

BOARD OF MAYOR AND ALDERMEN

December 2, 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, Domaingue, Cashin, Robert, Hirschmann
Aldermen Shea and Pariseau arrived late.

CONSENT ITEMS

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

Minutes Accepted

- A. Minutes of meetings held September 2, 1997 (two meetings); October 1, 1997; and October 7, 1997.

Informational to be Received and Filed

- C. Communication from the Executive Director of MHRA submitting a report setting forth the estimated amounts of funds for various projects to be requested by the Manchester Housing and Redevelopment Authority.
- D. Communication from Kathleen Cook, Downtown Farmers' Market thanking the Board for its assistance with the establishment of the Market and asking members on any suggestions they might have for next year's Market.

REFERRALS TO COMMITTEES

COMMITTEE ON COMMUNITY IMPROVEMENT PROGRAM

- E. Communication from David Chapdelaine requesting the City purchase his two lots on Cleveland Street (#64 & #65) due to both environmental and economic hardships encountered as a result of the West Side Pumping Station.

COMMITTEE ON FINANCE

- F. Communication from Chief Driscoll requesting transfer of \$24,671 from Contingency to the Police Department budget line #3319C10898 as a local match for the Local Law Enforcement Block Grant.

COMMITTEE ON PERSONNEL/INSURANCE

- H.** Communication from Alderman Hirschmann submitting a proposal relative to the Welfare to Work Program to be known as "SWAT" (SideWalk Action Team).
- I.** Communication from the Employee Relations Manager submitting a change in class title of Building and Asbestos Program Manager to Building Program Manager.

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- J.** Communication from Doug DuVerger, Academic Director of the North Eastern Institute of Whole Health, Inc., requesting the posting of signs of their facility within City limits and also the painting of a crosswalk from the Pearl Street Parking Lot to their back door located at 22 Bridge Street.
- K.** Communication from Brooks McQuade requesting permission for merchants to lease a portable house (at their expense) to be located at the Middle Street Parking Lot for a full-time attendant.

REPORTS OF COMMITTEES

COMMITTEE ON ACCOUNTS, ENROLLMENT, & REVENUE ADMINISTRATION

- L.** Advising that it has accepted the enclosed report from the Board of Assessors and is submitting same to the Board for informational purposes.

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

- N.** Recommending that the Board of Mayor and Aldermen endorse the establishment of an exploratory committee to research and propose a pilot program to the Board which would provide for displaying local artists work, on a rotating basis, at the newly renovated City Hall when completed. This exploratory art display program committee is intended to include the following:
 - Leo Bernier, as City Clerk
 - Eleanor Dahar, as Chair of Federated Arts
 - Althea Haropulos, as Chair of the Manchester Artist Assoc.
 - Andrew Svedlow, representing Institute of Art
 - Karen Lord, as Central High Art Teacher (School Dept. Art Program representative)

COMMITTEE ON COMMUNITY IMPROVEMENT PROGRAM

- O.** Recommending that a request to transfer 1997 CIP 2.20718 Pharmaceutical Program - \$3,000 ESG and 1997 CIP 2.50606 Operational & Rehabilitation Assistance - \$2,500 to a new project, 1997 CIP 2.20724 Helping Hands Entry Door System - \$5,500 ESG be granted and approved; and for such purpose an amending resolution and budget authorizations have been submitted.
- Q.** Recommending that the 1997 and 1998 CIP HOME project funds be transferred to the 1998 CIP 6.10408 Elm Street Rehabilitation Project - \$300,000, and the 1998 CIP 6.10409 Renaissance Homes Project III - \$300,000; and for such purpose an amending resolution and budget authorizations have been submitted.

- R.** Recommending that a request allowing for the acceptance and expenditure of grant funds by adding the 1998 CIP 4.10302 MHRA Undercover Officer - \$50,000 and the 1998 CIP 4.10304 MHRA Community Policing - \$68,000 be granted and approved; and for such purpose an amending resolution and budget authorizations have been submitted.
- S.** Recommending that a request allowing for the acceptance and expenditure of grant funds by adding the 1998 CIP 4.20107 Local Law Enforcement Block Grant - \$222,037 US Dept. of Justice be granted and approved; and for such purpose an amending resolution and budget authorization has been submitted.
- T.** Recommending that a request allowing for the acceptance of impact fees from developers by increasing the 1998 CIP 5.10258 Livingston Park Capital Improvement Project - \$33,180 Other increasing the budget from \$500,000 bond to \$533,180 (\$500,000 bond and \$33,180 other) be granted and approved; and for such purpose an amending resolution and budget authorization has been submitted.
- U.** Recommending that a request allowing for the acceptance of impact fees from various developers by increasing the 1998 CIP 7.10103 Annual Right of Way Reconstruction - \$18,000 Other (Impact Fees) increasing the budget from \$1,210,000 bond to \$1,228,000 (\$1,210,000 bond and \$18,000 other) be granted and approved; and for such purpose an amending resolution and budget authorization has been submitted.
- V.** Recommending that a request allowing for the acceptance and expenditure of FAA grant funds in an amount greater than anticipated with the funds for several projects consolidated into two projects and adding the 1998 CIP 7.30282 Airport Site Development/ Wetland Mitigation Project - \$5,222,425 (\$257,871 MAA, \$257,871 State, \$4,700,183 FAA) be granted and approved; and for such purpose an amending resolution and budget authorization has been submitted.

COMMITTEE ON PERSONNEL/INSURANCE

- W.** Recommending that a request to increase the pay rate for School Crossing guards to Grade L, Summer Seasonal Temporary Schedule ID be granted and approved.

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- Y.** Recommending that a request by Claudia Lee seeking permission for the closure of streets, access for vendors, and free parking in conjunction with "First Night Concord/Manchester" be approved under the supervision of the Police Department.

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

- B.** Communication from the City Clerk submitting the official results of the Non-partisan Municipal General Election held on November 4, 1997.

On motion of Alderman Soucy, duly seconded by Alderman Pariseau, it was voted that the communication from the City Clerk be received and filed.

- G.** Resolutions:

“Amending the 1997 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of \$5,500.00 for the 1997 CIP 2.20724 Helping Hands Entry Door System.”

“Amending the 1997 and 1998 Community Improvement Programs, authorizing and appropriating funds for the 1997 and 1998 CIP 4.20105 Juvenile Jail Removal Program.”

“Amending the 1997 and 1998 Community Improvement Programs, transferring, authorizing and appropriating funds for the 1998 CIP 6.10408 Elm Street Rehabilitation Project and 1998 CIP 6.10409 Renaissance Homes Project III.”

“Amending the 1998 Community Improvement Program, authorizing and appropriating funds in the amount of \$118,000 for the 1998 CIP 4.10302 MHRA Undercover Officer and 4.10304 MHRA Public Housing Community Policing.”

“Amending the 1998 Community Improvement Program, authorizing and appropriating funds for the 1998 CIP 4.20107 Local Law Enforcement Block Grant.”

