

BOARD OF MAYOR AND ALDERMEN

March 3, 1998

7:30 PM

School Administration

Bldg.

196 Bridge Street

Mayor Wieczorek called the meeting to order.

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

Present: Alderman Wihby, Klock, Reiniger, Sysyn, Clancy, Pinard, Shea,
O'Neil, Girard, Pariseau, Cashin, Thibault, Hirschmann.

Absent: Alderman Rivard

Presentation relative to the Community-wide Day of Caring sponsored by Manchester High School West who are celebrating 75 years of service to the Greater Manchester community.

Ms. Carolyn Somma of Manchester High School West addressed the Board advising that Manchester High School West would celebrate its 75 years of service to the greater Manchester community by sponsoring a Community-wide Day of Caring on Tuesday, April 21, 1998. She outlined other activities to be held in celebration of the 75th anniversary.

Ms. Somma presented balloons with candy attached to members of the Board, asking for the Board's support and help with this endeavor.

Rick Groleau of Adopt A Block addressed the Board noting the adopt a block project was taking place on April 18. Mr. Groleau noted that the Board in the past had been generous in donating \$2,500 to the project. He stated that they had received a grant this year, Adopt A Block had won the first \$10,000 prize from Fleet Bank for the project, and so was not asking for substantial donations this year. He did wish to have the Board continue the donation so they would have funding in the future but asked that this year's donation be given to the West High School project commenting that the participation of 1900 volunteer students was an industrious project and a little funding could go a long way for it.

In response to questions, Ms. Somma advised that depending on the community needs the students would be available, they would need to have them back by 2:30. She noted that some organizations may need them for 3 hours, some for 4 but they could work within the 9:00 to 2:00 time frame. Ms. Somma noted that they were paying for buses through MTA and were working within their schedules.

Ms. Somma introduced students Howard Green and Ann Detweiller from West.

Mr. Robert Baines addressed the Board noting that he took no credit it was Ms. Somma and the faculty who had stepped forward and support this. He also credited Rick Groleau for coming with the idea. Mr. Baines stated that they were doing something with the support of every student and faculty member at West High School in support of their 75th anniversary. Mr. Baines stated that Richard and Dorothy MacDonald were the honorary co-chairs of their 75th Jubilee Celebration; they were students at the school when it opened its doors in 1922. As they knew Richard MacDonald was the founder with his brother Morris of MacDonald's hamburgers, and MacDonald's corporation will be participating with us in a very big way with a major announcement forthcoming. On April 25th at the Center of NH, they would have the diamond jubilee celebration for West High School, Bob Brooks of Prudential Habs Realty of Bedford had charge of ticket distribution, with 75 tables of ten to be sold.

Mr. Baines thanked Mr. and Mrs. MacDonald in particular for giving a scholarship every year to a deserving student in the school, and for their contribution to the 75th celebration activities.

Mayor Wieczorek noted that they were looking at receiving manpower in the measure of 8-10,000 hours through this project, and it was good things like this that gave the City national recognition.

In response to questions raised, Ms. Somma stated they had secured a project at Camp Allen, they were looking for all kinds of projects not just physical labor but head work as well; and that they would need consider the labor laws in taking on any project. It was not their intention to displace any worker.

Mayor Wieczorek requested the clerk to notify departments and the aldermen of the project with the info of whom to contact if they had a project that could be done.

On motion of Aldermen Girard, Cashin, Thibault, and Hirschmann, duly seconded by Aldermen Wihby, Klock, Reiniger, Sysyn, Clancy, Pinard, Shea, O'Neil, Rivard and Pariseau, it was voted to approve \$2,500 to be expended for a contribution to the Community-wide Day of Caring project.

CONSENT AGENDA

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

Approve Under Supervision of the Department of Highways

- A. NYNEX Pole Petition #920001

Informational to be Received and Filed

- B. Communication from Mayor Wieczorek advising that he does not anticipate any upcoming vacancies on City Boards and/or Commissions.
- C. Minutes of Airport Authority meetings held December 18, 1997, and January 21, 1998.
- D. Minutes of Manchester Transit Authority meeting of January 27, 1998, Financial reports for the months of December 1997 and January 1998, and Ridership report for the month of January 1998.
- E. Communication from Rev. Stephen Gadowski informing the Board of a new male referral center opening in Manchester (Manchester Teen Challenge) offering support and help with drug and alcohol addictions.
- F. Communication from Angela Harvey, Resident Council Representative of Elmwood Gardens extending an invitation to the Board to a guided tour of the Family Investment Center.
- G. Communication from Executive Councilor Normand submitting an agenda of the Governor and Council meeting of February 18, 1998 and outlining specific items that may be of interest to the Board.
- H. Communication from R. Sean O'Kane, General Manager of the Center of NH/Holiday Inn expressing appreciation for the Board support for the Meet Me in New Hampshire Conference to be held May 18-19, 1998.

REFERRALS TO COMMITTEES

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

- I. Communication from Deputy City Clerk Bergeron submitting proposed changes to the Taxicab Ordinance.
- J. Communication from Deputy City Clerk Bergeron submitting a request from the Royal Palace Circus to conduct a circus at the JFK Coliseum on May 22, 1998.
- L. Communication from Bryan Murray relative to the recent cable television rate increases.
- M. Communication from Attorney James Tenn, Jr. requesting that the Manchester Community Television Advisory Board meet with the Committee regarding upcoming negotiations relating to the cable franchise agreement.

COMMITTEE ON COMMUNITY IMPROVEMENT

- N. Communication from the Industrial Agent advising that the current lease for the MEDO space at 889 Elm Street is due to expire June 30, 1998, and requesting approval of the proposed tenant-at-will arrangement.

