as we can determine now and there was a process for request for proposals on the building. The building is not considered to have market value at all, it needs extensive renovations to make it worthwhile as an investment. It's worthwhile to cost as a non-profit organization because we are intending to secure grant funds and we don't have a corporate bottom line necessarily to deal with for our purpose. But, the building essentially does not have a value and we're talking about putting in

perhaps two times the ultimate value of the building in the renovating. Because we are a non-profit organization we are willing to take on that risk for that investment. We're not intending to sell the building, we're just protecting our assets and making sure that we're meeting our responsibilities to those people who have invested in our efforts.

Alderman Domaingue moved to accept, receive and adopt the report of the Committee on Community Improvement Program which included the new language. Alderman Soucy duly seconded the motion. There being none opposed, the motion carried.

Report of Mayor's Baseball Advisory Committee

BD. Recommending that the Board of Mayor and Aldermen initiate a feasibility study to explore the possibilities of locating an affiliated baseball franchise in the City of Manchester.

Alderman Shea stated I guess this is play ball time, I guess, change of pace. As you know we had a Committee that studied the feasibility to explore the possibility of locating an affiliated baseball franchise in the City of Manchester and the Committee discussed various types of levels of ball whether it be a double AA, also independent and it was felt at this time because of the lack of support in terms of outside ball franchises coming into the City and willing to commit themselves so that the City doesn't get stuck with a lot of expenses, a study should be conducted.

Alderman Shea moved that this item be referred to the Committee on Community Improvement Program for examination and possibly have the Committee that was involved with the examination of an independent or double AA or triple AA ball team coming in to attend that meeting and to explain what transpired and what the possibilities might be. Alderman Clancy duly seconded the motion.

Alderman Wihby asked where would the money come from for a feasibility study or is it something that is going to be done for free.

Mayor Wieczorek replied it isn't going to be done for free, that is the reason it is being referred to CIP.

Alderman Wihby stated the Committee is recommending that money be spent on a study.

Alderman Shea replied we are not recommending any money be spent, we are recommending that the Committee appear before the CIP Committee for them to determine whether a feasibility study might be in the best interests of the City and if it were in the best interests of the City then obviously they could make a determination as to whether or not they would appropriate money for that purpose.

Alderman Wihby stated the Committee was formed to decide which way to go with baseball and is that Committee recommending that the City do a feasibility study or is there no recommendation at all.

Alderman Shea replied there is no recommendation at all.

Alderman Cashin stated I don't object to going to Committee, but there is one thing and I do appreciate all of the hard work, I want to be sure that we do not do anything that is going to adversely impact on Legion ball or Babe Ruth baseball and there is a lot of talk in the community now that there might be an impact on it and I want to make sure that that is covered.

Alderman Shea stated that is exactly right. The primary purpose for which Gill Stadium is now used for either Babe Ruth or for high school or for Legion ball and when we discussed with different types of organizations interested in coming, it was determined that if their program were initiated there would be little time left for the youngsters and the other people in our community to use Gill Stadium. So, it was thought that it might be a good idea to examine the implications of a franchise coming in and to also examine what type of impact it would have on the community and we did this, but then it was felt that there might be in the best interest of the community the upgrading of Gill Stadium to make it a 21st Century type of structure for primarily the children and the youngsters in our community because really we have to look to them and personally speaking I looked at the situation and I felt that as I mentioned in the paper that all of these different organizations are looking for what we can do for them asking what they can do for us because basically we are a community, we're existing as a community that is primarily interested in our citizens and that is where we should direct our attention at this time. Articles were written in the paper concerning the different franchises that are in different communities, but Manchester being a different community we have to examine what that would mean here.

Alderman Wihby stated I guess I don't understand why we are sending to CIP if we had a Committee that looked at it and they're not recommending to do anything, why do we want to look at it again and go over the same things.

Alderman Shea stated they are recommending that there be a feasibility study.

Alderman Wihby asked who's recommending.

Alderman Shea replied the Committee that we had. Kevin Clougherty brought that up at a meeting and the members agreed that it might be a good idea for a feasibility study to be conducted.

Alderman Wihby stated I just asked that question. Is the Committee recommending that a feasibility be done and you said no.

Alderman Shea replied yes they are, if the CIP Committee would agree to appropriate the money for a feasibility study. We can't recommend how much money is spent. Kevin Clougherty and other members of the Committee would appear before the Committee and explain to the Committee members what the cost of a feasibility study would be. Ron Ludwig was at the meeting and he would also mention whether a feasibility study would fit into the Parks & Recreation Department agenda, so that is really where it stands now. If you don't feel that there should be a referral then vote no.

Alderman Wihby stated I guess where I'm getting at is if the Committee...I guess I would have rather have had something from the Committee saying it recommends to do it, not to do, or to do it with this study and it's going to cost this amount, and I guess the first time I asked you I misunderstood you, I thought you said they weren't recommending anything.

Alderman Shea stated they weren't recommending that a franchise be adopted for the City, that is what I am saying. They are recommending that a referral be made to the CIP Committee concerning a feasibility study.

Alderman Wihby stated the Committee recommends that we do do one, their recommendation will be to get a feasibility study to the CIP Committee to fund the study.

Alderman Shea replied that is right.

Alderman Reiniger asked at this time how many franchises are actually coming to the City.

Alderman Shea replied I think one franchise indicated they probably would come in. Sean Thomas might be able to answer that more specifically than I, he received the information.

Mr. Thomas stated at this point we have one franchise which has indicated specifically that they would come to the City of Manchester were they to get a field or a ballpark or whatever to their right standards and that they have kept a lot of details to their chest and would really want to further negotiate with the City and I think we're more interested at this point in looking at the future within two years to doing something.

Mayor Wieczorek stated I think the group that worked on this baseball situation did put a lot of time and effort into it. The conclusion after it was all over was that they were not in a position based on the information they had to make a recommendation of what to do and if the City were interested in having baseball then the way to pursue it would be to have a feasibility study done to make a determination if in fact the City should be in support of having Minor League ball here.

Mayor Wieczorek called for a vote on the motion to refer the report to the Committee on Community Improvement Program. There being none opposed, the motion carried.

Report of Committee on Traffic/Public Safety

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

Alderman Reiniger moved to amend the report by pulling off the second item under Section 25, Parking 2 Hours on North Street, and sending it back to Committee for further discussion.

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

On motion of Alderman Reiniger, duly seconded by Alderman Soucy, it was voted to accept, receive and adopt the report of the Committee on Traffic as amended.

Confirmation of the nomination of Daniel Goonan to succeed himself as a member of the Planning Board, term to expire May 1, 2000.

On motion of Alderman Wihby, duly seconded by Alderman Shea, it was voted to confirm the nomination of Daniel Goonan to succeed himself as a member of the Planning board, term to expire May 1, 2000.

Confirmation of nominations to the Parks, Recreation & Cemetery Commission as follows:

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

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

On motion of Alderman Reiniger, duly seconded by Alderman Sysyn, it was voted to confirm the nominations of Mr. Lopez and Mr. Allen to the Parks, Recreation & Cemetery Department as presented.

Confirmation of the nomination of Robert Carr to succeed Robert Early as a member of the Manchester Airport Authority, term to expire March 1, 2000.

On motion of Alderman Domaingue, duly seconded by Alderman Clancy, it was voted to confirm the nomination of Robert Carr to succeed Robert Early as a member of the Manchester Airport Authority, term to expire March 1, 2000.

Discussion pertaining to Bedford Street traffic changes.

Mayor Wieczorek stated we've read a little bit about this over the last week and Jay Taylor is going to address the issue.

