

BOARD OF MAYOR AND ALDERMEN

August 4, 1998

7:30 PM

Mayor Wieczorek called the meeting to order.

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

Present: Aldermen Wihby, Klock, Reiniger, Sysyn, Pinard, Shea, O'Neil,
Girard, Rivard, Pariseau, Cashin, Thibault, Hirschmann

Absent: Alderman Clancy

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.

Minutes Accepted

- A. Minutes of meetings held April 29, 1998; May 4, 1998; May 5, 1998; May 19, 1998; May 20, 1998; May 26, 1998; and May 27, 1998 (2).

Informational to be Received and Filed

- B. Communication from the City Clerk advising of the grand re-opening ceremonies of the newly renovated City Hall Complex to be held on November 21 & 22, 1998.
- C. Copies of minutes of meetings of the Airport Authority held on April 23, 1998, May 21, 1998, and June 25, 1998.
- D. Communication from the Chief of Police advising of the Department's COPS MORE '98 federal grant funding totaling \$173,220 with a local match of \$57,740.
- E. Copies of minutes of a meeting of the Manchester Transit Authority held on April 28, 1998 and copies of the April and May 1998 Financial and Ridership Reports.
- F. Copies of minutes of meetings of the Task Force on the Future of Health Care in Manchester held on June 3, 1998, June 15, 1998, and June 24, 1998.
- H. Communication from Richard Mulvee, Tower Realty Group, expressing their gratitude to the Building Department for their assistance and praising Mr. Max Sink for his aiding them in time of need.
- I. Communication from the 1998 NH Pride Committee expressing their thanks to the City for his support this year.
- J. Communication from Charlotte Sartell relative to a recent incident she was involved with at the Manchester Transit Authority.

REFERRALS TO COMMITTEES

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

- L.** Communication from Mrs. Anita Amato relative to EWTN programming on MediaOne.
- M.** Communication from Joseph Lahr requesting increased funding and implementation of public access broadcasting.

**COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS
AND
COMMITTEE ON BILLS ON SECOND READING**

- N.** Proposed departmental ordinances submitted by Mayor Wieczorek.

COMMITTEE ON BILLS ON SECOND READING

- P.** Ordinance:

“Authorizing the Mayor to dispose of certain tax deeded property known as 218 Lake Avenue, Map 92, Lot 1.”

- Q.** Ordinance:

“Authorizing the Mayor to dispose of certain tax deeded property known as 404 Manchester Street, Map 343, Lot 10.”

COMMITTEE ON COMMUNITY IMPROVEMENT PROGRAM

- R.** Communication from the Water Works Director seeking approval for the purchase of a 6+/- acre parcel of land located in Auburn, NH from Mrs. Charlotte MacDonald for the amount of \$8,400.00.

COMMITTEE ON FINANCE

- T.** Bond Resolution:

“Authorizing Additional Bonds, Notes or Lease Purchases in the amount of Fifteen Million Three Hundred Ninety Two Thousand Two Hundred Fifty Dollars (\$15,392,250) for the 1998 CIP Manchester Airport Authority Development Projects.”

- U.** Communication from Deputy City Clerk Johnson submitting Resolutions:

“Rescinding authorization on unissued Bonds, Notes or Lease Purchases for Manchester Water Works which are no longer required.”

“Authorizing Additional Bonds, Notes or Lease Purchases in the amount of Five Hundred Seventy Thousand Dollars (\$570,000) for capital improvements in the water supply and distribution areas.”

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- V. Communication from the City Clerk requesting the closure of a portion of Market Street from Franklin Street to the area known as City Hall Plaza on November 21 & 22, 1998.
- W. Communication from Rod Ragucci, General Manager of the Black Brimmer, requesting the closure of Lowell Street, from the corner of Elm to Kosciuszko Streets (including the alley way behind Duffy's Tavern) on Saturday, October 10, 1998 from 9:00 AM to 9:00 PM in conjunction with "Ocktoberfest" activities.

REPORTS OF COMMITTEES

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

- X. Advising that it will be reviewing the agreements between the City and the Riverfront Foundation, and the Riverfront Foundation and Stadium Management. Additionally, the committee advises that it intends to review the need for a policy on hiring city departments such as Police, Fire or Health for large events and the policy for sale of alcohol in public facilities in the City with information from Police, Fire, Health, Risk Management, City Clerk and City Solicitor.

COMMITTEE ON COMMUNITY IMPROVEMENT PROGRAM

- Y. Recommending that in accordance with RSA 80:80 the Mayor be authorized to dispose of certain property situated at 218 Lake Avenue, known as Map 92, Lot 1, by executing deeds releasing all rights, title, interest, or claims in said property. Said property formerly owned by 395 Union Street Corp was acquired by the City of Manchester by virtue of Tax Collector's deed dated January 26, 1998 and recorded in the Hillsborough County Registry of Deeds on February 6, 1998, in Volume 5900, Page 0249.

The Committee recommends that said property be disposed of through sale to the owner of abutting property, Li-Hsueh Chang, at a total price of Twenty Thousand Dollars (\$20,000.00), determined to be a fair compensation for same by the Board of Assessors.

The Committee advises that it has found such property to be surplus to City needs and finds just cause in the sale to abutter as such disposition will create parking for residents in the area.

The Committee further recommends that the Tax Collector and City Solicitor be authorized to proceed with disposition and prepare such documents as may be required, and that the Finance Officer be authorized to credit tax deed accounts as deemed necessary, following adoption of an ordinance which has been submitted.