REPORTS OF COMMITTEES

COMMITTEE ON COMMUNITY IMPROVEMENT

- P.** Recommending that a request allowing for the acceptance and expenditure of grant funds by increasing the 1995 CIP 7.30263 Flight One Land Acquisition by \$29,439.00 and adding 1998 CIP 7.30268 Ledge Removal in Runway 6/24 Approach in the amount of \$1,969,690.00 be granted and approved; and for such purpose an amending resolution and budget authorizations have been submitted.
- Q.** Recommending that a request allowing for the acceptance and expenditure of grant funds by increasing the 1997 CIP 2.20706 Tuberculosis Control by \$3,972 and the 1998 CIP 2.20707 Tuberculosis Control by \$7,242 be granted and approved; 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 1997 CIP 4.10120 Gang Interdiction Program - \$73,121.52 (State of New Hampshire) be granted and approved; and for such purpose an amending resolution and budget authorization has been submitted.
- S.** Recommending that a request allowing for the acceptance and expenditure of grant funds by adding the 1998 CIP 2.20506 Turning Point Initiative - \$60,000 Robert Wood Johnson & W.K. Kellogg Foundation 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 and expenditure of a \$1,500 Manchester Developmental Preschool Special Gifts Grant by adding it to the 1998 CIP budget be approved; and for such purpose an amending resolution has been submitted.
- U.** Recommending that a request from Intown Manchester to utilize \$6,000 from the 1997 CIP Central Business District Improvement Project to purchase additional banners for the Central Business Service District be approved.
- V.** Recommending that a request allowing for the acceptance and expenditure of grant funds by increasing the 1998 CIP 2.20505 Tobacco Prevention by \$2,000 be granted and approved; and for such purpose an amending resolution and budget authorization has been submitted.
- W.** Advising that it has approved an ordinance amendment submitted by Thomas Seigle relative to increasing the cost for treatment of septage and recommending that it be referred to the Committee on Bills on Second Reading for technical review.
- X.** Recommending that the Director of Manchester Water Works be authorized to proceed with disposition of a 60-acre parcel of land in Auburn determined surplus to watershed protection goals, through public sale; and further recommending that authorization be given to the Director to execute any and all legal documents associated with such disposition.
- Y.** Recommending that a request to declare certain radio equipment surplus and authorize disposition through State auction be granted and approved.
- Z.** Recommending that a request for a sewer abatement for property located at 144 Cypress Street be granted and approved in the amount of \$99.36. The Committee notes such abatement was recommended by the E.P.D.

COMMITTEE ON HUMAN RESOURCES/INSURANCE

- AA.** Recommending that the Information Support Assistant position at the Police Department be upgraded to Information Support Specialist, Class Code 1242, Grade 22. The Committee notes that such action is consistent with other Information Support positions recently acted upon.

COMMITTEE ON JOINT SCHOOL BUILDINGS

- AB.** Advising that it has accepted the enclosed project summary and contractor's report relative to the Henry J. McLaughlin Middle School and is submitting same to the Board for informational purposes.
- AC.** Advising that is has accepted the architect's recommendations relative to the Memorial High School Science lab and other improvements and is submitting same to the Board for informational purposes.

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

- K.** Communication from Rev. O'Connor requesting 24-hour coverage of EWTN services on local cable television.

Alderman Pariseau moved to refer the communication to the Committee on Administration/ Information Systems and to Media One for report to committee. Alderman Thibault duly seconded the motion. The motion carried.

O. Resolutions:

“A Resolution Approving the Community Improvement Program for 1999, Raising and Appropriating Monies Therefor and Authorizing Implementation of Said Program.”

“Amending the 1995 and 1998 Community Improvement Programs, authorizing and appropriating funds in the amount of \$1,999,129 for certain Manchester Airport Authority projects.”

“Amending the 1997 & 1998 Community Improvement Programs, authorizing and appropriating funds for various Health Department Projects.”

“Amending the 1997 Community Improvement Program, authorizing and appropriating funds for the 1997 CIP 4.10120 Gang Interdiction Program.”

“Amending the 1998 Community Improvement Program, authorizing and appropriating funds for Manchester Developmental Preschool Special Gifts Grant.”

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

“Amending the 1998 Community Improvement Program, authorizing and appropriating funds for 1998 CIP 2.20506 Turning Point Initiative.”

Alderman Reiniger moved to refer the first resolution relative to the FY1999 CIP budget appropriation to the Committee on Community Improvement. Alderman Wihby duly seconded the motion. The motion carried with none recorded in opposition.

Alderman Reiniger moved to refer the balance of the resolutions listed to the Committee on Finance. Alderman Wihby duly seconded the motion. There being none opposed, the motion carried.

Communication from the Library Board of Trustees requesting the Board reaffirm Alderman Shea as liaison to the Library Board of Trustees.

On motion of Alderman O'Neil, duly seconded by Alderman Pariseau, it was voted to approve the request to reaffirm Alderman Shea as a liaison to the Library Board of Trustees.

Confirmation of nominations made by Mayor Wieczorek:

Personnel Appeals Board

Harriet E. Blanc to succeed Eugene L. Ochocki, term to expire March, 1998.

On motion of Alderman Wihby, duly seconded by Alderman Klock, it was voted to amend the confirmation to reflect a term to expire March, 2001.

On motion of Alderman Wihby, duly seconded by Alderman Klock, it was voted to confirm the nomination of Harriet E. Blanc to the Personnel Appeals Board, term expiring March, 2001.

Nominations were presented by Mayor Wieczorek as follows.

Airport Authority

Gary Rogier to succeed himself, term expiring March 1, 2001.

Zoning Board of Adjustment

William R. Trombly to succeed himself, term expiring March 1, 2001.

Judith J. Gibson to succeed Marc Pappas as an *alternate member*, term expiring March 1, 2001.

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

Mayor Wieczorek called the meeting back to order.

A Report of the Committee on Finance was presented recommending that Resolutions:

“Amending the 1995 and 1998 Community Improvement Programs, authorizing and appropriating funds in the amount of \$1,999,129 for certain Manchester Airport Authority projects.”