Mr. Taylor stated I just thought it might be helpful for the Board, some of them were not here this item was originally taken up in 1993 but by way of a little history this plan which has been proposed was actually adopted by the Traffic Committee of February/March of 1993 as a result of our trying to accommodate the interests of The Home Insurance Company who after selling their property to Blue Cross/Blue Shield on Goffs Falls Road were trying to locate in the Millyard. Their initial negotiations were regarding the building at 200 Bedford Street and one of our responses to their concern for the lack of parking was to try and adopt this one-way north between Pleasant and Spring Street, installing diagonal parking spaces on the east side of Bedford Street thereby creating somewhere in the neighborhood of 60 new parking spaces; that plan was adopted by the Traffic Committee at that time, however, subsequent to that adoption Home Insurance abandoned the negotiations on that particular building and leased space in another building on Commercial Street thereby negating their need for that additional parking. We made a decision at the time to keep those provisions of this plan in place in the event that subsequently down the road we needed the additional parking. Well, with the renewed interest in the Millyard that seems to have evidenced itself recently, we have received some additional demand for leased parking in the Millyard and Tom Lolicata, I think, in response to the demand I believe was responsible in trying to reinstate this plan to try to create those additional parking spaces to accommodate that demand. As it turns out, however, there was a buyer for the former Anchor Electric building which is located on the corner of Bedford and Spring Street who was negotiating to acquire the property and apparently his interest or the business that he plans to put there may be impacted in a negative sense by these changes. Frank Thomas has looked at a plan that we thought initially may provide a compromise in allowing both the City's interest in increasing the parking availability as well as Mr. Morgan's concerns and if I could ask Frank to come up and share that with you before we go any further at this point.

Mr. Thomas stated hopefully everybody was handed a plan sheet that we prepared. We were asked to look at the feasibility of allowing a curb cut into the old Anchor Electric site off of Spring Street and after looking at it, we would caution the Board of Mayor and Aldermen in approving the curb cut because it's too close to the existing intersection. So, what we did was went back and looked at how can we make it work and what we're proposing on this top sheet by the heavy lines would be to pull out the curb along Bedford Street, straightening it out a little bit, right now it curves a little bit to the west so that it lines up with the yellow lines on the north side of Bedford Street and what that does would allow about a distance of about 35 feet to where a proposed curb cut could go into the site. What that would allow for access off a Spring Street into the Anchor Electric site. If you turn to the second page, the second page shows the entire length of Bedford Street with the circle over at the Spring Street end. If that curb cut was permitted to allow vehicles to enter the site from Spring Street, a potential exists...if you see

those little squiggly arrows that are in front of the buildings that potentially indicates that a car could turn off Spring Street and drive the entire length of Bedford Street in the parking lot areas. So, along with the curb cut there should be some sort of restriction possibly on the Anchor Electric site to preclude that by putting up a fence across the parking lot area from the next street over. So, it is possible to allow a curb cut off of Spring Street into the site that would provide access in a southbound direction. I just wanted to expand a little bit on what Jay was first mentioning as to why Bedford Street was made one-way in a northbound direction to begin with. I did a little research and made a few calls and I also checked with the consultants that did the feasibility study on the revitalization on the Downtown and in that report there was a recommendation of making Bedford Street a one-way in a northbound direction and provide that diagonal parking. And, some of the rationale that went into it back about three years ago when the City made the decision and when the consultants made the recommendation in this recent study was that they thought that a major amount of the traffic that would be generated or coming into this area of Bedford Street would be coming off of Granite Street and potentially the Granite Street off-ramps. In addition, truck circulation it was felt that it would be more easy for the truck traffic to maneuver again coming in from Pleasant Street, backing into existing loading docks because you'd be turning the truck to the left which is always easier than trying to turn a truck into the right and if Bedford Street was made one-way and a truck wanted to turn coming off of Canal Street onto Spring Street onto Bedford Street, it's a left turn there and there is always a potential that traffic could back up across the tracks out into Canal Street itself. So, that is what went into the original rationale and again what we looked at was could a curb cut be approved there or recommended there and we feel that it can. Attached to the back sheets are a couple of estimates that have been prepared. One, is in the amount of \$8,900 which would be the cost for the Manchester Highway Department to implement those improvements that are on the top page, however, if you know that area there are brick sidewalks now along Spring Street and we're not really geared up to do brick work, so the modifications would have to be with granite curb and asphalt. The last estimate would be an estimate to have the same contractor that is going to be doing the work on Elm Street do the work at that intersection and that would be done with brick also.

Alderman Wihby asked did anyone look at making a curb cut on Commercial Street like in the back of Anchor Electric.

Mr. Thomas replied quite frankly, no.

Alderman Wihby asked how come. It seems like you could put one back there easily enough.

Mr. Thomas replied there is a great differential between Commercial Street and Bedford Street in the area between Anchor Electric, I'm not sure but if you remember the Millyard statue is in that general area and the walk up to it.

Alderman Wihby asked did you go over this plan with the new owner.

Mr. Thomas replied I haven't reviewed this with anybody.

Mr. Taylor stated can I make a suggestion here. In fairness to Mr. Morgan who I believe has only seen this proposal for the first time tonight, clearly it's not in the City's interest nor Mr. Morgan's to do something that will be mutually unbeneficial, so I'd like to suggest that maybe staff have an opportunity to sit down with Mr. Morgan, try to go through these alternatives and try to come up with a proposal that will work to the mutual benefit of both parties and come back to the Board with some sort of recommendation.

Alderman Pariseau moved to refer this item to the Committee on Traffic/Public Safety.

Alderman Domaingue duly seconded the motion.

Alderman Wihby asked what does that do to the developer, are we delaying anything by holding this off. Does Mr. Morgan want a chance to speak. Would sending this to a Committee that we're talking will probably meet sometime in the Middle of August with the next Board meeting being September 2nd, is that going to delay anything that you are doing, do you want the opportunity to talk or do you think you can't work it out.

Mr. Morgan stated we can talk, that's not a problem. But, if I may...my name is Charlie Morgan and I live in Nashua and I'm a principal in a high-tech company located in Lowell, Massachusetts and I'm also a real estate developer that's primarily in the business of self-storage and I spent about two-and-a-half months doing due diligence on this particular building and one of the key elements in my decision-making along with my lender was the access into the building coming off of Spring Street, that is absolutely critical to my business. If that is taken away along with my tenants then I estimate that we would lose 60 to 70 percent of our business. Now, I appreciate the City has an issue with the parking, but I really hope that the problem isn't put on my back. I just cut a check for \$104,000 to pay taxes on this building and I currently am putting hundreds of thousands of dollars in renovations and I hope to bring my high-tech company up to the facility. I would appreciate very much your consideration in putting it back to a two-way street. I think it's very, very important for the survival of that building because without it, it simply cannot be, it cannot function. Retail needs the two-way access.

Alderman Wihby stated we're sending it back to a Committee.

Mr. Morgan stated of course, I would like to work it out, but my position right now is categorically that I would like to see it two-way. We can always come up with different solutions but I know that it's going to be negative to me. Talking about a curb cut coming through there we've got little U-Haul trucks that will be coming and we've got families that will be coming in there with station wagons, we rent spaces that are small, closet like up to 10 by 15. There's a safety issue through here and I just don't want to see a lot of extra traffic coming through and I personally believe that no matter what you do down the end, if you put a barrier

there you are going to get people that are going to go around that barrier, down the street to get back to the other mill at 200, I don't think you are going to detain it.

Alderman Domaingue stated this Board's business has been to be business friendly and I think that the points that Mr. Morgan brings out are very good and I feel very strongly that the Committee process of the Board will work with Mr. Morgan and any other property owner there to make sure that their concerns are addressed and I think we ought to handle it back in the Traffic Committee.

Alderman Elise stated first of all, Mr. Morgan, I would like to thank you for choosing Manchester to locate your business in and I'm certain that this particular issue wasn't made aware of when you were planning that.

Mr. Morgan stated this was not disclosed to me and believe me Senator Dick Danais wasn't aware of this either. I think what is troublesome to me is the fact that it was approved three years ago and all of a sudden they decide to implement this thing now. So, that's very, very unfair to me because the acquisition never would have occurred if I was cognizant of that situation.

Alderman Elise stated I feel confident that every member of this Board will work to develop a solution that will accommodate you and your tenants and I feel confident that that will occur whether it be...

Mr. Morgan stated I look forward to working with you and I sure hope that that can happen and happen quickly because we'd like to open up maybe by the middle to the tailend of September.

Alderman Cashin stated it's one-way now, is that right, and it's affecting your business or it will be.

Mr. Morgan replied absolutely, but I've got other tenants that it will affect significantly.

Alderman Cashin asked but what do we do in the interim, while it goes to Committee and while we're dealing with it, how do we try to rectify this problem can we rescind the one-way now until we can work something out.

Mayor Wiczorek stated I think what Mr. Morgan said is that he had time to work with the Committee here, is that what I heard you say.

Mr. Morgan replied I'm happy to talk to them but my position is pretty firm. I want to see it go back to a two-way street. There is only so many solutions to this thing and I've heard probably two and neither one are acceptable to me.