- Z. Recommending that in accordance with RSA 80:80 the Mayor be authorized to dispose of certain property situated at 404 Manchester Street, known as Map 343, Lot 10, by executing deeds releasing all rights, title, interest, or claims in said property. Said property formerly owned by Thomas J. Hebert was acquired by the City of Manchester by virtue of Tax Collector's deed dated November 21, 1994 and recorded in the Hillsborough County Registry of Deeds on November 23, 1994, in Volume 5593, Page 1643.

The Committee recommends that said property be disposed of through sale to the owner of abutting property, Manchester Neighborhood Housing Services, at a total price of Three Thousand Five Hundred Dollars (\$3,500.00), determined to be a fair compensation for same by the Board of Assessors; and that such property be combined with an existing abutting lot owned by the abutter for the purpose of building a home for low income property owner use.

The Committee advises that it has found such property to be surplus to City needs and finds just cause in the sale to abutter as the sale of the property would only benefit an abutter as it does not contain sufficient footage for a buildable lot.

The Committee further recommends that the Tax Collector and City Solicitor be authorized to proceed with disposition and prepare such documents as may be required, and that the Finance Officer be authorized to credit tax deed accounts as deemed necessary, following adoption of an ordinance which has been submitted.

COMMITTEE ON JOINT SCHOOL BUILDINGS

- AA.** 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.
- AB.** Advising that is has accepted the project summary reports relative to the Central/West Heat & Ventilation Improvements; the Central High School/Locker Room Improvements; the West High School/Special Ed Room 104 w/toilet rooms; the Memorial High School Science Lab and Other Improvements; the ADA Accessibility/School Elevators; and the Junior High School-Tech Ed and are submitting same to the Board for informational purposes.

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

- G.** Copies of communications from Daniel Fletcher advising of the Police Department's failure to respond to two emergency phone calls placed on July 24, 1998, and on-going terrorism and racketeering by mobsters from organized crime.

Alderman Thibault moved to receive and file this item and send it to the Police Commission for investigation. Alderman Reiniger duly seconded the motion. Mayor Wieczorek called for a vote. There being none opposed, the motion carried.

- K.** Communication from Daniel Kenney, Kinko's, submitting a summary of Kinko's services and offering to establish a corporate account for the City and offering a 10% discount off all services.

Alderman Girard moved to refer this item to the Central Purchasing Committee. Alderman Hirschmann duly seconded the motion. Mayor Wieczorek called for a vote. There being none opposed, the motion carried.

- O.** Ordinance:

"An ordinance specifying the address of City Hall and the City Hall Annex."

Alderman Wihby stated my understanding is they would like to suspend the rules to bring this in tonight because Diane Prew needs the address for the computer system. I guess Leon is going to address it. Leon or Dick Houle or Bob MacKenzie.

Mr. MacKenzie stated I know this was brought before the Board tonight because there is kind of a crunch deadline in terms of getting the phone book. There is a proposal to change the address. The hope is to have, rather than the City Hall and the Annex, one City Hall complex. So they are going to have one address for both of those. It has been suggested that that new address be One City Hall Plaza and we wanted to check with the Board before that goes into the phone book and some other locations, including stationary, check with the Board to see if they are comfortable with that address.

Alderman Girard asked isn't the Bell Atlantic Skyscraper referred to as City Hall Plaza so if we change our address to City Hall Plaza I just wonder if we are creating any confusion.

Mr. MacKenzie answered well having the Bell Tower already City Hall Plaza, the name, that does create some confusion but I think that changing the address to that people will be able to see City Hall. If Nynex wanted to change their address to two which is across historically numbering wise, it is already called City Hall Plaza so I don't think it is going to increase the confusion.

Alderman Girard stated my concern is not so much the mailing address but where the Bell Atlantic Tower is already called City Hall Plaza and they have got this big marble sign out front calling themselves City Hall Plaza, are citizens going to be going into that building as they already do looking for city offices. If we are going to call ourselves City Hall Plaza.

Mr. MacKenzie replied I am not sure if it will get much worse. I know that I have talked to the gentlemen there at security and they said they get 100 people a day looking for City Hall and they can't find it so I suspect that is going to happen but at least in the future they will be able to direct them right across the plaza to City Hall.

Alderman Hirschmann asked what is wrong with 904 Elm Street.

Mayor Wiczorek answered 908. 904 is the wrong address.

Alderman Hirschmann asked what is 904, the Clerk's Office.

Mayor Wiczorek answered the space between City Hall Plaza and City Hall.

Alderman Pariseau moved to suspend the rules and place the ordinance on its final reading by title only at this time, without referral to the Committee on Bills on Second Reading, or the Committee on Enrollment. Alderman Wihby duly seconded the motion. Mayor Wieczorek called for a vote. There being none opposed, the motion carried.

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

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

Alderman Thibault asked does that mean that we have to change all of the City stationary now.

Mayor Wieczorek answered eventually. I am sure they are not going to throw everything away.

S. Communication from William Davidson, National Sports Services, advising of their interest in securing a lease agreement for a professional baseball franchise to use Gill Stadium.

Alderman Shea stated in reading through the communication from William Davidson from the National Sports Service, I just wondered what expense is going to be involved in his securing a lease agreement for professional baseball. Is there any expense involved here or is he going to do it gratuitously?

Mayor Wieczorek replied I really don't know.

Alderman Shea responded he did submit this voluminous document but I am not sure. Does anyone know?

Mayor Wieczorek asked if anyone was present from Parks and Recreation. There was no one present.