“Amending the 1997 & 1998 Community Improvement Programs, authorizing and appropriating funds for various Health Department Projects.”

“Amending the 1997 Community Improvement Program, authorizing and appropriating funds for the 1997 CIP 4.10120 Gang Interdiction Program.”

“Amending the 1998 Community Improvement Program, authorizing and appropriating funds for Manchester Developmental Preschool Special Gifts Grant.”

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

“Amending the 1998 Community Improvement Program, authorizing and appropriating funds for 1998 CIP 2.20506 Turning Point Initiative.”

ought to pass and be enrolled.

On motion of Alderman Wihby, duly seconded by Alderman Shea, it was voted to accept, receive and adopt the report.

Communication from the City Clerk requesting scheduled Board and Aldermanic meetings scheduled on Tuesday, March 17, 1998 be rescheduled to Monday, March 16, 1998 in anticipation of planned St. Patrick’s Day festivities.

Following brief discussion, on motion of Alderman Thibault, duly seconded by Alderman Pariseau, it was voted to hold the regular meeting schedule for March 17 on Monday, March 16, 1998 at 6:00 PM.

Communication from the Finance Officer requesting the Board’s reconsideration of payment of all legal fees associated with HTE Overtime; requesting the Board take whatever action necessary to bring “special investigation” initiated in 1994 to closure; and appealing to the Board to take necessary steps to immediately reform the current discriminatory system relative to administrative regulations.

Alderman Pariseau moved to refer the communication to the Committee on Administration.

Alderman Thibault seconded the motion.

Alderman Klock stated before dealing with the decision of payment for legal fees I think that we need to address how we got here. In my opinion the overtime issue was not dealt with in as efficient a manner as it should have been and the closed session that we had really did not resolve anything, but raised more questions. I think it is unfortunate that comments were made without forethought, and the terms “investigation” and “review” were not made clear to members of the Board. The City must move forward at this point and address what is most important. The Board in the future must have a policy in place to conduct administrative reviews or investigations of City officials. As aldermen we are responsible for our actions and should never use such terms as “investigation” or “review” unless the full Board is in favor and directs such a motion. We are public officials and must be careful of what we say and do. In directing such an action there should be a full understanding by the membership of what the implications are, what the costs may be, both financially and conceptually, and what the responsible action should be.

Alderman Klock moved that they adopt such policies and procedures and encouraged her fellow aldermen to join her in that. Alderman Wihby seconded the motion. The motion carried with none recorded in opposition.

Mayor Wieczorek noted that they had a motion on the floor to refer the communication to administration.

Alderman Girard stated asked what the rationale was for sending it to administration.

Alderman Pariseau stated he thought it should go there because of the administrative nature of policy that may be forthcoming, and then it would have to go to accounts he would expect.

Alderman Girard stated he thought the Board should deal with this here tonight, none of the other legal fees awarded in years past were ever sent through committees. He did not know what the mystery was. He was in favor of having a policy developed, maybe to that end they could take a look at re-activating the policy review committee to develop something for this Board to look at, but he did not know what sending it to committee was going to accomplish.

Mayor Wieczorek stated he could then vote no, because there was a motion on the floor.

Alderman Cashin stated he wished to refer to the letter that Kevin sent to the Board. As far as supervisory payments for 1994 he referred to that he did everything in accordance with the personnel policies. I would like to refer to the minutes of the meeting of 6/28/94 where a motion was made and passed --no salary increases due to consolidation will be given. He was aware of that at the time. Also I'd like to refer to an article that was in the Union Leader and I quote "I was then accused by an alderman for making fraudulent supervisory payments" this is an article in the City Hall Highlights that was dated August 12, 1994 and it says "last night we learned that Personnel Director, Hugh Moran, sent aldermen a letter informing them about the raise and saying it was rescinded and funded. Hugh Moran also stated the Board of Mayor and Aldermen to look into the matter -- and this is a quote "It is essential the issue be reviewed and a determination made to establish how and why the payments unilaterally were processed without the approval or the authorization of the Personnel Director or the Personnel Board" your honor. I think there is a lot more to this than probably the new aldermen are aware of, and when Finance Committee suggested that we have an investigation, and that was the word, investigation, on the Assessor's office and the Mayor's office called in the police department I didn't hear anybody call foul then, I didn't hear anybody say they were being picked on, nobody ran and got lawyers. We got a two tier system here? That we can do it to some people but if things happen to other people it's not right? And in his letter that he refers to that he was opposed to consolidation of the Finance Office with the Tax Collector. Well, through the budget process he was, but I don't think he was opposed to the consolidation of the two departments. The budget he was, however, let's go to the Tax Collector's office. When the motion was made to combine the Tax Collectors Office in with the Finance Department the motion was a six to six vote. It wasn't unanimous by any stretch of the imagination. The mayor voted in the affirmative therefore breaking the tie and it passed. There were six aldermen on the Board that didn't agree with it. And this is also in the minutes. Now, who was going to lose their job when we combined all of these people. Nobody talks about these things. There is a

certain amount of humanitarianism that we shouldn't forget on this Board because that is why we are all here. First of all we were told by the City Solicitor, Elmer Bourque, that it was illegal, we couldn't do it, but the Board went ahead with the consent of the mayor anyway and did it. As things turned out two days later the tax collector's office went to court and everybody knows what happened, we got defeated and it didn't work. We couldn't do it. But had it passed the positions that would have been abolished would have been Account Clerk position, Clerk Stenographer, Deputy Tax Collector which happened to be at the time Ms. Gardner who is now the Tax Collector and several other people. The Finance Department wanted to put in one of their employees as tax collector and that's where the raise came in. Hugh Moran raised the question to the Board, not an alderman on the Board, it came from Hugh Moran. He wanted to know how this could happen. Just as I wanted to know how people who were exempt and for 28 years its always been accepted that exempt employees were not entitled to overtime without the approval of the Board of Aldermen. There was no approvals given. And that was my contention here and this is why I feel that this whole thing is all wrong. The Finance Department should be of any department, a model, and the things that have happened over the last few years, I don't think, at least in my opinion, doesn't give me any encouragement in the Finance Department and what has transpired here has been wrong. And some of you people that are new here, I can understand that you may think it's a personality thing or whatever, it isn't. And if you want to pay their bills or whatever it's your prerogative, you can do that. But if you do you are not going to bring anything to closure I'll tell you that right now. All you are going to do is every time that we have a problem, or that we talk to anybody what's to stop them from doing the same thing. Are we going to continue to pay these legal bills, I hope not. And I apologize for taking so much time but I had a right and I had an obligation to at least give you my side of the story.