“Amending the 1998 Community Improvement Program, authorizing and appropriating funds in the amount of \$33,180 for the 1998 CIP 5.10258 Livingston Park Capital Improvement Project.”

“Amending the 1998 Community Improvement Program, authorizing and appropriating funds in the amount of \$18,000 for the 1998 CIP 7.10103 Annual Right of Way Reconstruction Program.:

“Amending the 1998 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of \$9,291,925 for certain Manchester Airport Authority Projects.”

“Authorizing the Finance Officer to effect a transfer of Forty-Two Hundred Dollars (\$4,200.00) from Contingency to the Aldermen’s budget.”

Alderman Domaingue stated I had questions regarding the two amendments that refer to impact fees, one for \$38,180 and one for \$18,000 and I would only ask if someone could provide me with the information of where these impact fees came from.

Mr. MacKenzie replied right off the bat I know where the majority of those funds are from. I know there’s \$7,200 going to play equipment at Livingston Park and I’m not sure where the source of those funds are, that’s private contributions and not impact fees. The balance of the funds are impact fees. The majority roughly \$26,000 is from two retail projects on the Daniel Webster Highway where the Planning Board negotiated with the developer to install lights at Red Coat Lane and Daniel Webster Highway, so that’s the majority of funds. There is also \$18,000 in impact fees going towards improvements at the intersection of Weston Road/Mooresville Road/Huse Road and I can’t remember specifically which project that one came from, it could be the Marriott Hotel project.

Alderman Domaingue stated, Mr. MacKenzie, it was our understanding that the intersection improvements to Huse/Weston/Mooresville were already contained and were approved and paid for, why suddenly are we adding \$18,000.

Mr. MacKenzie replied the total amount of the construction project is considerably more than the original amount offered by New England Development Corp., they offered \$150,000, the ultimately construction project was probably twice that, I believe, I don't see Frank Thomas here and the final funds for that won't come through until they get their final CO's at the Mall of New Hampshire, they've gotten most of them, but not all of them. But, the total construction was more than the proposed contribution from New England Development.

Alderman Domaingue stated on the final paragraph authorizing the Finance Officer to effect a transfer of it says Forty-Two Thousand Dollars.

Mayor Wieczorek interjected it's Forty-Two Hundred, that's an error.

Alderman Domaingue asked what is the origin of that money and what is it being used for.

Mayor Wieczorek replied it's from Contingency, I guess, and it's going to be used for the new Aldermen At-large.

Clerk Bernier replied that is correct.

On motion of Alderman Domaingue, duly seconded by Alderman Pariseau, it was voted that the Resolutions be referred to the Committee on Finance.

Report of Committee on Accounts, Enrollment and Revenue Administration

M. Recommending that a request of Gino Alibrio, New Horizons for NH, Inc. seeking an exemption from the annual \$500.00 inspection charge conducted by the Fire Department for their building located on Manchester Street be denied. The Committee advises that the Fire Chief shall forward a letter of explanation to Mr. Alibrio.

Alderman Wihby stated it seems to me that New Horizons should be given an exemption, do you know why it wasn't, maybe we haven't done it before, but it seems like a good cause even if we have to take it out of Contingency and pay for it ourselves.

Alderman Elise stated I can address that. As the Chairman of the Accounts Committee, there are many people in this City that have to pay this particular inspection fee and among them are many non-profits including school buildings, etc. and this was a very, very delicate issue in the sense that yes we do know that this particular organization does contribute a lot to the community and there are a number of organizations that also pay this inspection fee that do contribute a lot to the community also. So, in this particular case we did ask the Chief of the Fire Department to talk directly to this organization about the parameters of the fee and the assessment of the fee and who this fee is charged to, etc. I do understand your concern and I know that there are several other organizations, I would also like to help out in terms of this particular fee, but the Committee did decide that it would be best handled in this particular manner.

Alderman Hirschmann stated just for Alderman Wihby's benefit, this is the municipal fire alarm call box service that is on every building in the City and there's a lot of churches throughout the City that are non-profits and they pay the \$480.00 per year, so if you made an exception for New Horizons, who are a very good group, it would impact a lot of churches and a lot of non-profits and a substantial amount of money.

On motion of Alderman Wihby, duly seconded by Alderman Hirschmann, it was voted to accept the report as submitted by the Committee.

Report of Committee on Community Improvement Program

- P.** Recommending that a request allowing for the acceptance and expenditure of grants funds by increasing the 1997 CIP 4.20105 Juvenile Jail Removal from \$48,330.32 State of NH Dept. of Health & Human Services to \$52,750.32 and by adding the 1998 CIP 4.20105 Juvenile Jail Removal - \$44,181 State of NH Dept. of Health & Human Services be granted and approved; and for such purpose an amending resolution and budget authorizations have been submitted.

Alderman Wihby stated Item P was taken off the Consent Agenda at the request of the Clerk.

Deputy Clerk Johnson stated the amount of \$38,330.32 should reflect \$48,330.32.

On motion of Alderman Wihby, duly seconded by Alderman Pariseau, it was voted to accept the report of the Committee with the correction.

Report of Committee on Traffic/Public Safety

- X.** Recommending that the area of South Jewett Street in the vicinity of Jewett Street School and Southside Junior High School be established as a 20 mph zone with flashers. The Committee further recommends that funds be transferred from Contingency to cover the costs related to installation of the flashers.

Alderman Wihby stated these are the lights/flashers at Jewett Street there was no number or figure in here that we're going to be asking for out of Contingency, I know it came up at Committee, but normally we have a process where sidewalks would go through, evaluate which are the worse noting there might be other school areas who might have asked for flashers or is this the one that is the next in line to be done and how much is it going to cost.

Deputy Clerk Johnson replied Mr. Lolicata reported to the Traffic Committee that the cost should be less than \$5,000, he didn't have the exact figures at the time and in terms of the flashers there was a question raised as to whether or not there was a priority list, there is no priority list, and the request was specifically to put flashers in front of the two schools on Jewett Street.

Alderman Wihby stated no other flashers have ever been asked for.

Deputy Clerk Johnson stated other than Beech Street which has them. There was no other request for them on record.

Alderman Wihby stated a motion for up to \$5,000 is then needed.

Deputy Clerk Johnson stated there would have to be a resolution brought it at the next meeting anyway.

Alderman Domaingue stated the request for those flashers, Alderman Wihby, came as a result of a traffic control crossing guard almost getting hit by an automobile in front of the school and that particular street, South Jewett Street has become a secondary road to South Willow Street. People are using it as a cut through, you have three schools on that road, there has been a high incidence number of accidents...there are elementary, junior high, and senior high students who walk all along there. If there is a need in this City anywhere for that type of a signal, it is definitely on South Jewett Street and that is why the request is made.

Alderman Shea stated there was also a meeting conducted at Jewett School involving Wards 7 & 8 as well as other people interested at that time in running for political office and it was brought out by the people whose children attend Jewett, particularly, that there were hazardous conditions existing on South Jewett Street and Vinton Street, particularly. So, I think that there is a very urgent need to have this done.