Alderman Reiniger stated I spoke briefly with Mr. Davidson last week. I think he was given my name because I am the Chairman of CIP and he just said that he hasn't developed the numbers yet and he can't until he receives more information from the City. He wants to sit down with some of the City department heads and look and see if there is any availability and actually go and look at Gill and see what the fit up would be. So they need more information before they can get to the money stage.

Alderman Shea asked so initially there is no expense involved.

Mayor Wieczorek answered no because if I remember correctly the Committee that you were on it was going to cost about \$50,000 to do a study.

On motion of Alderman Shea, duly seconded by Alderman Reiniger, it was voted to refer this item to the Committee on Community Improvement.

Alderman Pariseau asked has that special committee for baseball been dissolved.

Mayor Wieczorek answered yes.

TABLED ITEMS

On motion of Alderman Girard, duly seconded by Alderman Reiniger, it was voted to remove the following items from the table.

Resolutions:

“Amending a Resolution ‘Authorizing Bonds, Notes or Lease Purchases in the amount of Ten Million Dollars (\$10,000,000) for the 1999 CIP 731199 Program/Construction Management’ to Eleven Million Nine Hundred Forty-five Thousand Dollars (\$11,945,000).”

“Amending a Resolution ‘Authorizing Bonds, Notes or Lease Purchases in the amount of Thirty Five Million Dollars (\$35,000,000) for the 1999 CIP 730499 Airport Parking Garage’ to Forty Seven Million Eight Hundred Five Thousand Dollars (\$47,805,000).”

“Amending a Resolution ‘Authorizing Bonds, Notes or Lease Purchases in the amount of Fifteen Million Dollars (\$15,000,000) for the 1999 CIP 731299 Property Acquisitions’ to Twenty-two Million One Hundred Thousand Dollars (\$22,100,000).”

“Amending Resolution ‘Authorizing Bonds, Notes or Lease Purchases in the amount of Two Million Dollars (\$2,000,000) for the 1999 CIP 730799 Site Acquisition & Stead Aviation Relocation’ to Two Million Two Hundred Forty Thousand Dollars (\$2,240,000).”

“Amending a Resolution ‘Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Five Hundred Thousand Dollars (\$1,500,000) for the 1999 CIP 730899 Relocate Kelley Ave’ to One Million Six Hundred Eighty Thousand Dollars (\$1,680,000).”

“Amending the 1998 and 1999 Community Improvement Programs, authorizing and appropriating funds in the amount of Thirty Seven Million Six Hundred Sixty Two Thousand Two Hundred and Fifty Dollars (\$37,662,250.00) for certain Airport Projects.”

“Amending a Resolution ‘Making Technical Adjustments in Certain Resolutions of the Board of Mayor and Aldermen Authorizing Bonds, Notes or Lease Purchases in Connection with the Manchester Airport.’”

Alderman Girard stated as this Board has already, at length, discussed these items, I would like to move to suspend the rules to dispense with the reading. Alderman Klock duly seconded the motion. Mayor Wieczorek called for a vote. There being none opposed, the motion carried.

Alderman Girard moved that the Resolutions pass and be Enrolled. Alderman Rivard duly seconded the motion. Alderman Girard requested a roll call.

Alderman Pariseau stated as you might have read, I was seriously considering changing my vote that was in the affirmative last month to voting against this proposal but after discussion with your office and the guarantee of conducting a neighborhood meeting for residents of Ward 9 to address noise concerns throughout the area and also with the understanding that the Chairman be allowed to form a special committee dealing with airport activity, further expansion, degradation of the quality of life for residents within Ward 9 and Ward 8 as well, with that guarantee I would again support the proposal before us this evening.

Alderman Rivard stated I was one of the Aldermen who voted in opposition of the bonding issue at the last meeting and for several reasons and I would like to share those with some of you folks here this evening. First of all, I want to remind you that in April I voted to support \$143 million airport expansion and that is a matter of record here at City Hall so I am not the obstructionist that some have made me out to be. After the public hearing, hearing little dissension in the expansion of the airport, we moved onto the arrival of Southwest Airline who obviously created major traffic problems in the Brown Avenue area. In the 11th hour, at the last meeting, the Airport Director placed in front of this Board a document asking us to amend a \$37 million, what I call oversight. I guess I will be generous and call it an oversight and I don't think that I would be acting responsible if I would have voted on that without asking a few questions. One of the questions that I did pose to him in an organized fashion was is that \$7 million in the acquisition column that is part of that \$37 million, is that \$7 million going to address any of the traffic problems on Brown Avenue and he said no. Well, obviously that was not the answer I was looking for. There were several speakers here this evening who really are lobbying for my position. You talk about Representative Buckley, Vaillancourt, BJ Perry who obviously is a businessman here and couldn't have said it better. We have a major problem on Brown Avenue. It is not a personality problem with Bob Rivard and the Airport Director. It is a quality of life issue. It is a problem of changing the arrows without going through the proper channels. It is a problem of getting home in the evening. It is a problem of getting to the airport. We are going to have an airport that is so big we are not going to be able to get there. So that is what this whole issue is about. The issue is about responsible expansion at the airport and having this Board have a role in what is going to happen in the City of Manchester. Since my vote, I have had the opportunity to meet with the Mayor, with Mr. Testa, and Mr. Testa has provided me with a letter that has answered several of my questions and those of the people in Ward 8. This is a Ward 8 issue. This isn't a Bob Rivard issue. On Jobin Drive I don't have a problem with traffic. A little bit of noise but that is all right, I can deal with that. It is the people who live on Brown Avenue. We are talking about down there at Trolley Crossing and Brent