Alderman Cashin asked my question is how much time is it going to take us to go back to the Traffic Committee, it's going to come back here and it'll be another, it might be six to eight weeks before we get this thing going.

Mr. Morgan stated that hurts me big time.

Alderman Sysyn asked can we call a special meeting of Traffic without waiting for the third week, I'm Chairman of Traffic.

Deputy Clerk Johnson stated the Committee on Traffic has jurisdiction of making a one-way or two-way street. If the action taken by the Board was to accept the Committee's report, the Committee on Traffic has to take an action to turn it back to a two-way street before the Board can accept it, that can all be done by poll after the Committee meets or the Committee can choose to do that by a poll of the Committee and poll the Board afterwards. It can be done that way, but the Committee has to take that physical action first. It's not something that the Board can deal with tonight until the Committee deals with it, but my understanding is that Traffic is suppose to meet in two weeks and the Board would meet the first of September and I believe Mr. Morgan has indicated that would not delay.

Mr. Morgan stated that is my situation, but I have tenants that have put seven or eight months of hard work into preparing the building.

Deputy Clerk Johnson stated we could set up a Committee meeting for next week or take a poll of the Committee tomorrow, it could be done that quickly.

Alderman Cashin asked why couldn't you poll them right now.

Mayor Wiczorek asked of the Assistant Solicitor, is there a legal problem here.

Assistant Solicitor Arnold replied I think we would probably run afoul of 91:A, your Honor.

Alderman Cashin asked, Tom, what is the difference between a telephone poll taken tomorrow and having a poll taken right now, what's the difference.

Assistant Solicitor Arnold replied you are all together here, right now.

Alderman Cashin stated yeah, so.

Assistant Solicitor Arnold stated under 91:A that constitutes a meeting that has to be posted.

Alderman Cashin stated so, if we all went into different corners of the room, would that make a difference.

Assistant Solicitor Arnold stated I wouldn't advise that.

Alderman Cashin stated I'm serious, we could recess this meeting, Traffic could meet and come back with a recommendation, couldn't they.

Assistant Solicitor Arnold replied I think that will still run afoul of 91:A the Right to Know Law, that when you are all here together that public meeting has to be posted.

Alderman Cashin stated I think it is imperative that we come to a solution here as soon as possible, we say we're going to be business friendly and all that, let's prove that we are, let's do something tomorrow, get back to us.

Mayor Wieczorek stated I think what the Chairman of the Committee on Traffic indicated was that you could do a telephone poll tomorrow and then get back to the Board. I think you understand, Mr. Morgan, the attitude of this Board is that we do want to try and work with people.

Mr. Morgan stated I clearly get that impression.

Alderman Wihby stated earlier Alderman Reiniger showed me how we voted this in and one of the comments he made was that we really never voted in the action itself, if that's the case why does Traffic...if we never voted it in, we never okayed the Traffic report.

Deputy Clerk Johnson stated the Traffic report was acted on.

Mayor Wieczorek stated I don't think we took a final vote, we took every action up to a final vote when Home Insurance was interested in that and I don't think we ever took the final step.

Alderman Wihby stated it states "the Committee notes that specific regulation changes will be submitted as may be required at a future date." and we never did that, the Board never did that, so we really never accepted that according to this.

Alderman Reiniger stated I support changing this back to a two-way street. This gentleman is now making good use of this building and with this purchase every building in the Millyard has been put to use except the Pandora and the buildings on the south river front and that is a tremendous accomplishment as recently as two years ago almost half of the buildings were not being used, so I do support this two-way street change and also if, in fact, it appears that this was not a legal action, so it seems to me we could issue a directive to reverse it.

Alderman Cashin interjected it could be corrected tonight, yes.

Mayor Wieczorek stated that is what the City Solicitor is looking at right now.

Alderman Reiniger stated if that is the case I move to revert Bedford Street back to a two-way street.

Deputy Clerk Johnson stated based on the Traffic Committee report that was acted on on December of 1994, the report did note that the regulations would be submitted at a later date and those regulations were never resubmitted to the Board, therefore, the Bedford Street does constitute a two-way at this point in time and I would suggest that the Traffic Director change those signs tomorrow.

Mr. Lolicata stated first of all, I'd like to apologize. Second of all, this was a concept passed in December of '94. During the year we've passed the last stage of our new meters and our new section in the Millyard. Back in January or February, I was going to take care of the Millyard, Mr. MacKenzie and I got together, we had a schematic, we had a plan to finish up to make Bedford Street a one-way which we thought was by ordinance. When I proceeded to do this, the school down there was notified and I spoke personally with Mr. Cohen down there. When we started this project, we apologized Anchor was completely abandoned and I went ahead and did this. I've got two issues to take up right now...we can also do up an emergency act and I can proceed tomorrow. Secondly, I have to take the lines out first before I can take those signs out, so it's going to take two to three days because it would be dangerous if I didn't do that, put the double yellow in, back, etc. So, we're talking at least three maybe four days so I can get this done correctly. We apologize, but the schematic was all made up and the people were notified and the building was abandoned and this was a shock to me, but we can take care of it next week and I'll have an emergency act tomorrow and Frank Thomas can proceed.

Deputy Clerk Johnson stated no action is required by the Board of Mayor and Aldermen.

Mr. Morgan stated thank you very much.

Communication from the Chief of Police requesting the Board formally accept the Manchester Animal Shelter from the Friends of the Manchester Animal Shelter and to recognize those whose hard work and dedication to this project made it possible.

Chief Driscoll stated I would like to introduce to you an individual Jeanne Morris who is President of The Friends of the Manchester Animal Shelter, she is here with a group and I'd like to ask her to introduce the group in a moment, but I assume you've all read the agenda item relative to the progress that they have made and I hope that you have all seen the beautiful animal shelter. Two years ago with the help of Frank Thomas these folks got together and decided that the City should have a new animal shelter and through their hard work and dedication they've raised over a quarter-of-a-million dollars in addition to the funds provided by the Highway Department; it's a beautiful facility. If we could get these folks involved in the Civic Center, two years you'd have the civic center, I can tell you that. They've done a wonderful job, they've dedicated thousands and thousands of hours to the City of Manchester and it's all for a cause that they love. Jeanne would you just tell the folks a little bit about your progress there and introduce the rest of your team.

Ms. Morris stated if I could have everyone stand up who decided to come here tonight. We have Nancy Letegia, Jane Hills, Don and Leigh Perreault, Sharon Martel, Denise Zygpoulos, Doris Gagne, Cassandra Gatsas, myself, Joanne Surface and Barry Taylor. I think what has been wrought at the end will show to a testimony of what happens when the City works together with a non-profit and partnership. The Police Department has been commendable and the Highway Department too in helping us and encouraging us and keeping us on track and working together and it's a real testimony what can be done in the City with City employees and departments and citizens.

Chief Driscoll stated if I could just add two more names who were very, very helpful in this whole process one is here tonight, Deputy Chief Duffey, the second one is Commissioner Ralph Garst who worked very, very hard from start to finish on this project. If you haven't been to the animal shelter please go. We are going to have an open house within a short time. I'm not sure of the date, but you'll certainly all be invited. Thank you.

Alderman Wihby stated, Chief, I know that in other towns and cities animal shelters are run by just the non-profits in the city or the town and doesn't get involved. Are we looking to do that in the future, to get away from the City running it.

Chief Driscoll replied, I don't think this is in the game plan at this time that we have by ordinance an Animal Control Officer, his duties and responsibilities are very, very near and dear to the City and very necessary. I don't think that those folks would take over those responsibilities, that is not the game plan at this moment. I think we are going to work together with them, they've done a great job and I think with their support we can be a very, very strong organization.

Mayor Wieczorek stated, Jeanne, I want to commend you and your entire group, I think you did an outstanding job and it's just an indication of what people who make a commitment to get something done, can do. I remember being and I believe it was at your organizational meeting when you had a group of people around you with a lot of enthusiasm and you can see that you brought the plan that you had probably as a dream to fruition and it's happened and done by people who care, so I want to commend you and the entire group for a job well-done.

Alderman Pariseau moved to accept the Manchester Animal Shelter from The Friends of the Manchester Animal Shelter. Alderman Sysyn duly seconded the motion. There being none opposed, the motion carried.