Alderman Sysyn stated I think that we need to set some kind of new policies here. It seems that we set a rule and then somebody comes in and asks for a request and that's the exception to that rule. I have had people coming into Personnel because these people are supervisors of different things, they are paid overtime and their pay grade is 29 or 27 or whatever it is, so we need to set some kind of policy. We have one thing and then an exception to the rule.

Mayor Wieczorek stated I agree with you and I think you need to set policies that don't have loopholes, because this is the problem, every time I see a policy that is presented it's one where the loophole is so big if you strap three people together you could drop them through, that's how big it is and that's really one of the problems we have had with the policies and procedures as we were going through that trying to adopt them, it's because they always wanted to add a tag line unless otherwise ordered. I mean that opens up the whole subject here. I just don't think that is proper. I think that when we adopt some of these policies, we ought to in fact adopt a policy, and that's what the policy is, and that way we don't get into these things.

Alderman Girard stated a question about developing a policy asking if it would be appropriate to ask the mayor to reconvene the policy review committee which he believed was set in the

ordinances, and ask them to develop policies on these topics and make recommendations to the Board so we have a starting point.

Mayor Wieczorek responded not right now alderman. I think that what I want to get through is to get all of the ordinances done that have to be done and I would want to make sure that those descriptions are as tight as they can be because I'm seeing the same kind of flexibility built into that.

Alderman Girard stated Mr. Clougherty in his letter noted that he sat before two committees answering questions about this overtime situation prior to the investigation being ordered, so as an alderman I certainly want the opportunity to speak with any department head and ask any questions on anything but you know there is a line that you cross at some point and I think that line was crossed here.

Alderman Shea stated what I believe is important is until we find ways of removing loopholes what we should do is enforce the ordinances that we have now. Which means if an exempt employee is going to be paid overtime they must come before the Personnel Committee to get their approval, it is as simple as that. In all levels of government we establish a great many rules but they are not enforced, so if there is in place now where an exempt employee would be paid overtime for whatever work they would do they would have to come before the personnel committee that's the ruling as of now, and that should be established and followed.

Mark Hobson, Human Resources Director, stated we are in fact doing that right now. If there are any questions or concerns about an individual's classification as it applies to the fair labor standards act or overtime it is coming through the Human Resources/Personnel Committee and in answer to Alderman Pinard's question we are in fact drafting a new overtime policy for the fair labor standards act and other regulatory guidelines and that will be going to the Human Resources Committee at its next meeting and is being drafted with the input of the City Solicitor and Yarger, Decker & Thomas the compensation and classification consultant that we are using for the City right now.

Alderman Klock stated she was a little unclear asking if they hadn't just moved to adopt policies and procedures so where does that go.

Mayor Wieczorek responded it'll go from the City Clerk and then be adopted as a policy.

Alderman Thibault stated in line with what Alderman Shea just said, I believe when I was on the Board in the past not only did it have to go to Personnel but if a request was made to pay overtime to exempt employees, it had to come before the Board and I guess this is what happened here, that this did not come to the Board, and I guess the Mayor or whoever or all the department heads that were involved went along with it, but if it had come through the Board we wouldn't have this problem. And I think that it behooves us to make sure that it always comes

before the board when we are talking about exempt employees to get paid. Not that I have anything against paying exempt employees, we have paid them in the past, I'm sure other aldermen that have been here a long time know that. Whenever there was a special project that was demanded of and we felt we could save money we did allow them to get paid overtime. The problem was here, and everyone should realize, the problem was that it did not go through the Board of Mayor and Aldermen. Now let's move on from there and let's go somewhere else with this thing this thing has been here before I got here.

Mayor Wieczorek stated he was making it sound like there was some collusion between the mayor and the department heads.

Alderman Thibault stated no, that's not what he meant or intended.

Mayor Wieczorek stated he knew there was an investigation that had exonerated everybody.

Alderman Thibault stated he was just saying that it got lost in the shuffle somewhere.

Mayor Wieczorek stated well we are going to get it back in the shuffle because with the new charter we have to re-draft all of the ordinances and things that are in conflict and we are working on that now, Tom Clark just gave me some here recently. I've got some questions on the way things were drafted because again they are all very loosely drafted, and I would like to see those tightened up a little bit.

Alderman Reiniger stated in reference to the motion he wondered if it would be better to send it to the personnel committee, instead of administration unless maybe there is a good reason for administration. The other thing is what should we do about wrapping up the special committee that started in 1994 that Alderman Cashin was referring to, it is technically still open, is it just gone, I know the chairman is no longer on the Board.

Chairman Wihby stated it ended.

Alderman Cashin stated he did not refer to any committee.

Alderman Reiniger stated in the letter the 1994 committee, the other members may not know what we were talking about.

Mayor Wieczorek stated that was gone.

Alderman Reiniger stated so that's gone by virtue of the fact that that Board is no longer in existence.

Alderman Pariseau asked if the mayor wished him to withdraw his motion and refer it to personnel instead of administration committee.

Mayor Wieczorek stated hold on, Mr. Clougherty wanted to say something.