Street. We have a major setback on the access road because we have two eagles in a tree. We have a thousand people who pay taxes and are trying to have a quality of life and there doesn't seem to be, up until this last month, any real interest in solving this problems. So I was very happy to meet with Mr. Testa and to air some of the concerns that have been shared with me, and there are several and he addressed them very eloquently, but I really want to submit a copy of this letter for the Clerk for the record if that is possible and I would just like to share with you why I have decided to support this issue this evening. I can't be clearer than saying that I supported \$143 million project so please make sure you are aware of that. It was the \$37 million amendment that I was concerned with. Part of the letter says, Mr. Testa and I, we have yesterday morning entered into an agreement with CLD to do a traffic study of the Brown Avenue and airport entrance intersection and the diversion of traffic from Brown Avenue to South Willow Street, both in and out. CLD has been instructed to do this study and to make recommendations as to the best and most efficient control of traffic around the airport for the short term, which is very important. Recognizing that the long term solution that was shown to me in the engineering field on Friday, July 17, is the best solution for the long term, however, realizing that this long term solution will not be implemented for another couple of years. As we agreed, in both our conversation, both you (Mayor), me and Fred Testa, I will live by and accept and we also agreed to implement whatever the short term traffic solution that CLD recommends. Please accept my signature on this letter as airport's commitment to implement the solution recommended by CLD. This process also includes the Public Works Director, Frank Thomas, Traffic Director, Tom Lolicata, and Planning Director, Robert MacKenzie. With this letter in hand, I am prepared to vote in favor of the bonding also acknowledging that the Mayor of Manchester has given me his guarantee that he will support the complete implementation of this recommendation. Thank you very much.

Alderman Cashin stated I have had the occasion, your Honor, to meet with a couple of attorneys about an hour before this meeting, Bill Craig and another attorney whose name I don't have in front of me and they explained to me in probably five minutes what wasn't explained to me within an hour and a half at the last meeting. How anyone could have voted at the last meeting for an additional \$37 million without having it better explained than it was, I just can't understand that. That is why I voted against it and I have received some pretty disparaging press in the last month or so because I stood up for what I believed in and I will continue to stand up for what I believe in and if I am not satisfied with the answers of this Board then I am not going to vote for it. Tonight, in 15 minutes these two attorneys explained to me exactly what was going on. I understand it. I have no problem with it and I am happy to vote for it this evening and my vote is yes.

Alderman Thibault stated I would like to say that a month ago when we voted on this I voted against it and the basic reason I voted against it was because Alderman Rivard and Alderman Pariseau were not satisfied with their concerns having been treated properly. That was the only reason that I voted against it. I think people who have known me through the years have known that I have always supported the airport a million percent and I am still behind it and I am going to vote yes because of that, that finally the two Aldermen that are really stuck with this problem if you will, all of these problems, have been somewhat satisfied and I am going to vote yes.

Alderman O'Neil stated I, too, was at the same meeting Alderman Cashin was and I would like to thank Bill Craig and Rich Laterry, our Bond Council, for taking the time. I agree with my colleague that in five minutes I got explained what should have been done in the last four weeks. I will be supporting this only because of the guarantees given to Alderman Pariseau and to Alderman Rivard. I hope Alderman Wihby does set up the Overview Committee. I think it is important that other City departments be involved with the process and that was one of the guarantees and with that, I will vote in favor.

Aldermen Girard, Rivard, Pariseau, Cashin, Thibault, Hirschmann, Wihby, Klock, Reiniger, Sysyn, Pinard, Shea, and O'Neil voted yea. The motion carried.

Chairman Wihby appointed Alderman Pariseau as Chairman, along with Alderman Pinard, Alderman Thibault, Alderman Shea, and Alderman Rivard to the Oversight Committee for the Airport.

Confirmation of the nomination of William R. Trombly to succeed Pauline Guay as a member of the Planning Board, term to expire May 1, 2001.

On motion of Alderman Girard, duly seconded by Alderman Thibault, it was voted to confirm the nomination.

Mayor Wieczorek nominated David R. Letellier to succeed Mark M. Bodi as a member of the Fire Commission, term to expire May 1, 2001 and Steven J. Root to succeed William R. Trombly as an alternate member of the City Planning Board, term to expire May 1, 2001. As per rules of the Board, these nominations will layover until the next meeting of the Board and your consideration would be appreciated.

Alderman Wihby asked does Mark Bodi want to step down.

Mayor Wieczorek answered yes.

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

Mayor Wieczorek called the meeting back to order.

OTHER BUSINESS

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

“Authorizing Additional Bonds, Notes or Lease Purchases in the amount of Fifteen Million Three Hundred Ninety Two Thousand Two Hundred Fifty Dollars (\$15,392,250) for the 1998 CIP Manchester Airport Authority Development Projects.”

“Authorizing Additional Bonds, Notes or Lease Purchases in the amount of Five Hundred Seventy Thousand Dollars (\$570,000) for capital improvements in the water supply and distribution areas.”

ought to pass and layover; and further that Resolution:

“Rescinding authorization on unissued Bonds, Notes or Lease Purchases for Manchester Water Works which are no longer required.”

ought to pass and be Enrolled.

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

A Report of the Committee on Bills on Second Reading was presented, recommending that a proposed referendum question to amend the City's contributory retirement system as attached hereto and incorporated by reference be referred to Public Hearing on Tuesday, September 1, 1998 at 6:00 PM at the School Administration Building, 196 Bridge Street.