Alderman Hirschmann stated I just wanted to make a comment as it is in my Ward. It is really the jewel of the west side. I want to thank Jeanne because what they have done is prevented many animals from being euthanized because of the size of this facility it's a lot bigger and they're saving animals and they're helping animals get adopted and I just wanted to thank everyone personally.

Alderman Elise stated I also want to comment Jeanne and each person that worked on this project. I've worked at the animal shelter in Nashua and I know the amount of volunteer hours and the fund-raising that goes into making this a success and it's really commendable the amount of volunteer hours of fund-raising that this group put in and I just want to thank each and every one of you for your efforts.

On motion of Alderman Shea, duly seconded by Alderman Soucy, 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 Resolutions:

“Amending the 1997 Community Improvement Program, authorizing and appropriating funds for the 1997 CIP 4.20108 Sting Patrol Program.”

“Amending the 1998 Community Improvement Program, authorizing and appropriating funds for a Health Department Project.”

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

ought to pass and be enrolled.

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

Ordinances:

“Amending the Code of Ordinances of the City of Manchester by inserting a new section, Section 32.140. relating to a Department of Human Resources.”

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

“Amending Chapter 96: Parks and Recreation of the Code of Ordinances of the City of Manchester by inserting Section 96.06.1 Smoking at Gill Stadium.”

“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.”

On motion of Alderman Wihby, duly seconded by Alderman Soucy, it was voted that the Ordinances be read by titles only, and it was so done.

These Ordinances having had their second readings by titles only, Alderman Wihby moved on passing same to be Enrolled. Alderman Reiniger duly seconded the motion. There being none opposed, the motion carried.

On motion of Alderman Soucy, duly seconded by Alderman Reiniger, it was voted to recess the meeting to allow the Committee on Accounts, Enrollment and Revenue Administration to meet.

Mayor Wieczorek called the meeting back to order.

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

“Amending the Code of Ordinances of the City of Manchester by inserting a new section, Section 32.140. relating to a Department of Human Resources.”

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

“Amending Chapter 96: Parks and Recreation of the Code of Ordinances of the City of Manchester by inserting Section 96.06.1 Smoking at Gill Stadium.”

“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.”

were properly Enrolled.

On motion of Alderman Pariseau, duly seconded by Alderman Shea, it was voted to accept, receive and adopt the report of the Committee on Accounts, Enrollment and Revenue Administration.

Alderman Shea stated I'd like Chief Driscoll to, if it's not out-of-order, to address how the Police will implement the new ordinance about Curfew for Children, if you would. Could you address that please because I know that it's going to add a little more time to your force and so forth, is there a plan in place to do this, Chief.

Chief Driscoll replied as we discussed once before there has been no new change in the ordinance on Curfew for Children, all it was was updated. There was change in the law. This was identified by the folks that redid the City Ordinances and they brought it to our attention, it is not a new ordinance but simply a change in the age. Alderman Reiniger sometime ago brought to our attention the fact that there was a possibility of doing a curfew here in Manchester, one that would work and I think that that remains on the table. We've discussed it with the Solicitor's Office, beyond that there is no new information I have from the last time we talked about this.

Alderman Shea stated why I bring it up is because up in Biddeford, Maine there is a case before the court regarding a girl 14 years old who was picked up by the Police and after she was summoned and the mother went to court and you're probably familiar with this case, so I'm wondering would we as a community run into the same problem here or what.

Chief Driscoll replied I think there are all kinds of legal issues, I support the idea of a curfew if it's well thought out and workable, but if it's not workable, I don't support it. I think we need to continue to look at it with the Solicitor's Office and I think they are going to get back to us in a very short time with some very pertinent information and then we will be able to make a better recommendation to the Board.

Alderman Shea stated what I want to clarify in my mind the Police Department find 14, 15, 16 year old children or youngsters out at two or three in the morning, are they going to pick them up, bring them to the station and have the parents then come to the station and pick them up or are they going to...how will that be implemented.

Chief Driscoll replied I am not sure at this moment that we would take an action and bring them to the station, we would secure them somehow probably if they were with a group of kids with an adult we would send them home, we might contact someone from their residence via a cellphone and have them respond and might have the department contact them and have somebody respond, we might give them a ride home or in a worse case scenario if we couldn't find a family member or relative we might bring them to the station and the Juvenile Division work on it. We certainly wouldn't leave a child out there in jeopardy.

Alderman Shea stated why I'm bringing it up is there are a lot of youngsters in my ward that are really roaming the streets at two and three and four in the morning and constituents have been calling me concerning this particular problem and I'm wondering if this ordinance would have any teeth to it, that is why I am trying to get the explanation.

Chief Driscoll stated could we hold the parents accountable and take them to court for allowing their kids to be out in the late of night, is that your question.

Alderman Shea stated I think the ordinance...how is a parent going to be summoned with a citation if somehow or other they can't be notified that their child is out because basically the Police won't contact that person, in other words let's assume there are six or eight children out in a backstreet and they're about 14 or 15 and the Police come and say to the child where do you live and the child says I'm not going to tell you or the Police go to the house and there is nobody there, how is this going to be implemented.

Chief Driscoll replied I can't tell you that at this time, it would depend upon the circumstances and depend upon what information and what procedures we develop with the City Solicitor's Office.

Alderman Shea stated so once it is developed through the City Solicitor, we would kind of understand that so we could explain it to our constituents.

Chief Driscoll stated yes. I don't think there is an existing problem now, if someone in a neighborhood calls the Police Department and says there is a group of youngsters and they are at risk in any way or are annoying in any way we'd certainly take action whether it's to move them, return them home, to have the parents come get them or take them to the Police Department. We would certainly take action. Whether that action involves a curfew violation or a curfew law that presently exists on the books that the City Solicitor's Office has told us there are concerns about, I don't think that that is the case.

Alderman Shea stated what I'm indicating is if we have an ordinance concerning a curfew then as an Alderman, I would like it enforced, that's what I'm saying. Otherwise, the ordinance is null and void really, so basically what I'm saying is if this ordinance goes into existence will there be something in place that children who are out somehow the parents are going to be held accountable for their being out and not at home.

Chief Driscoll replied I am not sure that I remember the date, but I think that ordinance is dated in the 70's, is that right, Tom. I think that to use that ordinance now would be a mistake as that is the information we've got from the Solicitor's Office. I think we are working toward finding out if, in fact, a curfew will work here in Manchester, but for us to take any action on that, that curfew ordinance was simply amended to make it current, but it still way out dated and not workable in my opinion.

Alderman Shea asked do we have a curfew ordinance.

Chief Driscoll replied we have something on the books.

Alderman Shea stated that is what I'm saying. So, shouldn't that be enforced even though it's...

Chief Driscoll replied I don't think I would recommend enforcing it and holding people accountable under that ordinance. I think there are certainly actions like what I said we could take to alleviate that problem until the Police Department and the City Solicitor's Office jointly feel comfortable with using that ordinance or amending that ordinance, I don't think we should use it.

Alderman Shea stated I know that as a community unless we begin to hold parents responsible for the behavior of their children, I can't blame the children. In other words, a parent should be responsible for the behavior of their children at a certain age. I'm not saying when they're 18 or 19, but when they're 12 or 14 and they're roaming the streets somehow or other we have to get a handle of this and like I said, Chief, I have problems in my ward concerning children being in backstreets and in different areas at two, three, four in the morning breaking bottles, using profanity and things like that and I'm wondering if this ordinance that we just approved will do something to help out.

Chief Driscoll stated the ordinance that you just approved is no different than the ordinance that has been on the books for the last 20 years and I don't recommend that you use it at this time and I think that the City Solicitor's Office concurs with that position, right Tom.

Alderman Shea asked what is the purpose of this then.

Chief Driscoll replied it was simply amended to bring it up to date in that they change the age, that's my understanding.

Alderman Shea stated they changed the age, but what is the purpose of the ordinance other than to change the age, Tom.

Assistant Solicitor Arnold stated the purpose of the ordinance was to take into account some case law that basically provided that you could not have a curfew ordinance that didn't make allowance for children being sent on errands by their parents. I would note that enforcement of curfew ordinances, in general, is a difficult proposition. You run up against constitutional issues, the right to assemble, the right to associate with who you wish. Some of those can be addressed by the age of people involved. Again, there is the issue of minors sent out on errands by their parents. As I said, these types of ordinances are difficult to enforce and you have to be careful about how you run up against those issues.