On motion of Alderman Wihby, duly seconded by Alderman Domaingue, it was voted to accept the report as submitted by the Committee.

Report of Committee on Traffic/Public Safety

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

Alderman Wihby stated if I could ask the Traffic Chair, I noticed there's 4-way stop signs on this agenda and most of the 4-way's have always been denied, I know the Traffic Department has always said we shouldn't do them. How come, is this a new policy.

Alderman Sysyn stated we had set a policy at one of our meetings that they would be allowed if they were near schools.

Alderman Wihby stated they are then all in school areas.

Alderman Sysyn replied yes.

On motion of Alderman Wihby, duly seconded by Alderman Clancy, it was voted to accept the report as submitted by the Committee.

Discussion with the Chair of the Planning Board, Planning Director, Chair of the Zoning Board and the Building Commissioner relative to the reasoning behind decisions being made, processes involved and future plans for the City.

On motion of Alderman Cashin, duly seconded by Alderman Pariseau, it was voted to table this item.

Alderman Elise asked will this be coming before our next meeting.

Mayor Wiczorek replied it's not here today because one of the principal's who was going to be here was called out-of-town.

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

Mayor Wiczorek 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, transferring, authorizing and appropriating funds in the amount of \$5,500.00 for the 1997 CIP 2.20724 Helping Hands Entry Door System.”

“Amending the 1997 and 1998 Community Improvement Programs, authorizing and appropriating funds for the 1997 and 1998 CIP 4.20105 Juvenile Jail Removal Program.”

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“Amending the 1998 Community Improvement Program, authorizing and appropriating funds for the 1998 CIP 4.20107 Local Law Enforcement Block Grant.”

“Amending the 1998 Community Improvement Program, authorizing and appropriating funds in the amount of \$33,180 for the 1998 CIP 5.10258 Livingston Park Capital Improvement Project.”

“Amending the 1998 Community Improvement Program, authorizing and appropriating funds in the amount of \$18,000 for the 1998 CIP 7.10103 Annual Right of Way Reconstruction Program.:

“Amending the 1998 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of \$9,291,925 for certain Manchester Airport Authority Projects.”

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ought to pass and be Enrolled.

Alderman Clancy moved accept, receive and adopt the report of the Committee. Alderman Wihby duly seconded the motion. There being none opposed, the motion carried.

Report of the Committee on Administration, if available.

Deputy Clerk Johnson stated there was no report of the Committee on Administration to be presented.

A report of the Committee on Traffic/Public Safety recommending that the Board of Mayor and Aldermen suspend the rules and place Ordinance:

“Amending paragraph (B) of Section 71.14 ‘Impoundment’ to eliminate the reference to a specific amount of towing and storage fees and charges incurred by the city.”

on its third and final reading by title only at the December 2, 1997 meeting, without referral to the Committee on Bills on Second Reading or to the Committee on Enrollment.

The Committee notes that the subject ordinance provides for a reduction in costs to the public, and given impending weather conditions there is an urgency in immediately passing the ordinance.

On motion of Alderman Sysyn, duly seconded by Alderman Pariseau, it was voted to accept the report of the Committee as submitted.

On motion of Alderman Pariseau, duly seconded by Alderman Robert, it was voted to suspend the rules and place this ordinance on its third and final reading by title only without referral to the Committee on Bills on Second Reading or to the Committee on Enrollment.

Ordinance:

“Amending paragraph (B) of Section 71.14 ‘Impoundment’ to eliminate the reference to a specific amount of towing and storage fees and charges incurred by the city.”

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

This Ordinance having had its third and final reading by title only, Alderman Sysyn moved on passing same to be Ordained. Alderman Reiniger duly seconded the motion. The motion carried with none recorded in opposition.

Communication from Alderman Wihby requesting that the Board confirm the continuation of its long-standing policy with respect to Aldermen and/or Aldermen-at-large notifying the Alderman of a particular ward of any constituent issue which may arise within their respective wards.

On motion of Alderman Wihby, duly seconded by Alderman Pariseau, it was voted to confirm the continuation of the Board's long-standing policy relative to notification of constituent issues.

Communication from Thomas Seigle requesting that the Director of Public Works be authorized to sign license agreements with the B & M Railroad on behalf of the City relating to construction and maintenance of the Cohas Brook Interceptor and the Auto Center Road Sewer.

On motion of Alderman Domaingue, duly seconded by Alderman Soucy, it was voted to authorize the Director of Public Works to sign license agreements with the B & M Railroad as requested.

Communication from Beverly Yeaple, Chairperson of the Piscataquog River Local Advisory Committee (PRLAC) seeking the confirmation of the reappointment or replacement of Ron Johnson to the PRLAC.

On motion of Alderman Robert, duly seconded by Alderman Cashin, it was voted to confirm the reappointment of Ron Johnson to the PRLAC.

Resolutions:

“Amending the 1997 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of \$5,500.00 for the 1997 CIP 2.20724 Helping Hands Entry Door System.”

“Amending the 1997 and 1998 Community Improvement Programs, authorizing and appropriating funds for the 1997 and 1998 CIP 4.20105 Juvenile Jail Removal Program.”

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“Authorizing the Finance Officer to effect a transfer of Forty-Two Hundred Dollars (\$4,200.00) from Contingency to the Aldermen’s budget.”

On motion of Alderman Pariseau, duly seconded by Alderman Sysyn, it was voted to dispense with the readings of the resolutions by titles only.

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

There were no nominations presented by Mayor Wieczorek.

NEW BUSINESS

Alderman Elise stated I think we all should recognize the fact that John Toole will not be with us in the future and that he is going to be going on to State business and we will sincerely miss him here and we definitely want to recognize him for that.

Mayor Wieczorek stated we not only will miss him, but we know where he will be and if anybody doesn't know where he's going to be, I can tell you precisely where the room is, where he is going to sit, and I'm sure he'd be happy to welcome anybody to come visit when they're in Concord. But, John, I think over the years that you've covered City Hall I think everybody on this Board would agree that you've done an exemplary job as a report and have always been very kind with everybody that serves in City Hall and we want to express our appreciation to you and wish you the very best of luck in your new assignment.

Alderman Wihby stated there's been a couple of different issues with the Personnel Department and I know that one is going to come up in a little while, but in the budget process the Alderman okayed three new positions for this year and what happened was two were filled at a higher grade and the third one was going to be eliminated and my feeling is that since in the budget process we all agreed that we should fund the three positions that the two positions that are at Financial Analyst II's at Grade 29 be returned to the Grade 27 and that the Finance Director be authorized to hire the Second Deputy Finance Officer instead of doing the two upgradings, and so moved.

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

A report of the Committee on Personnel/Insurance was presented recommending that actions taken on agenda PC 7-97 as follows:

BUILDING DEPARTMENT - approved a five-month unpaid leave of absence for Barbara Gaudreault beginning in January, 1998.