Alderman Sysyn moved to accept, receive, and adopt the report of the Committee on Bills on Second Reading. Alderman Pariseau duly seconded the motion.

Alderman Girard stated, your Honor, I have been approached by some City employees who believe that this measure will give pre-1974 employees who chose not to move into the new system benefit advantages over those who did move into the system after it was created and I wonder if there is anyone here who could address that concern. There seems to be a worry about inequity in treatment.

Mr. Clougherty replied I understand that this does deal with one group and it is not my understanding that the Pension Board is trying to signal them out. This is part of a process that

they are going to be looking at for all people so this is like the first step but I don't want to speak for the Chairman or the Executive Director.

Alderman Girard stated I have some concerns with this, your Honor, and I guess the people who could answer the questions aren't here. As I said, I have been approached by employees who feel that this will give a certain group of people preferential treatment and I don't know, does this need to go tonight?

Mayor Wieczorek replied well this is going to a public hearing. You are not voting on it.

Alderman Girard asked is it possible that we could ask the Executive Director of the Retirement System to, I realize they were here once, but to address this proposal and specifically what it does at the public hearing or before this Board at its next meeting.

Mayor Wieczorek answered I am assuming that before it goes to the public hearing, somebody is going to explain what it is all about so that people will be in the position to comment on it.

Deputy Clerk Johnson stated the normal process would be that this would be presented at a public hearing and the Retirement System would make a presentation to the effect of explaining what exactly is intended by it and then it would be open to the public for comment.

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

Communication from the City Clerk requesting the Board set the polling hours for the September 8th State Primary Election from 6:00 AM to 7:00 PM.

On motion of Alderman Shea, duly seconded by Alderman Rivard, it was voted to set the polling hours as requested.

Communication from the Deputy City Clerk Johnson requesting the Board's vote in reaffirming its intent to confirm Cynthia Vaal to the Manchester Transit Authority for a full-term of office expiring May, 2003, as provided under State Statute.

Mayor Wieczorek explained that we only voted her for a three year term and the State Statute calls for a five year term so that is why it is back here.

On motion of Alderman Pariseau, duly seconded by Alderman Girard, it was voted to reaffirm the confirmation of Cynthia Vaal to the Manchester Transit Authority for a full-term expiring May, 2003.

Communication from the Public Works Director requesting the Board accept State hazardous waste clean up funds, enter into a contract with the NH Department of Environmental Services, Waste Management Division for the Fall 1998 Household

Hazardous Waste Collection project, and authorize the Public Works Director to execute such documents as may be required.

On motion of Alderman Rivard, duly seconded by Alderman Pariseau, it was voted to approve this request.

Ordinance:

“Enacting a new §74 prohibiting repeated travel along Elm Street while it is congested by traffic.”

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

This Ordinance having had its second reading by title only, Alderman Wihby moved on passing same to be Enrolled. Alderman Reiniger duly seconded the motion. A roll call vote was taken. Aldermen Wihby, Reiniger, Sysyn, Pinard, Shea, O’Neil, and Girard voted yea. Aldermen Pariseau, Cashin, Thibault, Hirschmann, and Rivard voted nay. The motion carried.

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

Mayor Wieczorek called the meeting back to order.

Deputy Clerk Johnson stated we have a majority and minority report of the Committee.

A majority report of the Committee on Enrollment was presented advising that Ordinance:

“Enacting a new §74 prohibiting repeated travel along Elm Street while it is congested by traffic.”

was not properly enrolled.

We have a minority report submitted by Alderman Girard advising that, in his opinion, an Ordinance:

A minority report of the Committee on Enrollment, submitted by Alderman Girard, was presented advising that Ordinance:

“Enacting a new §74 prohibiting repeated travel along Elm Street while it is congested by traffic.”

was properly enrolled.

Alderman Girard moved that the Board accept the minority report. Alderman O’Neil duly seconded the motion.

Alderman O'Neil stated I just want to make a point. I want to be consistent. Earlier, I supported by colleagues from Ward 8 and Ward 9. It believe I am supporting my colleague from Ward 3 at this time.

Alderman Cashin asked how can you have a report out of the Committee with one saying it is enrolled and one saying it isn't. How do you do that?

Asst. Solicitor Arnold answered the duty of the Committee is to decide whether a proposed Ordinance is properly enrolled or not. Obviously, various members of the Committee may feel differently about that. They are entitled to vote as they see fit. You know, you have contradictory reports, but that reflects the vote of the Committee.

Alderman Wihby stated, your Honor, what we have done with this in the past is the report would come out not to be enrolled and we would just not accept that report and move that it was enrolled. We wouldn't have a minority report too. There wouldn't be two reports. It would only be one report coming out of that Committee.

Asst. Solicitor Arnold replied that is ordinarily what happens and the majority vote here was that it was not properly enrolled.

Alderman Wihby stated I agree with Alderman Cashin. I don't know how you could have two reports coming out of the Committee. It should be one that it is not enrolled and then if you want to enroll it, this Board would enroll it once it got to us.

Alderman Cashin stated the Committee should come out with one report and it should have been voted up or down and that would have been the end of it.

Alderman Girard stated it should be noted for the record that it is not without precedent for a minority on a Committee to file a separate report from the Committee. It has happened before. I am sure it will happen again and I am rather surprised that people on this Board actually act like it is something they have never seen before.