Chief Driscoll stated, Alderman Shea, I would say that not only do you have an interest in this but I know that Alderman Robert as does Alderman Reiniger and I've discussed it with both of those folks and within a short time I hope we can come up with some satisfactory answers. In the meantime, I would suggest that if you have any problems at all with groups of kids in your area certainly contact the Police Department and we'd be glad to meet with you and handle that. But, I don't think at this moment using an ordinance is...

Alderman Shea stated doesn't it say here "Violations. Each violation of the provisions of this section shall constitute a separate offense. For the first violation of this section by any child he shall be taken home", it should be he or she..."should be taken home by the officers and the parents or guardians shall be notified of the penalty for any subsequent violations." Shouldn't this be done.

Chief Driscoll stated that is what is said.

Alderman Shea asked is this being done now.

Chief Driscoll replied no, it is not.

Alderman Shea asked well, should it be done.

Chief Driscoll replied no, I don't think so at this time.

Alderman Shea asked then why are we approving this, I don't understand.

Chief Driscoll replied it is simply an age change. It went from 16 to 18 is that right, Tom.

Mayor Wiczorek stated I take it, it wasn't approved...you didn't do it before and you're not going to do it now. I think what he's saying so we can kind of end this is that they're taking a look at it to find out what they can do to really enforce it.

Alderman Shea stated right; that is what I am trying to say because I'm getting complaints when people who are saying that children are out and years ago children used to be taken down to the Police station and parents would come and pick them up, that was the rule. I've lived here for several years and I probably was at one time or another part of the process, I don't know.

Chief Driscoll stated under appropriate circumstances we still do that.

Alderman Shea stated if a child is out 14 or 15 years old at two or three in morning and an officer sees that child...

Chief Driscoll stated if he believes that that child is at risk in fact that will happen.

Alderman Shea stated at two or three in the morning a child isn't at risk at 14, you know what I'm saying.

Chief Driscoll replied I know what you're saying, but it's a very difficult situation to sit here and discuss. If the person is in their neighbor, if they are next to their house at what point do you draw the line if they're down the street, if they're in a park at the corner of the street. The officers have to use their discretion and continually do that.

Alderman Shea stated I suggest we move this back to Traffic so that we can probably...

Mayor Wiczorek stated no. I think what they are trying to do is just a technical change in here. If they didn't have anything they would never be able to do anything. Right now, at least you can take action sometimes if the situation arises.

Chief Driscoll stated it is my understanding that that change was suggested by the folks that reviewed the ordinance and actually worked with Leo. It is nothing that we motivated, it's something that we support, the ordinance is no different now, in my opinion that it was back in the 70's was it was designed.

Alderman Domaingue stated Alderman Shea's concerns, I think, could be shared by any one of us because of some of the incidences that have been reported of juveniles being out late at night and some of the disturbances that go along and I certainly don't mean to intend that they all do it. It's a relative neighborhood concern and perhaps Alderman Shea's questions tonight could be referred to a Committee of the Board and then this issue could be addressed further so that Chief Driscoll would have an opportunity to explain how this process affects his department.

Mayor Wiczorek stated I think what they should do is when the City Solicitor comes up with something definitive that it does come back to the Board so that the Board understands because if Alderman Shea is getting calls and other Aldermen are getting calls you've got to have some recourse, you have to have an answer for them and have to be able to refer them to somebody. So, if they will get this back to us once you look at it thoroughly, Tom, and report back so that this doesn't die tonight, but that it comes back we might be able to take an action.

Alderman Shea stated I don't want to make the Police job any harder than it is, it's a difficult job. What I want to do is try to work with the Police and the community so that if, in fact, some of these youngsters are taken care of at 13, 14 maybe the problems that exist at 18 or 19 won't exist because somehow they would be given some type of help at that age, that is what I'm really looking for. I'm not trying to make your patrolmen and your supervisors...

Chief Driscoll stated rest assured your goals are the same as mine, Alderman Shea.

Alderman Robert stated I'm interested in keeping an eye on this and working through it. Are you suggesting that we table it at this level until they come back or what.

Mayor Wiczorek replied they are going to come back. Well, I wouldn't table it because what this does is just a technical change and changes the age. So, I don't think I'd want to table this because you want to make sure you have an ordinance that is going to be live, so if you had to take an action you could take an action.

Alderman Robert asked why wouldn't we move it to Committee on Traffic/Public Safety.

Deputy Clerk Johnson stated as I understand the discussion now there are two separate issues. One, is the ordinance itself being ordained which is basically technical corrections which if they are not made the Police Department have no method of enforcing because it will not hold up in court whatsoever and that has been proven by case law. So, I guess the suggestion is to continue the process of ordaining this. The issue of the topic of discussion of how to handle juveniles in the separate neighborhoods, I suppose could be referred to a Committee if that was the Board's desire, but I think that they are indicating that it would come back at some point.

Alderman Robert moved to refer the issue of juveniles to the Committee on Traffic/Public Safety. Alderman Domaingue duly seconded the motion.

Alderman Cashin stated, Mark, I just want to understand one thing. It sounds like we have an ordinance on the books and for whatever reason they are not being interpreted or not being enforced, that is the furthest thing from the truth. This ordinance has been on the books to my knowledge since 1972, I think that is when it was passed. Now, I have called the Police Department on more occasions than I care to remember on the Colosseum and they have always reacted, I've called them on problems I've had in City parks and they've reacted. Believe me, the Police Department are doing their job the way they see it and they're doing a good job and I wouldn't want anyone on this Board to think that they aren't because you are Mark and you're to be commended.

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

Communication from the City Clerk requesting that the Board set the polling hours for the September 16th election from 6:00 AM to 7:00 PM.

On motion of Alderman Domaingue, duly seconded by Alderman Wihby, it was voted to set polling hours for the September 16th election from 6:00 AM to 7:00 PM.

Communication from the City Clerk requesting the Board's permission to solicit from City employees donations on behalf of the Manchester City Hall Restoration Committee, Inc. with such donations being paid in one lump sum or as a payroll deduction.

On motion of Alderman Robert, duly seconded by Alderman Pariseau, it was voted to approve the request to solicit from City Employees on behalf of the Manchester City Hall Restoration Committee, Inc.

Alderman Pariseau stated this will be a one-time deal, right.

Mayor Wieczorek stated it will be done only once.

Communication from Assistant Solicitor Arnold submitting a copy of a warranty deed for a 475 square foot strip of land for improvements to the South Willow Street/Goffs Falls Road intersection as part of the planning approval for the Pindot/Marriot Development/So. Willow Street and request the Board accept this land on behalf of the City.

On motion of Alderman Domaingue, duly seconded by Alderman Pariseau, it was voted to accept the land on behalf of the City for improvements to the South Willow Street/Goffs Falls Road intersection.

Communication from the Health Officer seeking the Board's permission to negotiate a lease with the owner of the Gerber Building, 50 Bridge Street, which would allow sufficient time to prepare a renovation plan consistent with their budget and develop a lease for review by the City Solicitor.

On motion of Alderman Pariseau, duly seconded by Alderman Wihby, it was voted to grant permission to the Health Department to negotiate a lease with the owner of the Gerber Building.

Communication from the Director of Planning seeking the Board's formal acceptance of the dedication of Pickering Street, Barrett Street, and Blevens Street in a recently developed subdivision as outlined in the enclosed.

Alderman Wihby moved to accept the dedications of Streets as outlined. Alderman Pariseau duly seconded the motion.

Alderman Wihby asked, Bob, do you know if all of the street lighting has all been put in over there and all set to go. I think Frank left. If we do this, should we hold this until that's done.

Mr. MacKenzie stated I know that street lights are installed and part of that, but I don't know specifically on those streets if that has been done.

Alderman Wihby stated I got some complaints on it not too long ago and I don't know if we're going to put them in later or what.

Mr. MacKenzie stated I would note at this point that there is no rush to this, but they do have to be formally accepted by the Board and if you want us to check on that, we can do that.

Alderman Wihby stated we could table this and then get back to us at the next meeting whether or not everything is done. If we approve this today, we won't have a bargaining tool anymore, is that true.

Mr. MacKenzie replied that is possible.

Aldermen Wihby and Pariseau withdrew their previous motions.

Alderman Wihby moved to table this item at this time. Alderman Pariseau duly seconded the motion. There being none opposed, the motion carried.

Communication from the Chief of Police urging the Board to adopt a position whereby the City of Manchester would decline to participate in the NH 225-FN, Needle Exchange Program.