HUMAN RESOURCES _ approved class specifications (Youth Community Outreach Worker, Police Evidence Specialist, Public Health Translator/HIV Counselor, Police Crime Analyst, Airport Assistant Director for Marketing & Public Relations);

INFORMATION SYSTEMS - approved the recommendations of Yarger, Decker & Thomas, Inc., regarding reorganization of the Information Systems Department.

POLICE - approved 28 hours of vacation time be added to Sergeant Jeffrey Perschau's accrual which he lost as a result of injury leave.

be approved.

Alderman Reiniger moved to accept, receive and adopt the report of the Committee on Personnel/Insurance. Alderman Robert duly seconded the motion. The motion carried with Alderman Domaingue duly recorded in opposition.

Alderman Reiniger stated this is a letter sent to the Board of Mayor and Aldermen, it didn't get to everybody so I thought I'd bring it in and have it referred to the Traffic Committee. It's a letter from the Sheridan-Emmett Park Renewal Committee led by Tina Hann and she's just informing the Board of the improvements that have been taking place at Sheridan-Emmett Park and what they intend to do in the future and if anyone has not been down there, I suggest you go down as there has been a tremendous amount of improvements; that they've just added some lighting, they've cleaned up the children's play area, and they've had a lot of assistance from the Parks & Rec Department and also Seaman's which helped with the lighting and they are requesting in the future with repairing park benches and trash barrels, some paint assistance, adding a skateboarding ramp, adding a fence around the garden, and adding a crosswalk across the street. So, because of the crosswalk I move that we refer this to the Traffic Committee.

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

Mayor Wieczorek stated I also have a letter I want to read to you, it has to do with the Optima CMC issue and it reads as follows:

To: The Board of Mayor & Aldermen
From: Raymond J. Wieczorek, Mayor
Date: December 2, 1997
Subject: The Mayor's Task Force on the Future of Health Care in
Manchester

On Wednesday, November 5, 1997, I came to this Board with my plan to form a committee to resolve the controversy surrounding the consolidation of the Catholic Medical Center and Elliot Hospital. The purpose of this committee was to bring the Manchester community together to find a constructive compromise to this issue and to close the chasm that has divided our city. This letter is intended to update you on the progress I have made.

I would like to say that I am encouraged by the level of interest and support that I have received from the general public. Many people have contacted my office and expressed

their willingness to serve their community, and most of these are independent, open-minded citizens who are not affiliated with either Optima Health or the Save CMC organization.

I am presenting working to find two qualified and appropriate people to serve as Chair and Vice-Chair of the Task Force. These two individuals must be seen as unimpeachable to the Manchester community. Once I have chosen these individuals, I will work with them to complete the membership of the Task Force. I hope to announce the Chair and Vice-Chair at the December 16 meeting of the Board of Mayor and Aldermen.

Tonight I am proposing that the Task Force hire an independent consultant to facilitate and assist its bringing this issue to a constructive solution. This facilitator would be selected based upon experience and qualifications relevant to the forces shaping health care delivery today. This consultant would be selected by the Task Force and paid for with private donations from the community. My office is currently compiling a list of consultants with the proper experience needed in the health care field to facilitate the Task Force.

Finally, I want to warn both sides of this issue to stop the rhetoric. It is unhealthy, unproductive and will only result in widening the division in this City. Now is the time for resolution and I believe that this Task Force is the proper vehicle to bring us together as one community to meet this challenge.

Alderman Cashin stated, your Honor, last night at the Personnel Committee meeting it was brought to our attention that certain people received overtime wages that they were not entitled to by reference to a letter from the City Solicitor's Office, I'd like to move tonight that the City Solicitor be instructed to take whatever action is necessary to see that those monies are recouped back into the City budget, and that's a motion, your Honor.

Alderman Shea duly seconded the motion.

Mayor Wieczorek stated I have a motion to request the City Solicitor to return the funds, is there any discussion on this motion.

Alderman Domaingue stated, your Honor, I think Alderman Cashin knows that in theory I agree with the position that he's taken on this issue, but I would only question whether or not this particular request in light of the legal action that may be taken against the City could end up costing the City as much as if not more than what in fact the City expended to hire people technically to do this job. I frown very deeply on the actions that were taken, but at the same time I don't think we need to incur any further costs associated with this. I guess I need clarification from Alderman Cashin if this is just asking the legal department whether or not we can pursue it or whether by our action tonight instructing them to pursue it and if we are to what length, to what appeal/appellate court, I think that the community has a right to know that because you're talking about a substantial amount of money at that point.

Mayor Wieczorek asked, Alderman Cashin, what is your motion.

Alderman Cashin replied I think I made myself perfectly clear, I am instructing the City Solicitor's Office to take whatever means are necessary...your Honor, my opinion here is you

cannot afford to let this go and just sweep it under the rug, it isn't going to stay there. I'm going to keep bringing this up if it doesn't pass tonight and I'll bring it up at every meeting for the next two years if I have to. We cannot allow this to happen. The Finance Department should be the model above any questions at all and when things like this happen somehow they've got to be stopped and if it has to go to court, your Honor, then that is the way it has to go and to say that it's going to cost a lot of money, I don't know how anyone can say that until we come back with the City Solicitor and he tells us that. I honestly feel that the money was given to people that weren't entitled to it, these people's salaries were based, they were classified on the fact that they were exempt employees and would be expected to work overtime with no compensation. Now, it appears that they're getting the salaries that they're suppose to get now plus they're getting overtime which they're not entitled to and that's not my decision that's the decision from the City Solicitor's Office and I just want that rectified and the only way it can be rectified is whatever means it takes to take it back.

Alderman Robert stated in discussing this in Personnel last night we turned it over. This seemed to be a special situation, the implementation of the computer program wasn't really thought out as much as it should have been. Relating to this one matter, I will acknowledge that the Ordinance says that these people weren't entitled to the money, but I think these individuals who did receive the money went into it with the understanding that this was a special situation, that exceptions were made, the idea that they are superiors, did their homework, were given the proper okays to compensate them for extra work and we did delve into some of the extra work. You can see by some of the extra money that there was a lot of hours put in; that these people agreed to do the work that was necessary with the idea that they would be compensated and it's my feeling it's not the people who did the work fault; that they didn't do anything wrong. They shouldn't be penalized. The buck doesn't stop with the employee, the buck stops further up the line where the planning should have been done and on that basis, I can't support the motion that says we should go after the employee that agreed to do the work and he understood that he was going to be compensated for it, I don't think that's right, I don't think that's fair. We should be looking in maybe other directions.

Alderman Hirschmann stated I think that the full Board tonight is at a disadvantage because last night in our Personnel Committee there is a letter from the Human Resources Department, I believe it's from Connie Roy-Czyzowski to all department heads discussing exempt personnel and overtime and the department head in question was believing that he was following a policy from the Human Resources Department and he went forward with that and, of course, in our City Ordinances it looks inappropriate because it does say that exempt people should not be overtime, but there was absolutely a document that all of you should have before you vote from the Human Resources Department that went out to all City department heads discussing paying overtime to exempt employees and who was eligible and who wasn't eligible and who wasn't and I believe Kevin Clougherty followed that letter, at least that's what we were told last night and we did not report this out of Committee last night, it's still in Committee, your Honor.