Alderman Cashin stated I am not questioning the fact that there is a minority report. I am questioning the fact that it is either enrolled in Committee or it is not enrolled in Committee and you come out with a report. Vote it up or vote it down. It has nothing to do with a minority report.

Alderman Thibault stated it would seem to me that the Committee should have met before the Board voted on it.

Alderman Wihby replied it was supposed to.

Alderman Thibault responded but that is not what happened here. The Board voted it up and the Committee hadn't even voted on it yet. I think this is where the confusion comes in.

Mayor Wieczorek stated it had to be voted on so it could be properly enrolled.

Alderman Hirschmann stated the reason for this vote, your Honor, and I believe in my heart that this anti-cruising ordinance really isn't going to help Manchester and that is from my heart.

What we have is a loitering problem. If you go downtown at night at 10:30 PM, you will see 18 kids loitering with their motorcycles and hanging around but it is not the people driving by that are causing problems. Now if the Police Department wants to round these people up and tell them to move on their way and go back to Derry and wherever they come from, that is what should be done. We shouldn't be stopping motorists driving by. That doesn't seem right to me.

Mayor Wieczorek asked what are we doing with this.

Asst. Solicitor Arnold answered the Committee has voted that it is not properly enrolled. That is reported out to the full Board and the full Board can vote on it as it sees fit.

Alderman Reiniger moved that the Committee report not be accepted. Alderman Wihby duly seconded the motion.

Alderman Rivard stated as one of the few members of this Board who probably had a business on Elm Street for over 30 years, the traveling on Elm Street is not the problem. It is when they stop and they congregate. That is where the problem is. That is where we have the problem at my facility. We try to get the Police down there all the time. It is not when they are driving that we have a problem, it is when they are stopping and loitering. We need to do something about the loitering. I don't see where the problem is here. As some of the speakers said, we spend a couple of million bucks on Elm Street to get people to go downtown and now we are going to arrest them. I can't support that.

Deputy Clerk Johnson stated there have been two reports submitted. There was a majority report and a minority report which are acceptable and have been done in the past. Normally, in this particular Committee there is not a minority report coming out which has confused the issue. Traditionally, the majority report has been amended to read that it is properly enrolled and then that motion is voted upon. I believe that is what the Alderman is intending to do at this time.

Alderman Reiniger moved to amend the majority report to read that the Ordinance is properly enrolled and accept the report as amended. Alderman Wihby duly seconded the motion.

Alderman Hirschmann requested a roll call. Aldermen Wihby, Reiniger, Sysyn, Pinard, Shea, O'Neil, Girard voted yea. Aldermen Hirschmann, Rivard, Pariseau, Cashin and Thibault voted nay. The motion carried.

Resolution:

“Rescinding authorization on unissued Bonds, Notes or Lease Purchases for Manchester Water Works which are no longer required.”

On motion of Alderman O’Neil, duly seconded by Alderman Shea, it was voted to read the Resolution by title only, and it was so done.

Alderman Shea moved that the Resolution pass and be Enrolled. Alderman Thibault duly seconded the motion. Mayor Wieczorek called for a vote. There being none opposed, the motion carried.

Ordinance:

“Enacting a new §74 prohibiting repeated travel along Elm Street while it is congested by traffic.”

On motion of Alderman Reiniger, duly seconded by Alderman O’Neil, it was voted to read the Ordinance by title only, and it was so done. Aldermen Hirschmann, Rivard, Pariseau, Cashin and Thibault being duly recorded in opposition.

Alderman Pariseau asked, your Honor, how is this going to be enforceable. There is no time. The Committee is to determine when Elm Street is congested. The proposed Ordinance is just plain stupid. It just doesn’t make any sense. It is asinine, your Honor. I agree with Alderman Rivard that it is not the cruising that is the problem. It is the loitering and the ordinance is foolish. There is no time period. It says that the Committee is going to determine when Elm Street is congested. Is that Sunday afternoon at 2 PM? That is what I mean by it being asinine.

This Ordinance having had its third and final reading by title only, Alderman Wihby moved on passing same to be Ordained. Alderman Reiniger duly seconded the motion.

Alderman Pariseau asked, how are you going to enforce this Ordinance, Chief.

Chief Driscoll answered depending upon the circumstances, I don’t ever intend to set-up a situation where we go down and watch people, but if it comes to our attention that an individual or a group of individuals, whether from Manchester or from out of town are creating a particular problem down there they will be in fact warned a number of times as required by the Ordinance and then given the appropriate paperwork which would allow them to be on notice that within the next eight hours that they cannot travel on that roadway without some type of an exemption or reasonable period of time.

Alderman Pariseau asked could that occur at 2 PM on a Sunday afternoon.

Chief Driscoll answered no.

Alderman Pariseau asked well who is going to determine congestion on Elm Street.

Chief Driscoll answered we intend to come back to the Public Safety Committee with a recommendation as to the time that it will be designated and I think, like I told the Board of Mayor and Aldermen the last time I was here, that the initial recommendation would be something like 10 PM until 2 AM because that is when the problems occur.

Alderman Pariseau asked every day.

Chief Driscoll answered well if you go home that way tonight depending upon how long the meeting is, you will see some of the problem. Yes, every day.

Alderman Hirschmann asked what about the loitering. I mean that is really the heart of this thing. You see like 18 kids with motorcycles and they are all on the sidewalk. They could be told to move on. We don't need an Ordinance for that.