Kevin Clougherty, Finance Officer, stated just to set the record straight aldermen I also refer people to take a look at a later article that appeared in the Union Leader that we were vindicated and that we have followed the procedures. The problem that we have, this is all very unfortunate. As I said to the Board before, if you know, we met with personnel, we thought we were following the proper rules and regulations which we have since found don't exist. We thought we were following the proper executive order as advised by the personnel director. As I've told you before, it was my understanding that the personnel committee was informed and if they weren't I'm sorry about that, but my understanding was that they were being informed. All that being said, we get to a point where we have gone down a path to do a lot of investigations and things and it is unfortunate and the solution here would have been to have some regulations in place that made it clear in terms of what these procedures would be. But not only clear in terms of how you would rectify the problem that we are all finding ourselves in but regulations including clearly stipulated what it is the Board wanted. Certainly if there was a requirement to be notified I'm sure the personnel director would have done that. I have every confidence that he would have, and it is unfortunate that we have to come back to this. But the reason I keep writing is that I want to see a resolution going forward. Right now as a department head I'm sitting in a situation where it's been made clear to us that there are no regulations. What am I suppose to do in terms of operating my department. In terms of auditing the different operations. What happens if we encounter some type of problem. What is the procedure. Where does that go and that is not clear right now and I'm pressing the Board on this issue mainly because I want to get it resolved so we don't have these problems in the short term or as we move down the next few months. It's critically important that you get some direction and get it straightened out here. As for as the requirements of the previous investigation, we did follow everything, and I think that if we hadn't followed I think that within three years certainly we would have seen a conclusion to that committee and seen something happen to us disciplinary. And that is not what happened because we followed the ordinances and the statutes, again the problem at that point aldermen was, there were no pertinent regulations, it's this regulation thing that keeps coming back up and that's really what I would like to see us get resolved.

Alderman Wihby stated that's why it probably belongs at administration more than personnel so they can set those policies.

Alderman Clancy stated that something has to be done because there is always loopholes in these ordinances and regulations here. Something has to be done. I'm sure this is not the first time that the finance department worked overtime since Mr. Clougherty has been in charge.

Mr. Clougherty responded no, we do it all the time.

Alderman Clancy stated why don't you people come to the Board of Mayor and Aldermen and get the okay. That's all we are asking.

Mayor Wieczorek stated the Board's job is to set a policy, that's what you do and then they know what to do.

Alderman Thibault stated but there is a policy that they must come before the Board.

Alderman Clancy stated any overtime for an exempt employee should come before the Board of Mayor and Aldermen.

Alderman Wihby stated unless there is an emergency.

Alderman O'Neil to answer Kevin's question, I too would encourage that we get these policies and procedures adopted as soon as possible, in the interim for any department in the city it is important that the Board of Mayor and Aldermen know what's going on and it should go through the process, the personnel committee and then to the full Board. The personnel committee itself does not have the power to do anything it's only the fifteen of us sitting here that has the power, and that is the important thing. Keep the aldermen involved in the process. I do with regards to the investigation think we have a responsibility to the citizens of Manchester to get the facts whenever we need to get the facts. In this particular case the City Solicitor felt that he couldn't, nor anyone in his office, get the facts and asked the police department for help, all it was was an administrative investigation.

Mr. Hobson stated just to address the concern of the two aldermen. On December 2nd Chairman Wihby directed me to send a memorandum to all department heads/division heads, that no overtime requests whatever will be approved unless its a question of exempt versus non-exempt status, it's going to my office and I'm bringing that through Human Resources Committee and that report goes to the full Board of Mayor and Aldermen. All requests for overtime are being reviewed by my office and signed by the mayor and any exemptions are in fact now going to the aldermen until we have this policy that will be put in place and we hope to get that resolved within the next 30 to 60 days. So I just wanted to assure people that we do have a procedure in place and it is working to the best of my knowledge.

Mayor Wieczorek stated he had a motion on the floor to refer this item to the Committee on Administration and called for a vote. The motion carried with Alderman Girard and Cashin duly recorded in opposition.

Communication from Randy Sherman, Joanne Shaffer, Janell Larocque,
and Tina Parsons on behalf of exempt employees requesting payment of legal fees in the
amount of \$1,686.82 relative to the HTE overtime pay issue.

Alderman Wihby stated if you remember when we talked about this at the last meeting and we were talking about the finance bill, I think there is two difference circumstances. One was we

were going to take action against these individuals, we were going to look to get our money back. I don't blame them for getting an attorney and trying to move forward and hire somebody to watch their backside because of the fact that we were going to be getting some money from them and in some cases it was going to be substantial. I have the problem in the finance one, and maybe the committee can look at it, is were we doing some harm to somebody, and in this case it's not just the finance I understand personnel has some bills and so they should be looking at all those bills. And if we really were going to hurt the finance director or the personnel director or whoever had to hire legal fees then we probably should reimburse them, and if we weren't we were just looking into asking questions, I don't think we should reimburse so I'm hoping administration will look into not just finance but look into the other bills that are out there too. On this one your honor, I think that we definitely were going to hurt these individuals because we were going to ask for our money back. Again, I didn't take part in the motion at the time.

Alderman Wihby moved to pay the legal fees as requested. Alderman Pariseau duly seconded the motion. A roll call vote was taken at the request of Alderman Cashin. Alderman Cashin, Thibault, Hirschmann, Clancy, Shea, and O'Neil voted yea. Alderman Wihby, Klock, Reiniger, Sysyn, Pinard, Girard, and Pariseau voted yea. Alderman Rivard was absent. The motion carried.

Communication from Attorney James Tamposi, Jr., requesting a subordination agreement from the City in order to obtain refinancing for the Center of New Hampshire.

Alderman Wihby stated we got a second letter that changes the amount from \$5 million to \$5,065,000. My concern is that even though he cites that it is \$5,158,000 which is what it was in 1994, they have obviously paid some from that amount. I am wondering if we are giving them more of a loan now. Every five years they come to us and are we going to raise it up and never get any money back or is the \$5,065,000 less than what they still owe.