Alderman Robert moved to accept the Chief's recommendation that the City adopt a position whereby Manchester would decline to participate in the NH 225-FN, Needle Exchange Program. Alderman Domaingue duly seconded the motion.

Alderman Domaingue stated I'll try and keep it short, but having served in the Legislature before, I'm a little concerned about the law that passed at the State level and I recognize that you are asking us to decline the opportunity to participate in a needle exchange program, but is it correct, am I reading this law correctly that was passed that any individual who administers or participates in the Needle Exchange Program is immune from prosecution on certain state laws relative to drugs, is that correct.

Chief Driscoll replied I'm not sure I follow your question. You can certainly prescribe hypodermic syringe or needle, a doctor can do that and you can lawfully possess it with a prescription, however, unlawful possession is a misdemeanor. This would exempt individuals within the confines of the City of Manchester and make us an oasis for people to come here to possess, that could not legally possess a needle in Dover, they could legally possess it in Manchester; it's a trial program and we don't think it's a good thing as I explained in the letter. I think that Manchester has fought real hard to eliminate some of these problems and it's a pilot program, they're looking for a community, the community has to consent and before that gets too far, I as the Chief of Police believe that it is incumbent upon me to come to you folks and ask you not to be that pilot program community. I don't think it's good for our community, we've taken too many very, very positive steps in the right direction and to go down this road at this time we would have people coming for all over New Hampshire because they could do something lawfully here in Manchester that they couldn't do in other communities and I don't think that is a good situation at all.

Alderman Domaingue stated this would allow them to be immune from prosecution even if they were using unlawful drugs.

Chief Driscoll replied yes.

Alderman Domaingue stated I guess it's the nature of the law that was passed, your Honor, that disturbs me the most and I do note that at the bottom it says that Representative Frances Riley who is a Representative from Ward 8 was recorded in opposition and I'd like to commend her for her courage in doing that and it's unfortunate that I didn't see more State Representatives names in opposition. Thank you.

Alderman Soucy stated I unlike Representative Riley was one of 244 Legislators who supported this legislation. It was a vote of 244 to 100 which is better than two-to-one in the Legislature who supported this legislation this issue. When I was first elected to the Legislature in my first term a similar piece of legislation was brought before the House and that measure was defeated. I think there were probably about a hundred or so that supported this legislation and like with many other issues it takes time before people begin to spend time researching issue, spend more time studying the issue and I think that was the case with this issue in particular. I have the utmost respect for Chief Driscoll and the Manchester Police Department does a superb job, I know they work under very, very difficult conditions, they've done an incredible amount in the inner-city, in particular, with the drug issue, but I think this is a two-fold issue and I think if we merely look at it from a law enforcement perspective we are looking at it with blinders. This is not just a drug issue, this is a health issue. This isn't an issue that just affects the person who sticks a needle in their arm. The person who sticks the needle in their arm has a psychological problem, a very deeply rooted problem, one who resorts to drugs does and my position has been known and it is very well-known in the Legislature. I have always fought and have always been opposed to drug abuse of any kind, but this issue goes beyond that and the issue really just isn't the needles or the use of drugs, the issue is HIV and AIDS and unfortunately I've grown up in a generation in which things have really changed due to HIV and AIDS and the spread of that in this community and it's something that has ravaged our entire community and I have a couple of friends who do have AIDS, it a sad thing to watch what that will do to a person. I guess the thing that troubles me the most is that, first of all, New Hampshire is a minority of states that still requires a prescription for hypodermic needles, most states no longer do because of diabetes and other medical problems whereby people need to take medication intravenously, but what bothers me is that I think we ignore or would be ignoring the fact that the largest number of people in our state who are infected with HIV reside in this very City and for some strange reason and I can't explain it, it seems to be the first disease that has come with a blame. Blame people who smoke for lung cancer, we don't blame people who eat fatty foods for getting heart disease, but we do blame people with AIDS for being sick and we ostracize them and we make them suffer as a result of the pain that they are experiencing with their disease. Most importantly, I think, we need to recognize as a community that people with AIDS perhaps through their own behavior which in some cases is HIV drug use or in some cases unprotected sex have contracted the disease, but the real people affected by this are the people such as women and people's partners who have no knowledge of this that then contract the disease and

most importantly children are born as a result of parents who unknowingly contracted a disease and I think that we as a community owe it to ourselves to consider these people and to at the very least, I understand that there are people on this Board who have very strong feelings about this issue and I certainly do and if I have to stand here alone, I will because I believe in the Exchange Program, I've seen results from other communities throughout the country and throughout the world where the spread of AIDS has been reduced and where people who are currently drug users are taken into the community and are offered the opportunity to get help. I think it would be a terrible travesty to say no to this program tonight before we know all of the details of it. The legislation says that they are looking for a host community, guidelines will be established - we don't know what those guidelines are yet - law enforcement will certainly participate, I assume in establishing those guidelines and most importantly if you look at the legislation in II (b) "Counseling and rehabilitation services to be offered to persons participating in the program." The primary function of this program is not to encourage people to continue to use drugs, it's not just to stop the spread of AIDS but most importantly to get people into the treatment they need and for that reason, I think it would behoove the City of Manchester to, at least, give this legislation some consideration and not act right away in refusing this program.

Mayor Wieczorek called for a vote on the motion to adopt the position of the Manchester Police Department. The motion carried with Alderman Soucy duly recorded in opposition.

Communication from the Director of Public Buildings Services seeking the Board's authorization to issue a competitive sealed proposal for a city-wide stockless office supply contract.

On motion of Alderman Hirschmann, duly seconded by Alderman Robert, it was voted to authorize the issuance of a competitive seal proposal for a city-wide stockless office supply contract.

Communication from the Public Works Director requesting the Board authorize acceptance of State hazardous waste clean up funds and to enter into a contract with the NH Department of Environmental Services, Waste Management Division for the Fall 1997 Household Hazardous Waste Collection project, and further requesting authorization for the Public Works Director to execute such documents as may be required.

On motion of Alderman Clancy, duly seconded by Alderman Soucy, it was voted to authorize acceptance of hazardous waste clean up funds and authorize the Public Works Director to execute such documents as may be required for the Fall 1997 Household Hazardous Waste Collection project.

Communication from the Public Works Director submitting the retirement application of Mr. Robert L. Morneau.

On motion of Alderman Pariseau, duly seconded by Alderman Soucy, it was voted to approve the retirement application of Mr. Robert L. Morneau as submitted with regrets.

Communication from the Public Works Director submitting the retirement application of Mr. Frank George.

On motion of Alderman Soucy, duly seconded by Alderman Sysyn, it was voted to approve the retirement application of Mr. Frank George as submitted with regrets.

Communication from the Public Works Director submitting the retirement application of Mr. Dennis Olmstead.

On motion of Alderman Clancy, duly seconded by Alderman Pariseau, it was voted to approve the retirement application of Mr. Dennis Olmstead as submitted with regrets.

Communication from Maureen Houghton, President of the South Jr. Deb Softball League seeking the Board's consideration of a donation to assist in supporting the teams in their efforts to attend the National Championships to be held August 5-12, 1997 in Marietta, GA and Springfield, MS.

Alderman Domaingue moved that the Board make a donation in the amount of \$500.00.
Alderman Pariseau duly seconded the motion.

Mayor Wieczorek stated I think we ought to make the donation contingent upon their raising the money because \$30,000 is really a lot of money.

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

Communication from John Mayer of the Manchester Historic Association requesting an appropriation of \$5,000 from the Board in support of the Association's upcoming exhibit and related public program series entitled *Picturing Manchester: Photographers and Photography in the City, 1850-Present*.

Alderman Pariseau moved to refer Mr. Mayer's letter to the Committee on CIP. Alderman Elise duly seconded the motion.

Alderman Domaingue asked does anyone know whether sending this to CIP will result in a delay for the exhibit itself.

Mayor Wieczorek replied, I don't know, does anybody else.

Clerk Bernier asked, Mayor, would you like me to follow through on that as we've worked with them very closely, will check with John and report back to the Board.

Mayor Wieczorek stated you probably ought to get the information and bring it back to the Board because if it's going to happen this fall there won't be that much time to make a trip, so let's table it and it'll come up at the next meeting in the meantime Leo will check it out.

On motion of Alderman Domaingue, duly seconded by Alderman Pariseau, it was voted to table Mr. Mayer's communication to the next meeting pending further information to be gathered.