Chief Driscoll answered there is no question. There are appropriate Ordinances in place now and I think that we make a real effort to move the people along but this is a different problem we are dealing with. This is kids that come, not only from Manchester, but from out of town and from out of state to ride up and down Elm Street that may go up and down 20 or 30 times in the course of the night. I would agree that the reconstruction of Elm Street has definitely helped, but this is an Ordinance that I believe we need. It is not something that will be abused. Like I told the Board of Mayor and Aldermen last time, we are not talking about "American Graffiti" and something that is glamorous, that is fun. We are talking about a public safety issue.

Alderman Cashin stated, Mark, I supported this in Committee. The reason I voted against it was I did spend some time downtown and I was there at 2 AM on a given night and I am convinced that if you can keep the people from loitering down there you are going to eliminate the other problem too. What I saw was people are driving up and down Elm Street because there is people hanging around and if you can eliminate the people that are just loitering, I think you can eliminate the other problems.

Chief Driscoll replied I will grant you that there are two problems, but I think that both of these avenues and both of these methods and tools are necessary for the Police Department to have. You probably remember a couple of years ago, the Police Department didn't support a cruising Ordinance. Although there was a problem, we didn't believe that the Ordinance that was proposed was effective and was something that we can use. We believe this one is. I commit to you that it won't be abused, that we will use it reasonably and that it will be a good tool to make

the people living in the downtown area more safe and it will encourage people to come down there.

Alderman Cashin stated I am not suggesting that you will abuse anything. That is not my point, but we do have now Ordinances that you cannot loiter in downtown Manchester, don't we?

Chief Driscoll replied yes, depending upon the circumstances.

Alderman Cashin responded even when I was younger, if you stood in front of the Puritan an officer would come down and say okay, lets go, keep moving. We can still do that, can't we?

Chief Driscoll replied to a certain degree, yes.

Alderman Cashin asked do we do it.

Chief Driscoll answered yes we do. Absolutely.

Alderman Cashin stated I don't want to argue with you but these times that I was looking downtown and spending some time down there, I didn't see it happen.

Chief Driscoll replied certainly it is our intent to make that as safe as possible.

Mayor Wieczorek called for a vote. The motion carried with Aldermen Rivard, Pariseau, Cashin, Thibault, and Hirschmann being duly recorded in opposition.

NEW BUSINESS

Asst. Solicitor Arnold stated I submitted a letter to the Clerk that I gather is going to be passed around to you now. The City presently owns a piece of property at 241 Crosbie Street. That property was declared surplus. I am sorry. To go back, the City acquired that property by Tax Collector's Deed. It was declared surplus and sold at public auction. There was a high bid of \$67,500. That high bid has yet to close and there has been no transfer of the property, primarily because there were a number of title problems with the property which the present buyer has cleared up with the exception of one, that being an IRS lien on the property. Under Federal Law and the present fact circumstances, the way the IRS looks at it is the City is entitled to collect taxes including interest out of the proceeds of this sale first and if there is anything left over, the IRS looks to take whatever it can out of that excess so to speak to satisfy its lien. In this case, given the high bid we had on the property and the City taxes that are presently owed in the amount of \$41,141.40, the IRS, out of the difference between the \$67,500 and the \$41,141 can collect its entire lien which it asserts at \$23,722.98. I guess what I am asking the Board for permission to do tonight is either one of two things. Either to take part of the proceeds from that

sale once it closes and give it to the IRS so that they will discharge their lien on the property or second of all to reduce the \$67,500 purchase price by the amount of the lien with the result that the buyer of the property will take that money and turn it over to the IRS in return for a discharge of the IRS lien.

Alderman Wihby asked when we came up with the \$67,500 price, is that because that was what the property was worth.

Asst. Solicitor Arnold answered yes.

Alderman Wihby asked so now you are saying we should take less. Does he own the lien? What is the story with the lien? The \$23,000, what is it?

Asst. Solicitor Arnold answered that is an IRS lien that was placed on the prior owner of the property, the owner that the City took the property from by Tax Collector's Deed. The IRS placed that lien before the City took the property.

Alderman Wihby asked we didn't know that at the time.

Asst. Solicitor Arnold answered we did not know that at the time, no.

Alderman Wihby asked if we had known it, we would have reduced the \$67,500 by the amount of the lien or not necessarily.

Asst. Solicitor Arnold answered well this piece of property was sold subject to all liens so we could have either reduced the, well actually in the end I think what would have happened is the fair market value of the property remains the same but the bids on the property would have reflected the necessity to pay off the IRS lien with the result that we wouldn't have gotten a high bid of \$67,500.

Alderman Wihby stated because they would have recognized that they had a lien to pay also.

Asst. Solicitor Arnold replied that is right.

Alderman Wihby asked and that didn't happen.

Asst. Solicitor Arnold answered no because at the time the property was sold, we were not aware that there was an IRS lien on the property. I have worked with the Tax Collector to make sure that that type of thing will not happen again.

Alderman Wihby asked if we don't do this, what happens.

Asst. Solicitor Arnold answered my guess is, my educated guess having spoken to the buyer, is that he probably will walk away from the deposit on the property with the result that the City would have to go through another auction with the property.

Alderman Wihby asked if we do we would recognize it with a lien on it.

Asst. Solicitor Arnold answered yes, there would still be a lien.

Alderman Wihby moved to authorize taking part of the proceeds from the sale and giving it to IRS to discharge the lien on the property or to reduce the \$67,500 purchase price by the amount of the lien with the understanding that the buyer will pay off the IRS lien on such property, either action to be authorized at the discretion, review and approval of the City Solicitor.