Alderman Girard replied that I don't have a very firm understanding of this and I don't know if there is a time pressure, but if it is appropriate I would like to move that it be sent to CIP.

Mr. Clougherty responded I had a chance to speak to Tom Clark briefly about this on Friday afternoon. They have received information from Mr. Tamposi and referred it to Bond Council for their review. Tom indicated that we have done a similar arrangement in the past. Tom stated that he has no probably with it legally. The issue we have with sending it to committees is that we may prevent them from taking advantage of a time-table to get some good rates. Tom is asking that this be approved contingent upon his review and approval so that he will have a chance to take a look at the numbers and confirm them. My understanding is that we don't change in terms of our position but we are standing behind \$5 million less debt. That is certainly encouraging for the City and it something that we would favor. If the Board wants us to get back with something specific in terms of numbers, they could try to do that in a few days.

Alderman Wihby stated we are already behind. Are we now in second position for less than the \$5,065,000?

Mr. Clougherty answered if I understand Tom right, we would be behind \$5 million less than we are now. We are in a better position, not because we change our position in terms of rank, but because the amount of debt that we are standing behind will decrease and, therefore, the likelihood that the company will be able to make payments is enhanced.

Alderman Wihby asked are you stating we are \$10 million behind now.

Mr. Arnold replied my understanding is that we are behind \$5,158,000.

Alderman Wihby responded no that is the 1994 number. It should have been paid down since 1994.

Asst. Solicitor Arnold replied that he couldn't tell Alderman Wihby if it has been paid down since 1994. He only knows that they are seeking to refinance their loan. Once they pay off the first loan, we would be in first position unless we agree to subordinate which is why they are coming before the Board.

Alderman Wihby asked if they pay down \$500,000 and we are in second position now at \$4,500,000 and now we are going to let them go to \$5,065,000 how are we any better? If the number was \$5,158,000 in 1994, they have made payments and it has gone down and it is down to \$4,500,000 and we are going to go ahead and tell them we are going to subordinate \$5,065,000, we are still in second position but we are also in second position at a higher number. I just want clarification as to whether or not that is true.

Asst. Solicitor Arnold answered I can't answer your basic question as to whether that \$5,158,000 is the present figure or a past figure.

Alderman Wihby stated I don't have any problem with doing what Kevin said, letting it go to the Solicitor but I wouldn't want him to be able to sign off on it unless we knew what the number was. I don't think he should approve if it is a higher amount or not. He can look at the documents and make sure it is right, but it should come back to us to decide.

Alderman Shea stated I wasn't an Alderman when all of this was conducted and I don't know how the other members feel but I don't know what is going on. Where is all of this \$5 million coming from? I have no idea at all. I would like the City Solicitor to come in and explain how the City happened to get into this situation. I don't want to vote on anything that I don't understand.

Mayor Wieczorek stated time is of the essence for the Center of New Hampshire and I know you need some information. We could have Jay Taylor or City Solicitor Clark get the information back to everybody so we could make a decision.

Asst. Solicitor Clark stated that he could get an answer for everybody by tomorrow.

Mayor Wieczorek asked that the City Solicitor check the information and call the Board members to inform them.

Alderman O'Neil stated that he would also like a very simple explanation of what this is all about.

Alderman Wihby moved to send this item to the City Solicitor for explanation and presentation at the March 16, 1998 Board of Mayor and Aldermen meeting. Alderman Cashin seconded the motion. There being none opposed, the motion carried.

Resolutions:

“Amending the 1995 and 1998 Community Improvement Programs, authorizing and appropriating funds in the amount of \$1,999,129 for certain Manchester Airport Authority projects.”

“Amending the 1997 & 1998 Community Improvement Programs, authorizing and appropriating funds for various Health Department Projects.”

“Amending the 1997 Community Improvement Program, authorizing and appropriating funds for the 1997 CIP 4.10120 Gang Interdiction Program.”

“Amending the 1998 Community Improvement Program, authorizing and appropriating funds for Manchester Developmental Preschool Special Gifts Grant.”

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

“Amending the 1998 Community Improvement Program, authorizing and appropriating funds for 1998 CIP 2.20506 Turning Point Initiative.”

On motion of Alderman Pariseau, duly seconded by Alderman Klock, it was voted to read by titles only and it was so done.

On motion of Alderman O'Neil, duly seconded by Alderman Klock, it was voted that the Resolutions pass and be Enrolled.

Ratification of agreement with the Manchester Association of Fire Supervisors in accordance with the memorandum of agreement and cost calculations presented on February 17, 1998.

On motion of Alderman O'Neil, duly seconded by Alderman Pariseau, it was voted to ratify such agreement.

NEW BUSINESS

Mayor Wieczorek stated regarding the task force that I put together on the Future of Health Care in Manchester, we originally were talking about hiring a facilitator and money was going to be raised through Optima, the Chamber of Commerce and the Save CMC group. The Save CMC group decided that they didn't want to be making any contribution toward this and take money from people who are involved with their movement. They requested that we try to get money from private foundations. Lou D'Allesandro and I visited the NH Charitable Fund last week. We presented the situation to them and I heard from them today. They indicated that both the NH Charitable Fund and the Bean Foundation would be willing to contribute \$20,000 toward the facilitator but they want the City to make a contribution also. Therefore, I am requesting that we take \$20,000 out of contingency and match their \$20,000. They are also stating that if measurable progress is made with this group, they will also contribute another \$10,000.

Alderman O'Neil asked does that mean that Optima and the Chamber are paying.

Mayor Wieczorek answered no. The sub-committee that was put together was one that was chaired by Lou D'Allesandro and there was a member of the Save CMC group on there, somebody from the Optima group and somebody from the Chamber. They came up and interviewed people for the facilitator position and they unanimously agreed on someone. This is a situation that has really divided this City and I would like to see us get this behind us.

Alderman O'Neil asked what the time-table was.

Mayor Wieczorek answered as soon as possible.