Communication from Richard Plant, Londonderry Town Manager, requesting the approval of the Board of Mayor and Aldermen for the Manchester Airport Area Transportation Management Association (MAA-TMA) to make application for federal CMAQ funds.

Alderman Pariseau asked how this would affect the access road to the Airport that Londonderry is opposed to and they can't have everything both ways. Now, they're coming and begging us to apply for federal funds and they don't want the access road.

Mayor Wieczorek stated you have one group that wanted it and another group that doesn't want it, so there's a little confusion over there. Do you want to refer this to the Airport Authority.

Alderman Pariseau moved to refer it to the Airport Authority. Alderman Cashin duly seconded the motion.

Alderman Sysyn stated why don't you ask Fred Testa now, he's here.

Alderman Pariseau stated Mr. Testa is not the Airport Authority.

Mayor Wieczorek stated no, but he'll give you some background on this, do you want to know or don't you.

Mr. Testa asked what was the question. I was talking to the Labor Negotiator, I wasn't listening, I'm sorry.

Mayor Wieczorek stated that's okay, it's the item having to do with the CMAQ funds that they want to apply for.

Mr. Testa stated that is the Manchester Airport Authority Transit Management Association. This Board already two years ago approved of this and it was the Town of Londonderry applying for some federal funds, I think it was \$35,000 to do some transportation management in the southend of Manchester/northend of Londonderry since they are contiguous and what they did they went to Blue Cross which is in Manchester, they went to Freudenberg in Manchester, half in Londonderry, Half in Manchester and the Airport area businesses and asked about share-a-rides, they're trying to get demand transportation management funds but with public buses they've been to the Manchester Transit Authority to get better bus service in there, coordinate rides during peak periods and look for things like staggered shifts so that we wouldn't have all people coming off the Airport or out of Blue Cross or out of the Technology Park all at once to jam the roads and they're trying all of these kinds of things and now that grant is up and they are asking for your support for them to go out and apply for this grant to continue this operation. Blue Cross is now on full scale and they have a number of share-a-rides

and what they do with share-a-rides if you share a ride coming in and your rides go home early and you have to work late, this particular group guarantees you a ride home, so if you belong to it someone will come pick you up and bring you home at night. It's a lot of those initiatives to try to lessen the amount of traffic at any one time in the southern part of Manchester and the northern part of Londonderry and all they are asking for is your permission tonight. We've donated office space to them at the Ammon Terminal where they work out of and they applied for, I think did you appropriate \$5,000 to this effort two years ago, I know you did and the Town of Londonderry donated ten or fifteen thousand and then \$30,000 from the federal government and now they are asking to apply for more funds and your support.

Mayor Wiczorek stated I think this could be a very good thing for the Airport.

Alderman Pariseau asked how does Welfare enter into this picture.

Mr. Testa replied not that I know of.

Alderman Pariseau stated it says here "to develop a transportation mentoring program in cooperation with the City of Manchester Welfare Commissioner."

Mr. Testa replied it might be with the Manchester Welfare Commissioner in the Jobs Program and probably trying to get...one of the biggest problems they have is not being able to get to and from the job on a regular basis, they may be establishing share-a-rides for that kind of individual to get back to work also, but it has nothing to do with Welfare per se.

Alderman Pariseau stated do you mean to tell me that now we are in the business of...

Mr. Testa interjected you are not in the business, Sir, it's a non-profit organization that funds itself.

Alderman Pariseau stated we've got more of them coming into the City than profit making entities, just had another one tonight.

Mayor Wiczorek stated you'll have to write to your Congressmen because that's the federal law that changed the Welfare to work and then we just received the word that's in here about the grant for the homeless to get them to work. What they are asking for is to conduct a study on enabling these people to be able to get to work, that is the purpose of this. The federal money is going to be here.

Alderman Pariseau asked can we have the recommendation of the Airport Authority.

Mr. Testa replied the recommendation of the Airport Director is to approve their request that you approve their effort, that's all they're asking for, they are not asking for money, they're not asking for your help.

Mayor Wieczorek stated it's a good program, Alderman.

Alderman Pariseau stated send it to the Authority.

Mayor Wieczorek stated send it to the Authority, they're advisory only.

Mr. Testa stated they have no input.

Alderman Cashin stated it's a lot cheaper to give someone a ride and get them off the welfare rolls than it is to keep them there and moved to approve the request of the Town of Londonderry to make application for federal CMAQ funds. Alderman Domaingue duly seconded the motion. The motion carried.

Ordinances:

“Amending the Code of Ordinances of the City of Manchester by inserting a new section, Section 32.140. relating to a Department of Human Resources.”

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

“Amending Chapter 96: Parks and Recreation of the Code of Ordinances of the City of Manchester by inserting Section 96.06.1 Smoking at Gill Stadium.”

“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.”

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

These Ordinances having had their third and final readings by titles only, Alderman Pariseau moved on passing same to be Ordained. Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

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.”

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

Resolutions:

“Amending the 1997 Community Improvement Program, authorizing and appropriating funds for the 1997 CIP 4.20108 Sting Patrol Program.”

“Amending the 1998 Community Improvement Program, authorizing and appropriating funds for a Health Department Project.”

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

On motion of Alderman Clancy, duly seconded by Alderman Robert, it was voted that the Resolutions be read by titles only, and it was so done.

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

Nominations to the Conduct Board were presented as follows:

Mayor Wieczorek stated there are five members on that Board and two alternates and the City Solicitor is one. So, we have two different terms and then we have an alternate. So, are you nominating the individual for the regular post or the alternate post.

Alderman Shea moved to nominate James Barry as a regular member.

Alderman Elise moved to nominate James Craig as a regular member.

Alderman Pariseau moved to nominate James Edinger as a regular member.

Alderman Hirschmann moved to nominate Eugene L. Gagnon as an alternate.

Alderman Wihby moved to nominate Michael Netkovick as a former alderman.

Alderman Cashin moved to nominate Donna Soucy as a former alderman as she will no longer be a member of the Board.

Mayor Wieczorek stated Alderman Soucy will be on the Board when this Board goes into effect and won't be able to serve, has to be a former member of the Board right, Tom.

Assistant Solicitor Arnold replied yes.

TABLED ITEMS

On motion of Alderman Wihby, duly seconded by Alderman Robert, it was voted to remove Item 35 from the table for discussion.

Nomination of Steven Tellier as Chairman of the Board of Assessors.
(Tabled 7/1/97)

Alderman Wihby moved to confirm the nomination of Steven Tellier as Chairman of the Board of Assessors. Alderman Robert duly seconded the motion.

Alderman Soucy stated, your Honor, at this time I would like to place another name in nomination.

Mayor Wieczorek stated let's vote on this one first.

Alderman Soucy stated typically when we have nominations, we have more than one nomination. We voted for whichever person we were voting for in other votes. I don't see why this is different. Typically, if there are two...

Mayor Wieczorek asked doesn't this have to lay on the table till the next meeting, this one has been.

Alderman Soucy stated as I understand it, your Honor, nominations weren't closed, so.

Alderman Wihby stated I would imagine if this nomination didn't go through, we'd be taking additional names anyway.

Mayor Wieczorek replied absolutely. If this one fails, then we take additional names.

Alderman Soucy stated I just thought that procedurally in the past when we've had more than one name for a nomination, we've always put...

Mayor Wieczorek stated we don't have more than one name though, we only have one.

Alderman Cashin stated, your Honor, I don't think nominations were ever closed.

Alderman Soucy stated, no they weren't.

Alderman Wihby stated it's still open.

Alderman Cashin stated they're still open as far as I'm concerned.

Alderman Wihby stated if a vote is taken today and he doesn't win then you nominate people all over again. If a vote is taken and he wins, then you wouldn't have to vote again and that's how we have always done it.

Mayor Wieczorek referred to the Assistant City Solicitor.

Assistant Solicitor Arnold stated it's a parliamentary question, I guess it's up to His Honor with an appeal to the Board.

Mayor Wieczorek stated it's up to me. Well, what I would like to do is to have us take a vote on it and if this vote fails we'll go on to other nominations.

Alderman Pariseau asked, your Honor, has Mr. Tellier made any inference that he doesn't want to serve as Chairman.

Mayor Wieczorek replied, not to me he hasn't, I don't know who he has, if he has to anybody.