Alderman Shea stated we heard about special situations, exceptions were made, the bottom line is we as a community, as a Board of Mayor and Aldermen have to have accountability. Some is accountable here. I'm perfectly willing to have the City Solicitor look at this and bear the cost involved. The citizens in Manchester deserve a fair hearing on this. I had calls today people were thoroughly disgusted with this situation, they want to know what's going on and the only way we're going to know what's going on is not by putting it under the rug, not by washing it away, not by saying no one is accountable, but by investigating the situation and finding out exactly what has been going on and that's my conclusion for this matter.

Mr. Clougherty stated, thank you, Alderman; thank you, Mayor. I'd just like to give the Board some of the background of what occurred here. The people in the Finance Department work routinely 50-60 hour work weeks, regularly. They are already working on numerous City projects and what we're talking about here is the installation of the HTE system and the loading of the chart of accounts which is a very sensitive piece of the installation and you want your top management people to do that; that was the consensus of the Systems Advisory Committee; that was the recommendation of the Information Systems Director; and quite frankly that was the recommendations of the company as to have the highest people doing that. Now, in light of the regular heavy workload that my department puts in there was some question about how we should proceed in dealing with this because you're going to ask people to do routinely in excess of 80 hours to get this thing accomplished for which they wouldn't be compensated. The Mayor, the Information's Systems Advisory group, the Information Systems Director asked for guidance from the Personnel Director at that time and said what is the norm here and what are we going to do. The Personnel Director as you know in the Ordinances there are sections that deal with finance and there are sections that deal with personnel. The finance issue...you have questions about budgets or appropriations and those are the areas that I interpret. The Human Resources side of things are interpreted by the Personnel Director. So, we went to the authoritative source which we have always been told by this Board to consult and said what's the process. The process that was then given back to us is laid out a detail of how this would be done and we followed that procedure. Now, in carrying this out I don't think there is any question that we processed the time and the time is all accounted for, the detail of when the work was done, there was performance indicators - all these types of things were presented and the work was accomplished and it was done within budget and it was done in a timely basis. Now, there's some question that people say well, gee, if you postpone this these people wouldn't have had to have done this or do overtime. No matter when they did it because of their normal work loads that they have, it would have had to have been done on overtime. The problem that we have and what I'd like to bring to the attention of the Board is that the section of the Ordinances that we're talking about, it doesn't say you can't pay people. What it says is...if you're a certain type of level one person this is how you're going to be paid and then it's silent on the others. The Ordinances that we're talking about are 1964 vintage, probably amended in 1974. They refer to administrative regulations in helping to further resolve this, but nobody can find the administrative regulations they're so old that the City Solicitor's Office doesn't have them, the Personnel Office doesn't have them, and that's the system that you're

asking managers to try and operate under. In defense of the employees, in defense of the people, other department heads once the policy was adopted it was circulated by the then Personnel Director to the Personnel Committee, to the department heads including the City Solicitor's Office, and that's what was followed. We never received any comeback from any department that this was somehow in non-conformity with the Ordinances. Now, if you're going to go back after these people who have rendered services to the City under a policy that was set by the Personnel Director, I think we're getting into some difficult areas because I'm not sure that there aren't other areas where there's been similar circumstances and we'd have to go back and research because if you're going to ask to go back and take money back from these people, we're going to have to make sure that it's everybody and I think that's something that has to be and I think that's to some extent what Alderman Domaingue is referring to here, is that you will have legal costs for these people and there will be other issues out there. Plus, these people did the work, they'd did an important piece of work, they did what they were asked to do in addition to their other jobs, they put in the time and I think we should move forward. I don't think there's anything inappropriate in the work that was done, there has never been any question in that regard and I think that it's unfortunate that the advice that we received was not accurate, but we followed in our opinion was a legitimate policy and it's regrettable, but.

Alderman Wihby stated, your Honor, I think that the policy that they had in their hands was the wrong policy, I don't believe that exempted employees should get overtime. So, the policy that they were going by that they thought was a policy and the Aldermen had never okayed, at least they thought it was a policy, they were going by it there was something in writing, but I think the policy was wrong. An exempt employee should not be getting paid overtime and nor should they be getting it from now on. But, I guess my concern is that now they're paid, what happened happened and normally we look at the Solicitor for advice. He told us yesterday that it was wrong, they shouldn't have gotten paid. But, Tom, could you tell me now knowing that they had this piece of paper that they thought was a policy, that it was circulated to department heads, and they assumed was okayed but no one ever told them, they had gotten the information from Personnel, they had gotten it from department heads saying okay, I can pay you. Do you think we have a leg to stand on to take them wherever we're going to take them, whatever the motion's going to be that you do whatever you have to do, where would you pursue it knowing that all that happened.

Assistant Solicitor Arnold stated can this Board pursue repayment of those funds, I think yes they can. If you want to discuss how that will be done or what it might involve I would respectfully suggest to you to recess to meet with counsel.

Alderman Wihby stated maybe we'll have to go into non-public session. Your proposal would be that we should pursue it or do you want to go into executive session to discuss that.

Assistant Solicitor Arnold replied I would say you can pursue it. I think that whether you pursue that money or not is basically a policy decision which is the providence of the Board of Mayor and Aldermen.

Alderman Wihby asked do you think the City Solicitor's Office has enough information that they could pursue...knowing that they had that other information that they could pursue and win a case. If you want to go into executive session, I'll make the motion.

Assistant Solicitor Arnold replied at this point again if you want to discuss that in executive session I would respectfully ask that you go into recess.

Alderman Wihby moved to recess the regular meeting to meet with legal counsel.

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

Mayor Wieczorek called the meeting back to order.

Mayor Wieczorek stated when we left to have our discussion here, I had a motion on the floor - Alderman Cashin by Alderman Shea instructing the City Solicitor to take whatever means are necessary to recover the funds, am I correct, okay. Do we have any further discussion here before we put this to a vote.

Alderman Soucy asked can I ask one question of Mr. Clougherty. Kevin, earlier when you were talking you said that there were many people in your office who work 50 and 60 hours on various City projects and I assume that you assign the responsibilities within your office. Can you tell me why that second deputy position or why that other position wasn't filled given the fact that there are all of these numerous City projects and others weren't working the overtime and weren't affected by this, why that position wasn't even filled.

Mr. Clougherty replied it was our understanding and, Alderman, you have heard me say this on several occasions that we shouldn't be doing reorganizations as part of the budget process and the reason we shouldn't be doing them as part of a budget process is because as they get done that way you're trying to get numbers worked out and communications don't work and thankfully under the new Charter that won't be a problem going forward so this is the last time that we've probably seen a reorganization going forward. It was our understanding within the department that the money that was available was for two 29's.

Alderman Soucy stated and other responsibilities include the HTE project which perhaps could have been part to ameliorate this situation so that as many people weren't working the overtime and weren't affected by this, why that position...