Alderman Shea asked is there an Attorney General's report coming out next week.

Mayor Wieczorek answered yes.

Alderman Shea stated maybe it would be a good idea if we waited until that report came out before we decided on allocating \$20,000 or \$30,000 for a facilitator who may or may not be part of a process that may or may not take place depending on what happens. Alderman Shea asked aren't we being a little premature.

Mayor Wieczorek replied I don't think we are being premature at all. We have been working on this situation for quite some time and whatever happens and no matter what the Attorney General's report is going to say, we have to work to get this whole situation behind us. The Task Force is meeting tonight and they are trying to make some decisions. I am hoping that the City will also step up to the plate and make a contribution.

Alderman Thibault stated I know that you asked for the Save CMC group to contribute. Let me tell you that all of these people are doing this on their own with no money, no backing. None of these individuals have any money to contribute to this. It was done as a thing to show the people of Manchester ,but especially the people on the west side, that we should try to keep this hospital. These people are volunteers. I am sure that they are very interested in what is happening and so am I being from the west side and that hospital being in my ward. One thing I would like to ask is that the meetings not happen on the same night as the Aldermanic meeting. I would like to attend some of those meetings and it seems to me that the committee can try to accommodate the Aldermen so that they can attend and voice their opinions.

Mayor Wieczorek answered I was at their last meeting and they are still working out what day they are going to meet. They have to look at a day that is convenient for the 23 people on the committee. I don't disagree that it would be nice to be able to go. I would like to be there too.

Alderman O'Neil asked because Save CMC pulled out of this, the Chamber and Optima pulled out now.

Mayor Wieczorek answered no. Save CMC doesn't want them to contribute to the fund because they don't want Optima's money in there or the Chamber's money in there. That is the reason we went to the foundation.

Alderman Pariseau moved to donate \$20,000 from the contingency fund to the Mayor's Task Force on Health. Alderman Pinard duly seconded the motion. The motion carried with Alderman Shea duly recorded in opposition, and Alderman Cashin recorded as abstaining.

Mayor Wieczorek presented a proposed ordinance.

Mayor Wieczorek stated we had talked some time ago about giving some of the authority back to the Airport Authority. The Town of Londonderry is also interested in knowing what is happening. I talked to Tom Clark about it and he presented an ordinance that is being presented to you.

Pursuant to Charter Section 2.04, the Board of Aldermen hereby delegates to the Manchester Airport Authority, the power and authority to promulgate and establish such rules and regulations as they may deem proper for the efficient management and operation of the airport and the power and authority to promulgate and establish rates and charges for the use of the airport.

Alderman Pariseau moved to receive and file the item. Alderman Hirschman duly seconded the motion.

Alderman Girard stated I don't support the motion to receive and file, but the question I would have is whether it should be sent to Bills on Second Reading first. I think this is premature. The Committee on Administration would have policy jurisdiction in this and the reason I say that is because this is going to set a precedent whereby every commission that has an enterprise is

coming in and say that they need to have authority to do whatever they need to do. I think the Committee on Administration which is responsible for overseeing that should have first crack at it before it goes anywhere else. Bills on Second Reading is just to check and make sure that the ordinance is technically correct.

Alderman Shea stated in reading this, I came to the conclusion that if we give one commission or one group of commissioners this authority then why shouldn't any other commission receive the same. If we set a precedent for one, it should apply to all. That is what will happen if we decide to give them this authority. I agree that it should be received and filed.

Mayor Wieczorek asked Asst. Solicitor Arnold to shed some light on this. We are talking about an authority that is composed of people in two different communities. We are not talking about just Manchester.

Asst. Solicitor Arnold answered the ordinance was intended to delegate to the Airport Authority the ability to make decisions on relatively mundane matters such as parking fees, taxi cab fares, etc.

Alderman Shea asked what have they been doing in the past. Haven't they been setting the rates and so forth?

Asst. Solicitor Arnold answered prior to the change in the Charter, yes they were.

Alderman Shea asked what has the Charter change meant.

Asst. Solicitor Arnold answered the Charter change made these committees advisory without the authority to actually set these fees and matters. They merely serve as an advisory function.

Alderman Shea stated so they can set advisory fees and bring them before the Board of Mayor and Aldermen who then could vote on approving them. Is that correct?

Asst. Solicitor Arnold replied yes, that could be done.

Alderman O'Neil stated unfortunately we are the ones who live with a lot of these decisions and get the phone calls and the letters. I think we need to be involved in the process.

Alderman Thibault stated in the past, the committee that took care of taxi cab regulations used to put a cap on what could be charged from the airport to the city. I don't know if they can do that to Londonderry, but I know that we used to put a cap.

Alderman Girard stated I had the opportunity this past weekend to get a tour of the airport as did several of the Aldermen here. I have to say that it was an impressive tour and what goes into

operating that facility on a day-to-day basis is truly unique. I would hate to see this Board in a position where we are going to end up micromanaging an operation that understandably is beyond our comprehension. It is not a general fund department.

Mayor Wieczorek called for a vote. The motion carried with Alderman Girard duly recorded in opposition.

Mayor Wieczorek requested that the City Solicitor be at every single meeting that we have.

On motion of Alderman Pariseau, duly seconded by Alderman Thibault, it was voted to have a department head or their designee at the meeting if they have an item on the agenda.

Mayor Wieczorek stated that he was appointing Alderman Clancy to chair the Municipal Fleet Maintenance and Advisory Committee.

Discussion ensued relative to the CIP Appropriating Resolution:

The Deputy Clerk noted that based on discussion in the Finance Committee, the Board may wish to refer the CIP budget resolution:

“Approving the Community Improvement Program for 1999, Raising and Appropriating Monies Therefor, and Authorizing Implementation of Said Program.

to public hearing, with any amendments made thereto as of such hearing to also be forwarded, to allow for continuation of the process.