Alderman Robert stated he told me he would be here and he would be more than happy to serve.

Alderman Sysyn stated can I just say something. Didn't Mr. Tellier, wasn't he at one point going to take his name out of the nomination, take his name back.

Mayor Wieczorek stated he never said that to me, I don't know who he said it to. I hear this rumor and I don't know who started it.

Alderman Sysyn stated I've had a conversation with him.

Mayor Wieczorek asked with him or with somebody else.

Alderman Sysyn replied with him.

Mayor Wieczorek stated and he said he was going to take his name off.

Alderman Sysyn stated at the beginning when you first put his name in.

Alderman Robert stated I talked with Mr. Tellier and we talked about the whole situation and when (before and after) the situation. He had told me some of the background noise that was going on. He thought he could, he was uncomfortable with some of the background goings on and he told me he would go back and discuss them and come back and speak with me. He came back and spoke with me and asked me if I would consider withdrawing his name and I said "no, I'm not going to" and he said "fine, if you won't withdraw my name, I'd be happy to accept the nomination" and here we are. He did agonize over it because of the work situation with three people, but apparently after his discussions he felt that he could live with the situations as presented.

Mayor Wieczorek stated I've got the nomination on the floor, let's vote on it. Vote it up or down, it's either going to go one way or the other.

Alderman Soucy asked, your Honor, how are we dealing with this parliamentary. I would like to nominate Paul Porter at this time to the Board of Assessors.

Mayor Wieczorek stated the City Solicitor just said that it's a parliamentary judgment.

Alderman Soucy interjected, I understand that and I'm waiting for your parliamentary ruling, it's unclear to me at this point.

Mayor Wieczorek stated I said we would take a vote on the nomination that we have currently, that is what I said.

Alderman Soucy stated okay, so procedurally now in the future we are going to vote on one name at a time, is that how nominations work, okay, so we're changing the policy that this Board has previously had.

Mayor Wieczorek stated they didn't both come in together.

Alderman Wihby stated if they came in together we'd take them both.

Mayor Wieczorek stated right, but they didn't come in together.

Alderman Cashin stated theoretically they did, your Honor, because nominations were never closed.

Alderman Soucy stated so the floor is still open to nominations, is my understanding.

Mayor Wieczorek stated since he left it up to me, what I'm going to do is put this to a vote. You can vote yes or no and if you vote whatever happens, happens and what we will do is we will take...not a voice vote, but we're going to have a roll call.

Alderman Cashin stated first, can I say something, your Honor. As a Parliamentarian, you have a right to decide how this should go and I'll go along with that, but let's not forget the big picture here, okay. You have Steve Tellier who I have a great deal of respect for, a nice young fellow...

Alderman Soucy stated he's been working hard and doing an exceptional job in the City, the abatement account and its decreases in recent year is an example of how smoothly that department is running; that department is a small department, people in that department need to work together and I think under the able bodied leadership of Paul Porter to this point has been with the department for 17 years, that department has run smoothly. But, let me just read one thing to you because it's in our new Charter and I think it's important. Section 3.08 of the Charter has Nominations of appointed officers. "City officers shall be nominated by the Board of Aldermen based upon merit and after due consideration of qualifications for office." I really think that is an important statement particularly in this instance. Steve is a capable, competent, dedicated person no question about it. But, he's only been in the department for three years. It's my understanding that in the past, even when the Chairmanship was rotated in that department it was not until someone had been in the department for five, six, seven, eight years. There's no reason, at this point, that I know of why Paul Porter should not continue in the position and since we're taking the nominations in order, I think that's important and it needs to be said and I think we need to consider qualifications and experience.

Alderman Wihby stated, your Honor, I understand what Alderman Soucy is saying but as late as last night I called up...normally the Assessors were the ones who put together themselves and came forward with a nomination of somebody and as late as last night, I called up our third Assessor and I asked him what his recommendation would be because I assumed each one of the other two would be pushing for themselves and I said your decision is key and he said they've both done a good job, I hate to put myself in the middle, but if I had to pick somebody, I would pick Steve Tellier. So, this Board has said well what do the Assessors say, what do they want,

what do they have to say and it would be a two-to-one vote for Steve Tellier according to the Assessors. Now, if that's not doing what they're wishes are, I don't know but.

Mayor Wieczorek stated I don't want to debate this anymore, let's put it to a vote and we'll start with Alderman Wihby.

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

Petition submitted by State Representative Vaillancourt seeking the Board's endorsement regarding residents concerns of the Airport Access Road.
(Tabled 7/1/97)

Mayor Wieczorek asked why was this item tabled.

Alderman Domaingue replied it was tabled to give the people in that area an opportunity to have a discussion with the State Department of Transportation and also to await their public hearing because of a petition that has been circulated and what the Representative from Ward 8 is asking to do is basically to support the proposal that was presented by the DOT which some of the residents in that area have a grave concern about, they live there, their homes are there and I think out of respect to them we should not give a blanket endorsement to one particular proposal if, in fact, a solution can be worked out.

Mayor Wieczorek asked what do we want to do with ii, take it off and dispose of it or do you want to leave it on the table.

Alderman Domaingue replied I'd like to leave in on the table, your Honor, until we have an opportunity to see whether these two sides can come to an agreement.

Alderman Soucy asked is there a meeting schedule, is there a particular date at which these discussions are taking place or are individuals meeting with the DOT on an on-going basis.

Alderman Domaingue replied I had spoken months ago with Representative Raymond Buckley also from Ward 8 who informed me that he was going to attempt to set up that meeting and I have yet to hear from him. I understand that the DOT has a public hearing scheduled and that the petition it still being circulated. People have not gotten back to me. I have one petition and I have another one circulating as to whether or not they have completed that petition, but I certainly don't think that there is anything wrong with having a discourse between either myself and the Representatives in the area and the DOT or the people who are circulating the petitions. My concern right now is that if this Board were to endorse the plan of the DOT it would be giving tacit approval to the plan as presented which certainly impacts many homeowners in that

area before they have had an opportunity to present their case. Would you like to arrange for such a meeting Representative Soucy.

Alderman Soucy replied I am no longer a Representative, but thank you for the title, Alderman.

Alderman Domaingue stated well you certainly have been there just as long as I was, so if you're offering I would have no problem with that.

Alderman Soucy stated fine, if you want me to set up a meeting I'd be happy to.

Alderman Domaingue reiterated I had approached Representative Buckley and I was still waiting.

Mayor Wieczorek stated okay, why don't you work it out and we'll keep this on the table.

NEW BUSINESS

Alderman Hirschmann moved to get the support of the Board to send Senator Judd Gregg a letter of gratitude for his office's work on acquiring the U. S. Naval Reserve site, I think that was a big acquisition for the City. Alderman Robert duly seconded the motion. There being none opposed, the motion carried.

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

Mayor Wieczorek called the meeting back to order.

Mayor Wieczorek stated I will entertain a motion to lay the teacher's contract over for ratification subject to Rule 26 until September 2nd.

Alderman Pariseau moved to approve layover of the agreement with the Manchester Education Association in accordance with the memorandum of agreement and cost calculations presented for ratification at the next meeting. Alderman Shea duly seconded the motion. The motion carried with Aldermen Wihby, Reiniger and Domaingue duly recorded in opposition.

Alderman Wihby stated can it just be noted that back in 1995 I know that the administration of the School Board has worked hard in preparing this and I know they are looking forward to doing merit pay increases next term, but I'm on the record of supporting merit increases this term and that is why I am voting in opposition.

Alderman Cashin gave notice for reconsideration on the motion regarding the Chairman of the Board of Assessors.

Alderman Reiniger stated I just wanted to follow-up to Alderman Wihby's comment relative to the teacher's contract. At that time, I agreed with Alderman Wihby about instituting a merit pay system and I also want to note that the Business & Industry Association has a report *An Agenda For Continued Economic Opportunity in New Hampshire* and in their section on education they recommended that at the local level every School district should develop and achievement-based incentive program to reward teaching excellence.

Alderman Elise stated one of the things in the contract which was debated in private session was that a clause saying that the School Board shall supply sufficient textbooks and consumable supplies and I agree with this. I think last year it was really a disaster that proper supplies were not supplied. So, I really don't have a problem with that clause at all.

Alderman Shea stated we discussed two contracts, didn't we.

Mayor Wiczorek stated we don't have to do anything with the other one.

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

A True Record. Attest.

City Clerk