Mr. Clougherty stated it was our understanding within the department that the money that was available was for two 29's, but that clearly wasn't the understanding that was expressed to us

last night, that is was the deputy and if that's the case then fine. We'll go back and we'll make that correction, but it was a misunderstanding on our part in terms of what had been appropriated versus what the Board wanted. Clearly, we'll go back to the Board.

Alderman Soucy stated the organizational chart that you submitted during the budget process included that position didn't it.

Mr. Clougherty replied, right, we requested that.

Alderman Soucy stated you requested that because you felt there was a need within your office for that position and that there was more than enough work for a person in that position.

Mr. Clougherty interjected what you have to understand, Alderman, is that the amount of money that is in the budget isn't for a full-time, full-year deputy position.

Alderman Soucy stated I understand that.

Mr. Clougherty stated we would have had to do it after the half of the year or do the 29's which we thought we had the approvals for and that was the confusion. So, I did what I thought was appropriated and move that forward because I thought that was expeditious, but that was not what your understanding was.

Alderman Soucy stated my understanding even as you just said there wasn't enough money in the budget for that position for a full year then why weren't you anticipating or why aren't you anticipating filling that position for the balance of the year.

Mr. Clougherty replied but I am, Alderman. What I'm saying is we didn't have enough to do it for the full year, but our understanding is what we had - that same amount of money does do the 27's to the 29's for a full year and that's what we thought was the solution to fill that gap where we had lost an accountant position because somebody had to pick up that work. Now, after last night's meeting it became clear to us that we misunderstood what the Board had...and that's fine and we'll go back, we'll do the 27's if that's the Board's wishes and we'll advertise for the Treasurer, the Deputy position there going forward. Now, what's going to happen is it's going to take time to get through that process. So, by the time somebody comes on board the money will have worked out so that there is sufficient funds for the balance of the year. But, that was the confusion and that's again as I said we're not advocates, I've never been a strong advocate of doing reorganizations through the budgets for that process, they're not always clean and they're often led to confusion.

Alderman Elise stated what I'm having a very hard time trying to understand is the dynamics of the whole situation. In terms of the HTE project apparently there was money in there for some contracting for services to have this whole project work and in terms of your department going

forward and saying we have the man hours or the people to do this type of work and referring to getting recommendations from the Personnel Director as well as you yourself, Kevin, signing off as well as the Mayor and the Personnel Department had, full-well knowing the Ordinances and then thinking of the amount of hours and the amount of money that would be paid out in overtime and knowing that this might be an issue later on, I know that you are very thorough and you usually think ahead on this or all people involved do, I can't understand why you didn't bring this forward to the Board of Mayor and Aldermen saying we have this large number of contract hours and have these people in our department that can do the work and work that out at the Board and then go back and do that, so I'm a little, I just can't understand how that whole process didn't take place and then for the individuals to have signed this release form saying it is okay and these people will be getting paid in this particular manner those individuals getting counsel, I can't understand how it could have gone through the cracks on that. Then taking that one step further, some of the people on the list that did get paid overtime are very comparable to you in terms of their performance in the department and we rely on them for very similar information that we rely on you for that information and it's very hard for me to understand how some of the people that did get paid overtime in your department wouldn't have questioned themselves about being paid this amount of overtime and going forward. So, it's really a very big grey area that's going to be hard to...

Mr. Clougherty asked can I respond to that.

Mayor Wieczorek replied yes.

Mr. Clougherty stated first of all, Alderman, remember that the project we are talking about is being paid in the overtime it out of a bond issue. It's a defined project that is administered by the Information Services Director, not our office. So, what we did for the installation of that piece we did sit down and for the exact reason that you're mentioning the amount of time that was going to go in...that's what we consulted with the Personnel Director and again the City Ordinances are pretty extensive. We don't get into an expertise in all of them and we're not in the Personnel areas and that's because it's administered by Human Resources now, but previously the Personnel area and we stick on the finance side. They do the hours, we do the dollars. So, we did go to what we thought was the authoritative source in that regard to get a policy and for better or worse the policy that came down is what it was and we tried to follow it.

Alderman Reiniger asked, Mr. Hobson, have their been individuals in the past in the City who were exempt who have received overtime.

Mr. Hobson replied it's, yeah, go ahead.

Mr. Clougherty replied yeah, I believe there are, Alderman, and I think that's what we were saying before that we haven't gone out and done a thorough review, but I believe there are.

Alderman Reiniger stated so it's not a new thing.

Mr. Clougherty stated and I think if you're going to get into this you're going to have to take a look at all of that because you've got to make sure that you're fair in your application of collections of these things and make sure that all is reasonable.

Alderman Reiniger stated we are being led to believe tonight that this is a new thing that we should march into court and if, in fact, we have a lot of past practice, I think we'd look like fools in court, wouldn't we.

Mr. Clougherty reiterated I think there is past practice.

Alderman Reiniger stated what we're doing here if we go marching into court, we have to have the facts. It sounds like we have past practices of doing this. Now, all of these things may have been mistakes but what I think what we need to be doing is developing a policy and clarifying our policy not marching off to the courtroom before a judge, I think that is a serious mistake. I think we need to get that information before we do anything else and, your Honor, I do have a couple of questions.

Mayor Wiczorek stated okay, go ahead.

Alderman Reiniger stated there has been reference to a memo that was sent to department heads March 26, 1997 from Connie Roy-Czyzowski who was working in the Personnel Department who everyone knows is an excellent professional and she has since left the department, but this is the memo that the department heads were relying on and it says:

“finally, approval from the Mayor and Personnel Director will be required before you commit your department to paying staff overtime relative to this project.”

and it was also sent to our City Attorney, Tom Clark back in March 1997 and I just obtained tonight a memo...by the way when this memo was sent by Connie Roy to the department heads the Personnel Director of course was Hugh Moran, who recently has been replaced by Mr. Hobson. Mr. Moran in a memo I just received to Alderman Cashin stated “the policy was developed by Personnel and approved, so our Personnel Director Hugh Moran at least as of November 25th believed that this policy was valid and had been approved. I think we've got to find out whether in fact it was approved, maybe we have to talk to Mr. Moran to find out what he knows about this and also find out as I said about our past practice of having given overtime to other exempt employees before we go off to court. We have a lot more work to do.

Alderman Cashin stated, your Honor, there is no minutes anywhere that we can find where that letter was ever approved by anyone and I don't know where he got that letter.

Alderman Reiniger stated it was sent to you.

Alderman Cashin stated okay, it was sent to me; that does not mean that that correspondence of Connie Roy was approved; that is not what that's saying; that was never approved by the Board of Aldermen, okay.

Alderman Reiniger stated it says "attached is the policy pertaining to the overtime for exempt employees", the policy was developed and approved.

Alderman Cashin stated that's fine and as far as somebody else getting overtime exempt, if it was approved by the full Board of Mayor and Aldermen, maybe it did happen. The question here is none of this was approved; that is what this is all about, none of this was approved by the Board. Now, your Honor, there's a motion on the floor and it's been seconded and I'll move to the question. Let the chips fall where they may, there's been enough debate here, I think it's wrong and I..