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

Alderman Shea asked are we taking option 1 or 2. What do you suggest?

Asst. Solicitor Arnold answered I would say either one would be suitable. I guess what I would prefer is to reduce the sale price because then I don't have to send money to the IRS, but I guess I would like authority to do it either way after speaking to the buyer so that it can get taken care of.

Mayor Wieczorek stated I am appointing a special committee to honor Alan Shepard and I am appointing the following individuals to serve with me on that special committee. I have asked the Chairman of the Board to name an Alderman and he did, Alderman Hirschmann. I asked the Airport Authority to put one on and that is Patrick Duffy. I asked the Chamber to put one on and that was Bill Marvin and I appointed Walter Stiles, Joan Bennett, William Frain and Andrew Allen. The committee will meet and decide what is appropriate to honor Alan Shepard for the City.

Mayor Wieczorek stated another item here, people who have suffered storm or flood damage, the indication is that they may be eligible for State or Federal disaster assistance. There is a toll free number. If you look at the yellow sheet, Hillsborough County is not on here but it has been added so that people now can call. The toll free tele-registration number is 1-800-462-9029. So for those who are watching on Channel 16, the number is 1-800-462-9029 if you suffered any damage and could be eligible for disaster assistance.

Alderman Pariseau stated I am thankful that the State did include Hillsborough County in their declaration. We did receive several phone calls from Manchester residents concerning flooded basements, etc. I welcome the opportunity.

Alderman Reiniger stated there is an item that was sent in from the YMCA regarding the Pine Island Park. I just want to refer it to the CIP Committee.

Alderman Wihby asked is this just going to come to the Committee and we are going to look at it. Is this City-owned property?

Mayor Wieczorek answered yes, it is. It is the property that we owned that was the 4-H.

Alderman Wihby stated my concern is someone called and said why don't they have a chance to be able to buy it and do something with it themselves rather than the YMCA. Why couldn't someone else bid and obtain it rather than give it to the Y.

Alderman Hirschmann stated I remember Alderman Domaingue saying that if this doesn't remain as a park there is reverter rights on the title to someone else on this deed.

Mayor Wieczorek replied I think you are right.

Alderman Girard stated Blue Cross/Blue Shield.

Alderman Hirschmann stated if this isn't used as a park, Blue Cross can acquire this property.

Alderman Wihby stated, Jay, the concern that somebody had when they called me was, and I didn't realize this was coming up, I told them we didn't even look at it yet but it was why couldn't they have rights to it and why should the Y come in and put up stuff and charge \$1.00 for swimming and since the south end doesn't have a pool, why should they charge anybody at all.

Mr. Taylor replied Alderman Hirschmann's recollection is absolutely correct and that is that when the property was sold to, originally, Home Insurance which was then assigned to Blue

Cross/Blue Shield, they do retain a right of first refusal on that property and one of the stipulations is that property must remain in public recreational use otherwise they can exercise their right of first refusal to acquire that property at a very favorable price which I don't think we would want to sell it for.

Alderman Wihby asked but we are charging \$1.00 to the public to come and use the pool.

Mr. Taylor answered I think recreational is the issue here and I guess it would be subject to some interpretation as to whether the YMCA fulfills that requirement but my assumption is that it would be.

Alderman Wihby stated my understanding is that they want to put daycare and everything else there. Is that recreational?

Mr. Taylor replied again, that is an interpretational issue and I am not prepared to comment on that but I think as long as the City declares that this property is being used for a public recreational use that we avoid that first refusal issue and the minute we declare it is not being used for public recreational use we open ourselves up to them acquiring it.

Alderman Hirschmann stated I think we should investigate the legal aspects further so that we don't make a mistake.

Mayor Wieczorek asked, Alderman Reiniger, what were you intending to do.

Alderman Reiniger moved to send the item to the Community Improvement Committee.
Alderman Hirschmann duly seconded the motion.

Alderman Pariseau stated I just want to caution members of the CIP Committee since this is going to be referred there that we in south Manchester don't anticipate paying \$1.00 to go swimming. Our kids are entitled to free swimming as any other kid in the City.

Alderman Wihby replied and I brought that up, Alderman Pariseau, because the call that I got said why should we have to pay and nobody else in the City pays.

Alderman Pariseau stated I might as well make a plug for the acquisition of the Public Service Company property on March and Gold Street, your Honor, for south end recreational purposes and if things go right with arm twisting of Airport personnel, we may be able to float a loan through them. I think it is time that we look at south Manchester for recreational facilities. We ain't got none and all we do is cruise.

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

Alderman Pariseau asked would it be proper to bring up something, we have heard static about letting the State take over the airport. I would like this Board to go on record that we are not giving our airport away.

Mayor Wieczorek answered you know when I heard that I said if 15 people can't do it, 424 of course could do it better. That is ridiculous.

Alderman Pariseau moved that the Board of Mayor and Aldermen go on record stating that the City of Manchester will not give its Airport away. Alderman Cashin duly seconded the motion. Mayor Wieczorek called for a vote. There being none opposed, the motion carried.

Brief update regarding the acquisition of the University Center Associates property.

Alderman Wihby moved to enter into a non-public session under the provisions of RSA 91-A:3II(d). Alderman Shea duly seconded the motion. A roll call vote was taken. Aldermen Wihby, Pinard, Shea, O'Neil, Girard, Rivard, Pariseau, Cashin, Thibault, Hirschmann voted yea. Aldermen Sysyn and Reiniger abstained. The motion carried.

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

A True Record. Attest.

City Clerk