On motion of Alderman Thibault, duly seconded by Alderman Clancy, it was voted to refer the CIP Resolution as proposed to the public hearing, along with any amendments thereto to be presented at public hearing, on March 23, 1998 at 7 p.m. at Memorial High School.

Deputy Clerk Johnson advised that a report of Traffic was being presented based on actions of the Traffic Committee earlier this evening. She noted that there could be a hearing held in the Senate prior to the next Board meeting and as such there was an urgency in presenting same this evening.

A report of the Committee on Traffic was presented recommending that the Board of Mayor and Aldermen support House Bill 1480 relative to allowing a city or town to petition the liquor commission to revoke the license of a licensee located within the community.

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

Deputy Clerk Johnson noted that due to time constraints a report of Traffic Committee, on an item approved by the committee this evening, needed to be addressed.

A report of the Committee on Traffic was presented recommending that a request of the Home Builders and Remodelers Association of NH for closure of Pleasant Street from Elm to Franklin Streets from March 9 through March 16, 1998 for the placement of modular home for their 1998 NH State Home Show be granted and approved under the supervision of Police, Fire, Highway, Traffic, and City Clerk.

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

Alderman O'Neil moved that the Board of Mayor and Aldermen oppose House Bill 1665 which creates a police force for the Airport. Alderman Cashin duly seconded the motion.

Alderman Wihby asked why we are opposed to it.

Alderman O'Neil answered do we need to create a police force at the Airport. If we want our own police force, why aren't City police officers down there? This bill is saying that the Airport would create their own police force.

Chief Driscoll replied I don't think that we can do it nor do we want to do it. It is in another community. We have no jurisdiction there. We did not choose to bid on that contract. I don't think it is anything the City wants to take on. I have spoken with Fred about it and we have spoken with Rockingham County Sheriff's Department. Both of them will be there to testify against the bill, as will the Police Department.

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

Alderman Shea moved to ask the Committee on Community Improvement to direct the CIP staff to conduct a survey of the neighborhood areas surrounding Prouts Park to determine if the residential income levels of the neighborhood residents using the park would qualify for utilization of federal funds to make the necessary improvements this park. Alderman O'Neil duly seconded the motion.

Alderman Girard asked Mr. MacKenzie if the findings of that survey could be used to determine whether or not CDBG funds may be used.

Mr. MacKenzie answered there are HUD criteria as to where you can spend funds. If it does not automatically qualify under the federal 1990 census, there are extensive surveys that can be done to demonstrate to HUD that it could qualify.

Alderman Girard asked what would be involved in staff time and materials to conduct such a study.

Mr. MacKenzie answered there would be a considerable amount of staff time, although I would like to first review all of the census data to see if we can tell if we qualify. If it went beyond that and required a survey, there would be staff time but I can't guess as to how much it would be.

Alderman Shea stated when the quality of life of people are affected, I don't think that it should be predicated upon monetary concerns because many areas of the City today receive unusual amounts of money. When a park is in ill repair and dangerous conditions exist, I think that as Aldermen we should be alert to the needs of the community and not be overly concerned about how much it would cost to conduct a survey.

Brief discussion followed where Alderman Wihby noted that it need not go to the committee the Board could direct that. Alderman Shea and Alderman O'Neil withdrew their motion.

On motion of Alderman Shea, duly seconded by Alderman O'Neil, it was voted to direct the CIP staff to conduct a survey of the neighborhoods surrounding Prouts Park.

Alderman Clancy stated this Sunday we are going to have our St. Patrick's Day parade at 1 p.m. and I am asking if we can have the City bands participate this year.

Mayor Wiczorek replied it is a School Board decision. They have considered it many times and have never approved it.

Mayor Wiczorek voiced some concern about the amount of new business coming in at the meetings.

Alderman Clancy moved to request the School Board to conduct a poll to have the high school bands participate in the St. Patrick's Day Parade with the cost to be covered by the Board of Mayor and Aldermen up to \$1,000. Alderman Pariseau duly seconded the motion. Mayor Wiczorek called for a vote. There being none opposed, the motion carried.

Alderman Hirschmann stated this is with regard to the school food and nutrition article in the newspaper. I sat on Accounts for two years and the numbers didn't make sense to me. I would like to perform an audit in the Accounts and Enrollment Committee of school food and nutrition's expenses to find out why we have to charge the school children more.

Mayor Wiczorek answered I don't think you can do that. It is a School Board's decision. Let me get a legal opinion.

Asst. Solicitor Arnold replied you cannot direct the school as to how they spend their money. All you can do is make a line item budget. As for whether you can conduct an audit or not, I

think that you could certainly ask them to submit their figures and perhaps Mr. Clougherty could go into more detail as to how you would actually verify those figures.

Mr. Clougherty responded we already have the independent auditors do a review of it every year and you have received that report in terms of the federal dollar contributions. If you want us to do some type of summary or pull together some revenue information in the interim, we can do that. However, if you are going to do a full blown audit, it is going to take awhile.

Alderman Hirschmann stated all I want to know is something has changed with this new administration. Some new expenses have moved into that nutrition budget because now all of the sudden we are over budget.

Alderman Pariseau replied the thing that changed was that the Superintendent is having the fringe benefits included in that.

Alderman Hirschmann asked why the school children are being charged for that.

Alderman Wihby answered the benefits used to be charged to the general fund and we told them that they should put it in the food and school nutrition budget because it was theirs. When they did that, the revenue didn't cover the expense of doing that. We did that. The Superintendent didn't do it.

Alderman Girard stated the school food and nutrition budget is actually a separate appropriation. It is not actually part of the school budget. I believe we appropriate the revenues and their expenses. I agree with Alderman Wihby. I do not think anything has changed. It is still a general fund department and I think they are trying to generate the revenue so they don't have to deal with the additional expense.

Mr. Clougherty stated that he would put together a report on this that explains the way it was, the way it is now and some background for the next meeting.

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

A True Record. Attest.

City Clerk