Mayor Wieczorek stated he had his hand up while you were talking, so let me just get Alderman Robert and we'll move the question.

Alderman Robert stated even after our discussion with legal counsel, I still haven't changed my view on the subject. The people in question here entered into a verbal contract, they were offered money to perform a certain work even though there may have been some laws or whatever, they thought that it was taken care of, they thought that an exception had been made. I think it's wrong to have these employees give back the money that they thought that they earned, that they think is theirs. It's not their fault, they shouldn't be penalized, it should be the people who didn't clarify this policy, who didn't work through a record, quite frankly it should be their boss. These people are not at fault and I can't support the motion as it's worded.

A roll call vote was requested by Alderman Cashin, and Mayor Wieczorek advised to proceed with a roll call vote on the motion.

Aldermen Cashin voted yea.

Alderman Robert, Hirschmann voted nay.

Alderman Hirschmann stated the question is on going to court.

Deputy Clerk Johnson replied the question is to direct the City Solicitor to take whatever action necessary to have the funds returned to the City; that was the motion that I recorded.

Alderman Soucy stated question, parliamentary inquiry; that motion as stated does not say go to court; that motion as stated says the Solicitor will determine what action is necessary, is that correct.

Deputy Clerk Johnson replied that is correct.

Deputy Clerk Johnson proceeded with the roll call as follows:

Alderman Wihby stated this is probably going to end up in front of my department, so I am going to have to abstain, but I think the next motion after this should be that all exempt employees should not be entitled overtime in the future, but that should come after this one and I'll have to abstain in case it comes up to my department. Alderman Wihby was so recorded as abstaining.

Alderman Elise, Sysyn, Clancy, Soucy and Shea voted yea. Alderman Reiniger, Domaingue and Pariseau voted nay.

Mayor Wieczorek stated the motion passes with six yeas, five nays, and one abstention.

Alderman Wihby stated I think it's very clear in the memo that was given to us, from the communication of the City Solicitor's Office yesterday that we don't have the authority to have exempt employees, or that policy that everybody thought was in place isn't in place and because of that there is no authority to give exempt employees overtime and I don't know did Finance or Personnel put out a memo today saying that there was none.

Mr. Hobson replied we drafted a memorandum this afternoon and I hand-delivered it to the City Solicitor's Office because I wanted their input before I sent that memorandum out City-wide, so I did draft a memorandum, the Mayor has a copy of it, the City Solicitor has a copy of it and it's clearly stated draft so I want to be able to get that out tomorrow once I have their review.

Alderman Wihby asked what does it say, basically, exempted employees are not going to get overtime for this project any longer or for any project or anything.

Mr. Hobson replied there are a couple of things that I think we need to talk about internally and that's compensatory time and some other issues, but this is what the memorandum says and again it's a draft. It's directed to all department heads, division managers, and it's copied to all department payroll staff and it says:

“At the December 1, 1997 Personnel and Insurance Committee meeting, City Solicitor, Thomas Clark informed the Committee in writing that the City procedure for paying exempt employees overtime for the HTE conversion project or for that matter any purpose not specifically covered by a collective bargaining agreement is contrary to City Ordinance 33.054(b). Further, the City Solicitor's Office and the Human Resources Department was directed by the Committee with developing an ordinance and/or procedure for the Committee's review and approval regarding the payment of overtime to employees involved in the HTE project or any further similar projects.

Please be advised that effect immediately, the Mayor will not approve and Human Resources will not process overtime compensation for exempt employees unless specifically obligated by a collective bargaining agreement.”

Mr. Hobson stated, now the reason why it's "draft" is because last night Mr. Arnold and I were directed at the Committee to do some work which that took place at nine-thirty, so we haven't done that work yet, nine-thirty PM last night. And, then the second piece is that frankly as I did research on this today myself, I have some concerns about what may have taken place past practice, I have some concerns about compensatory time, I have some concerns about the way the ordinance is written and I need to sit down with both of our Attorneys, Clark and Arnold, and talk to them about their interpretation of some pieces of this ordinance. I think some pieces are very clear, I think some pieces don't make sense to me.

Alderman Wihby stated it sounds like you've already addressed the concerns that the Personnel Committee had yesterday and what this Board has today in that exempt employees will not be getting any more overtime until such time as the Personnel Committee meets and comes up with a different policy.

Mr. Hobson stated that is what I thought I was directed to do last night, yes, and I'm happy to send that out, I just really feel...

Alderman Wihby stated I really appreciate that, Mark. I think it should go out as soon as possible.

Mr. Hobson stated I hope you agree with me that I feel we need our Solicitor's advice before it goes out.

Alderman Wihby stated I don't think a motion is necessary if the letter's going out.

Alderman Soucy duly seconded the motion.

Alderman Wihby stated to send out the letter if you want to make a motion, but.

Alderman Soucy stated the Board should make a policy.

Mr. Hobson stated that is what we were directed to do last night, I thought.

Alderman Soucy stated, but it has to be the full Board, Alderman.

Alderman Wihby stated the Personnel Committee will bring it to the full Board, but I think that in the meantime just so that we don't get in the middle again of something else, I think what you did is a great thing.

Mayor Wieczorek stated I think we need to know who the exempt employees are; that is always a problem because when I get the overtime sheets, I have the names on there, but I don't know if

their exempt or non-exempt, I don't have a list to match them up against, so I need to have a list of exempt employees and know who they are.

Alderman Robert stated along with that, your Honor, the HTE Program...could we have an idea of how this policy is going to affect the implementation of it, are we going to be penalized somehow financially.

Mr. Clougherty replied we mentioned that last night and I really think what we need to do is go back and take a look before giving you something right off, the cuff, Aldermen, I'd rather come back at the next meeting, having talked to Diane and others and say exactly if we can keep the schedule. As I had mentioned last night, we're not paying overtime and a memo went out of my office several weeks ago, a couple of weeks anyway to stop it. So, I think at least that aspect of it probably won't be affected, but let us take a look, let us talk to Diane and I'll get back to you and tell you where we are and how this will affect not only the accounting side but the other pieces as well.

Mayor Wiczorek asked how does it affect what we are doing with School.

Mr. Clougherty replied I think what we've been trying to work out with School is an arrangement so that we're dealing with their people and it's not done on overtime, it's done during the regular hours and that's what we've been trying to accommodate their people.

Alderman Cashin asked, Kevin, did you say that a memo went out from your office a couple of weeks ago not paying overtime, is that what you said.

Mr. Clougherty replied I forget the exact date, but it was a while ago, Alderman.

Alderman Cashin stated on the HTE Program.

Mr. Clougherty replied yes.

Alderman Cashin stated prior to any of this coming up before the Board, you sent out a memo saying...oh, okay.

Mr. Clougherty stated because we completed our portion, Alderman, and I thought that had lapsed; that was the drawing line and anything beyond that we needed to know specifically what was going to happen, so that was done.

Mr. Hobson stated I just need to state publicly about the School issues from my side in terms of supporting payroll. We were definitely using overtime dollars to help support the School Department based on the vote that was taken two and a half weeks ago, we committed bodies to be there during the day and then those bodies at times came back after hours and worked and

they worked either nights or weekends or holidays. So, going forward we still have a good process going right now with School and going forward we're going to do our best to continue to make sure that that process works. Not paying some of the people who are working on this overtime could and I'll have to sit down and talk with Janelle Larocque who is our Compensation and Benefits Manager, but it could affect the amount of energy, if you will, that we are putting into fixing the School issues on a payroll perspective. There are a lot of employees in the School Department as you know. So, I just don't want people to walk away from here thinking that well, this decision isn't going to impact our commitment to School, it may.

Alderman Domaingue stated I am having a little bit of a hard time understanding why we are now having this conversation about the impact of these various programs when the horse is clearly out of the barn and the barn door is clearly shut. These are issues that it is my understanding as an Alderman and hopefully going forward the new Aldermen will understand that a department head is suppose to take very seriously and quite frankly I'm very disappointed in the department heads that participated in this particular activity, came to a conclusion, had a memo in front of them, were told there were ordinances that needed to be changed, and didn't follow through. They have a fiduciary responsibility to the City, they have a responsibility to their employees, to the City employees, and above all we have a Chief Executive Officer who signed off along with department heads as if it were tantamount to approval. In this City we have to have people in positions of department heads that we trust and you have a brand new Charter, brand new that says they will not be accountable to the Chief Executive Officer. Going forward in the new year, I trust the new board is going to keep that in mind because it was the Chief Executive Officer and the most trustworthy of department heads who couldn't take the time to dot the I's and cross the T's.

Alderman Reiniger stated a new issue, your Honor.

Mayor Wieczorek stated okay, a new issue.

Alderman Reiniger stated something totally different. I think it's in the nature of being the experiences of being an Alderman that we have a lot of things going on Downtown. We've got the new snowflakes that have gone up, but I've been hearing a lot and seeing for myself a lot of graffiti, there has been a resurgence of this problem and has been around as long as there have been humans on the earth and it's now on the upswing on the Downtown and I've been speaking to the Chief and I know he's also been very concerned about it and he's been looking at other cities and coming up with some ideas and I also know that there's a Committee that's been working hard on the issue too, so I think we should make it more of a priority at this point and bring it to the fore and maybe come up with some ways to address it and maybe the Chief would want to talk about what he's been looking at or Alderman Shea or whoever.

Alderman Shea stated we are going to have a meeting with our Committee regarding the graffiti as well as the garbage problem and so forth, so that will be coming forth within the next couple of weeks, I think and Leo I think you mentioned you'd be getting in touch, but Chief you can address that as well.

Chief Driscoll stated a number of months ago there was a Committee formed under the capable leadership of Alderman Shea, they made some very, very positive recommendations and this is certainly a community-wide problem and it impacts every ward. As Alderman Reiniger said it's certainly on the upswing. We have identified it at the Police Department as one of our priorities, we have discussed it most recently at our staff meetings, it is on our Web Page asking for public support, we've spoken to the people at the CrimeLine Board of Directors and asked them to support us. Quite frankly, we have not been able to get a hold of a couple of individuals...one of them his name I guess or the logo that he uses is "Everlast". We'd certainly like to know who he is and anyone in the community that can help us do that we'd certainly love to have the opportunity to identify, arrest, and prosecute this individual. It's a problem, there are a number of models in the nation that work - Phoenix has a wonderful program, but it's not only the Police Department, the total city has to be committed to it. If, in fact, they have graffiti that is identified in any place in the community that day it's removed. I'm sure that there's considerable expense involved but, in fact, that is something that this City should seriously consider. It seems that graffiti multiplies in the same location and if we can get rid of it, nip it in the bud, and do something about it right away it's most important that that occur and we would certainly encourage the support of all of the Aldermen and I look forward to continuing working with the Committee relative to that issue because it is a very serious issue. Some of the places down in the Millyard that are just beautiful have been severely defaced by the graffiti.

Mayor Wieczorek stated I agree with your, Chief. As a matter of fact when I was in Providence, I talked to the Mayor and they have a new anti-graffiti ordinance and Sean did that ever come into us.

Mr. Thomas replied it arrived today, Sir.

Mayor Wieczorek stated okay, I'll have a new one for you to take a look at and also for your, Alderman.

Chief Driscoll asked if I wouldn't be out-of-order could I say something about the last issue that was raised just from a department head's perspective. I think that there is a piece of that puzzle missing and I think that in order for us to fully implement that we need the Board and the Human Resources Division to clearly identify and take a new look at who are exempt employees and who aren't; that is all something that has been grey in the past and really needs, from my perspective, to be clarified. I don't think that we violated any of the policies in the past, but I think it really needs to be looked at and clarified. I spoke with Floyd Decker about

this he had some real concerns about that, so I would encourage whenever Mark meets with the City Attorney that they also include that as a piece in this whole formula to resolve this.

Alderman Hirschmann stated tonight on an important issue that we discussed in Administration was Cable TV and the Cable TV contract and the Cable TV increases and the Cable TV rates and the Chairman of the Board, Alderman Wihby did state previously that we should probably be doing something in the future. We did receive notification from them that they would like to enter into negotiations for the Social Contract and I guess what I'm asking you is, I sit on Administration now and I'd like to be on that Cable TV Committee. I really think somebody in this City has to push them to keep that rate down and I don't know if anyone else wants to volunteer, but I really want to be on that Committee. If there is going to be a Cable TV Committee, I want to be on that because a \$3.95 increase for 45,000 households that receive cable they're getting approximately \$2.5 million just on their increase for next year. So, if we enter into negotiations I want to be on that Committee to be firm with them, let's put it that way.

Alderman Shea stated we haven't heard much about the electric rates, I know we talked a little bit earlier today about that but, Kevin, do you have any input about the electric rates, where it's going, what's going on.

Mr. Clougherty replied as you know there are hearings going on in Concord, Alderman. The City is trying to make a middle of the road presentation, we think it's in the best interest of the rate payer to get lower rates but not at the expense of Public Service Company, so we are trying to provide a positive role. If you would like we'd be happy to have people come in and make a presentation at the next meeting to tell you exactly where that process and what the prospects are for resolution. I have not had the chance in the last couple of days to talk to people.

Alderman Shea stated probably not the next meeting, but maybe the one after that.

Mr. Clougherty stated I'll make sure we get it on the agenda.

Alderman Shea stated at the last meeting you did say that you would get to us correspondence regarding the civic center expenses and I'm still kind of waiting for that if you would.

Mr. Clougherty replied, I'm sorry, it's an oversight on my part. In fact, there was a meeting of that sub-committee and said that somebody had asked for it but they couldn't remember who, we will get a copy to the full Board.

Alderman Pariseau moved to recess the regular meeting to meet with the Chief Negotiator for a strategy session.

Mayor Wieczorek called the meeting back to order.

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

A True Record. Attest.

City Clerk